

Waterbury Conservation Fund Guidance Document and Application
Adopted April 19, 2010 – Waterbury Select Board

Thank you for your interest in the Waterbury Conservation Fund. Included in this packet, you will find a Guidance Document and an Application for requesting funds from the Waterbury Conservation Fund. The Guidance Document contains helpful information for filling out the Application.

The Waterbury Conservation Commission meets the second Tuesday of every month at 7:00 p.m. in the Town Offices on Main Street. If the Conservation Commission finds your application to be a viable project candidate, it must then be approved by the Waterbury Select Board that meets bi-monthly. The Conservation Commission will submit a written recommendation to the Select Board along with your application materials requesting their review and approval. If the Conservation Commission decides your application is not a viable project candidate, you will receive a letter explaining why.

Questions about the form should be directed to **Keith Thompson**, Co-Chair of the Conservation Commission, at (802) 224-6933 or kothomps@hotmail.com. Applications should be submitted to the Waterbury Conservation Commission, 51 South Main Street, Waterbury VT 05676.

Waterbury Conservation Fund Guidelines

I. Authority

This fund is a reserve fund established under 24 V.S.A. §2804 and shall be known as the Waterbury Conservation Fund (the Fund). The creation of this fund was approved by the Waterbury voters at Town Meeting on March 3, 2009. The fund is under the control of the Waterbury Select Board, as are other public funds.

II. Purposes of the Fund

The Waterbury Conservation Fund is designed to help conserve the town's natural, scenic, recreational resources in a sustainable manner for the long-term benefit of future generations. All conservation efforts supported by this Fund will be done at the request of willing landowners. The following purpose statements are derived from the goals, objectives, and actions included in Waterbury's 2008 Municipal Plan, and reflect the intention for the use of capital in the Conservation Fund.

A. Natural Resources (see Municipal Plan, Natural Resources § 6.9)

1. To protect and enhance the town's water quality and wildlife habitat.
2. To encourage land acquisitions and conservation easements to preserve Waterbury's agricultural and forestry lands in perpetuity.

B. Scenic Resources (see Municipal Plan, Natural Resources § 6.9)

1. To protect and enhance Waterbury's visual character and aesthetic resources.
2. To encourage the conservation of open space and scenic resources.

C. Recreational Resources (see Municipal Plan, Community Facilities and Services § 9.11)

1. To maintain, enhance, and expand the Town's existing recreational resources, especially trails.

D. Land Use (see Municipal Plan, Land Use § 11.8)

1. To preserve and maintain the character of Waterbury's natural and recreational areas.
2. To explore conservation techniques in order to keep important lands open while providing the land owner with fair and equitable compensation.

An additional purpose of the Fund is to provide critical resource improvements and related expenses such as legal and consultant fees, survey and evaluation costs, and other expenses associated with the process of conservation.

III. Fund Activities

Through the Waterbury Conservation Commission, the Town of Waterbury may use the Fund in conjunction with the following activities:

- A. Accept gifts of land, development rights or conservation easements when such gifts fall within the priorities listed in Article IV below.
- B. Accept and apply for grants and accept gifts of cash or securities to be used for the purposes of the Fund.
- C. Purchase land, development rights or conservation easements alone or in conjunction with other municipalities, state or federal agencies, private land trusts, or other organizations when such purchase is in keeping with priorities listed in Article IV below.
- D. Sell, trade or transfer conserved land when consistent with the purposes of the Fund.
- E. Make direct expenditures to manage town conserved property held by the Fund.
- F. Provide a cash contribution to support the purchase of development rights by municipalities, state or federal agencies, private land trusts, or other organizations when such projects are in keeping with priorities listed in Article IV below.
- G. Actively seek out the voluntary participation of landowners when their land falls within priorities listed in Article IV below.

IV. Criteria for prioritizing the use of funds

The following principles are used to prioritize the use of limited funds and to provide consistent and rational criteria for making land conservation decisions. These principles allow the Conservation Commission to objectively determine the relative value of specific parcels of property under consideration. Property to be conserved must be located in or provide benefit to the Town of Waterbury and should meet at least two or more of the following criteria A - D and insure that the funded project does not burden the town with any undue liabilities, including but not limited to environmental and structural hazards.

- A. Natural Resources
 - 1. The property includes significant water resources, which may include but not be limited to, headwaters, valuable fisheries, vernal pools, wetlands, and floodplains.
 - 2. Protection of the property from development that would prevent point or non-point source pollution to ground or surface water.
 - 3. The property includes significant habitat, which may include but not be limited to,

rare-threatened-endangered species, rare or unique natural communities, unique geologic formations, oak/beech or other significant mast producing stands, hemlock forests, wetlands, deer wintering areas, established wildlife corridors, and corridors connecting fragmented conservation habitat.

4. The property includes significant working land resources, which may include but not be limited to prime or statewide significant agricultural soils or class 1 forest soils, or sugarbushes.
5. The property is an existing farm or inactive farmland that could be brought back into production or unmanaged forestland that could be brought back under management, or contains an identified wildlife habitat area or has public recreational use management resources.
6. The property is contiguous with a working farm and would contribute to the protection of a sufficient mass of open agricultural land or provide an important buffer to protect and maintain an agricultural base for the Town of Waterbury.

B. Scenic Resources

1. The property includes significant vantage points or views.
2. Projects that preserve a view shed or other scenic resources.

C. Recreational Resources

1. The property has an existing trail(s) that is(are) in relative close proximity to other Town trails , Class 4 roads, or public accesses In considering this criteria when reviewing Conservation Fund applications, the Town will seek to ensure all proposed recreational uses will have minimal impact on the natural resources. Examples of recreational uses that tend to have minimal impacts on the natural resources include but are not limited to hiking, climbing, snowshoeing, skiing, etc. Recreational uses that can have a tendency for more impact on the natural resources may include but not be limited to non-motorized uses such as mountain biking and horse back riding, or motorized uses such as snowmobiles and all terrain vehicles. Such uses may be allowed in locations where the impact to the natural resources is deemed minimal.
2. The property does or could provide public access to recreational resources that could include hunting and fishing.
3. The project would preserve critical open space suitable for use as a town green or park.

D. Other Criteria

1. The property includes significant archaeological or historic resources, which may include but not be limited to, native American artifacts, old foundations, historic buildings, agricultural buildings or barns, and grave sites.
2. The Fund will provide an important local matching contribution that will be used to leverage a significant amount of state, federal or private land conservation funds for Waterbury as long as it meets significant criteria as outlined above.
3. The project will help the town to meet a strategic planning/land use goal identified in the town plan or community forum.
4. The project protects significant resources identified by other conservation groups.
5. In the case of Special Activities, the applicant must clearly demonstrate how the Town's funding of the proposed activity is a necessary step that will further one of the Fund Activities, as defined in Article III.

V. Funding

Capital for the Fund may come from voluntary contributions or grants from public or private sources. The Town of Waterbury may also make appropriations to the Fund from time to time. Approval for such appropriations will be granted by a majority vote of Waterbury residents or by the Select Board. On town lands acquired through the use of the Conservation Fund, unless rights to a particular resource are leased, profits derived from the sale of any such resource shall be deposited to the fund. The Conservation Commission may also hold fundraising events or develop longer-term fundraising projects to support its efforts.

The Fund may accept bequests, gifts of cash and securities or pledges designated to benefit certain projects or certain parcels to be conserved that meet the objectives of this document. Contributions to the fund of cash or land may be tax deductible, subject to tax law.

VI. Structure and Decision Making

Prior to undertaking any of the activities listed in Article III, the Town of Waterbury will adhere to the following steps:

- A. Conservation Commission will assist (if need be) applicant candidates with filling out the application.
- B. Conservation Commission will conduct a site visit, walk the candidate property to inventory resources and meet with the landowner(s) to discuss objectives for the conservation project.

- C. The Conservation Commission will send the applicant written acknowledgement of having received the application within 30 days of receiving it.
- D. Conservation Commission, along with the property owner(s), will initiate the review of the application within the next 60 days at the next most convenient monthly Conservation Commission meeting to determine whether or not the property should be recommended to the Select Board for conservation.
- E. If the Conservation Commission determines the project will not be pursued, the Conservation Commission will provide the property owner with a written explanation for why the project was not determined to be a viable candidate for use of the Fund. If yes, the Conservation Commission will make a recommendation to the Select Board, identifying which criteria the project candidate meets and including all materials related to the application.
- F. Representatives from the Conservation Commission, along with the property owner(s), will attend the next most convenient bi-monthly Select Board meeting to determine whether or not the project should be pursued through the utilization of the fund.
- G. Action must be approved by a majority of Select Board members.
- H. The Conservation Commission will convey the Select Board's decision in writing to the applicant(s).
- I. In the event that the applicant(s) would like to appeal the decision, the Select Board will process the appeals.

VII. Termination of the fund.

If a majority of the members of the Conservation Commission decide that the Fund should terminate, they will recommend termination to the Select Board setting out their reasons. If recommended by the Waterbury Conservation Commission and a majority of the Select Board decides to terminate the Fund, money in the Fund shall be committed to the general fund of the town and shall be used for public purposes. The reversion of funds to the general fund is in accordance with 24 V.S.A. §2804.

Adopted by the Waterbury Select Board on April ____, 2010.

Waterbury Conservation Fund Application

A. Application Submission Date:

B. Application Receipt Date (for town purposes only):

C. Applicant Contact Information:

First Name: Last Name:

Street:

PO Box: Town: State: Zip Code:

Phone Number: E-mail Address:

D. Landowner Contact Information (if different than applicant):

First Name: Last Name:

Street:

PO Box: Town: State: Zip Code:

Phone Number: E-mail Address:

E. Property Information:

F. Location Description (please identify your property on the town tax parcel map):

G. Parcel Number:

H. Parcel Description (please also provide a site plan and attach any relevant photographs, deed restrictions, pending permits, current use plan, forest management plan, etc):

Acres:

Significant Resources: Structures; Roads / Trails: Public Access(es):

Assessed Value:

Date of Assessment:

I. Financial Information:

Amount Requested:

Lump Sum or Phased:

Other Funding Sources:

In-Kind Sources / Values:

J. Schedule Information:

Project Completion:

Closing:

If available, please provide any relevant information, such as draft easements, cost estimates, appraisals, Purchase and Sales Agreement, etc.

K. Conservation Project Description

1. How are you hoping the Fund can help you?

2. What are you trying to do?

Using the Waterbury Conservation Fund Guidance Document as a reference:

3. Which of the Fund's purposes (see Article II) will be met by this proposed conservation project?

4. Which of the Fund's activities (see Article III) is this proposed conservation project asking of the town?

5. Which of the Fund's criteria (see Article IV) is this proposed project addressing? (Note, the proposed project must address at least two or more of the Fund's criteria.)