EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
Rebecca Tepper, Secretary
Grant Announcement

Project # FY27LAND0011
Posting Date: October 26, 2026

Drinking Water Supply Protection Grant
FY 2027
BID # BD-27-1042-ENV-ENV01-134818

1. GRANT OPPORTUNITY:

A. OVERVIEW AND GOALS: The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. To fulfill this mission, Rebecca A. Tepper, Secretary of EEA, announces the Fiscal Year (FY) 2027 Drinking Water Supply Protection (DWSP) Grant Program. This grant provides financial assistance for the purchase of land in existing Department of Environmental Protection (DEP)-approved drinking water supply protection areas, or land in estimated protection areas for identified and planned future water supply wells or reservoirs to assist in protecting and conserving the quality and quantity of public drinking water supply sources in the Commonwealth. This is a reimbursement program.

B. ELIGIBLE APPLICANTS: This bid is open to municipalities, municipal water suppliers and to water districts and fire districts duly established by law. Applicants must ensure they meet the following requirements if awarded funding:

Are authorized to acquire the property, expend funds, and accept the grant award through a town meeting or city council vote, or through a vote of a Board of Water Commissioners, or Select Board acting as such. The vote may be taken following a DWSP grant award but must be finalized to execute a contract. The vote must:

- identify the parcel(s) to be acquired;
- designate the Board of Water Commissioners (or Board of Selectmen/City Council authorized as such under M.G.L. c. 40, §39A) to hold and manage the property for water supply protection and land conservation purposes under M.G.L. c. 40, §39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution;
- authorize the appropriation, transfer from available funds or borrowing of the <u>total</u> cost of the project stated in the DWSP application. The vote, which must authorize the application to, and acceptance of funds from, the DWSP Grant Program, may make the appropriation, transfer or borrowing contingent upon receiving grant funding.
- authorize the conveyance of a Conservation Restriction (CR) if a CR is applicable to the project, or conveyance of a license for maintenance or other compatible property use if necessary; and

<u>The grant program manager must have the opportunity to review and approve the draft vote language prior to a vote.</u> A certified copy of the vote will be required for an executed contract and grant award.

Have Department of Environmental Protection (MassDEP) approval of land acquisition for public drinking water supply purposes. DEP approval may be pursued and/or finalized following a DWSP grant award. Approval is finalized through a public hearing and formal DEP approval process before the purchase or acquisition. The process takes up to six weeks to complete. Details are available at https://www.mass.gov/how-to/ws-26-sale-or-acquisition-of-land-for-water-supply-purposes.

Have no unresolved protected open space conversion issues with EEA or orders of non-compliance related to land protection or management. Applicants with outstanding enforcement orders may receive grant awards, with payment contingent upon their satisfactory resolution, at the sole discretion of EEA. For EEA Article 97 Disposition Policy see: https://www.mass.gov/files/documents/2018/06/06/article97_LandDisposition_Policy.pdf).

Are in compliance with Section 3A of MGL c. 40A (Zoning Act). The receipt of grant funds is contingent upon the grantee being able to certify that it will comply with the Massachusetts General Laws, including G.L. c. 40A, § 3A, the MBTA Communities Act. Compliance with the MBTA Communities Act is determined by the Executive Office of Housing and Livable Communities.

C. ELIGIBLE PROJECTS: EEA seeks to further the conservation of lands contributing to the protection of drinking water supplies within the Commonwealth. Projects may be for purchase of land in fee simple, a Conservation Restriction (CR) or Watershed Preservation Restriction (WPR). All applicants must specify whether their proposed acquisition will protect water supply lands for an existing well or reservoir, or a planned new well or reservoir.

The Property:

1.) **Must contribute to water supply protection.** This requirement is met in different ways depending upon whether the project is to protect an existing well or reservoir or a planned future well or reservoir:

For projects to protect existing wells or reservoirs: 50% or more of the property must be located in a DEP-approved Zone I, II, or III (groundwater) or Interim Wellhead Protection Area (IWPA), or Zone A, B, or C (surface water). Property that contains more than 50% Zone II will be viewed most favorably. Applicants may view the Water Supply Protection Areas on Mass Mapper at https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html.

For projects to protect future wells or reservoirs: The property must be located within an area identified for anticipated future water supply use through an appropriate process, such as a drinking water resource management plan, integrated water resource management plan, wastewater resource management plan, regional watershed plan, water assets report, or direct testing, or that has been tested and proposed to DEP for a site exam under the new source review approval process. Documentation of this planning should be submitted with the application. Priority will be given to projects that have completed and submitted an application to DEP for new source review.

The process for the Approval to Site a Source and Conduct a Pumping Test can be found here: https://www.mass.gov/how-to/ws-17-approval-to-site-a-source-and-conduct-a-pumping-test-for-a-source-greater-than-70

2.) Cannot be included in Zone I areas designated after 1990. Parcels located in a Zone I are eligible to receive funding only if well construction was approved by DEP prior to June 6, 1990. Projects that include Zone I land for wells approved after this date may receive funding only for the protection of the portion of property outside of Zone I. The appraisal must present a clear valuation of the property excluding the Zone I area for the project.

3.) Must be currently unprotected. Land that is protected for any purpose under Article 97 or under an EEA-approved CR is ineligible for funding. Article 97 status is conferred on a property through an EEA grant program (LAND Grant, Conservation Partnership, Landscape Partnership, or Land and Water Conservation Fund (LWCF)); a CR; Agricultural Preservation Restriction; or by virtue of its acquisition by a government entity for any other Article 97 purpose.

Land enrolled in Chapter 61, 61A or 61B is not classified as permanently protected land and is eligible to receive funding.

4.) Cannot be owned by a 501(c)(3) non-profit environmental or conservation organization unless it was purchased no earlier than one year prior to the posting date for this grant bid document with the sole intention of pre-purchasing the land for the applicant seeking a DWSP grant. Any exercise of this exemption is at the risk of the non-profit organization. EEA does not guarantee funding as a result of this exemption and reserves the right to request additional documentation to verify the intent of the purchase prior to granting an award.

5.) Cannot be already owned by the applicant. Land already owned by the applicant, regardless of purpose (e.g., general municipal land), is not eligible.

Allowable uses of property acquired with DWSP funds:
Properties acquired with assistance from this program are encouraged to permit public access for appropriate passive recreational uses such as hiking and hunting, consistent with MassDEP Drinking Water Regulations 310 CMR 22.00 and other applicable federal, state, and local regulations (public access may not be compatible within Zone 1 areas or on surface waterbodies). The unique characteristics of the property will guide what specific activities are appropriate and the permitted recreational uses are determined by the applicant, with EEA approval.

Examples of permitted uses: Watershed protection, passive recreation, limited sustainable forestry and agriculture where compatible with water supply protection. *Examples: hiking, hunting (with consent of the BOWC and consistent with local and state regulations), Nordic skiing, wildlife viewing, educational programs.*

Examples of prohibited uses: Active recreation, intensive agriculture, or developed uses; uses prohibited in 310 CMR 22.00. *Examples: athletic fields, motorized vehicles, row crops, feedlots, large-acreage clear-cutting, swimming pools, play structures, golf courses, buildings, etc.*

Contact the grant manager with questions.

Additional notes on eligible projects:

- Contiguous parcels held by the same property owner should be packaged in the same application.
- Applicants may submit more than one application.
- Municipalities may apply on behalf of any public water supplier (PWS).
- Municipalities may apply to purchase land or a CR that is partially or wholly located within another municipality.

Open space protection may qualify as mitigation for increased water withdrawal under the Sustainable Water Management Initiative framework (http://www.mass.gov/dep/water/resources/swmi.htm) and as regulated by the MA Water Management Act (https://www.mass.gov/water-management-act-program) administered by MassDEP.

D. APPLICATION DEADLINE: Thursday, March 4, 2027, at 11:59 pm

E. INFORMATION SESSION: Tuesday, December 1, 2026 at 2:00 pm via MS Teams. Email Vanessa Farny by Wednesday, November 25th for the Teams invitation. Potential applicants are strongly encouraged to attend this information session.

F. FUNDING AVAILABILITY: Maximum reimbursement available is 60% of approved project costs up to $375,000 unless increased at the discretion of the Secretary.

Costs **eligible** for reimbursement include:

Property acquisition	Recording fees
Title research and certification	Legal costs incurred at closing
Baseline Documentation Report (CR)	Survey or plan of land

Costs that are **ineligible** for reimbursement include:

Staff salaries	Equipment or goods
Legal fees other than title research & certification	Appraisal
	Buildings, pumps, or other infrastructure
Application preparation and submission costs	Any cost incurred outside of the contract period
	Other items as determined by EEA

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, a contract shall be deemed under suspension and contract performance must halt. An applicant (contractor) will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if additional funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

G. BUDGET REQUIREMENT: This is a reimbursement program. Applicants selected to receive funding must show authorization to expend the total project cost from non-state sources as well as the use of funds from non-state sources, such as PWS funds, Community Preservation Act (CPA) payments, other grants from private or non-profit foundations, federal funds, and/or cash contributions from local partners or individuals.

Reimbursement payments are made based on the total amount spent by the applicant on the project, as shown by cancelled checks, transfer statements, and Treasurer's statement from the applicant. Only expenditures from the contracted grantee's account will be used as the basis of reimbursement. Funds from other state land acquisition grant programs, or the federal LWCF, may not be paired with this grant. Other state funding sources may be used for site remediation, brownfields compliance, well development, and aspects not eligible for funding from the DWSP grant.

H. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: This bid is issued according to M.G.L. c. 40, §39B and 41. It is funded through Chapter 312 of the Acts of 2008, § 2A, 2200-7017 and Chapter 209 of the Acts of 2018, § 2A, 2000-7072. All properties for which grant assistance is provided will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to water supply protection and land conservation. This program provides funding for acquisitions of interests in land only; funding through the DWSP program does not replace or constitute approval of any proposed development of new drinking water sources or groundwater recharge or wastewater discharge. Applicants must adhere to all relevant DEP regulations and approval processes.

I. CONTACT INFORMATION:

Vanessa Farny
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114
Vanessa.Farny@mass.gov

2. Application Submission

A. INSTRUCTIONS: An application must be submitted online through the EEA Grant Management System by Thursday March 4th, 2027, to be considered eligible. **Applications received after the deadline will not be accepted.** EEA shall make no allowance for technical difficulties or inability of the respondents to utilize the online system.

Applicants are required to establish a user profile on the system in order to apply. **Please allow a few days to establish and verify your profile and navigate the new Grant Management System.**

To create an applicant profile:

-Click on "Login to Applicant Portal"
-Select "Login/Register"
-Select "Create a Business Account"
-Follow the instructions provided
-For help, see EEA's Grant Management System User Guide or Instructional Videos.

The user profile may require one or more days to receive verification. Once verified, you will receive an email notification and access to the Grant Management System for your organization. This portal will serve as your locale to view all grant information. You may then view the Drinking Water Supply Protection Grant Program funding opportunity and apply through the Grant Management System.

Applicants may save a draft application and return to modify and/or submit until the application deadline. After the deadline, applicants will not be able to edit, add files or submit materials. Please note that the "Grant Primary Contact" must be a valid system user and will receive all relevant notifications and updates to the grant record.

Digital files uploaded to the application site must be provided in Microsoft Office compatible format or unlocked Adobe Acrobat.

A few tips:

- Filter programs by Program Name or Agency to navigate to the Drinking Water Supply Protection Grant Program.
- To start an application, click the "Apply" button.

- The "Summary" tab will show the general grant program information. The "Policies and Procedures" tab will show the program procedures, custom application questions, and required documentation.
- Click on the "Start Grant Application" button on the top right to enter the grant application form.
- In the "Upload Documentation" section, download, complete, and re-upload the required template documents. Upload any supporting documentation or materials under "Additional Documentation".
- Submit your grant application when complete. No changes may be made after submitting.

B. REQUIRED DOCUMENTS: A complete application package includes:

1. Completed application
2. Appraisal report(s)
3. Letter authorizing the project manager to submit the grant application on behalf of the municipality, district, or PWS and signed by an authorized signatory for the applicant (e.g., Chair of the Board of Selectmen, Mayor)
4. Copy of municipal or board of water commissioners, PWS or district vote authorizing the acquisition for water supply protection, and authorizing expenditure of the total project cost. If this has not been voted, include the draft language in the application.
5. Project narrative
6. Map(s) that clearly identify the parcel(s) proposed for protection, and whether the project is located within existing water supply protection area (Zone II, Zone III, IWPA, Zone A, B, C, or eligible Zone I) and/or high- or medium-yield or sole source aquifers. If the project is proposed to protect planned future wells or reservoir areas, please show the estimated supply area, as identified through an appropriate planning process and include copies of the relevant parts of the plan. Applicants may use the appropriate water supply data layers under 'Regulated Areas' on Mass Mapper: https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html
7. All applicants must request comments from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) on the presence or absence of rare species listed under the Massachusetts Endangered Species Act (MESA) on or near the proposed land acquisition. To request comments, please submit a Request for State-listed Species Information to the NHESP. See https://www.mass.gov/how-to/request-rare-species-information for information on submitting that request online or by mail. The request should include "DWSP Grant" in the Project or Site Name. There is no charge for this request letter.
8. A draft CR or WPR if funding is requested for the purchase of a CR or WPR.

Digital files uploaded to the application site must be provided in Microsoft Office compatible format or unlocked Adobe Acrobat.

C. APPRAISAL REQUIREMENTS: Applications must include the appropriate type of appraisal. Appraisals must be dated no earlier than one year prior to the grant application deadline (March 4, 2026). The applicant or one of the applicant's project partners must be the client for the appraisal; the owner of the property cannot be the client. All appraisal reports must be prepared in accordance with the report format and other relevant standards as described in the EEA Specifications for Analytical Narrative Appraisal Reports. See the Division of Conservation Services website for Appraisal Report Specifications at https://www.mass.gov/doc/eea-grant-programs-appraisal-report-requirements/download.

1. **Parcels with an estimated value of under $350,000:**
   One full narrative appraisal report or restricted appraisal report by an appraiser certified or licensed pursuant to M.G.L c. 112.

2. **Parcels with an estimated value of between $350,000 and $1,000,000:**

One full narrative appraisal report by an appraiser certified or licensed pursuant to M.G.L c. 112.

3. **Parcels with an estimated total value of over $1,000,000:**
   Applicants are strongly encouraged to obtain a second appraisal report or review appraisal.

EEA reserves the right to request additional or review appraisals, as it deems necessary.

D. GRANT AWARD STEPS AND PROCEDURES FOR REIMBURSEMENT:

1. EEA confirms application eligibility and contacts applicant to schedule a **site visit.**
2. EEA **evaluates eligible applications** using program selection criteria (see Attachment B).
3. **Awards are announced** and grant applicants notified.
4. Commonwealth Standard **Contracts are issued to grantees** to sign and for EEA to subsequently execute. State funds are obligated by the Commonwealth upon EEA's execution of contract documents.
5. **Municipal, district, or PWS Board votes are secured** to acquire property and authorize expenditures (if not previously voted). A vote is required before EEA will execute award contracts.
6. Grantees **submit Conservation Restriction (CR) for review** (if applicable):

   Projects that receive a grant award for the purchase of a CR should follow the **DEP model CR** for public water supply available at: https://www.mass.gov/lists/groundwater-wellhead-protection-and-surface-water-supplies#forms,-checklists-and-templates. The draft CR is submitted to Catherine Sarafinas-Hamilton at MassDEP (catherine.sarafinas-hamilton@mass.gov) for review prior to submitting to EEA-Division of Conservation Services (DCS) for approval.

   Projects that receive a DWSP grant award for the purchase of land, *but that must convey a CR to meet CPA or other requirements*, should use the **DCS Model CR** available at: https://www.mass.gov/info-details/conservation-restriction-review-program. The CR should be submitted directly to DCS for review and approval (see instructions at https://www.mass.gov/info-details/conservation-restriction-review-program). DCS will coordinate DEP review to ensure allowable uses are compatible with drinking water protection. **A draft CR must be submitted to DCS for review at least four months prior to the closing date or grant deadline.**

7. **Grantees secure DEP approval of acquisition.** This process requires a public hearing. The following is a summary of the steps:

   - ✓ Applicant contacts the Drinking Water Program in their MassDEP regional office.
   - ✓ DEP provides instructions for completing the required public hearing process.
   - ✓ Applicant notifies abutters and places a public notice in the newspaper.
   - ✓ The Drinking Water Program issues a final approval letter after the public hearing process.

8. **A survey of the property is completed**, unless a metes and bounds survey of the property has already been completed. A metes & bounds survey must be recorded for reference in the deed or CR.
9. **Grantees complete additional due diligence.** Grant recipients must demonstrate good, clear, marketable title for the property acquired through a title certificate to secure reimbursement for the purchase.
10. **Municipalities work with their procurement officer to ensure the project conforms to M.G.L. c. 30B** (Uniform Procurement Act) including advertising in the Central Register 30 days prior to closing. DWSP projects fall under Section 16(2)(e) of the law. Communities using CPA funds for the acquisition are exempt from this requirement.
11. Grantees **close on the project by recording the deed and/or CR**, DWSP Project Agreement, and survey (if not previously recorded).
12. Grantees complete remaining project components such as a Baseline Documentation Report if required,

install signage and provide suitable access to the property.

13. Grantees submit completed project documents with a **reimbursement request** to EEA for payment.

2. Evaluation & Project Terms

A. APPLICATION REVIEW: Each application will be scored using the criteria below. See the full rating criteria in Attachment B for a more detailed description.

- Project quality – 76 points
- Resource management – 18 points
- Demographics – 11 points
- Drought Management Plan – up to 2 bonus points

A project Selection Committee composed of EEA and DEP staff members will review all applications, conduct site visits, and make funding recommendations.

B. PROJECT TERMS & CONDITIONS: Awarded projects must abide by the Standard Commonwealth of Massachusetts Terms and Conditions. Acquisitions resulting from this bid must be held by the municipality, water district, or fire district and placed under the control of the Board of Water Commissioners.

1. **Project Agreement:** A DWSP Project Agreement that identifies the property was acquired for permanent drinking water supply protection and land conservation must be recorded and appropriately cross-referenced with deed or CR. Property acquired using DWSP grant funds is permanently protected open space land under Article 97 dedicated to water supply protection and land conservation, in accordance with M.G.L. Chapter 40, § 38, 39B, and 41, and Article 97 of the Amendments to the Massachusetts Constitution.
2. **Survey:** External property boundaries, and any internal easements or rights-of-way, must be surveyed. The survey must be on record and appropriately cross-referenced with recorded documents required of property interests acquired using grant funds (e.g. deed, CR, or WPR).
3. **Title:** Grantees must demonstrate that they possess good, clear, marketable title to the interest acquired in the form of a Title Certificate. Title research should be conducted early to allow for resolution of any issues that may arise. Where clear title is unavailable, applicants may acquire the property by a friendly taking (eminent domain) process to clear the title.
4. **Department of Environmental Protection (MassDEP) approval:** The acquisition of land for public drinking water supply purposes must involve a public hearing and formal DEP approval.
5. **Public access:** All DWSP grant-funded properties are encouraged to be open to the general public for appropriate passive recreational uses, as consistent with all applicable federal, state, and local regulations. Access to the site, including parking, should be accommodated where reasonable and appropriate.
6. **Baseline Documentation Report:** A Baseline Documentation Report must be submitted for all properties protected under CR.
7. **Grant Acknowledgement:** A sign acknowledging receipt of a DWSP Grant, and describing the terms of public access where appropriate, must be installed and maintained in a prominent location on the property.

C. TOTAL ANTICIPATED DURATION OF CONTRACTS: Contracts issued pursuant to this bid limit reimbursement to approved project costs incurred on or after the date that EEA signs the contract and on or before the end of the fiscal year for which the grant is awarded. Projects funded pursuant to this bid must complete the purchase of the property before the end of the fiscal year (June 30, 2028 for FY28) to be eligible for reimbursement unless grantee is informed otherwise by EEA in writing. Contract amendments and extensions are at EEA's sole discretion.

4. Deadlines and Procurement Calendar

A. RELEASE OF BID: October 26, 2026

B. INFORMATION SESSION: An information session will be held on Tuesday, December 1, 2026 at 2:00 pm via MS Teams. Attendees must email Vanessa Farny by November 25th for the Teams invitation. Potential applicants are strongly encouraged to attend this information session.

C. APPLICATION DEADLINE: Thursday, March 4, 2027

D. ESTIMATED AWARD DATE: Grant awards are estimated to be announced around 120 days after the application deadline, subject to budget finalization.

E. ESTIMATED CONTRACT START DATE: If awarded funds under this bid, the awardee shall have 90 days from the public announcement of the award to execute a contract with EEA. Notwithstanding any verbal representations by the parties, or an earlier start date listed on the EEA executed contract, and only after an award is issued and a final scope of services has been negotiated, the effective start date shall be the latest of the following dates: the date the contract is executed by an authorized signatory of the contractor and EEA; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the EEA executed contract. Award contracts may be extended or otherwise amended at the sole discretion of EEA. EEA does not guarantee that any contracts may result from this bid, or that any particular funding level will be awarded. Costs incurred outside of the contract period will not be reimbursed.

5. Miscellaneous

A. TYPE OF PROCUREMENT: Grant

B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS: This bid is a single department procurement. All contracts awarded under this bid will be utilized solely by EEA and its agencies, including the Department of Environmental Protection.

C. BID DISTRIBUTION METHOD: This bid has been distributed electronically using the CommBuys system. It is the responsibility of every applicant to check CommBuys for any addenda or modifications to the bid 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 bid and submit inadequate or incorrect responses. Potential applicants are advised to check the "last change" field on the summary page of bids for which they intend to submit a response to ensure they have the most recent bid files. The application and answers to questions will be posted on the DCS website at https://www.mass.gov/info-details/land-acquisition-for-forest-reserves-grant-program# .

Those submitting a proposal must respond in accordance to the bid directions and complete only those sections that prompt an applicant for a response. Modifications to the body of this bid, specifications, terms and conditions, or which change the intent of this bid are prohibited. Any unauthorized alterations will disqualify the response.

D. DOCUMENTATION REQUIRED IF SELECTED TO RECEIVE FUNDING: If selected, the Applicant will be required to submit the following forms to receive an executed contract:

- Commonwealth Standard Contract Form with Coronavirus State Fiscal Recovery Fund (FRF) Contract Addendum
- Commonwealth Scope and Budget Form
- Completed Contractor Authorized Signatory Listing Form

Respondents should review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing Form at https://www.mass.gov/lists/osd-forms#contract-forms-and-attachments-for-all-goods-and-services-.

E. List of Attachments:

A. Application Form
B. DWSP program rating criteria
C. Requirements for use of Community Preservation Act funds

Attachment A:

Massachusetts Executive Office of Energy and Environmental Affairs
Drinking Water Supply Protection (DWSP) Grant Program

APPLICATION FORM

Applications MUST BE completed online at:
https://greenhub.appianportals.com/applicants-portal/page/grantee-portal

DEADLINE: March 4, 2027 at 11:59 pm

PROJECT INFORMATION

Project name: _____
Public Water System ID# the project will serve: _____
Municipalities served: _____

Population served by the PWS: _____
Does the PWS serve an environmentally vulnerable or burdened community as identified by MassEnviroScreen? *The MassEnviroScreen is a tool developed by the Office of Environmental Justice and Equity to provide a consistent, data-driven basis for evaluating community-level burdens and advancing environmental justice principles.* _____

Has your agency previously been awarded a DWSP Grant? _____
If so, in what Fiscal year? _____

2. PROPERTY DETAILS

What is the purpose of your proposed acquisition (select one)?

☐ **Protect land serving an existing well or reservoir**

How many acres of protected land is under the ownership or control of the applicant (public water supplier)? _____ acres

By what percentage will the proposed project increase the amount of land under the ownership or control of the applicant (public water supplier)? (existing acres/project acres): _____%

Distance from property to wellhead or reservoir: _____ feet

Percentage of project that is within a Zone II wellhead protection area? _____%
(A map showing Zone II designation as well as wellheads or reservoirs identified must be included.)
Percentage of project that is within a Zone A surface water supply? _____%

(A map showing Zone A designation must be included.)

☐ **Protect land that will serve a planned future well or reservoir**

Will this future source replace a lost water supply due to a contamination event?	☐ Yes	☐ No
Has a MassDEP site exam been requested?	☐ Yes	☐ No
Has a MassDEP site exam been conducted?	☐ Yes	☐ No
Has MassDEP approved the site for a new source/reservoir?	☐ Yes	☐ No

What property interest is proposed for purchase? ☐ Fee ☐ CR ☐ WPR

Property information (please confirm acreage reflects appraisal report):

How many acres is the project area? _____
How many acres are designated Wetland? _____

Assessor's Map/Lot(s): _____
Does the property have frontage? ☐ Yes ☐ No
Parcel address/location (street): _____

Past use(s): _____

Present use(s): _____

Proposed use(s) if acquired by applicant (*Public access for passive recreation is encouraged where appropriate and consistent with water supply protection. Necessary and reasonable restrictions to public access may be made in Zone I and other sensitive areas*):

_____

_____

_____

Are there buildings, structures, or debris on the property? ☐ Yes ☐ No
If yes, describe in detail. (*DWSP Program funds may <u>not</u> to be used to purchase developed land. All structures, buildings, and debris present on the property must be removed prior to grant reimbursement.)*

_____

Is contamination present or suspected on the property? ☐ Yes ☐ No

If yes, provide a copy of the most recent site assessment (e.g., MCP Phase I or II, or ASTM Phase I or II) to identify the nature of contamination and remediation actions recommended. The Project Narrative should describe remediation plans and a timeline for work to be completed prior to reimbursement. Identify funding sources for remediation, disbursement of liability (will the applicant acquire liability or will it remain with the current owner?), and how remediation action will ensure risk to the public is addressed.

3. ACQUISITION AND FUNDING DETAILS

Acquisition details:
Has the sale been negotiated: □ Yes □ No
If yes identify the negotiated agreement: □ P&S Agreement
□ Option to Purchase
□ Other: _____

Negotiated Purchase Price: $ _____

Has a title exam been completed? □ Yes □ No

If yes, is title clear? □ Yes □ No

If no clear title, is an eminent domain taking anticipated? □ Yes □ No
If yes, proposed pro tanto award amount: $_____

Can this project be completed in FY 2028 (July 1, 2027 - June 30, 2028)?

□ Yes, but FY27 (before June 30, 2027) is preferred.
□ Yes, and FY28 is preferred.
□ No.

Project budget:

Item	Amount	Grant request amount (not to exceed 60% of total cost)
Property acquisition*	$	$
Recording fees	$	$
Title certification	$	$
Survey	$	$
Conservation Restriction Baseline Document Report (up to $1,500)	$	$
Total (maximum award is $375,000)	**$**	**$**

*Reimbursement for the acquisition will be based on the appraised value or agreed upon purchase price, whichever is less.

Will Community Preservation Act (CPA) funding be used? □ Yes □ No
Use of CPA funds require the conveyance of a permanent CR to an eligible non-profit organization.

Have you identified an organization to hold the CR? □ Yes □ No

Name of organization: _____

Are you seeking funds from other sources or partners? Please list:

_____
_____
_____

4. PROJECT DESCRIPTION

Describe the following in a 1-2 page project narrative:

- The property characteristics including its value for water supply, proximity to other protected open space, recreational values etc.
- Applicant's existing water conservation measures, water resource plans, and/or water resource management priorities
- The development threat to the property
- Purpose of acquisition and proposed uses; how the acquisition will protect water supplies, promote passive recreation where appropriate (including types of recreation to be permitted), or promote climate change preparedness
- Plans for property management, and existing stewardship of fee or CR/WPR properties currently held by the applicant, including agreements with any project partners
- Whether the proposed project will serve as a potential catalyst for conservation of additional lands. (e.g. concurrent agreements with the landowner, or neighbors).
- A project timeline

5. WATER RESOURCE MANAGEMENT Supporting documentation may be requested.

What is your service area's current rate of water use? _____ residential gallons per capita per day
What is your service area's current percentage of unaccounted-for water? _____ %
What is your current water rate structure?

☐ Tiered or Ascending ☐ Seasonal ☐ Flat Rate or Flat Fee

6. PROJECT QUALITY Supporting documentation MUST be included to receive credit.

Water resource planning:

Is project located in an area identified as a priority for protection in any of the following plans?

- ☐ Municipal/PWS Source Water Assessment and Protection (SWAP) report,
- ☐ Wellhead protection plan,
- ☐ Surface water supply protection plan,
- ☐ Community master plan,
- ☐ Water or wastewater resources management plan,
- ☐ Regional watershed plan,
- ☐ Water assets report
- ☐ Analysis of lands utilizing established water assets GIS screening methodology

(See https://www.mass.gov/lists/water-resources-policies-guidance).

Recreation:

Will passive public recreational activities be permitted on the property?

☐ Trail-based activities (example: hiking, biking, cross-country skiing)
☐ Daytime wilderness activities (example: bird watching, hunting)
☐ Other (describe): _____

Public access for passive recreation is encouraged where appropriate and consistent with water supply protection. Necessary and reasonable restrictions to public access may be made in Zone I and other sensitive areas.

7. MUNICIPAL OR PWS BOARD OF COMMISSIONERS APPROVAL

Does this acquisition have a vote of approval from town meeting/city council/PWS board? ☐ Yes ☐ No
If not, what is the date for the vote? _____

Submit a certified copy of the vote, or draft language for EEA review.

REQUIRED ATTACHMENTS:

- ☐ Letter signed by Municipal, District or PWS CEO (e.g., Chair of the Board of Selectmen, Mayor) authorizing project manager to submit the grant application
- ☐ Map(s) of parcel(s) proposed for acquisition that identify
  1.) percentage of property within a high- or medium- yield aquifer,
  2.) the overlay of any applicable water supply land designations (Zones),
  3.) adjacent or nearby protected lands, and
  4.) any other applicable resource values and features (i.e., habitat, recreation).
- ☐ Project narrative
- ☐ Supporting documentation of applicable water resource planning identified in the proposal
- ☐ Appraisal report. ***Applications lacking the correct type of appraisal report(s) will not be considered.***
- ☐ Vote by town meeting, city council, or PWS board authorizing this grant and acquisition of the subject parcel(s) for water supply and land conservation purposes. *If the vote to acquire the property is pending, please submit draft language for EEA review and approval.*
- ☐ For future well sites/reservoirs, include MassDEP site examination request or approval.
- ☐ Massachusetts Natural Heritage & Endangered Species Program (NHESP) letter identifying presence or absences of species listed under Massachusetts Endangered Species Act (MESA). If this letter has not been received by the application date, please include the submitted request.
- ☐ Evidence of good land stewardship on current property holdings. Documentation may include examples such as trail building or trail condition surveys, evidence of invasive species control, recent outdoor programs conducted, a forest or land management plan. If applicant does not presently own protected land, include a brief description of how the applicant will address property stewardship.

ATTACHMENT B: RATING SYSTEM for DWSP Grant Acquisition Projects

DEMOGRAPHICS – 11 points

1.) How many people does this water supply serve? Score will be ranked relative to other applications. *(0 - 6 points)*
2.) Does (or will) the water supply serve a "burdened community" identified in the MassEnviroScreen tool?
Yes = 5 points No: 0

WATER RESOURCE MANAGEMENT – 18 points

1.) What is the rate of water use (Residential gallons per capita per day)?
≤55.0 =7 points 55.1-65.9= 5 66.0-70.9 = 2 71.0+ = 0
2.) What is the percentage of unaccounted water? *≤10.0% = 7 points 10.1 - 15% = 3 16.0%+ = 0*
3.) What is the water rate structure? *Tiered or ascending = 4 points Seasonal = 2 Flat rate or Flat fee = 0*

PROJECT QUALITY 76 points

Importance (rated only for relevant type of project) - *14 points total*

A. Current wellhead /reservoir projects

1.) What is the percentage by which the proposed project will increase the land under the ownership or control of the public water supplier? *Project ranked relative to other applications. (1 – 5 points)*
2.) What is the distance to the wellhead or reservoir?
<500 ft. = 6 points 500-999.9 ft. = 4 1,000-1,999.9 ft = 2 2,000-3,999.9 ft = 1 ≥4,000 ft = 0
3.) Is more than 50% of the project within a Zone II wellhead protection area or Zone A surface water supply?
Yes: 5 points No: 0

B. Proposed future wellhead / reservoir projects

1.) Will the proposed future source replace a lost water supply due to a contamination event? *Yes: 6 points No: 0*
2.) Has a MassDEP site examination has been requested? *Yes: 4 points No: 0*
3.) Has MassDEP approved the site for a new source/reservoir? *Yes: 6 points No: 0*

Resource Protection – 23 points total

1.) Does the proposed project abut protected 25+ acres of open space or serve as a catalyst for the conservation of 25+ adjacent acres? *Yes: 5 points No: 0*
2.) How significantly will the property's resource value be impacted if it's developed?
High Impact = 8 points Medium Impact = 5 Low Impact = 2
3.) What percent of the property is located over a medium- or high-yield aquifer, or sole-source aquifer?
>75% = 5 points 51.0-74.9% = 4 26.0-50.9% = 3 11.0-25.9% = 2 5.0-10.9% =1 <5% = 0
4.) Will the project achieve critical remediation or environmental restoration, including removal of structures, impervious surfaces, or abatement of uses that present a risk to water supply? *Yes = 5 points No = 0*

Landscape Conservation – 12 points total

What is the project size (acres)? *100+ = 12 points 75-99.9 = 10 50-74.9 = 8 49.9-30 =6 <30 = 4*

Recreation (confirmed at site visit) – 6 points total

Wilderness activities (hunting, fishing, wildlife viewing, etc)	Yes: 2	Marginal: 1	No: 0
Trails-based (e.g., hiking):	Yes: 2	Marginal: 1	No: 0
Other (E.g. educational programs)	Yes: 2	Marginal: 1	No: 0

Stewardship Capacity – 6 points total

Does applicant have proven capacity to carry out future stewardship of land held in fee or CR?
E*xcellent = 6 points Good = 3 Limited = 0*

Distribution of State Resources– 3 points total

Has applicant received a DWSP grant previously?
Never or >5 years ago = 3 points 3-5 years ago = 2 In the past 2 years = 1

Overall Project Quality – 12 points total

Each Applicant will be scored based on project's contribution to overall water supply protection objectives. *(1-10pts)*
Bonus Points are awarded to applicants that have a Drought Management Plan *(2 points)*

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

The Community Preservation Act (CPA) states that land acquired with CPA funds must be bound by a permanent restriction (see excerpt of act below). Property acquired with the help of the DWSP 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 Sec. 32 Conservation Restriction 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. **Conveyance of a CR to a qualified entity is required for reimbursement under this grant program.**

Conveying a CR over conservation land normally would trigger the formal Article 97 disposition process, requiring a 2/3 vote of the legislature. However, here, 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.

Points to remember when conveying a Conservation Restriction:

1. The municipality should vote to authorize the grant of the CR at the same time that it votes to acquire the property, and also indicate that the purchase of the property and conveyance of the CR be conducted in 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, Sec. 32.
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. Since the CPA funding statute *requires* a restriction be conveyed, this may mean that a party seeking a charitable contribution deduction for 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 applicant, must provide that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the applicant receives none of such proceeds. In the event that the land subject to the CR is ever converted to non-conservation use, the municipality would remain 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.

Community Preservation Act
Section 12 of the Chapter 44B Real property interest; deed restriction; management

(a) A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.

(b) Real property interests acquired under this chapter shall be owned and managed by the city or town, but the legislative body may delegate management of such property to the conservation commission, the historical commission, the board of park commissioners or the housing authority, or, in the case of interests to acquire sites for future wellhead development by a water district, a water supply district or a fire district. The legislative body may also delegate management of such property to a nonprofit organization created under chapter 180 or chapter 203.