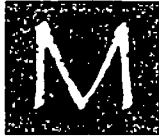


Protecting Open Spaces:

Challenges & Opportunities in Urban Watersheds

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Many river groups working in urbanized areas have looked for ways to improve the health, vitality and access to the rivers and streams that run through the place they call home. In order to restore a watershed and its rivers, groups must look to the preservation and restoration of land in areas all over the city and throughout the watershed. At the watershed scale, river restoration projects often focus on mitigating stormwater by retrofitting impervious surfaces. At a more localized scale, protecting and connecting parcels of land along the river corridor can be vital to establishing buffers that provide habitat, stormwater runoff filters and importantly, access to the river itself. By creating access to an urbanized river corridor you engage neighborhood residents that can then become stewards of the river and the land it runs through. When community members can develop and strengthen an appreciation of the environment in their own backyard, they can then work to continue preserving and restoring some of their city's biggest hidden assets.

Protecting land in an urban setting requires addressing challenging and complex land protection issues and engaging diverse stakeholders, all while protecting the remaining conservation values of often marginalized properties. Creating access to a river in an urbanized community adds additional layers of complexity. Protecting urban open spaces requires the flexibility to look into parcels of a much smaller scale (ranging from thousands of square feet to a few acres); comprehension of land ownership and conservation finance mechanisms to access properties with often very high real estate value; and a strong local capacity to know your "place" intimately, including where and how to build effective partnerships. These "challenges" will then become assets and opportunities—to lace

together networks of unconnected riparian corridor, engage new stakeholders, address any potential brownfield sites and attract funders. Succeeding in urban land protection can mean creating access to open space for populations living in a neighborhood divided by industrial use or with limited recreational opportunities.

Making Creative Use of Land in Lowell, MA

Lowell, Massachusetts sits at the confluence of two rivers; the Merrimack, which flows north into New Hampshire, and the Concord, which flows south and is part of the Sudbury-Assabet-Concord (SuAsCo) watershed. Passing through one of the nation's first planned industrial cities (pop. of 104,000), the Concord River has been heavily industrialized, yet flows through vibrant, dense and ethnically diverse neighborhoods. Remarkably, significant open space still exists along the eastern banks of the river, held in large part by three property owners. The Concord River, Lowell's "hidden jewel," has been largely invisible to the public due to its historic and current industrial use, but also because roadways only cross the river at four bridges. Protecting the Concord River required "thinking outside the box" about alternative land protection mechanisms. The Lowell Parks & Conservation Trust (LP&CT) has been working for over a decade on one embodiment of such thinking on a project to create the Concord River Greenway Park.

The Concord River Greenway became the vision of an LP&CT board member after stumbling on the river in his own neighborhood as a young man. The Greenway, now in partial construction, is a 1.75-mile multi-use recreational trail which fills an important gap in our regional trail network. The northern end of the

Greenway will connect with Lowell's downtown river trails and canal walkways. From the southern end the Greenway will eventually connect with a 25-mile trail that will follow an abandoned rail corridor from Chelmsford to Framingham.

Creative Land Protection Strategies

The Concord River

Greenway project exemplified how protecting land to create a park along an urban river corridor can be complex – and require years of patience. If your group is embarking on such a project, your approach may include some or all of the following creative land protection strategies:

- **Contaminated land:** Brownfields and parcels of contaminated land can be encountered along urban rivers. These remnants of the industrial age can be easier to acquire because the land is deemed less desirable and may even provide for itself through the ability to apply for specialized funding. Drawbacks of acquiring contaminated land include a longer, more arduous clean-up process. The northernmost terminus of the Greenway includes the addition of park land along the edge of a 3-acre parking lot which happened to be the site of a large brownfield. Brownfield funding that the City of Lowell received helped leverage additional funding for construction of the Greenway.
- **Tax delinquent properties:** Landowners that fall into excessive arrears in paying property taxes can have their land seized by the government, which then becomes a “tax title” property. Given the right

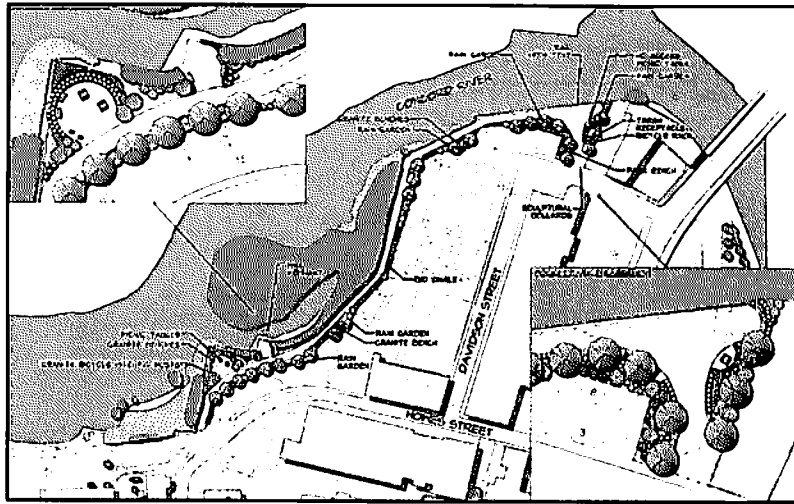


Image credit: ALCON Earth Tech, Inc. Group

circumstances, tax delinquent properties provide a relatively easy avenue for acquiring and protecting land. An inventory of tax delinquent properties on the Concord River Greenway corridor identified several narrow, undevelopable parcels of land previously used for water access rights that simply needed to be converted to conservation land.

- **Land use conversion:** Identifying the mechanism to convert land to municipal ownership (the City of Lowell will own and maintain the Greenway once complete) doesn't necessarily permanently protect access to the land. In Massachusetts, these lands can be converted to “conservation land” under Article 97 of the MA General Laws, which protects them until the state legislature converts their use with a two-thirds vote.
- **Eminent domain:** Eminent domain can be used to help clear the title to land so that the property can be used for a public purpose. A portion of the Greenway will follow a former railway spur which was seized by eminent domain when land rights of the abandoned railroad property reverted to the previous, tax-delinquent owner.

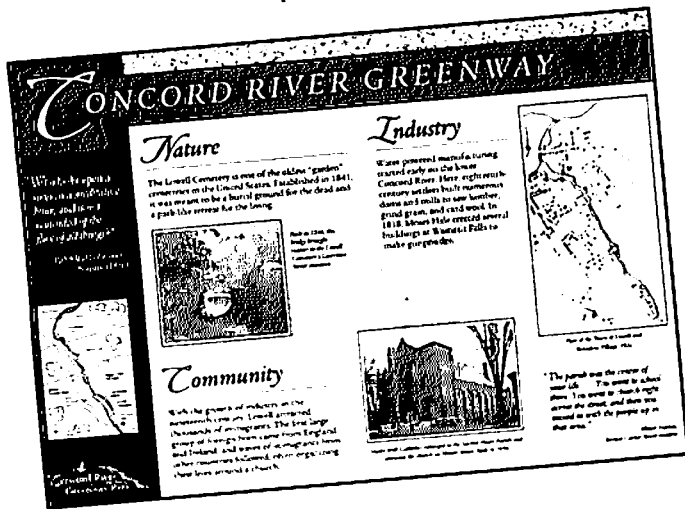
Design plans for a small portion of the Concord River Greenway.

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- **Easement swaps:** The various layers of ownership in an urban area, while sometimes confusing, can also provide leverage in creating public access to the river. When the City of Lowell acted to take former railroad land by eminent domain, it erased a utility line easement held on the same property. This utility line leads to a substation on land held by one of three primary abutters to the Greenway. Working with the city, we're in preliminary negotiations to gain access through the utility's land in exchange for access to their power line corridor.

Adding a creative element to the Greenway's design can also attract funders, stewards, and further land protection efforts. After attending several conferences, such as the National River Rally, I learned that the creative elements of trail design must be incorporated early on in the design phase. Now, through an intensive community-based process, the Greenway's design integrates public art into the infrastructure (fences, gateways, bridges and surfaces) of the trail. Furthermore, the river corridor's land use history is incorporated into six historic wayside panels that are the basis for a major outdoor classroom initiative with new partners.



Along the Greenway, students and passersby can read about the history of the river corridor.

Creatively Combining Objectives

It is important to keep an eye out for creative funding opportunities in addition to creative land protection. You never know when such objectives will combine. For example, a city planner with a vision for the Greenway suggested that the city allow development of conservation land in the area (no longer needed for well head protection). This enabled the city to raise \$875,000 for the first phase of Greenway construction and manage to permanently protect an additional 10 acres behind the well head land at the same time.

From Land Protection to Community Engagement, and Back Again

We hope that the example of the Concord River Greenway initiative inspires you to get started on a long-envisioned project (that might seem as daunting as ours once did). Once the land is protected and the community can envision its future use, you never know who you'll meet on the trail. We aspire to create a multi-dimensional experience that can become a destination—for teachers interested in using it for environmental education, for those that are interested in learning about the land use history and ecology of the corridor, or for those that will enjoy the public art and renewed aesthetic of the river. By engaging neighborhood residents, students and artists in the Greenway corridor, we hope the cycle continues and that these same stakeholders who now have access to nature within their city will be more passionate and engaged in the further restoration and protection of their rivers and natural spaces.