

ORLEANS CONSERVATION TRUST

Conservation Restriction (CR) Amendments Policy

Adopted August 20, 2008

1. The consideration of an Amendment to a CR places two values in contradiction with each other. The first is the grantor's desire that the CR be permanent and that there be no changes in the protected area beyond what is contemplated in the text of the executed CR granting document. The second is the Trust's need to address conditions not contemplated or foreseen at the time of the granting of the CR and which have become important considerations for the current landowner, the Trust and the community served by the Trust.
2. When such circumstances are presented to the Board of Trustees, the President shall appoint a Committee consisting of one land management committee member, one land acquisition committee member and one conservation restriction committee member. The Committee shall consider the following questions:
 - a. Who is seeking the amendment?
 - b. What are the reasons for the amendment?
 - c. Is the affected area substantial as a percentage of the entire CR protected area?
 - d. Would the amendment be consistent with the intent of the CR as expressed by the grantor?
 - e. Will the amendment result in merely a private benefit to the landowner which was unintended by the grantor?
 - f. Are there alternative approaches to the problem that would not require an amendment of the CR?
 - g. Would the amendment enhance the quality of the CR and be consistent with the Mission of the Trust?
 - h. Who will pay for the processing of the CR amendment?
3. The Committee must find and document in writing the facts and circumstances surrounding the proposed amendment, justification for proceeding (or not) with the amendment and recommended course of action to be taken to mitigate the impact of the amendment on the original grantor's intent.
4. The Committee and the Board in its deliberations may have reference to guidelines and materials published by the Land Trust Alliance and may seek guidance from the Compact of Cape Cod Conservation Trusts or its own counsel in reaching a decision in a particular case.
5. The Board shall approve or disapprove the Committee's recommendation by a 75% majority vote of eligible voters cast either in person or by written proxy. If the Committee recommends against the amendment, the Board may override and approve the amendment by a 75% majority vote. The Board's decision shall be in the best interests of the Trust and consistent with its Mission.