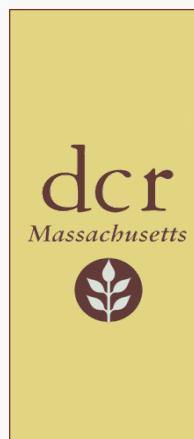


# CHAPTER 61

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



CURRENT USE TAX ASSESSMENT PROGRAMS



Chris Capone, DCR Service Forester

# PURPOSE OF CHAPTER 61



- A Current Use Tax Program
  - Reduces taxes on forested and agricultural land
- Rising property values and taxes make owning land expensive
- CH61 programs give Massachusetts landowners opportunity to reduce taxes
  - In exchange, public benefits from undeveloped land:
    - clean water
    - wildlife habitat
    - rural character & aesthetics
    - wood production
    - food
    - outdoor recreation
    - reduced load on public utilities

“ 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. ”

# STATUS OF MA. FORESTS

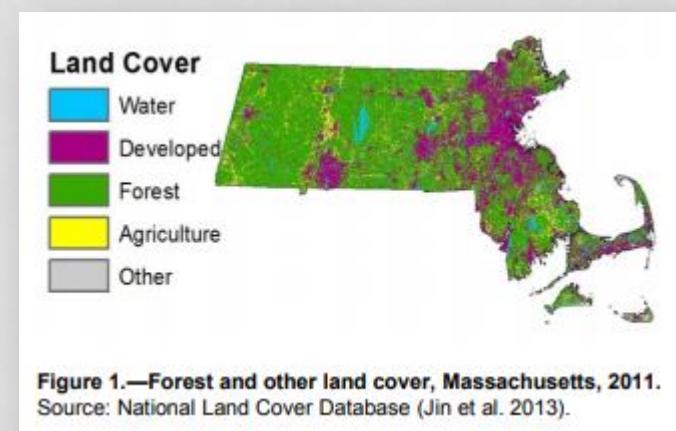
## The numbers...

- Forest Land Size → 3,126,000 acres
- Non-industrial Private Forest Land → 2,369,000 acres
- 212,800 private forest land owners

## Sustainability Concerns

- Trend →
  - 65 acres of forested land lost per day in MA (24,000 acres annually)
- Ownership →
  - Average length of ownership in MA is 7 years

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



# STATUS OF MA. FORESTS

- Over 60% (3.1 million acres) of Massachusetts is forested making us the 8th most forested state by percent of forest cover. Some towns in western Massachusetts are 90% forested.
- 79% of those forests are *in private ownership*, the vast majority owned by families and individuals. 10% is owned by the state of Massachusetts (Department of Fish and Game and the Department of Conservation and Recreation)

# 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



# 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, forest growth, or any other product produced by forest vegetation
- **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

**“** 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+
  - Plus a per acre value
  - Must refile at assessors yearly

“ 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. ”

# OTHER PROGRAM VARIATIONS

- Other forestry programs include

- Forest Stewardship



- FSC Green Certification



- Foresters for the Birds



- NRCS



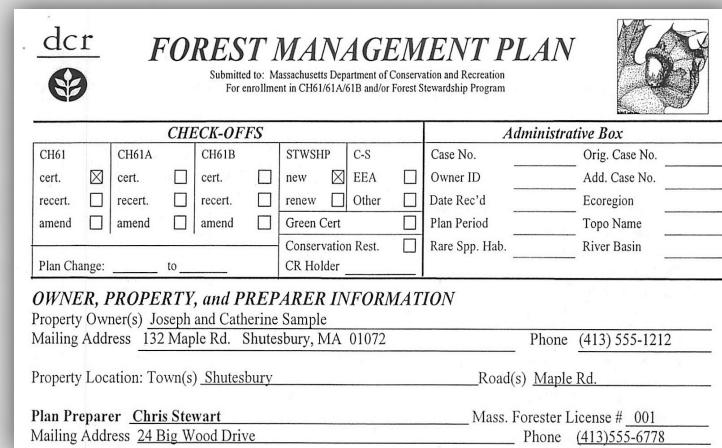
- EQIP

- WHIP

- Require program specific variations to the management plan

- Generally help landowners with funding to perform costly operations such as invasive plant species control and bird habitat creation

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



The form is titled 'FOREST MANAGEMENT PLAN' and includes the 'dcr' logo. It has sections for 'CHECK-OFFS' and 'Administrative Box'. The 'CHECK-OFFS' section contains checkboxes for CH61, CH61A, CH61B, STWSHP, C-S, and various other categories like 'new', 'EEA', 'Other', 'Green Cert', 'Conservation Rest.', and 'CR Holder'. The 'Administrative Box' section includes fields for Case No., Orig. Case No., Owner ID, Add. Case No., Date Rec'd, Ecoregion, Plan Period, Topo Name, Rare Spp. Hab., and River Basin. There are also fields for 'OWNER, PROPERTY, and PREPARER INFORMATION' with fields for Property Owner(s), Mailing Address, Phone, Property Location, Road(s), Plan Preparer, Mass. Forester License #, and Mailing Address.

# 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



# WWW.MASSWOODS.ORG

An excellent resource for information on Chapter 61, Sawlog Price Trends, Local Foresters & Loggers, Land Planning, etc.

UMassAmherst

**MassWoods** Learn your options. Find local contacts.

 Find a Professional | Future of My Land | Caring for Your Land | Landowner Programs | Mon

Chapter 61/61A Tax Calculator

The Ch. 61 Forest Land and Ch. 61A Farm Land tax laws are designed to give favorable tax treatment to landowners willing to keep woodland undeveloped and actively managed. [Learn more about the Ch. 61 programs](#). Please note, that the Ch. 61/61A rates used in this calculator are for fiscal year 2019 and go into effect starting July 1st, 2018.

Step 1: Choose the location of your property \*

East OR  
 West of the Connecticut River

Step 2: Enter the number of certified acres \*

Step 3: Enter your town's tax rate. Use the open space rate if your town has adopted one for your chapter program. If an open space rate has not been adopted, then use your town's commercial tax rate. Click [here](#) to look up your town's tax rate. \*

## Find a Professional

Name of town

Apply

UMassAmherst Search UMass 

**MassWoods** Learn your options. Find local contacts.

 Find a Professional | Future of My Land | Caring for Your Land | Landowner Programs | Monthly Update | Stumpage



**Need to talk to someone about your land?**

[Find a Professional »](#)

SPECIES	EAST OF CT RIVER			WEST OF CT RIVER		
	no. of reports	median	Range	no. of reports	median	Range
Red oak	13	275	220-575	4	425	250-600
White oak	12	190	40-325	2	262.5	225-300
Other oaks	12	190	60-325	2	200	200-200
Ash	9	150	40-400	4	375	200-450
Cherry	3	350	200-600	3	450	275-675
Sugar maple	4	310	220-600	3	430	250-650
Rod maple	11	20	20-250	4	152.5	75-250

# 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

**FOREST MANAGEMENT PLAN**

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

CHECK-OFFS					Administrative Box				
CH61 cert.	CH61A cert.	CH61B cert.	STWSHP new renew	C-S EEA Other	Case No.	Orig. Case No.			
recert.	recert.	recert.			Owner ID	Add. Case No.			
amend	amend	amend	Green Cert		Date Rec'd	Ecoregion			
			Conservation Rest.		Plan Period	Topo Name			
Plan Change: _____ to _____					Rare Spp. Hab.	River Basin			
CR Holder									

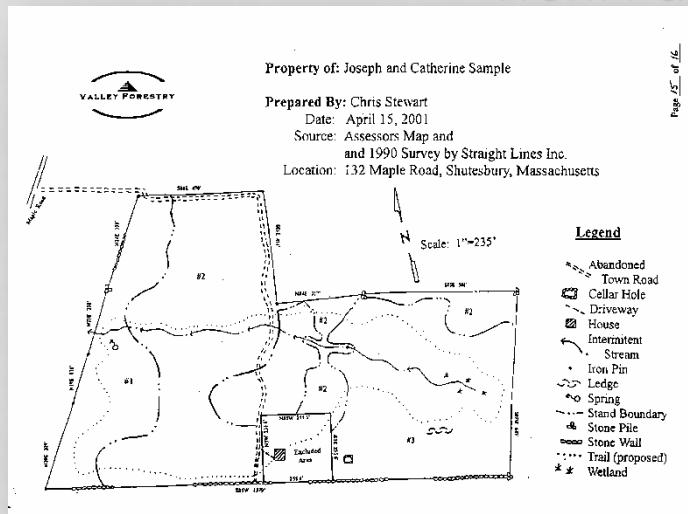
**OWNER, PROPERTY, and PREPARER INFORMATION**

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	60 (RO) 8.7 cords

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
CH61	I	WK	Patch Cut/Group Selection	17	45 20 MBF 17 Cds 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 willow will have the highest likelihood of oak establishment. The presence of harvesting equipment will also help to knock down the very thin patches of understory that are not well established. Understory of the dense hemlock can be. 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.

OBJ	STD NO	TYPE	SILVICULTURAL PRESCRIPTION	AC	TO BE REMOVED	TIMING
CH61	II	WH	Cordwood Thinning	35	30 30 MBF 38 Cds 25 Pulp	2015-17

It would greatly benefit the concert 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

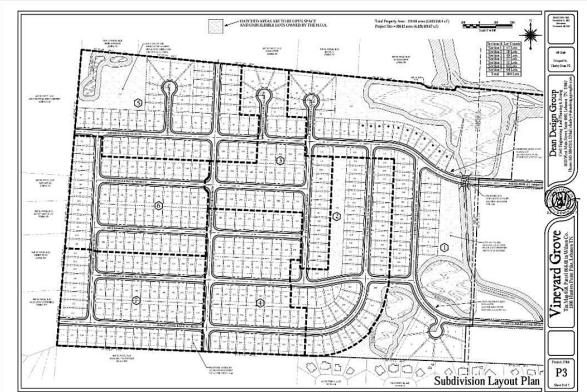
# WITHDRAWAL



- Ch.61/Management plan is valid for 10 years
  - Landowner must renew every 10 years to continue program
  - Landowner must renew annually if enrolled Ch.61A or B
- Lien is attached to property when Ch.61 plan filed
  - Once the classification is approved, the municipality records a lien on the property at the Registry of Deeds
- This tax lien and notice informs all potential purchasers that the property is subject to the provisions of the Chapter 61 laws.

# WITHDRAWAL - PENALTIES

- If property use 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 are allowed to 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 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 residential, commercial, or industrial purposes before 10-year period is up.
  - Gives municipality right to purchase property at full and fair market value – must be independently appraised
  - Some caveats, ex: land to be converted for dwelling of immediate family

“ 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 when and what should be harvested
- Management plans are flexible, and may be adapted and amended for changing forest conditions



# CHAPTER 61 BENEFITS



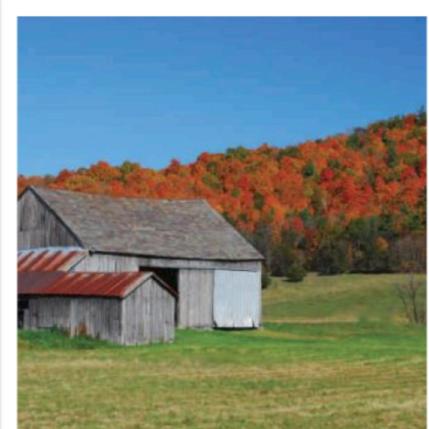
- Maintains Open Space
- Character of where we live
- Reduces Property taxes
- Penalties only tied to change of use
- Landowners have expressed Ch.61 is *the only way they've been able to afford to keep their property*



Photo by John Clarke



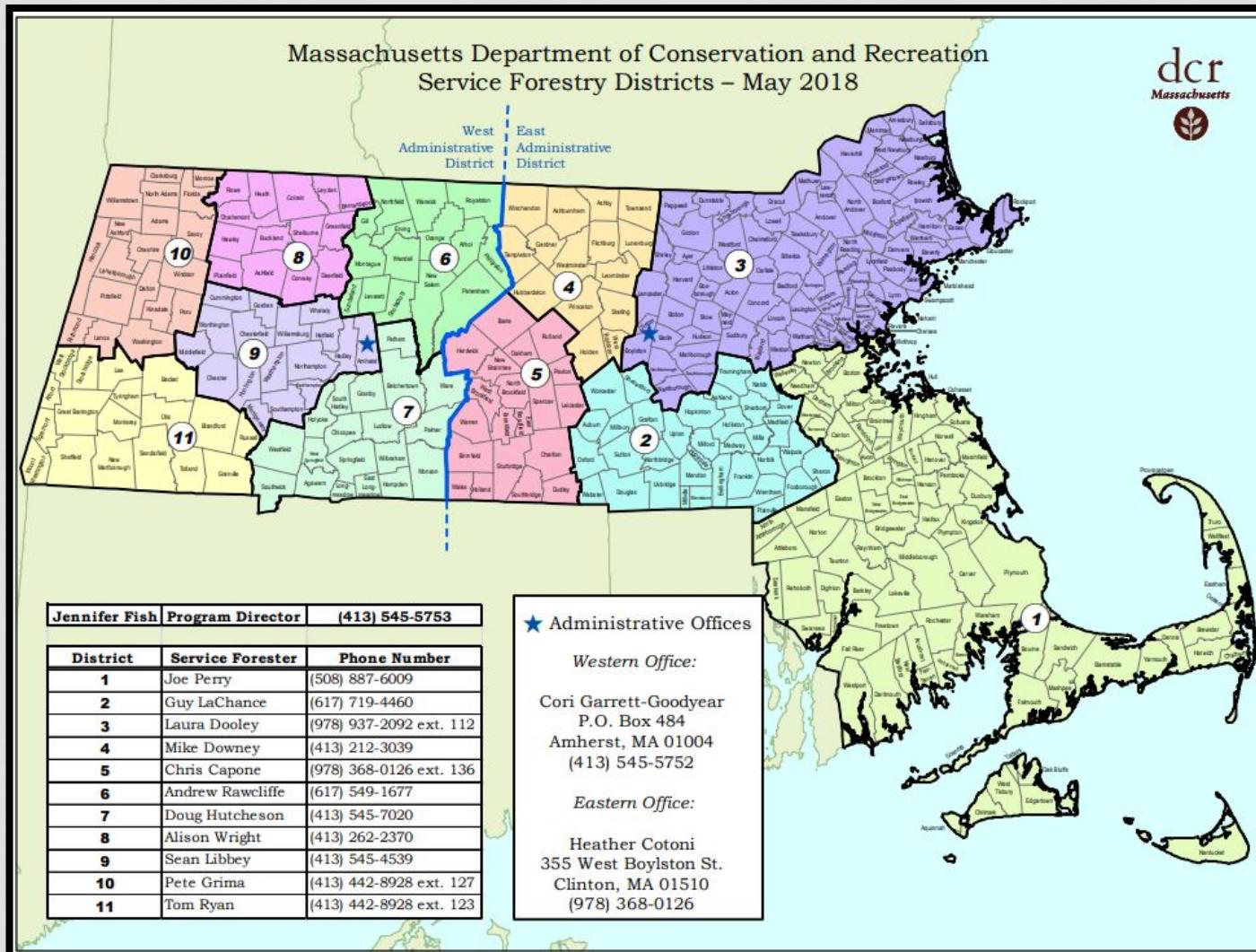
Photo by Franklin Land Trust



Richard Pratt

# CHAPTER 61 ADMINISTRATION

## DCR Service Forestry: Service Foresters & Districts



# PROGRAM OVERVIEW



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



# WEB RESOURCES:

[www.Masswoods.org](http://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

Any other Questions?

I'll be at the DCR Service Forestry table  
At the MACC Fall Conference!

Saturday Oct.20<sup>th</sup>, Double Tree, Leominster MA



## Chapter 61 Programs

Understanding the Massachusetts  
Ch. 61 Current Use Tax Programs



**Thank You!**