

Section 5: Inventory of Lands of Conservation & Recreation Interest

Introduction to the Inventory

Open space and recreation areas contribute significantly to the quality of life in a community and provide a wide range of benefits. In order to develop a tool to guide goals and priorities around the protection and management of open spaces in Gloucester, City staff and members of the Open Space and Recreation Committee created an updated inventory to:

- ✓ Identify all parcels in the City with existing or potential open space value.
- ✓ Within that subset, join any available data related to protection from state, City, and conservation sources.

Information on ownership, management responsibility, and primary use of the parcels are also noted where data is available.

Method

The method by which this open space inventory was developed conforms to the recommendations of the Commonwealth of Massachusetts' Open Space and Recreation Planner's Workbook, Section 5: Inventory of Land of Conservation and Recreation Interest, p.32-37³⁸. The current (FY2020) Tax Assessors' Parcel Database³⁹ functioned as the baseline geographic layer. All available data was joined to this geographic data using both geographic and tabular joining methods. Eight data sources were joined to the Tax Assessors' Parcel Database:

1. Existing State Open Space Inventory⁴⁰
2. Greenbelt's Inventory of Properties that Greenbelt Assisted in Protecting
3. Greenbelt's Inventory of Properties that Greenbelt Holds a CR Interest On
4. Greenbelt's Inventory of Properties that Greenbelt Owns⁴¹
5. City of Gloucester's 2011 Open Space Inventory, Appendix E
6. Age and Dementia Friendly Cape Ann Outdoors for All Ages Database⁴²
7. City of Gloucester Public Landings Database⁴³
8. MassGIS Building Structures (2-D)⁴⁴

³⁸ MA Open Space and Recreation Planner's Workbook, <https://www.mass.gov/doc/open-space-and-recreation-plan-workbook/download>

³⁹ Gloucester (FY2020) Tax Assessors' Parcel Database, <https://www.mass.gov/info-details/massgis-data-property-tax-parcels>

⁴⁰ MA Open Space Inventory, <https://www.mass.gov/info-details/massgis-data-protected-and-recreational-openspace>

⁴¹ Greenbelt Properties, <https://ecga.org/Properties>

⁴² Age and Dementia Friendly Cape Ann Outdoors for All Ages Database, <https://adfca.org/outdoors/>

⁴³ Gloucester Public Landings Maps

⁴⁴ MassGIS Building Structures (2-D), <https://www.mass.gov/info-details/massgis-data-building-structures-2-d>

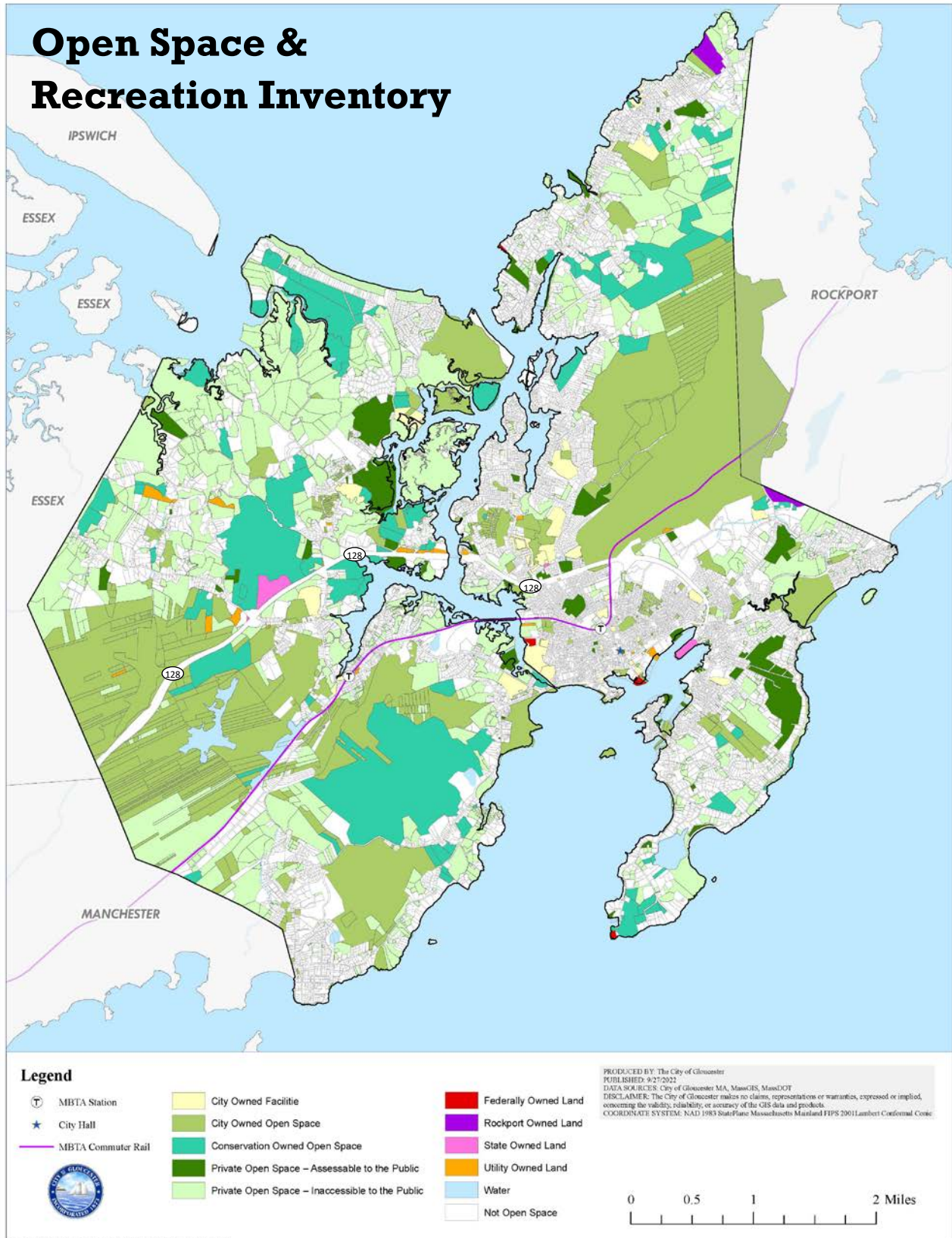
Open spaces were identified using both GIS methods and a parcel-by-parcel evaluation conducted by City Planning and Conservation staff. The final subset of parcels was reviewed by the Open Space & Recreation Committee and representatives from Greenbelt. **The resulting analysis exemplifies a comprehensive inventory of existing and potential open space assets in the City of Gloucester.**

Land was identified as having existing or potential open space value based on falling into one of the following categories:

- **Rockport Owned Land:** Land owned by the Town of Rockport, MA.
- **State Owned Land:** Land owned by a State agency such as MassDOT.
- **Federally Owned Land:** Land owned by a Federal agency.
- **Utility Owned Land:** Land owned by a utility.
- **City Owned Facilities:** Land owned by the City that is primarily used by City facilities like schools, fire stations, and housing authority apartments. City facilities may also contain recreational resources like playgrounds, community gardens, paths, and planting areas.
- **City Owned Open Space:** Land owned by the City that is primarily used as open space. This also includes City owned landings and beaches.
- **Conservation Owned Open Space:** Land owned by one of the following conservation related non-profits: Greenbelt, Mass Audubon, New England Forestry, or the Trustees of Reservations.
- **Private Open Space – Assessable to the Public:** Land that is privately owned but is accessible for public use in some capacity. Some examples include cemeteries, golf clubs, marinas, and community centers. Limitations in access may include requiring membership, gaining of special permission, or charging a fee, among other examples.
- **Private Open Space – Inaccessible to the Public (additional category):** Land that is privately owned and inaccessible to the public, but remains important to the overall composition of Gloucester’s open spaces. Any land with a primary use as open space, any single-family parcels over four acres in area (estates), and any parcel that contain unique resources are included in this category. This category has been included in the City’s open space inventory beyond what is required in the Open Space and Recreation Planner’s Workbook in order to better define the continuity and breathe of Gloucester’s open spaces.
- **Land of Unknown Ownership:** Land with an unknown owner.

Figure 22 maps open space and recreation land based on these categories.

Figure 22: Open Space and Recreation Inventory



Levels of Protection

For planning purposes, it is important to be aware of the degree of protection of each parcel. Knowing the level of protection (or lack thereof) will point out how easily properties, although having high open space or recreational value to the community, may be at risk of being developed. This knowledge can help in identifying those open space and recreation areas that require additional efforts in order to ensure their long-term preservation and protection.

After having defined a complete open space inventory, the next key concern was to outline the legal protections on the parcels within the inventory. Drawing from all available data across eight joined sources, the legal mechanism that protects open spaces was classified.

Given the range of sources, the uncertainty inherent in each of these sources, and additional uncertainty generated through the joining process, this classification cannot be considered confirmatory. Rather, it should be interpreted as **an estimate of the extensiveness of each type of protection**. Within the complete open space inventory, available at the City's Planning Division, notes are provided about the level of uncertainty of each parcel classification, which can guide future confirmatory research set forth in the goals of the 2022 Open Space Plan.

Parcels were identified as having one of the following levels of protection:

Permanent Protection

A site is considered to be permanently protected if it is recorded in a deed or other official document. Such land is to be considered protected in perpetuity. Approximately 21% (2,431 acres) of open space in Gloucester is permanently protected. This includes City owned sites like Magnolia Surf Park as well as large conservation sites owned by a non-profit organization with an explicit mission of conservation like the Thompson Street Reservation. Private land is considered protected if it has a deed restriction in perpetuity or a conservation restriction has been placed on it. Approximately 538 acres of privately owned land in Gloucester is permanently protected through conservation restrictions.

Permanently protected land in Gloucester's Open Space and Recreation Inventory was identified as having the following types of protection:

- **Conservation Restriction (CR):** Land with a conservation restriction has the highest level permanent protection for conservation purposes. A conservation restriction is a legally enforceable agreement whose purpose is to ensure permanent protection of specific conservation values while permitting limited land uses consistent with the protection of said conservation values. Different from term-temporary restrictions, conservation restrictions, as defined in Sections 31-33 of Chapter 184 of the Massachusetts General Laws, are permanent restrictions that require the approval "in the public interest" of the Secretary of Energy and Environmental Affairs.⁴⁵

⁴⁵ Conservation Restriction (CR), <https://www.mass.gov/service-details/conservation-restriction-review-program>

- **Conservation Owned Land:** Parcels that are owned by a non-profit organization with an explicit mission of conservation. In Gloucester this includes land owned by Greenbelt, Mass Audubon, New England Forestry, or the Trustees of Reservations. Land owned by a conservation organization can also be assumed to have permanent protection for conservation purposes.

Temporary Protection

Parcels in this inventory have temporary protection if they are legally protected for less than perpetuity (i.e., short term conservation restriction) or temporarily protected through an existing functional use. These lands could be developed for other uses when their protection expires or when their functional use is no longer necessary. Approximately 4,472 acres of land in Gloucester have temporary protection, a vast majority of which is protected under Article 97.

Land with temporary protection in Gloucester's open space and recreation inventory was identified as having the following types of protection:

- **Article 97 Land:** Article 97 of the Massachusetts Constitution protects publicly-owned lands used for conservation or recreation purposes. In order for a property to be sold, transferred, or converted to a different use, Article 97 requires a unanimous vote of the Conservation Commission, a two-thirds vote of City Council in support of the disposition, approval of the Mayor, and a two-thirds vote of both houses of the Massachusetts Legislature in support of the disposition. It also requires demonstration of compliance with applicable funding sources, and the municipality must file an Environmental Notification Form (ENF) with the Massachusetts Environmental Policy Act (MEPA).⁴⁶
- **Chapter 61 A and B Land:** In Massachusetts, there are three special taxation programs available to private landowners. Private landowners who enroll in Chapter 61, 61A or 61B (forested lands, agricultural lands and recreational lands, respectively) benefit by a reduced property tax if they manage their lands for these purposes. A property owner may withdraw from the program at any time. The City does have the right of first refusal or the ability to assign that right to a nonprofit in the event that the land is put up for sale. Purchase of the land would have to be at fair market value (unless a property owner makes a donation for tax purposes) and the right of first refusal must be exercised within 120 days. Currently, there are seven parcels in Gloucester totaling approximately 244 acres that are temporarily protected under this tax abatement program.
- **Cemeteries:** Massachusetts affords Cemeteries protections under Mass. General Laws c. 114 Cemeteries and Burials, providing cemeteries with some temporary protections.⁴⁷

⁴⁶ Article 97, <https://www.mass.gov/service-details/how-is-land-protected>

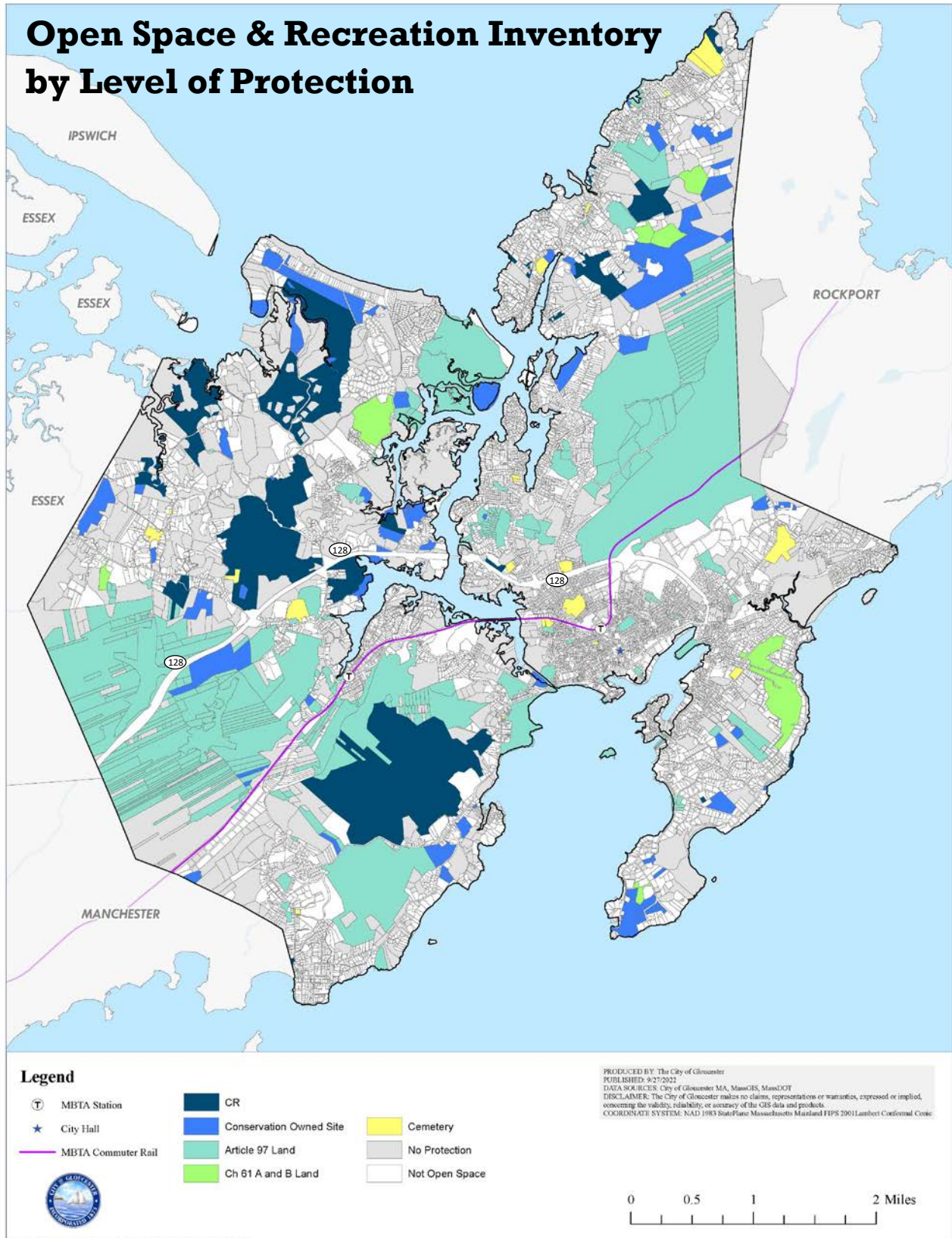
⁴⁷ Mass. General Laws c. 114 Cemeteries and Burials, <https://www.mass.gov/lists/mass-general-laws-c114>

No Protection

This category includes land that is totally unprotected by any legal or functional means. This usually includes City-owned land not protected under Article 97 and privately owned land that could be sold without restriction at any time for another use. Approximately 4,519 acres of open space in Gloucester has no protection.

Figure 23 maps open space and recreation land by an estimate of the level of protection of each parcel.

Figure 23: Open Space and Recreation Inventory by Level of Protection



Navigating Gloucester's Open Space and Recreation Inventory

The matrix column headings of the inventory are defined below:

- **Location:** Site address, tax parcel ID, or a description of roughly the location of the site.
- **Name:** Name of the site or an identifying description.
- **Owner:** The owner of the property.
- **Manager:** The agency or department responsible for managing and maintaining the property, may be the same as the owner.
- **Current Use:** The primary current use on a site.
- **Recreation Potential:** The level of existing or potential recreational use of sites (none, low moderate, high) and the types of recreation available. Conservation land is generally deemed to have partial recreation potential except for passive recreation such as hiking and walking. Availability of parking was also noted in recreation potential.
- **Funds Used:** The funds used for the acquisition of or upgrades to the site.
 - ALA - Aquifer Lands Acquisition
 - SH - State Self-help
 - USH - Urban Self-help
 - SURF - Strategic Urban Recreation Facilities
 - CPA - Community Preservation Act
 - DWSP - Drinking Water Supply Protection
 - CP - Conservation Partnership
 - FLA - Forest Legacy Area
 - LWCF - Land and Water Conservation Fund
 - GC - Gateway Cities Parks
 - EOEEA – At least some funding from Executive Office of Energy and Environmental Affairs sources
- **Zoning:** Identifies the zoning district in which the site is located. Gloucester's Zoning categories are further defined on page 29 in Figure 14, Zoning Map.
- **Level of Protection:** Indicates the level of protection of the site and legal mechanism of protection. In some cases, the extent of the area protected on the site covers only a portion of the full site area. Within the complete open space inventory, available at the City's Planning Division, notes are provided about the area and location of the protected portion of these sites.
- **Acres:** Gives the site's acreage or an approximation in cases where specific information was not attainable. One acre is 43,560 square feet or 1/640 of a square mile.