



**EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL  
AFFAIRS**

**Richard K. Sullivan, Jr., Secretary  
Grant Announcement**

**Request for Responses (RFR) ENV 15 DCS 05  
Posting Date: February 27, 2014**

**Landscape Partnership Grant  
FY 2015**

## **1. GRANT OPPORTUNITY SUMMARY:**

**A. PROPOSALS SOUGHT FOR:** Acquisition of property interests in large, unique, unfragmented conservation and working lands, in single or multiple parcels, by two or more entities acting in cooperation.

**B. OVERVIEW AND GOALS:** In furtherance of the Patrick Administration environmental goals, the Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the biodiversity and natural resources of the Commonwealth. To fulfill this mission, Richard K. Sullivan, Jr., Secretary of EEA, is making available funding for the FY 2015 Landscape Partnership Grant Program.

This program advances large-scale continuity in conservation lands necessary to sustain the integrity and resilience of ecosystems and the viability of local farm and forest economies. Its purpose is to facilitate complex large-acreage projects, increase the leveraging of state financial investments, expand partnerships among state, municipal, and non-profit entities, enhance the stewardship of conservation easements, and expand public outdoor recreational opportunities. The program provides funding to assist municipal, state, and non-profit partners, acting in cooperation, in acquiring interests in lands suitable for conservation purposes, including undeveloped lands, farms and forests, water supply land, unique ecosystems, rare species and habitats, and restored lands. It also provides funding for the development of municipal zoning and planning for the protection of open space and working lands. The grant is particularly intended to enable projects that stretch beyond the scope of existing programs and standard spheres of operation.

**C. ELIGIBLE PROJECTS:** Purchase of interests in a minimum of 500 acres of land through fee simple acquisition, conservation restriction (CR), agricultural preservation restriction (APR), watershed preservation restriction (WPR), or a combination of these, which may include assistance to municipalities for the development of municipal Open Space Design (OSD) or Natural Resource Protection zoning (NRPZ), or other conservation planning. Limited funding is also available to small partner municipalities for development of local park or playground projects. At least 500 acres of project parcels must be contiguous, or directly linked by other permanently protected land. See further detail on eligible projects in section 2B.

**D. ELIGIBLE APPLICANTS:** Applications must be submitted jointly by two or more of the following entities, with at least one partner from two of the category types, acting in cooperation: 1) municipal conservation commissions and municipal and non-profit public water suppliers and water or fire districts; 2) non-profit 501(c)(3) organizations that have been formed for one of the purposes described in M.G.L. C. 180 §. 4; and

3) state or federal environmental land agencies. At least two of the partners in an application must be involved in the project to a significant degree, ideally providing financial contributions and holding property interests. See further detail on eligible applicants in section 2A.

**E. APPLICATION DEADLINE: Thursday, July 31, 2014, 5:00pm**

See further detail on deadlines and grant program calendar in section 4.

**F. FUNDING AVAILABILITY:** Maximum grant award: \$1.5 million. See further detail on funding availability in section 2E.

**G. BUDGET REQUIREMENT:** Applicants selected to receive grant funding must document the use of funds from other sources comprising at least 50% of total project costs. See further detail on budget requirement in section 2F.

**H. TOTAL ANTICIPATED DURATION OF CONTRACT(S):** The contract period will begin on the date of contract execution or a specified later date. Multiple contracts may be awarded under a single application, to multiple project partners, upon determination of the review committee. Contracts issued pursuant to this RFR must expend 100% of costs associated with the approved project on or before the end of the fiscal year (June 30) for which the contract is awarded, FY 2015 or 2016. See further detail on anticipated duration of contract(s) in section 2H.

**I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM:** This RFR is issued according to the following authorizations: M.G.L. c. 40, §38,39B, and 41; c. 45; c. 236 § 2 of the Acts of 2002, 2000-2012; c. 312§2A of the Acts of 2008, 2000-7014, 2000-7016; 2200-7017; 2300-7010; 2500-7012; and 2800-7011 and -7022. All properties receiving funding through this program will become permanently protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. c. 40, §8c, or agricultural use under Chapter 780 of the Acts of 1977, or conservation under Chapter 312 §2A of the Acts of 2008. All projects for which grant assistance is provided must be open to the general public on at least a portion of the project, for appropriate passive recreational use. For land under a state environmental land agency, the public access policy of the relevant agency will be followed. See further detail in Attachment A.

**J. CONTACT INFORMATION:**

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## 2. PERFORMANCE AND CONTRACT SPECIFICATIONS

**A. ELIGIBLE APPLICANTS:**

All applications must include at least two eligible project partners, representing at least two of the following eligible applicant categories:

- **Municipality**, acting through its Conservation Commission, or water department
- **Non-profit, non-municipal public water supplier** or fire district;
- **Non-profit 501(c)(3) organization** formed for one of the purposes described in M.G.L. c. 180 §4;

- **Government environmental agency**, including Massachusetts Executive Office of Energy and Environmental Affairs (EEA) land agencies (Department of Fish and Game (DFG), Department of Agricultural Resources (DAR), and Department of Conservation and Recreation (DCR)), and federal agencies within the US Department of the Interior (USDO I) or US Department of Agriculture (USDA).

*Note: Federal partners may not receive reimbursement funding through this grant program.*

- **Municipal park and recreation department or planning department** or board of selectmen acting as such, in towns with a resident population in 2010 of 6,000 or below, are eligible to receive contracts under this grant program for the development of a local park or playground only. Only municipalities in which project parcels are located are eligible to receive funding for parks or playgrounds. Park and recreation departments or selectboards cannot be a primary project partner; thus any project including a local park or playground will have *three* or more project partners.
- **Municipal planning commission**, or board of selectmen/city council acting as such, is an eligible partner and may receive contracts under this grant program for development of NRPZ/OSD or other conservation planning only. They cannot be a primary project partner and may not purchase or hold property interests as a result of this program; thus any project including planning will have *three* or more project partners.

The two primary project partners must have a *significant* involvement in the project, involving financial contributions, retention of property interests, and/or long-term stewardship commitments.

Multiple applications will be accepted from the same entity. Projects including as partners the municipality/municipalities in which the project is located are encouraged.

## **B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK:**

EEA seeks to further the conservation of suitable land within the Commonwealth. Applications will be accepted for projects to be completed in Fiscal Year 2015 and/or 2016. Applications may include any combination of the following:

1. Purchase of land in fee simple for open space, forestry, agriculture or water supply;
2. Purchase of a Conservation Restriction (CR);
3. Purchase of an Agricultural Preservation Restriction (APR);
4. Purchase of a Watershed Preservation Restriction (WPR);
5. Purchase and/or construction of a local park or playground (towns with a population of 6,000 or below);
6. Consultation and technical assistance for development of municipal Open Space Design (OSD) (also called Natural Resources Protection zoning, or NRPZ) bylaws/ordinances, or other conservation planning such as the designation of locally-important agricultural soils.  
OSD Zoning must be: formula-based; require 65-90% of the area of a parcel be kept undeveloped; and be applied to all currently undeveloped land outside of an identified higher density town center. See Attachment H for detailed description of zoning criteria. Planning activities must be included with an otherwise eligible project; they are ineligible for funding through this program as stand-alone project proposals.

### **I. Project size**

#### **500 acre core:**

**Applications must include the acquisition of property interests in a minimum of 500 acres of contiguous land**, or land that is connected through other permanently protected land, including that held by 501(c)(3) non-profit land trusts. Inholdings are eligible.

**Additional parcels:** Parcels that are within the same landscape but separated by developed land or non-project unprotected parcels may be included in a project as additional acreage, and may contribute favorably to an application's evaluation, but they may not count towards a project's minimum of 500 acres. These additional project parcels should be adjacent or in close proximity to the core 500 acre project area. Applicants must demonstrate that unconnected parcels for which they seek funding, or whose value they seek to include as match, are part of the immediate project landscape. EEA may choose to selectively fund, or allow as project match, non-contiguous parcels. Applicants who have included as their project match the acquisition of interests in unrelated, unconnected parcels deemed by EEA to be extraneous to the core landscape may be asked to submit alternative sources of project match, subject to approval by EEA. See further details on match requirements in Sections 2E and 2F.

Specific issues relating to project acreage:

**Roads:**

- It is strongly preferred that project parcels not be separated by roads, however, parcels on either side of small, lightly-traveled roads may be counted as part of the required minimum contiguous 500 acres. Highways and heavily traveled roads will be considered to fragment project parcels, and while projects may include parcels on both sides of a major road or highway, they will not be considered as part of the minimum 500 acres.
- Applicants whose projects include roads are encouraged to discuss how they will minimize the impact of roads on conservation, water, and wildlife. Projects including the improvement of wildlife crossings that would significantly improve connectedness (as identified by the Critical Linkages analysis, available here: <http://www.masscaps.org/applications/critical-linkages.html>) will be viewed favorably.
- Projects that include the decommissioning of a road are encouraged.
- Unpaved and unimproved roads may remain in use for agriculture, forestry, water supply, or recreational access.
- Applications including parcels that have existing rights-of-way held by private third parties that include the right to develop infrastructure and/or access for development are encouraged to include their removal, relocation or other mitigation.

**Water:**

- Ponds, streams, and rivers do not constitute a break between project parcels.
- Land area under small and unprotected water bodies (typically under 10 acres) may be included in the total project acreage.
- Land area under a Great Pond (10 acres or larger historically, although they may no longer be this large), or larger body of water, may not count towards a project's 500 acres; they will be treated as permanently protected land, and can serve as a link between project parcels.

**Developed/brownfield/grayfield parcels:**

- Projects may include a parcel that is currently developed, or that has been damaged by previous developed uses, provided that the parcel is undeveloped, remediated, and restored to natural vegetation or agricultural use as part of the project. See Section 2.B.V below.
- Developed, brownfield, or grayfield parcels are not considered to fragment other project parcels if they are to be acquired and restored as part of the project.

**II. Eligibility of applicants and projects:**

Project partners must apply in a single application, however, because of the different ways in which

they are authorized to hold property interests, a few specific requirements pertain to individual project partners. Below are the requirements specific to 1). the project partner; and 2). the type of acquisition(s) proposed.

**A. Applicants** must meet the following requirements:

1. Demonstrate the capacity to raise sufficient funds for project completion and long-term stewardship;
2. Demonstrate the capacity to complete complex land conservation deals; and
3. Have no unresolved protected open space conversion issues with EEA. See EEA Article 97 Disposition Policy at: <http://www.mass.gov/eea/agencies/mepa/about-mepa/eea-policies/eea-article-97-land-disposition-policy.html>.

See also Section II. I, Deliverables, Ownership, and Credit Due, for information on the specific obligations different applicant types must meet prior to receipt of reimbursement.

**B. Projects – General requirements for all projects:**

1. **Allow public access.** All projects must provide legal public passive recreational access on at least some of the parcels. While reasonable restrictions on the time, place, and nature of public use may be made, public access must be permanent and by right. Informal landowner agreement to allow public access is insufficient. Applicants are encouraged to secure public access on all or a majority of parcels.
2. **Working lands.** Applicants are strongly encouraged, but not required, to develop projects with at least 50% of total project acreage under active agriculture or forest management. Active agriculture and forestland are here defined as:  
Agricultural land – see section D.d below  
Forestland – see section D.c below
3. **Complete a survey,** unless a recent survey has already been completed or boundaries will be internal to a larger management unit.
4. **Have certified clear title.**

**C. Parcels - General requirements for all parcels:**

1. **Not be already permanently protected.** This includes properties protected under Article 97 or other permanent protection, including municipal conservation, park, agriculture, or water supply land and land that received funding from an EEA or federal grant program (Local Acquisition for Natural Diversity (LAND), Parkland Acquisition or Renovation for Communities (PARC), Drinking Water Supply Protection, Land and Water Conservation Fund (LWCF), or Conservation Partnership), a M.G.L. c. 184 permanent Conservation Restriction (CR) approved by the Secretary of EEA, or Agricultural Preservation Restriction (APR), a Watershed Preservation Restriction (WPR), or other land under Article 97. Lands enrolled in Chapter 61, 61A or 61B are not classified as permanently protected land and are eligible to receive funding.
  - i. **Exception:** Municipalities with a population of 6,000 or below may request funding to construct a park or playground on land already permanently protected for public park and active recreation purposes.
2. **Allow public access.** All parcels for which funding is sought to acquire the fee interest must allow public access. The specific activities permitted may vary according to the particular nature of a given parcel. On parcels for which funding is sought to acquire a CR, APR, or WPR, public access on some portion of the property is encouraged but not

required. Access on Restrictions must be permanent and by right.

3. **Not already be owned by an eligible applicant.** Land held by a municipality for water supply purposes, general municipal purposes, or land owned by an EEA agency, federal environmental agency, or a conservation organization, is not eligible to receive funding, even if the organization is not an applicant to this grant program.  
Unprotected municipal land may, at the discretion of EEA, be included in a project as a portion of partners' match, or be included as part of the project acreage, provided it is permanently protected as part of the project. Applicants seeking to use the value of municipally-owned, unprotected land as project match must justify its inclusion.
  - i. **Exception:** Land that is owned by an applicant municipality for purposes other than conservation or water supply may be included in an application as part of a request for funding to construct a park or playground. Only approved design and construction costs are eligible for funding. The property must be permanently dedicated to public park and outdoor recreation purposes as part of the project.
4. **Only property interests purchased *after* receiving an executed contract from EEA will be funded.** However, properties to be used as project match may be acquired anytime after the Landscape Partnership application deadline, but must be acquired prior to reimbursement payment.
5. **Property may not be located in an Executive Office of Housing and Economic Development (EOHED)-designated Priority Development Area (PDA),** as shown on the South Coast Rail Corridor Plan or the I-495/MetroWest Development Compact Plan, Merrimack Valley Land Use Priority Plan, or other regional plan as they become available (if applicable). See <http://www.mass.gov/hed/economic/eohed/pro/planning/> and Executive Order No. 525.

Exception: playgrounds or parks may be located in PDAs.

**D. Requirements for specific parcels/project types** (project types not listed here must still adhere to the general parcel requirements):

1. **Conservation Restrictions held by partners other than government agencies:**
  - a. CRs must be reviewed and approved by the Secretary of EEA prior to recording. Draft CR documents should be submitted separately to the Division of Conservation Services for review, no later than two months prior to the anticipated closing date. Information and application available on the DCS website: <http://www.mass.gov/eea/dcs>.
2. **Agricultural Preservation Restriction (APR) or Working Forest Conservation Restriction parcels:**
  - a. Must have a current, forest management plan approved by DCR and be enrolled in the Chapter 61 or 61A program.
  - b. Five or more acres in size;
  - c. Must have been actively devoted to agriculture or forestry for the two immediately preceding tax years; and
  - d. Farm or forestry operation must produce at least \$500 in gross sales per year for the first five acres, plus \$5 for each additional acre or 50 cents per each additional acre of woodland and/or wetland.
3. **Local parks or playgrounds:**
  - a. Must meet a demonstrated need in the municipality, as shown in an OSRP, other plan, or documented community outreach process;
  - b. May not be located on land identified as important habitat under BioMap2, Priority Habitat, or prime agricultural soils;

- c. May not be located on property owned by a municipality for conservation, water supply protection, agricultural or forestry purposes;
  - d. If constructed on land currently owned by municipality, must be permanently dedicated to public park and outdoor recreation purposes;
  - e. Work must be contracted with a qualified entity outside of municipal government;
  - f. Proposals to install artificial turf will be viewed unfavorably;
  - g. Must be open to the public, including non-residents;
  - h. Must be open during daylight hours, without restrictions during school hours, etc.
4. **Open Space Design (OSD)/Natural Resource Protection Zoning (NRPZ) bylaw/ordinance technical assistance:**
- a. Work must be contracted with a qualified entity outside of municipal government;
  - b. Must have Board of Selectmen/City Council vote in support of the contracted work;
  - c. Must hold a public hearing on a draft NRPZ/OSD bylaw/ordinance by June 30, 2015;
  - d. Must commit to take the bylaw/ordinance to the local legislative body for a vote by December 31, 2015;
  - e. Must use an area-based formula to determine yield;
  - f. Must require 65-90% of subject parcels to be permanently protected (<80% must be justified); and
  - g. Must apply to all currently undeveloped land outside of existing identified higher density city/town center(s) or other appropriately designated development district(s). See Attachment H for a detailed description of the zoning criteria. *Requests for zoning assistance must be included with an otherwise eligible project; they are ineligible for funding through this program as stand-alone project proposals.*
6. **Match parcels:**  
 Gifts of land or acquisitions approved by EEA to be used as match may be acquired outside of the contract period, but not before the grant application deadline. Acquisitions and gifts to be used as match must be completed prior to reimbursement payment.

### III. Allowable uses:

Each project has unique characteristics that will guide what activities are appropriate. The specific mix of permitted uses is determined by the project partner(s), with the approval of EEA. Uses proposed for project parcels that threaten natural resource, agricultural, or forestry values may be prohibited by EEA. Grant recipients must prepare and submit a Baseline Documentation Report and Land Management Plan for each property in which the specific activities to be permitted and prohibited are defined.

**Permitted uses:** Conservation, passive recreation, agriculture, forestry, water supply protection.

*Examples:* hiking, biking, swimming in a natural waterbody, hunting, fishing, cross-country skiing, wildlife viewing, information kiosks, community gardens, timber management with approved plan, agriculture, camping.

**Prohibited uses (except local parks/playgrounds):** Active recreation or developed uses.

*Examples:* athletic fields (baseball, soccer, etc.), pools, play structures, municipal-scale wells, golf courses, solar and wind installations (except as permitted under the APR program), municipal offices or buildings, jeeps, off-highway vehicles, encroaching private uses.

**Property management and working lands:** Limited use of motorized vehicles may be permitted for the purposes of property management and as part of reasonable agricultural or forestry operations, with EEA approval.

**Local park/playgrounds** may include, but are not limited to, athletic fields, play structures, spray parks, town common improvements.

#### IV. Article 97 protection:

Any property acquired with EEA grant assistance is protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use. No major alteration of this property, or changes in the proposed uses, can take place.

#### V. Previously developed land, greyfields, & brownfields:

Projects may include the acquisition of property that requires undevelopment, remediation, or other restoration. Applications that include undevelopment are encouraged, however, properties must be adequately remediated. This will require careful planning and timely action on the part of the project partners to finish by the end of the contract period.

A brownfield is a property where real or perceived environmental contamination complicates redevelopment or reuse efforts. These properties are typically abandoned or underutilized commercial or industrial sites, though other land uses may also be brownfields. In many cases, these sites have been reported to the MassDEP because contamination has been found (to find out, go to <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>). In other cases, sites may not have been assessed due to insufficient resources or fear of liability for possible contaminants.

A greyfield is a property that is in some state of development that is outdated, underutilized, failing, or vacant. Examples include old parking lots or vacant strip malls.

To be considered for funding to acquire developed brownfield or greyfield sites, applicants must:

- A. If the site has been reported to MassDEP under M.G.L. c. 21E, include in the application a copy of the most recent environmental site assessment report (Massachusetts Contingency Plan (MCP) Phase I or Phase II). These reports are available online and/or are on file with the appropriate MassDEP regional office (locate your regional office here: <http://www.mass.gov/dep/about/regional.htm>). If the site has not been reported to MassDEP,

the most recent ASTM Phase I or II site assessment report may be substituted.

- B. Demonstrate ability to complete any remaining required environmental response actions through the submission of a budget outlining sources of assessment/remediation funding and a timeline for completion. If another liable party (e.g., the current owner or a causally-responsible party) will be completing any required response actions after the property is transferred, include any legal agreements to that effect. If selected to receive funding, the applicant must submit a site-specific environmental cost estimate (or MCP Phase III Completion Report including a cost estimate) from a Massachusetts Licensed Site Professional (see <http://public.dep.state.ma.us/LSP/lspsearch.htm> for a list of LSPs).
- C. Ensure that the site achieves closure under M.G.L. 21E through either a Response Action Outcome (RAO) or Remedy Operation Status (REMOPS) prior to the end of the fiscal year for which the grant is awarded. Site closure under 21E must precede opening the property to the public. (For text of M.G.L. c. 21E legislation, see: <http://www.mass.gov/legis/laws/mgl/gl-21e-toc.htm>). Remediation must be appropriate for the intended conservation and/or passive recreational use as described in the Project Narrative.
- D. Submit a copy of all Activity and Use Limitation (AUL) deed clauses with the RAO. AULs can indefinitely exclude certain land uses based on the level of cleanup attained at a site or portion of a site. If there are AULs associated with the site, the management plan must demonstrate that it accommodates them without significantly compromising public access.
- E. **Remediation MUST be completed to the full satisfaction of EEA and DEP.**

Assessment and remediation costs are not eligible for funding under the Landscape Partnership grant program. More information on brownfields, state and federal brownfields grant and loan programs and liability protection is available from MassDEP at:

<http://www.mass.gov/dep/cleanup/brownfie.htm>.

EEA reserves the right not to fund projects for which site remediation is unsatisfactory.

### C. APPRAISAL REPORTS AND CONSTRUCTION BUDGETS:

Applications must appropriately document and support proposed expenses.

**Appraisals:** Applications must include the appropriate type of appraisals with the application, for all project parcels. Appraisals must clearly break out the value for the interests to be acquired by each project partner. Appraisals may not be contracted by the seller. Please note that these requirements may differ from those of other state or federal programs. See the DCS website for detailed appraisal specifications, at <http://www.mass.gov/eea/dcs-grants>. Updated specifications are anticipated to be posted during Spring, 2014; it is the responsibility of the applicant to read and comply with the new specifications once they are available for all appraisals dated after the release of the new specifications.

The current fair market value of all parcels proposed as part of a project, for receipt of funding or to be used as project match, must be established through an appraisal contracted by one of the project partners. **All appraisals must be dated no earlier than one year prior to the application deadline.** Appraisal requirements vary for parcels for which funding is sought, and those to be used as match.

#### A. For parcels for which funding is sought:

**By the application deadline:** An estimate of the market value prepared by a Massachusetts-licensed real estate appraiser, adhering to the Uniform Standards of Professional Appraisal Practice, must be submitted for all project parcels. Acceptable forms include the following: full narrative appraisal; limited or restricted use appraisal; opinion of value; or contracted market analysis.

**By January 25, 2015 for FY14 awards (July 15, 2015 for FY16 awards):** Parcels for which grant funding is sought must submit the appropriate number and type of appraisal as described below.

- a. Parcels/interests with an estimated total value of \$50,000 or less:  
One self-contained full narrative appraisal, restricted use appraisal, opinion of value, or summary report by a certified or licensed real estate appraiser.
- b. Parcels/interests with an estimated value of between \$50,000 - \$750,000:  
One self-contained full narrative appraisal by a certified or licensed real estate appraiser.
- c. Parcels/interests with an estimated value over \$750,000:  
Two self-contained full narrative appraisals or one self-contained full narrative appraisal and one review appraisal by certified or licensed real estate appraisers.

**B. For parcels to be used as match:**

**By April 2, 2015 (April 2, 2016 for FY16 awards):** Parcels approved to be used as partner match must submit one self-contained full narrative appraisal, restricted use appraisal, or summary report by a certified or licensed real estate appraiser. If there is uncertainty about the value of match parcels, applicants are encouraged to secure an appraisal sooner, as this may change their award amount.

**For development of a park or playground:**

**By the application deadline:** An estimate of the cost of design and construction.

**By January 25, 2015 (July 15, 2015 for FY16 awards):** A final budget proposal and construction timeline.

**D. EVALUATION CRITERIA:**

Each application will be scored using the criteria below. See the full application in Attachment A for more detailed description of the following evaluation criteria.

- **Project stewardship and local involvement**
- **Project quality and consistency with program priorities**

A project Selection Committee composed of EEA staff members will review all applications. All projects will be subject to an in-person visit by one or more EEA staff members. After completing preliminary review, site visits, and rating, the Selection Committee will make funding recommendations.

**E. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:**

Reimbursement rate: up to 50% of total project costs, including reimbursable expenses and match  
Maximum award is \$ 1,500,000

Applicants are encouraged to propose projects of any combination and variation, however, they must demonstrate true partnership. **All projects must have at least two main partners. These two main partners must each commit to a significant financial, ownership, or stewardship role.** Awards may result in a single or multiple contracts for each project. Award funding for municipal and non-profit partners will be a reimbursement payment of all eligible expenditures **by the contracted partner, as documented by**

**cancelled check, wire transfer statement, and attested treasurer's statement;** promissory notes, loans, or payments from entities other than the contractor will not be reimbursed. Award funding for EEA agencies will be a capital allocation or Inter-Agency Service Agreement (ISA). While federal USDA or USDOJ agencies are eligible project partners, and may contribute financial, stewardship, ownership, or facilitative resources, they may not receive payment from this grant program. **Costs incurred prior to contract execution will not be paid.**

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, contracted partners will be notified in writing and the contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension, in writing, if additional funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

**F. BUDGET REQUIREMENT:**

All project proponents must provide a detailed budget for each project component. Total project cost is the total value of all acquisitions, match, and eligible project costs, as demonstrated by documentation of payment. Award requests may not exceed 50% of this value. Payment for any specific eligible item can range from 0% to 100% of its value. Municipal and non-profit partners must be able to secure 100% of project costs, in anticipation of a grant reimbursement payment. Project partners are responsible for raising, borrowing, or otherwise appropriating their share of the project costs.

**Eligible project costs:** Costs eligible for reimbursement include all approved eligible project costs incurred within a contract or ISA period.

- Acquisition (appraised value; if two appraisals the lower value will be used)
- Title research and certification
- Technical assistance to municipalities for development of NRPZ/OSD or other planning (up to \$40,000 per municipality)
- Recording fees
- Survey or plan of land
- Forest Management Plan
- Baseline Documentation Report (up to \$1,500 per BDR)
- Park or playground construction (up to \$70,000 per municipality)

**Ineligible project costs:** Costs that are ineligible for reimbursement include, but are not limited to:

- Staff salaries
- Application preparation and submission costs
- Costs incurred before or after contract period
- Legal fees, except those associated with development of municipal NRPZ/OSD or planning
- Chapter 21E assessment or compliance fees
- Demolition or debris removal
- Appraisal
- CR/APR/WPR long term stewardship
- Equipment or goods

**Eligible sources of project partner match** may include, but are not limited to:

- Foundation grants
- Municipal land, open space, CPA, or agricultural accounts
- Private donations
- Federal agency funds, grants, or loans
- Natural resources damages settlement funds
- Other non-state funds approved by EEA
- Non-profit accounts
- State agency land acquisition funds (allocations outside of this grant); only for state partners
- Drinking water protection accounts
- Bargain sales
- Gifts of land

Other EEA grant programs, including Local Acquisitions for Natural Diversity (LAND), Parkland Acquisitions and Renovations for Communities (PARC), Conservation Partnership, and Drinking Water Supply Protection (DWSP), may not be used as sources of partner match.

#### **G. PROJECT TERMS:**

Awarded projects must abide by the Standard Commonwealth of Massachusetts Terms and Conditions, the EEA Supplemental Terms and Conditions, and/or an Interdepartmental Service Agreement. All contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this RFR. It is anticipated that projects could commence when the relevant contract or ISA is executed, or capital allocation completed. Amendment to contracts is at the sole discretion of EEA.

#### **H. ANTICIPATED DURATION OF CONTRACTS:**

Contracts to acquire real property interests will end on June 30, of the fiscal year for which they are awarded. The end of contracts to develop NRPZ/OSD, other zoning or planning, and parks and playgrounds, will be established as appropriate at the time of contract negotiations. Extension of a contract is at the sole discretion of EEA.

#### **I. DELIVERABLES, OWNERSHIP, AND CREDIT DUE:**

Acquisitions resulting from this RFR are subject to various requirements depending upon the partner type, and are detailed below. EEA reserves the right to alter these requirements.

##### **1. All project partners and project types:**

- a. All contracted acquisitions of property interests must have a **signed Purchase and Sale agreement on or before March 3, 2015 (November 15, 2015 for FY16 projects)**. Projects that fail to secure a P&S by this time may have their funding commitment withdrawn.
- b. **Due diligence must be completed by April 2, 2015 (April 2, 2016 for FY16 projects)**.
- c. **All contracted acquisitions of property interests must occur on or before May 16, 2015 (May 15, 2016 for FY16 projects)**.
- d. All project partners receiving funds through this program should retain an interest in a portion of the project properties.
- e. Due diligence should be completed prior to acquisition.

##### **2. Acquisitions by municipalities on behalf of a Public Water Supplier or Fire District:**

- a. Property must be held by the Board of Water Commissioners, or Board of Selectmen authorized as such.
- b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
- c. A Baseline Documentation Report (BDR) and Land Use and Management Plan must be completed and submitted to EEA.
- d. Successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of project reimbursement from EEA.

##### **3. Acquisitions by municipalities for all other purposes:**

- a. Property must be held by the Conservation Commission, or Parks and Recreation Department if a park or playground.
- b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
- c. A Baseline Documentation Report (BDR) and Land Use and Management Plan must be

- completed and submitted to EEA.
- d. Use of Community Preservation Act funds requires adherence to CPA regulations, including the conveyance of a perpetual conservation restriction to an appropriate 501(c)(3) organization within the meaning of M.G.L. c. 184. If the municipality acquires a CR, WPR, or APR with CPA funds, a one-half interest must be conveyed to an appropriate organization.
  - e. Successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by M.G.L. c. 44B §12 approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of project reimbursement from EEA.

#### **4. Acquisitions by non-profit organizations:**

- a. A government entity must hold an interest. A conservation restriction or encumbered fee interest with CR retained by the non-profit organization, must be conveyed to the conservation commission of the city or town in which the project is located, or to a state agency, or to a federal agency, or a combination of these. For projects in which only a CR, WPR, or APR is acquired, a one-half interest must be conveyed to a government conservation land-holding entity.
- b. A Project Agreement must be recorded with the deed, CR, WPR, or APR.
- c. A Baseline Documentation Report (BDR) and Land Use and Management Plan must be completed and submitted to EEA.
- d. Due diligence should be completed prior to acquisition and must meet the standards of the government entity which will be holding an interest in the property.

#### **5. Open Space Design (OSD) or Natural Resources Protection Zoning(NRPZ) development or other planning:**

- a. Municipality must use the model OSD bylaw developed by EEA and available at: [http://www.mass.gov/envir/smart\\_growth\\_toolkit/](http://www.mass.gov/envir/smart_growth_toolkit/).
- b. A public hearing on NRPZ/OSD must be held not later than **June 30, 2015 (June 30, 2016 for FY16 awards)**.
- c. A municipal vote on NRPZ/OSD must be held not later than **December 31, 2015 (December 31, 2016 for FY 16 awards)**.
- d. EEA may establish requirements as appropriate for other planning activities receiving funding through this grant program.

#### **6. Local parks and playgrounds:**

- a. Construction must be completed on or before **June 30, 2015 (June 30, 2016 for FY16 awards)**.
- b. A Project Agreement must be recorded with the property deed.

#### **J. REPORTING:**

1. **Progress report** must be completed for all parcels in all funded projects, and submitted by **February 10, 2015 (July 15, 2015 and February 10, 2016 for FY16 awards)**.
2. **Due diligence** except for appraisals (title certification, 21E environmental site assessment, survey or plan of land) – must be completed by **April 2, 2015 (April 2, 2016 for FY16 awards)**. Due diligence must comply with all relevant agency or grant program standards.
3. **Municipal town meeting or city council vote on NRPZ/OSD held by December 31, 2015 (December 31, 2016 for FY16 awards)** – must be submitted by January 31, 2016 (January 31, 2017 for FY16 awards) (projects including NRPZ/OSD development only).

**K. INVOICING:** Project partners in applications selected to receive grant funding will be required to submit a Project Agreement, State Standard Contract, or ISA, and billing forms. These will be sent to successful

Applicants with their award notification. **Property interests receiving state reimbursement must not be paid for or acquired until after a contract or ISA with EEA has been executed.** Only approved expenses incurred by the contracted entity, during the period of contract, and for which appropriate documentation is submitted are eligible for funding. See also the EEA Supplemental Terms and Conditions.

### 3. INSTRUCTIONS FOR APPLICATION SUBMISSION

**A. APPLICATION SUBMISSION:** Applications must be received in hard copy by **Thursday, July 31, 2014, 5:00pm.** Any application received after the deadline will be rejected. Applications will not be accepted by fax or email. The outside of the package should be marked RFR ENV 15 DCS 05. Submit one **original** (clearly identified as such) and **two paper copies** of the application to:

Celia Riechel  
RE: ENV 15 DCS 05  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street – Suite 900  
Boston, MA 02114

***Help reduce waste**—print double sided when possible. Use the minimum packaging necessary for good organization.*

**B. REQUIRED DOCUMENTS:** A complete application package includes a completed Application Form and supporting documentation. Applications must include:

1. Application form;
2. Appraisal report(s) (only one copy is required);
3. Project description;
4. Budget, itemized as anticipated, for each project component;
5. Cover letter signed by an authorized signatory for each applicant organization authorizing the project manager to apply for the grant on behalf of the entity and affirming the proposed budget and scope;
6. Documentation in support of specific types of proposed acquisitions (see Section 2B);
7. Maps illustrating project resources and values;
8. CR/APR/WPR summary of basic rights and uses as anticipated (if applicable);
9. Letter from Natural Heritage and Endangered Species Program (NHESP) indicating the presence or absence of rare and endangered species. <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/>. Send request for NHESP review to: Lynn Harper, MA NHESP, 1 Rabbit Hill Rd., Westborough, MA 01581. 508-389-6351, [lynn.harper@state.ma.us](mailto:lynn.harper@state.ma.us);
10. Letter from Massachusetts Historical Commission (MHC) indicating the presence/absence of historic or archaeological sites. Submit a Project Notification Form (PNF) to MHC, available here: <http://www.sec.state.ma.us/mhc/mhcform/formidx.htm> ;
11. Most recent brownfield site assessment MCP Phase I or II, or ASTM Phase I or II (if applicable; only one copy is required); and
12. Preliminary brownfield remediation plan and timeline (if applicable; only one copy is required).

See the Application Form for more detail.

**C. DOCUMENTATION REQUIRED IF SELECTED TO RECEIVE FUNDING:** If an application is selected to receive funding, each non-state project partner seeking funding will be required to submit the following forms to complete a contract:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent;

- Commonwealth Scope and Budget Form;
- Completed Contractor Authorized Signatory Listing (both sides); and
- Landscape Partnership Project Agreement.

Respondents should review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response, available under the Forms and Terms tab of this Comm-PASS posting, as well as [http://www.mass.gov/?pageID=osdmodulechunk&L=1&L0=Home&sid=Aosd&b=terminalcontent&f=osd\\_forms&csid=Aosd](http://www.mass.gov/?pageID=osdmodulechunk&L=1&L0=Home&sid=Aosd&b=terminalcontent&f=osd_forms&csid=Aosd).

#### D. APPLICATION STEPS AND PROCEDURES:

1. **Apply:** File three paper copies of the application with the Division of Conservation Services (DCS).
2. Applicant will be contacted by DCS to schedule a **site inspection**.
3. **Evaluation:** Projects evaluated and scored using applicable evaluation criteria. See Attachment B.
4. **Awards announced:** State funds are obligated by the Commonwealth upon execution of contract documents for approved projects. Applicants not selected to receive funding will receive a brief explanation of why the project was not selected and given recommendations for improvement.
5. **Conservation Restriction review:** projects that involve a Conservation Restriction must have a draft CR reviewed by DCS, unless a state agency is the grantor or grantee. Draft CRs, along with a CR review application form (available on the DCS website: [www.mass.gov/eea/dcs](http://www.mass.gov/eea/dcs)), should be sent separately to:
 

Nicole Sicard  
Executive Office of Energy & Environmental Affairs  
100 Cambridge St., Suite 900  
Boston, MA 02114
7. **Municipal Funding secured (municipal applicants only):**
  - (a) Municipality votes to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow a sufficient amount to meet its contribution obligations. A municipality may vote to borrow funds in anticipation of state or federal reimbursement prior to receiving a grant award (M.G.L. C. 44, §8C). The Conservation Commission must be designated to hold and manage the property for conservation and passive recreation (M.G.L. C. 40, §8c).
  - (b) Communities utilizing accounts funded by the Cape Cod Land Bank Act, other local land bank acts, or the Community Preservation Act, must adhere to the requirements of these funds, and should consult with the Department of Revenue, Division of Local Services, for guidelines.
8. **Contract execution:** State standard contract is signed by project partners and EEA. Execution date is the date on which EEA signs the contract. Agency partners will receive a capital allocation or ISA.
9. **Complete necessary due diligence.** All properties must have certified clear title and recent surveys. Municipalities and non-profits must adhere to the due diligence standards of the state or federal agency with which they are working.
10. **Follow state procurement law:** Municipal and agency recipients must adhere to state procurement laws, M.G.L. C. 30B (Uniform Procurement Act). Municipal acquisition projects fall under Section 16(2)(e), including a requirement for advertising in the Central Register 30 days prior to closing. Communities using CPA funds for the acquisition are exempt from this requirement.
11. **Purchase properties or begin development of municipal Natural Resource Protection zoning; begin design and construction of park or playground:** Municipal applicants may purchase property interests only after having received an affirmative Town Meeting or City Council Vote. Municipal and non-profit recipients of funding must record a Landscape Partnership Project Agreement and cross-reference it to the deed or CR.
12. **Prepare properties:** Project partners perform preliminary site cleanup as needed, ensure parking and public access are adequate. A sign acknowledging Landscape Partnership Grant Program funding is installed at main entry point(s). Government agencies may use their regular signage, but should

acknowledge Landscape Partnership funding.

13. **Submit Baseline Documentation Report and Land Management Plan:** Project partners must prepare a plan detailing the condition of the property at the time of award (after any cleanup or remediation), its uses, recreation and resource values, and long term management plans. EEA must approve the plan. Government agencies may use their established baseline procedures.
14. **Post completion requirements:** Property acquired using Landscape Partnership grant funds is permanently protected conservation land under Article 97. Review the DCS Post Completion requirements on fees, user limitations, prohibition against converting conservation land to any other use, or ownership transfer.

## 4. DEADLINES AND PROCUREMENT CALENDAR

**A. RELEASE OF RFR:** February 27, 2014

**B. INFORMATION SESSION:** No information sessions will be offered for this RFR. Potential applicants are encouraged to contact Celia Riechel with any questions.

**C. APPLICATION DUE DATE:** Thursday, July 31, 2014, 5:00pm

**D. ESTIMATED AWARD DATE:** Awards for land acquisitions will be announced as soon as is feasible after the grant application deadline, with contract negotiations to begin immediately thereafter.

**E. ESTIMATED CONTRACT START DATE:** Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. The estimated start date for contracts resulting from this RFR is December, 2014 or July, 2015.

## 5. MISCELLANEOUS

**A. TYPE OF PROCUREMENT:** Grant

**B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS:** This RFR is a single department procurement.

**C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS:** This RFR will result in multiple contracts.

**D. RFR DISTRIBUTION METHOD:** This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Applicant to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files. The application and answers to questions will be posted on Comm-PASS and the DCS website at [www.mass.gov/eea/dcs](http://www.mass.gov/eea/dcs).

Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

**F. LIST OF ATTACHMENTS TO THIS RFR:**

- A. Application Form
- B. Landscape Partnership program acquisition selection and rating system
- C. Requirements for use of Community Preservation Act funds in municipal acquisitions
- D. Sample municipal vote for conservation
- E. Guidelines for boundary maps
- F. Landscape Partnership program Policies and Legislation
- G. Natural Resources Protection Zoning/Open Space Residential Design criteria

**The EEA Supplemental Terms and Conditions are hereby incorporated into this RFR by reference.** They are found under the Forms & Terms tab of this Comm-PASS posting.

**Landscape Partnership Grant Program  
APPLICATION FORM – FY2015**

*Please print double-sided*

**I. APPLICANT INFORMATION**

**Project name:** \_\_\_\_\_

**Project partners & contact information**

**All projects must have at least two project partners with a significant investment, representing at least two of the following categories:** municipal conservation commissions, water departments (or selectmen acting as such); non-profit public water suppliers; non-profit 501(c)(3) organizations whose primary purpose includes land conservation, environmental protection, environmental education, or recreation; government land agencies, including the Massachusetts Departments of Conservation and Recreation, Agricultural Resources, or Fish and Game, or US Department of the Interior or US Department of Agriculture.

Projects that include the development of Natural Resource Protection Zoning (NRPZ), Open Space Design (OSD) or planning may include the municipal planning commission or department, or board of selectmen acting as such, as a project partner in addition to the two primary partners.

Partner type	Project partner	Contact name	Contact (address, phone, email)
<b>Lead</b> – this person will serve as the point of contact for this application, and will be responsible for ensuring <b>all</b> project partners complete their obligations			
<b>Partner 2</b>			
<b>Partner 3</b>			
<b>Partner 4</b>			
<b>Partner 5</b>			

*Municipal project partners:* attach a letter from the municipal Chief Executive Officer (typically chair of selectboard, mayor, or city/town administrator/manager) indicating that the project contact is authorized to apply for funds through the Landscape Partnership program.

**2. PROJECT DETAILS**

Projects must include at least 500 acres of contiguous land. They can include multiple tracts or ownerships, and can include additional acres that are contiguous via other permanently protected land (does not include Chapter 61 land).

Total acres: \_\_\_\_\_ Number of parcels: \_\_\_\_\_

Project location (municipality/ies): \_\_\_\_\_

Will this project include the development of Open Space Design (OSD) or Natural Resource Protection Zoning (NRPZ), or are they already in place?

Yes       No

If yes, in which municipalities? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will this project include some other type of land or natural resource planning?

Yes     No

If yes, describe the work proposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will this project include the development of a municipal park or playground (towns with a population of 6,000 or below only)?

Yes     No

If yes, describe the work proposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a detailed proposal and budget, including acquisition, design, and construction costs. If requesting funding to acquire a property on which to construct a park or playground, complete a parcel information page for the parcel.

### **Project description**

A narrative description of your project will be used to evaluate the overall scope and quality of your proposed project. The questions in subsequent application sections cover standard metrics of natural resource values, such as Biomap2 and soils classification; the narrative is an opportunity to discuss the importance and quality of the project not captured by these measures. Attach a description of not more than three pages that addresses the following:

- Why this project should be funded by this grant program. How does it stretch partners beyond what they would normally do?
- Ecological characteristics and natural resources of the project, as a whole, and each constituent part. How are they threatened?
- How the project will protect and support natural resource economies
- Importance of the project to climate change adaptation and resilience
- Role of each project partner
- Interests to be acquired for each parcel
- Long-term stewardship plan
- Anticipated use of each parcel
- Location and type of public access
- Remediation or restoration plans for former developed site, if applicable
- Local demand for park or playground, if requesting funding
- Project timeline
- Natural Resources Protection Zoning/Open Space Residential Design or planning component
- Other sources of funding you have or are seeking
- Any additional project partners that are contributing in ways other than acquiring property

### **Project details**

Complete a parcel information sheet for each parcel or project component. A single parcel information sheet may be used in instances where one partner is acquiring the same interest in multiple adjacent/subdivided lots currently held under a single ownership.

**Parcel Information Sheet**

**Parcel/component #** \_\_\_\_\_

Complete a parcel information sheet for each parcel or project component. A single parcel information sheet may be used in instances where one partner is acquiring the same interest in multiple adjacent/subdivided lots currently held under a single ownership.

Municipality: \_\_\_\_\_ Acres: \_\_\_\_\_

Assessor's map/lot number: \_\_\_\_\_

Current owner: \_\_\_\_\_

Address: \_\_\_\_\_

**Project partner:** \_\_\_\_\_

Interest to be acquired:  Fee  CR  APR  WPR  Multiple interests

If multiple interests, describe: \_\_\_\_\_

**2<sup>nd</sup> project partner** (if applicable): \_\_\_\_\_

Interest to be acquired:  Fee  CR  APR  WPR  Multiple interests

If multiple interests, describe: \_\_\_\_\_

**Acquisition and funding details**

Appraisal Report #1

Appraisal Report #2 (if land valued at over \$750,000)

Interest \_\_\_\_\_  
Valuation \$ \_\_\_\_\_  
Appraiser \_\_\_\_\_  
Valuation Date \_\_\_\_\_

Interest \_\_\_\_\_  
Valuation \$ \_\_\_\_\_  
Appraiser \_\_\_\_\_  
Valuation Date \_\_\_\_\_

**Acquisition details:**

Negotiated Sale:  Yes  No

Do you have a Purchase & Sales Agreement or Agreed Price?  Yes  No

If yes, amount: \$ \_\_\_\_\_

Have you conducted a title examination?\*  Yes  No

Is clear title available?  Yes  No  Don't know

If no, is an eminent domain taking anticipated?  Yes  No

If yes, proposed pro tanto award amount: \$ \_\_\_\_\_

\*All parcels must have certified clear title as a condition of reimbursement. If clear title is not available, an acquisition by friendly taking (eminent domain) process may be used to clear the title. Applicants are advised to conduct title research well in advance of anticipated closing date, as title problems can complicate and delay acquisition.

**Funding request:**

Only eligible costs for which appropriate documentation is provided will receive reimbursement payment. Costs incurred prior to contract or ISA execution or completion of a capital allocation will not be funded. Federal partners are not eligible to receive reimbursement funding. See section 2E in RFR for eligible expenditures.

Estimated cost, this parcel/interest: \$ \_\_\_\_\_

Funding request, this parcel/interest: \$ \_\_\_\_\_

**For municipal acquisitions:**

Do you have town meeting vote/city council approval?  Yes  No

If not, what is the date for the vote? \_\_\_\_\_

Note: project must have municipal authorization by December 31, 2014 (December 31, 2015 for FY15 awards).

Attach a copy of the vote, or draft language.

**Parcel details:**

Is there a recent survey available for the parcel?  Yes  No

Properties lacking recent surveys will be required to complete one as a condition of award payment.

Zoning: \_\_\_\_\_

Present/past use: \_\_\_\_\_

Is the property currently enrolled in:

Chapter 6 I or 6 I A  Forest Stewardship Program  Forest or Farm Viability program

Will active forest management or agriculture continue or begin *after* the acquisition?

Yes  No

Proposed use: \_\_\_\_\_

Zoning: \_\_\_\_\_

Are there structures on the parcel?  Yes  No

*For fee acquisitions only:* if yes, list structures, estimated value, current and planned use. This program is intended to preserve undeveloped land, not to purchase buildings. Buildings not intended to serve conservation purposes are not eligible for grant funding; their value should be subtracted from the subject property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will this project involve the rehabilitation of a greyfield, brownfield, or developed site?

Yes  No

If yes, has a MCP Phase I or II, or ASTM Phase I or II site assessment been completed?

Yes  No

Attach a copy of the most recent site assessment, indicating the nature of the contamination and the remediation required for proposed use. Include in the Project Description a discussion of the importance of remediating the site, the plan for remediation, clear identification of disbursement of liability (e.g., will the town take it or will it reside with the current owner?), and any specific stewardship that will be undertaken to ensure that the site does not in the future pose undue risk to the public. Provide a remediation timeline that includes funding sources.

Will public access be allowed on this parcel?  Yes  No

*Note: all projects must allow public access on at least some portion of some parcels.*

If public access will be allowed:

Does property have frontage on a street?  Yes  No

Name of street(s): \_\_\_\_\_

If no street access, describe how the public can access the property through adjacent landholdings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is this parcel located in one of the following areas designated by the Executive Office of Housing and Economic Development in the South Coast Rail Corridor Plan, the I-495/MetroWest Development Compact Plan, Merrimack Valley Land Use Priority Plan, or other regional plan as they become available?

- Priority Development Area (PDA)
- Priority Preservation Area (PPA)
- Neither
- No plan available

### 3. PROJECT QUALITY

Please provide supporting documentation.

#### Landscape conservation:

Total project area: \_\_\_\_\_ acres

How much permanently protected open space does the project directly abut? \_\_\_\_\_ acres

#### Biodiversity and resource protection:

How many acres of the project lies within MA Natural Heritage and Endangered Species Program (MNHESP) BioMap2 Core Habitat:

\_\_\_\_\_ acres

How many acres lie within MNHESP BioMap2 Critical Natural Landscape:

\_\_\_\_\_ acres

How many acres lie within an area identified as a Focus Area for climate change resilience?

See the DCS website for downloadable GIS or .kmz (which can be opened in free software such as GoogleEarth) files: <http://www.mass.gov/eea/dcs-grants>

\_\_\_\_\_ acres

#### Water resources:

How many acres are located within 500 feet of the ocean, a lake, pond, river, stream, or wetland?

\_\_\_\_\_ acres

How many acres are located within a drinking water supply area for existing or planned public water supplies (Zone I or II, Zone A or B), or Interim Wellhead Protection Area (IWPA), or, are located over a sole-source, medium-, or high-yield aquifer?

\_\_\_\_\_ acres

List aquifer or PWS ID#: \_\_\_\_\_  
\_\_\_\_\_

#### Working lands:

How many acres of the project, including match parcels, are *currently* actively managed for forest or agricultural products (forests: using a licensed forester)?

\_\_\_\_\_ acres

How many acres of the project, including match parcels, will be actively managed for forest or agricultural products, *after project completion* (forests: using a licensed forester)?

\_\_\_\_\_ acres

How much of the project has Prime, State, or Locally Important agricultural or forest soils?

\_\_\_\_\_ acres

How many employees work on actively managed parcels, including outdoor recreation businesses?

Currently: \_\_\_\_\_ Full-time equivalent (FTE) employees

Estimated, after project completion: \_\_\_\_\_ FTE employees

**Recreational opportunities:**

What public recreational opportunities will the project provide? Check all that apply.

*Recreational opportunities will be verified by DCS during the site visit.*

- Trail-based activities (ex. hiking, Nordic skiing)
- Wilderness activities (ex. camping, hunting)
- Water-based activities (ex. canoeing, swimming, fishing, skating)
- Educational activities (ex. organized nature walks, trainings, outdoor classroom)

#### 4. BUDGET

**A. Proposed budget:** Show primary budgeted activities and matching funds. The minimum match for the project as a whole is 50%, however, individual project components may be reimbursed at a higher or lower rate. Landowner bargain sales and gifts of property may be used as part of project partner's share of funds.

Expense	Partner involved	Partner's share	EEA share	Total cost
<b>Parcel/project component # ____</b> (should match Parcel Information sheet #):				
<i>Example: Property acquisition</i>	<i>Town Land Trust</i>	<i>\$50,000</i>	<i>\$50,000</i>	<i>\$100,000</i>
<b>Parcel/component total and reimbursement request</b>				
<b>Parcel/project component # ____</b> (should match Parcel Information sheet #):				
<b>Parcel/component total and reimbursement request</b>				
<b>Parcel/project component # ____</b> (should match Parcel Information sheet #):				
<b>Parcel/component total and reimbursement request</b>				
<b>Parcel/project component # ____</b> (should match Parcel Information sheet #):				

<b>Parcel/component total and reimbursement request</b>				
<b>Parcel/project component # ____ (should match Parcel Information sheet #):</b>				
<b>Parcel/component total and reimbursement request</b>				
<b>Parcel/project component # ____ (should match Parcel Information sheet #):</b>				
<b>Parcel/component total and reimbursement request</b>				
<b>Municipal OSD planning</b>				
<b>Component total and reimbursement request</b>				
<b>TOTAL PROJECT COST &amp; FUNDING REQUEST</b>				

**A. Funding sources**

List all other sources of funding and indicate their certainty. Sources may include, but are not limited to, municipal accounts, non-profit fundraising, agency land acquisition fund, federal grants, landowner bargain sales, or gifts of lands.

<b>Funding source</b>	<b>Project partner recipient</b>	<b>Amount</b>	<b>Secured or pending?</b>
<b>Parcel/project component # ____ (should match Parcel Information sheet #):</b>			

<b>Parcel/project component # ___ (should match Parcel Information sheet #):</b>			
<b>Parcel/project component # ___ (should match Parcel Information sheet #):</b>			
<b>Parcel/project component # ___ (should match Parcel Information sheet #):</b>			
<b>Parcel/project component # ___ (should match Parcel Information sheet #):</b>			
<b>Total project funding secured</b>			
<b>Total project funding secured &amp; pending</b>			

**5. A COMPLETE APPLICATION INCLUDES THE FOLLOWING DOCUMENTATION:**

1. **Application form**
2. **Appraisal reports.** Applications lacking the correct number and type of appraisal reports will be disqualified. See Section 2C of the RFR for details.
3. **Project narrative**
4. **Budget details**, itemized as anticipated for each project piece
5. **Cover letters** signed by an authorized signatory for each partner organization authorizing the project manager to apply for the grant on behalf of the entity, and committing to complete the project if awarded a grant.
6. **Documentation in support of project quality** evaluation (eg, evidence of enrollment in Ch. 61/61A; forest management plan; documentation of number of people employed; documentation of

planned public drinking water source, etc.)

7. **Maps** of values and resources protected, proximity to other conservation lands; plot plans or survey maps. Include the location, acreage, ownership and use of other protected open space abutting the project. Show current use of adjacent private lands.
8. **Draft CR, APR, or WPR** documents, or summaries
9. **Other state agency review** – Include documentation of the value of your project for rare species and historic value by contacting the following state agencies and requesting their review:
  - Massachusetts Natural Heritage and Endangered Species Program (<http://www.mass.gov/dfwele/dfw/nhosp/nhosp.htm>).
  - Massachusetts Historical Commission: Send the MHC a PNF (<http://www.sec.state.ma.us/mhc/mhcpdf/pnf.pdf>) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. There is no need to telephone or email the MHC. See these websites for any questions: <http://www.sec.state.ma.us/mhc/mhcpdf/pnfguide.pdf> and <http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>.
10. **Brownfields:** If the property to be acquired is a brownfield site, the applicant should submit documentation of the nature of contamination, the type of remediation required, and an estimate of the cost and time required for remediation. This should include a map of contaminant locations. Massachusetts Department of Environmental Protection maintains a database of known, current, waste sites and pollutant releases at <http://db.state.ma.us/dep/cleanup/sites/search.asp>. A more detailed, site-specific environmental cost estimate (or MCP Phase III Completion Report including a cost estimate) from a Massachusetts Licensed Site Professional will be required if a project is selected to receive funding (see <http://db.state.ma.us/dep/lsp/lspsearch.htm> for a list of LSPs). Applicants must prove that the site has achieved closure under MGL 21e by submitting either a Response Action Outcome (RAO) or Remedy Operation Status (REMOPS) prior to the end of the fiscal year of the award, before payment will be made. If an Activity Use Limitation (AUL) deed clause is part of the RAO, a copy must also be submitted and approved before payment.



## Attachment B: Landscape Partnership project evaluation system

Each project is evaluated by a grant review committee using a points-based project selection system. The rating system considers partnership and project quality factors in order to identify for funding those projects that best meet the objectives of this program. In reviewing applications for land acquisition and developing funding recommendations, the grant review committee considers:

### **I. Partnership and stewardship**

- Municipal involvement and local support
- Provision of long-term stewardship of project
- Municipal assistance for development of Open Space Design (OSD), or Natural Resources Protection (NRPZ), or already in place.

### **2. Project Quality**

- Landscape Conservation: size of the acquisition and its proximity to other protected open space
- Biodiversity and Resource Protection: subject property located within or abuts BioMap2 Core or Critical Natural Landscape, as identified by the MA Natural Heritage and Endangered Species Program; property is located within a focal area for climate change resilience
- Water Resources: frontage on the ocean or estuarine habitats; frontage on lakes, ponds, rivers; recreational utility, and protection of drinking water supplies
- Working Lands – active and continued management for forestry, agricultural purposes.
- Provision of jobs in agriculture, forestry, or related natural-resource fields, or commercial outdoor recreation
- Provision of public passive recreational opportunities
- Restoration of ecological function to former developed or brownfield site

### **SELECTION NOTES:**

#### **Preservation of Agricultural Land**

Executive Order #193 discourages the irreversible conversion of the Commonwealth's productive agricultural land base. State Grants shall not be used to encourage the irreversible conversion of agricultural land to other uses when feasible alternatives are available. In the event that all feasible alternatives have been explored, and the conversion of suitable agricultural lands to non-agricultural use remains the only feasible alternative to protection of open space, a mitigation plan must be developed to be eligible for funding under a state grant. Projects which would convert any prime agricultural lands should consult with the Department of Agricultural Resources at (617) 626-1700 prior to submitting an application.

### Rating System for Landscape Partnership Projects

CATEGORY	Description	Points		
<b>PARTNERSHIPS AND STEWARDSHIP – 30 pts</b>				
<b>Capacity</b>	Project partners have demonstrated capacity to complete complex conservation projects No 0 – 5 Yes	5		
<b>Local support</b>	Project includes a municipal partner: No Yes 0 5	5		
<b>Stewardship</b>	Project includes an endowment or other mechanism to provide for long-term CR stewardship Percentage of project acreage with long-term stewardship: <50% 50-59% 60-69% 70% or more 0 3 4 5	5		
<b>Planning</b>	Project includes a request for funding in partnership with the municipality/municipalities in which the project is located, for technical assistance to develop an OSD/NRPZ bylaw, or is already in place., or other planning. Yes: 15 No : 0	15		
<b>PROJECT QUALITY – 70 pts</b>				
<b>Biodiversity and Landscape Protection</b>	Total project acreage: < 599 600-699 700+ 0 1 3	21		
	Project acres within NHESP BioMap2 Core Habitat: 1-49 50-99 100-149 150-199 200+ 1 3 4 6 7			
	Project acres within BioMap2 Critical Natural Landscape: 1-49 50-99 100-149 150-199 200+ 1 3 4 6 7			
	Project acres within TNC focal area for climate change resilience 1-49 50-99 100-199 200+ 1 2 3 4			
<b>Water Resources</b>	Project acres within 500 ft of Ocean, Lake, Pond, River, Stream, Wetland: 1-49% 50-99 100+ 2 3 5	10		
	% of Project in drinking water supply area (Zone I/II, A/B; IWPA), or, med- or high-yield, or sole-source aquifer: <5% 5-24% 25-49% 50% or more 0 1 3 5			
<b>Working Lands</b>	Acres that are currently actively managed (forest: using a licensed forester): 250-299 300-399 400-499 500+ 1 3 4 5	21		
	Acres that will be actively managed (forest: using a licensed forester), after project completion: Same as before ≥10% fewer 10-19% more ≥20% more 3 - 3 (unless ecologically justified) 5 6			
	Acres in project that have Prime, State, or Locally Important agricultural or forest soils: 10-99 100-199 200-299 300+ 1 2 4 6			
	How many FTE employees currently work in forest, agricultural, or outdoor rec. operations on project parcels? 1 2 3 4 ≥5 (only assign points for FTEs that will be kept after project completion) 0 1 2 3 4			
<b>Recreational Opportunities</b>	Recreational opportunities provided (checked on site visit.): ≥50% acres /substantial = 1; <50% or marginal = 0.5			
	Activity	50%+ project / substantial	<50% of project or marginal	Not provided
	Trail-based (hiking, etc)			
	Wilderness (camping, hunting, etc)			
	Water-based (canoeing, skating, etc)			
Education (organized nature walks, classes)				
<b>Community revitalization</b>	Project will restore ecological function to a former developed or brownfield site: Yes No 3 0	3		
<b>Overall project quality</b>	Poor Average Good Very Good Excellent 0 1 2 3 4 5 6 7 8 9 10 11	11		
<b>TOTAL</b>		<b>70</b>		

## Attachment C: Requirements for acquisition projects funded through the Community Preservation Act (CPA)

The Community Preservation Act (CPA) states that land acquired with these funds is to be bound by a permanent restriction. Property acquired with the help of this grant program is protected Article 97 conservation land, however, this does not supersede the requirements of the Community Preservation Act. The CPA requires that, for fee acquisitions, the municipality convey a Ch. 184 CR to a qualified 501(c)(3) organization whose purpose is land and/or water conservation (e.g., land trusts). It may not be an internal deed restriction. Fulfillment of the CPA is the responsibility of the municipality; while it is desirable that all transactions related to a project be completed by the end of the fiscal year, conveyance of a CR to a qualified entity is not a requirement for funding under this grant program.

Conveying a conservation restriction over “parkland” normally would trigger the formal “Article 97” disposition process requiring a 2/3 vote of the Legislature. However, for guidance, EEA refers municipalities to the opinion of the Massachusetts Land Trust Coalition Attorney Referral Panel that states: “If a municipality acquires property under the CPA statute, it is required to impose a restriction on the property as a matter of law and thus the imposition of the restriction should be considered part of an integrated plan for dealing with the property. Therefore, the imposition of the restriction should not be considered a “disposition” of an interest in the property within the meaning of Article 97.”<sup>1</sup> All municipalities should seek final advice on this issue from their town counsel or city solicitor.

### **Points to remember when conveying a Conservation Restriction:**

1. At the same time that it votes to acquire the property, the municipality should vote to authorize the grant of the CR and also indicate that the purchase of the property and conveyance of the CR be a simultaneous closing.
2. The deed to the municipality should indicate that the municipality may grant a CR to the specific entity identified to hold it or to an entity authorized to hold a CR under M.G.L. Ch. 184.
3. As long as a restriction is recorded **after** the recording of the deed of acquisition (even if immediately after), the unrestricted value (and therefore higher value) of the property is used for funding determinations in DCS grant programs.
4. The fact that the funding statute *requires* the restriction may mean that a party seeking a charitable contribution deduction in connection with a bargain sale of property may not be able to use the unrestricted value of the property in calculating the tax benefit.
5. The “proceeds” clause of the conservation restriction, if conveyed at no cost to the grantee, must provide that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the grantee receives none of such proceeds. In the event that the land ever is converted to non-conservation use, the municipality would still be responsible for replacing the converted property with land of equal or greater monetary value and conservation use and described in the Program Regulations, as though the land were owned in fee simple. Applicants should consult with DCS for guidance on drafting conservation restrictions for the appropriate language.

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<sup>1</sup> Attorney Greg Bialecki and the Attorney Referral Panel of the Massachusetts Land Trust Coalition – Visit the Massachusetts Land Trust Coalition website at [www.massland.org](http://www.massland.org) for this legal advisory.

## Sample Vote Language for Community Preservation Act Projects

To see if the Town [or City] will vote to raise, borrow and/or appropriate \$Total Project Cost for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately \_\_\_ +/-acres owned by OWNER as described on Assessors Map \_\_\_, Parcel \_\_\_, to be managed and controlled by the Conservation Commission of the Town [or City] of XXX in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, and to meet said appropriate with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Town Manager [or Board of Selectmen or City Council or Mayor] be authorized to file on behalf of the Town [or City] of XXX any and all applications deemed necessary under the Landscape Partnership grant program or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen [or Mayor and the City Council] and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town [or City] of XXX to affect said purchase. Said conservation restriction may be granted to the [Name of Grantee] or any other organization qualified and willing to hold such a restriction.

### Attachment D: Sample Municipal Vote

Each municipal partner should draft its warrant article or city council order with the guidance of municipal counsel. The form will vary with the type of project, source of funding, etc. All should include the following elements:

- I. Authorization to expend an amount equal to the full acquisition and/or development cost of the project. The total project cost must be raised or appropriated through current tax levy or borrowed.
- II. Indication of the source of funding (Conservation Fund, Community Preservation Act Fund, general fund, borrowing, etc.). M.G.L. Chapter 44, sections 7, 8C, and 12(a) on Municipal Indebtedness, allows cities and towns to borrow in anticipation of funding. It is strongly recommended that the warrant article or city council order is prepared with the advice of city/town counsel, treasurer and accountant to ensure that the appropriate section is noted in the warrant article. These sections permit the municipality to borrow in anticipation of a grant and require that a grant agreement be executed before the treasurer actually obtains the borrowed amount. This assures DCS that the municipality has 100% of the total project cost, and assures the municipality that the project need not be completed if the proposal does not receive grant assistance. For further advice, please contact the Department of Revenue, Division of Local Services at (617) 626-2300.
- III. Acquisition projects: indicate that land is being acquired either for conservation and passive outdoor recreation purposes (Chapter 40, Section 8c) or for active recreation purposes (Chapter 45, Section 3 or 14, for example) and will be in the care and control of the appropriate commission or department.
- IV. Authorization for the conservation commission to seek funding under the Landscape Partnership grant program, and enter any necessary contracts thereto.
- V. If a taking is involved in an acquisition project, the conservation commission must, in writing, request the selectmen or city council to take the property via eminent domain.
- VI. Communities may also consider allowing the subsequent conveyance of a Conservation Restriction.
- VII. Communities may also consider language permitting a license or lease agreement to manage the property consistent with this grant program for maintenance, etc.

The following is a sample vote authorizing the acquisition of conservation land using DCS financial assistance. This is intended only as a point of reference. **Municipal Counsel should always be consulted when drafting Town Meeting warrant articles or City Council orders.** The draft article or order should be submitted to DCS for review prior to the Town Meeting or City Council to ensure compliance with the grant program.

Sample for Conservation Acquisition Project – Town Meeting Warrant Article

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of \$TOTAL PROJECT COST, for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the PROPERTY NAME consisting of XXX acres, more or less, as shown on a plan entitled "Plan of Land in MUNICIPALITY made by SURVEYING FIRM dated XX/XX/XX"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 40, Section 8c, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of MUNICIPALITY, and the Conservation Commission be authorized to file on behalf of MUNICIPALITY any and all applications deemed necessary for the Landscape Partnership grant and any other grants and /or funding from the Commonwealth of Massachusetts deemed necessary and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of MUNICIPALITY to affect said purchase.

### **Attachment E: Guidelines for Boundary Maps**

The Executive Office of Energy and Environmental Affairs requires a dated project boundary map that clearly delineates the permanently protected park, recreation or conservation land. The map must be submitted prior to project approval, and may be changed prior to final payment without triggering a conversion.

**Project Area** - At a minimum, must include the entire area acquired in an acquisition project.

Ensure that the recreational usefulness and attraction of the new protected area is viable on its own and independent of the surrounding or adjacent areas. If it is dependent upon other areas for access, those areas should also be included in the protected area.

**A formal surveyed boundary plan showing metes and bounds is best, but not necessarily required.**

The project area must be shown in enough detail to be legally sufficient to identify the protected area. These methods can be used in lieu of a survey plan:

- Assessors map with deed references
- Adjoining ownerships
- Adjoining easements of record
- Adjoining water bodies or other natural landmarks
- Government survey

#### **Boundary Map Requirements:**

1. Include the park name and project number and date of map preparation.
2. The map should have a scale, north arrow and the project boundary should be outlined in red.
3. Identify the owner of the land (i.e., *Municipal Conservation Commission*).
4. Identify any pre-existing uses (i.e. buildings) that should be excluded from the legally protected area.
5. Identify general ownership and land use of adjacent properties (i.e., public conservation or recreation land, residential, commercial, and industrial land uses).
6. Clearly identify and describe all public access points to the project area.
7. Show outstanding rights and interests in the area held by others and note the term remaining on the lease. Known easements, deed or lease restrictions, reversionary interest, etc. are to be indicated. Those outstanding rights and interests which, in the opinion of this office, would not adversely impact the utility and viability of the recreation or conservation area if exercised and not intended to be included under the conversion provisions should be specifically identified. These are typically utility easements. This office must be notified if any changes are made to these easements after the project is completed.
8. Clearly show key features and uses such as:
  - Number of acres acquired or developed
  - Named Roads
  - Bodies of water
  - Structures and improvements
  - Utilities
  - Restrictions, easements and rights-of-way
  - Wetlands
  - Trails
  - If the subject parcel is part of, adjacent to, or in close proximity to an existing protected area(s), also show the location of these protected sites including the project number and name for those sites.
  - Any other characteristics that aid in understanding the protected outdoor recreation resources

## **Attachment F: Legislation Guiding this Grant Program**

### **MGL Ch. 236 of the Acts of 2002, Sec. 2**

**2000-2012..** For the purpose of protecting the ecological integrity of the commonwealth's privately held and managed forestlands pursuant to the forest vision plan, so-called, including, but not limited to, acquisition of interests in land, research, planning, and monitoring; provided, that projects and funding shall be approved by the secretary of environmental affairs; provided further, that projects may be carried out in cooperation with other governmental agencies, private land owners, and conservation organizations according to management agreements approved by said secretary... \$10,000,000

### **MGL Ch. 312 of the Acts of 2008, Sec. 2A**

**2000-7016..** For the conservation partnership grant program to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a state agency, or both; provided further, that all projects shall provide appropriate public access as determined by the secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item.

**2200-7017..** For grants to cities, towns and districts for the acquisition of lands and waters and easements by those cities, towns and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to those resources, for the protection of water that is determined by the department of environmental protection to be of potential use for water supply purposes; provided, that any grants approved by the department and provided to cities, towns and districts from this item may be for up to 60 per cent of the eligible costs of the projects

**2300-7010..** For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration and stewardship for the purpose of protecting the native flora and fauna communities and for associated costs; provided, that the commissioner of fish and game may develop and utilize scientifically-based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth including, but not limited to, specific parcels, and that these lands may be purchased after being selected by this process and approved by the commissioner of fisheries and wildlife; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in fee simple or through conservation easement, including but not limited to resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage related to illegal off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts

**2500-7012..** For a program to acquire agricultural preservation restrictions under sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that any person or entity that receives funds from this item shall be encouraged to participate in any programs of the department of agricultural resources that may be suggested by the commissioner of agricultural resources; provided further, that funds may be used for implementation of a stewardship program on APR lands including, but not limited to, resource and land use monitoring, boundary delineation and monitoring, stewardship planning, ecological

monitoring, and enforcement of agricultural preservation restrictions on existing and newly acquired APR properties; as well as the creation of new opportunities that seek to enhance the sustainability and viability of APR properties

**2800-7011..** For the acquisition of land and interests in land by the department of conservation and recreation and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration, stewardship, and costs associated with the defense of eminent domain takings for the purpose of protecting significant natural and cultural resources of the commonwealth and enhancing the department's system of forests, parks and reservations; provided, that funds may be used for development and implementation of a stewardship program on lands under the care and control of the department of conservation and recreation including, but not limited to, resource and land use monitoring, signage, boundary delineation and monitoring, preparation of baseline documentation, stewardship planning, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage to property related to illegal uses, including off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts;...

**2800-7022..** For the purpose of protecting and conserving the ecological and economic integrity of the commonwealth's privately held forestlands, including but not limited to acquisition of interests in land including easements, agreements, rights of first refusal and covenants; for a forestry conservation restriction program to acquire conservation restrictions under section 31 of chapter 184 for private working forests actively devoted to sustainable forestry, and classified as forest land under section 2 of chapter 61 of the General Laws, in order to encourage sustainable forestry, protect prime forest land, and help the viability and affordability of sustainable forestry; provided, that working forest conservation restrictions shall be held by the department of agriculture or the department of conservation and recreation or the municipality in which the land is located; provided further, that projects shall be rated based on the suitability of land to grow forest products, the fair market value of the land as determined by independent appraisers, proximity to other protected working forests, management history of the project to serve as a model of sustainable forestry and the degree to which the conservation restriction would serve to preserve and make affordable the practice of sustainable forestry in the commonwealth; and for grants to public and non-public organizations and private landowners for education, technical assistance, forest stewardship practices, enhancement of ecosystem services and carbon sequestration, estate planning, interests in land or associated land acquisition costs; grants to private forest landowners, forest businesses and non-profits for the forest viability program for enhancing sustainable economic benefits of forests, including business plans and implementation grants and no-development covenants to be held by the department of agriculture or the department of conservation and recreation, including but not limited to forest management plans for private landowners; provided, that projects and funding shall be approved by the secretary of energy and environmental affairs; and provided further, that projects may be carried out in cooperation with other governmental agencies, private landowners, and conservation organizations according to management agreements approved by the secretary.

## **Attachment G: Natural Resources Protection Zoning / Open Space Residential Design**

Development of Natural Resources Protection Zoning (NRPZ) or Open Space Residential Design (OSD) is an important and efficient way to protect land throughout your city or town, while keeping land in private ownership. Each municipality's zoning may be slightly different to accommodate the specific characteristics and needs of their community, however, there are a few common elements that must be in every proposed bylaw/ordinance for it to qualify as NRPZ, and funding through the Landscape Partnership program. NRPZ zoning must be applied to all currently undeveloped land outside of identified higher density city/town center(s) or other appropriate designated development district(s).

### **Common elements of NRPZ zoning:**

- There is no “underlying zoning;” NRPZ is the zoning for the selected area.
- Subdivisions must comply with NRPZ requirements in order to be a use by-right; proposed deviations, including conventional subdivisions where the entire parcel is divided into houselots and streets, require a special permit. The special permit proposal must meet the objectives of the zoning district as least as well as an NRPZ plan.
- NRPZ is an option by site plan review for non-subdivision development (i.e., ANR and condominiums).
- The number of allowed dwelling units is calculated up-front by formula. There are no “yield plans” or conventional subdivision plans drawn. Constrained lands, such as wetlands and steep slopes, are wholly or partially subtracted from the gross project area; the remainder land is then divided by a selected “density divisor” of 3–10 or more acres per dwelling unit to arrive at a unit count. (Although a reduction in dwelling units from a conventional plan is possible, that is not always the case. Numerous examples based on actual properties have shown that the same or even additional units are possible under NRPZ.)
- The percentages of required open space protection are high, from 65–90%, leaving a significantly smaller area, between 10–35%, for development. Proposals for protection of 80% or less must be justified.
- Developed and open space areas are carefully selected on the parcel by way of a “conservation analysis” process built into the subdivision regulations.
- Greater design flexibility is offered in the developable areas (e.g., shared driveways, diversity of housing types, no specified lot sizes, frontages, or yard setbacks).
- Earned density bonuses and/or transfers of development rights are available to increase the number of allowed dwelling units in exchange for public benefits such as the provision of affordable housing or public access.

### **Additional Resources:**

- Natural Resource Protection Zoning: The Green Side of Smart Growth (Explanatory Document) [http://www.mass.gov/envir/smart\\_growth\\_toolkit/bylaws/green\\_side\\_smart\\_growth\\_nprz.pdf](http://www.mass.gov/envir/smart_growth_toolkit/bylaws/green_side_smart_growth_nprz.pdf)
- Model Bylaw for NRPZ/OSD [http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/SG-bylaws-](http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws-)

OSD.html

- OSD/NRPZ overview, from MA Smart Growth/Smart Energy Toolkit:  
[http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/mod-OSD.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-OSD.html)
- Town of Shutesbury Zoning Bylaw (see Article V)  
[http://www.mass.gov/envir/smart\\_growth\\_toolkit/bylaws/shutesbury\\_zoning.pdf](http://www.mass.gov/envir/smart_growth_toolkit/bylaws/shutesbury_zoning.pdf)

**Acknowledgements:**

Natural Resource Protection Zoning, including the “common elements’ language above and the New Salem and Shutesbury bylaws, were developed in large part by Jeff Lacy, a planner with the Department of Conservation and Recreation’s Division of Water Supply Protection.