

# Town of Cornwall Conservation Reserve Fund

Contents	Page Number
Part A: Information for Applicants	2
I. Purpose	2
II. Authority	2
III. Projects Eligible for Funding	2
IV. Factors for Land Conservation	3
a. Criteria	3
b. Favorable Considerations	3
c. Unfavorable Considerations	4
V. Application Documents	5
a. Cover Sheet	5
b. Project Description	6
c. Project Attributes	8
Part B: Guidelines and Forms for Interested Parties, Applicants and Application Reviewers	10
I. Application and Selection Process	10
II. Conservation Reserve Fund Basics	12
III. Funding Sources and Fund Management	12
IV. Fund Activities and Disbursements	12
V. Project Application Evaluation Sheet	14

Adopted by Cornwall Conservation Commission, June 8, 2021

Adopted by Cornwall Planning Commission, June 16, 2021

Adopted by Cornwall Select Board, July 6, 2021

## Part A: Information for Applicants

### 1. Purpose

The purpose of the Cornwall Conservation Reserve Fund is to provide funding, in whole or in part, for significant conservation opportunities serving the public good. This document provides background information about the Cornwall Conservation Reserve Fund, criteria for eligible projects, details regarding the application and selection process, and guidelines for fund management, funding sources and expenditures.

### 2. Authority

In an effort to strengthen conservation efforts, the Cornwall Town Plan (2013) called for the creation of a conservation fund to support the Conservation Commission's continuing efforts related to education and conservation of areas deemed important. The Conservation Reserve Fund is a dedicated account established and approved by the Town of Cornwall in 2016 in accordance with 24 V.S.A. § 4505 (Powers and duties of conservation commissions). The Conservation Reserve Fund exists to receive money, grants or private gifts, including land, property or rights/easements, from any source as stipulated in the above referenced statute.

### 3. Projects Eligible for Funding

Guidelines for use of the Conservation Reserve Fund and procedures for reviewing any proposed expenditures have been developed in accordance with 24 V.S.A. § 4505. The Conservation Reserve Fund has many potential conservation-oriented objectives including: land acquisition, the purchase of development rights, conservation-related technical assistance and other significant conservation projects.

Land conservation projects must have all of the following to be eligible for funding. If a land conservation project is lacking in any or all of these, it will not be considered for funding.

1. Project must benefit public interest over private interest.
2. Property must have clearly documented title and ownership.
3. Property must be free of irreparable environmental hazards or impairments.
4. Property or project must be within the Town of Cornwall boundaries.

Examples of projects that will be considered include:

1. Projects that conform to the Cornwall Town Plan and yield a clear benefit to the Town of Cornwall.
2. Projects adjacent to existing public land or other conserved lands.
3. Projects that conserve agricultural lands and forests.
4. Projects that protect or conserve lands supporting habitats for rare, threatened, or endangered animal or plant species, exemplary natural communities and/or significant wildlife habitat including established wildlife corridors.

5. Projects that protect watersheds and water resources.
6. Projects that support existing or potential educational or recreational use.
7. Projects that conserve outstanding scenic views.

#### 4. Factors for Land Conservation

4.1. **Criteria.** This set of criteria will give a useful indication if a property qualifies for support through the Conservation Reserve Fund. No project is expected to meet all criteria, and no single criterion is intended to exclude a proposal from qualifying.

1. **Agricultural Lands**

Farmlands that are environmentally and economically viable, situated on primary (prime and statewide importance) agricultural soils and that are in compliance with Required Agricultural Practice (RAP) regulations, as published by the Vermont Agency of Agriculture, Food and Markets and in force at the time of application.

2. **Forests**

Forestlands that have been identified as forest blocks of ecological importance in state-wide or local resource maps and inventories, such as the Vermont Natural Resources Atlas, Vermont BioFinder or the Cornwall Ecological Inventory.

3. **Wildlife and Plant Habitats**

Habitats for rare, threatened, or endangered animal or plant species; exemplary natural communities; and/or significant wildlife habitat including established wildlife corridors.

4. **Water Resources**

Wetlands, rivers, flood plains, streams, riparian areas, vegetated buffer zones, vernal pools, ponds, aquifer recharge areas, wellhead areas, and other lands necessary for wildlife diversity, ecological functions and the protection of drinking water supplies.

5. **Recreation**

Lands that are suitable for or have an existing trail system for enjoying nature with minimal impact to natural resources. Properties that do or could provide public access to recreational resources, support access to natural areas or have public natural resource education possibilities.

4.2. **Favorable Considerations.** There are several considerations that may favorably affect the Town's interest in a given project.

1. The project will help to meet a strategic planning or land use goal identified in the Cornwall Town Plan and yield a benefit to the Town of Cornwall.
2. The project likely will attract funding from other organizations and sources.

3. The project involves a meaningful donation to the Town.
4. The project land provides outstanding scenic views.

4.3. **Unfavorable Considerations.** A project may meet the selection criteria favoring funding and still may not be accepted if one or more of the following considerations apply.

1. The property is found to be irreparably contaminated or the cost of clean-up is deemed too high.
2. There is reason to believe that the project would be unusually difficult to initiate, manage, enforce and/or sustain over the long-term.
3. Adjacent properties are being, or are likely to be, developed in a manner that would significantly diminish the conservation value of the proposed project property.
4. The applicant or landowner insists on provisions that the Conservation Commission believes would seriously diminish the property's primary conservation value.
5. The project is not large enough to make a significant conservation impact.

# Cornwall Conservation Reserve Fund Application Cover Sheet

Application Submission Date: \_\_\_\_\_ Receipt Date (for Town purposes only): \_\_\_\_\_

**Applicant:** Contact Information

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

**Landowner:** Contact Information (if different from applicant and is applicable)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

**Property:** Location and Value Information (Please identify the property on the Town tax parcel map)

Parcel Number \_\_\_\_\_ Acres \_\_\_\_\_ Assessed Value \_\_\_\_\_ Assessment Date \_\_\_\_\_

Description: \_\_\_\_\_

**Project Funding:** Amount Requested from Conservation Reserve Fund: \_\_\_\_\_

Other Funding Sources: \_\_\_\_\_

In-Kind Sources: \_\_\_\_\_

**Schedule Information:** Project Completion/Closing Date desired: \_\_\_\_\_

Signature(s): \_\_\_\_\_

Completed application should be sent to:

Town Clerk  
Attention: Cornwall Conservation Commission  
Cornwall Town Hall  
2629 Route 30  
Cornwall, Vermont 05753

# Cornwall Conservation Reserve Fund Application

## Project Description

*Please describe your proposal and its advantages to the Town of Cornwall by following the outline below. Address each of the following points separately, by number. Please limit each answer to one-half page, if possible.*

### 1. Property/Project Description

Describe the property or scope of project.

### 2. Project Significance

Address all relevant guidelines in the “Projects Eligible for Funding” section. Also address all relevant criteria from the same document under the “Factors for Land Conservation.” No single criterion is intended to exclude a proposal from consideration. Please address how the project would benefit the Town of Cornwall and its residents.

### 3. Project Schedule

Give a timetable for closing dates and/or completion of the project. Attach relevant documents such as draft conservation agreements, cost estimates, appraisals, and/or a purchase and sale agreement if one exists.

### 4. Project Partners

What matching contributions are included in or envisioned for the project? What is the value of any local in-kind services or other resources involved? What restrictions, if any, will partners place on use or management of the property?

### 5. Project Documentation Checklist

Provide copies of the following unless not applicable:

- Deed including Description of Liens, Easements or other Restrictions, if any
- Site Plan and Photographs including Satellite Photo with Property Boundaries
- Property Survey Map, if available
- Comments from neighbors, if available
- Tax Map (Vermont Parcel Viewer-Vermont Center for Geographic Information)
- Tax Bill
- Lister’s Card
- VT Current Use Plan
- Land Management or Conservation Plans



Permits and/or Approvals (State and Town)

#### **6. Financial information**

Please include an itemized budget. Is the allocation requested in one lump sum or multiple payments over a period of time? How will accounting and fiscal records be maintained in accord with generally established accounting procedures, or other accounting procedures that may be established by the Town of Cornwall and/or other project partners? Also include confirmation that within four months of completion of the project you will submit complete documentation of the costs covered by the Fund.

#### **7. Long-term Plans**

Is there a long-term plan for the project to ensure its continued conservation value? If so, summarize the plan and the anticipated maintenance costs associated with the project.

# Cornwall Conservation Reserve Fund Application

## Project Attributes

Project: \_\_\_\_\_ Applicant/Landowner: \_\_\_\_\_

Information, if applicable or known by applicant, to be filled out by applicant.  
Please include supporting documentation when available.

Criteria	Definition	Project Attributes
<b>Agricultural Lands</b>	Farmlands that are environmentally and economically viable, situated on primary (prime and statewide importance) agricultural soils and that are in compliance with Required Agricultural Practice (RAP) regulations, as published by the Vermont Agency of Agriculture, Food and Markets and in force at the time of application.	Total Project Acreage: _____  Tillable (acres): _____  Open Meadow (acres): _____  Scrub Land or Reverting to Woodland (acres): _____  Date Last Farmed: _____
<b>Forests</b>	Forestlands that have been identified as forest blocks of ecological importance in the Cornwall Ecological Inventory or in the Vermont Agency of Natural Resource databases (ex. VT Natural Resources Atlas, and VT Biofinder).	Woodland (acres): _____  Mixed (acres): _____  Hardwood (acres): _____  Softwood (acres): _____  Date Last Harvested: _____
<b>Wildlife and Plant Habitats</b>	Habitats for rare, threatened, or endangered animal or plant species; exemplary natural communities; and/or significant wildlife habitat including established wildlife corridors.	Rare Species: _____ _____ Threatened Species: _____ _____ Endangered Species: _____ _____ <hr style="border: 1px solid black;"/> Type of Wildlife Corridor: _____ _____

<p><b>Water Resources</b></p>	<p>Wetlands, rivers, flood plains, streams, riparian areas, vegetated buffer zones, vernal pools, ponds, aquifer recharge areas, wellhead areas, and other lands necessary for wildlife diversity, ecological functions and the protection of drinking water supplies.</p>	<p>Wetland Type: _____</p> <p>Wetland (acres): _____</p> <p>Wetland Function: _____</p> <p>Other Water Resource Type: _____</p>
<p><b>Recreation</b></p>	<p>Lands that are suitable for or have an existing trail system for enjoying nature with minimal impact to natural resources. Properties that do or could provide public access to recreational resources, support access to natural areas or have public natural resource education possibilities.</p>	<p>Existing Trails (miles): _____</p> <p>Potential Trails (miles): _____</p> <p>Potential for On-site Parking (# of spaces): _____</p>

## Part B: Guidelines and Forms for Interested Parties, Applicants and Application Reviewers

### I. Application and Selection Process

The application process starts with a potential applicant (landowner or interested party) approaching the Conservation Commission with their proposed project. The Conservation Commission may also take the initiative and establish initial contact. After the initial contact, the potential applicant may request or be invited to attend a Conservation Commission meeting. At this meeting the Conservation Commission will conduct a preliminary interview to learn about the proposal and to explain the criteria that will be used for evaluation. If the potential applicant chooses to proceed, a written application will be submitted to the Conservation Commission. A complete application consists of the Cover Sheet, Project Description and Project Attributes as well as all associated documentation and materials. Applications are available at the Cornwall Town Office or on the Town of Cornwall website.

1. Within 7 days after receipt of an application, the Conservation Commission will send the applicant written acknowledgement of having received the application.
2. Within 45 days of acknowledging receipt of the application, the Conservation Commission will complete a preliminary review to ensure that the application is complete. If the Conservation Commission deems the application incomplete, the applicant will be advised as to missing information.
3. Within 45 days of the application being deemed complete, the Conservation Commission will initiate the review of the application. Next steps will be identified and communicated to the applicant, which may include requesting that the applicant attend a Conservation Commission meeting and/or conducting a site visit to walk the property to inventory resources.
4. Members of the Conservation Commission will evaluate the proposal using the Project Evaluation Sheet, materials submitted by the applicant and other relevant documentation.
5. During the project evaluation, the Conservation Commission will consult with the Planning Commission. In addition, the Conservation Commission may enlist input from experts who have specialized knowledge related to a proposed project as well as from other Town representatives such as the Recreation Committee. The Conservation Commission may solicit additional input from the public.
6. The majority of Conservation Commission members must vote in favor of a proposed project for a project to move forward. No person having a direct interest in a project under review may participate in the decision.
7. Within 30 days of the Conservation Commission decision, the Chair of the Conservation Commission or designee will contact the applicant with a written report of the decision. A copy of the written decision will be attached to the application and filed at the Cornwall Town Hall by the Conservation Commission for future reference.
8. If the decision is to move forward with the application, the Chair of the Conservation Commission will make a recommendation to the Select Board identifying which criteria the proposed project meets and will send the written report of the decision, including all materials related to the application, to the Select Board.

9. Representatives of the Conservation Commission, along with the applicant, will attend the next most convenient Select Board meeting to present the proposal and answer questions from the Select Board and attending public.
10. The Select Board will make a decision based on the Conservation Commission's recommendation, application materials and information presented at the Select Board meeting.
11. The Select Board's decision will be documented in the official minutes of the meeting.

## **II. Conservation Reserve Fund Basics**

Money in the Fund carries over from one fiscal year to the next. This provides the Cornwall Conservation Commission with the opportunity to save toward significant projects. The Fund should not be confused with Conservation Commission operating expenses which are a line item in the Cornwall Select Board General Fund budget. The Conservation Reserve Fund may hold money from both public and private sources. Private donations to the Fund may be tax deductible for the person making them as a charitable contribution under section 170 (c) (1) of the IRS code. Potential donors should consult with an accountant or tax advisor for confirmation of the potential tax deduction and for additional information.

## **III. Funding Sources and Fund Management**

The Fund may accept gifts of cash and securities, bequests or pledges designated to benefit certain projects or certain parcels of property to be conserved that meet the objectives of the Fund purpose. The Conservation Commission will keep records of what allocations have been made to the Fund and for what, if any, specific purpose the funds were designated. Designated funds may be spent only for the designated purpose.

To grow the Fund, the Town of Cornwall may make appropriations to the Fund. Approval for such appropriations will be granted by either a majority vote of Cornwall residents or by the Select Board. The Conservation Commission may leverage the Fund for grant matching opportunities.

The money in the Fund is managed by the Town Treasurer who may write checks from the Fund only upon written request from the Conservation Commission for projects approved by the Select Board or for activities preparatory to a conservation project. Funds that are obtained through grants or gifts for specific purposes will require careful tracking to ensure that the money is used for the designated purpose and reported in a timely manner to the grant funding source. For this reason, a record of donations to the Fund is sent by the Town Treasurer to the Conservation Commission after receipt and deposit of the funds. This allows for internal tracking of the purposes of donations and for donation acknowledgements to be sent by the Conservation Commission to donors.

After a project is funded, the Conservation Commission may assist other organizations, such as the Vermont Land Trust or the Middlebury Area Land Trust, with monitoring the property to ensure that any conservation easements or agreements are being maintained. On occasion this monitoring activity might involve disbursement of funds. Funds distributed to a project that fails to comply with the conservation easement or agreement will be reimbursable to the Fund by the applicant.

## **IV. Fund Activities and Disbursements**

Activities that are allowable and may be supported by the Fund include: accepting and disbursing liquid Fund assets; accepting gifts of land, development rights or conservation easements; providing

conservation-related technical assistance; initiating significant conservation projects; and actively seeking out the voluntary participation of landowners selling their land, when their land falls within priorities for conservation goals.

Projects can include acquiring property, or interest in property, within the Town of Cornwall boundaries, based on ecological and economic benefits to the Town. There also may be partnering situations in which the Town will not hold property interest, such as when a land trust holds the conservation easement.

The purchase of land, development rights or conservation easements, alone or in conjunction with other municipalities, state or federal agencies, private land trusts, or other organizations when such purchase is in keeping with the Fund purpose, is subject to final approval by the Select Board, in accordance with the procedures delineated in this document. All projects require careful review to ensure compliance with the gifting landowner's goals and with the purpose of the Fund.

The Town Treasurer has custody of the Fund. Disbursements from the Fund require a written request stating the amount of the expenditure, the appropriate municipal account number, the name and address of the recipient, the date of the meeting or communication in which the majority of the Conservation Commission members authorized the expenditure and the signature of the Conservation Commission Chair or the designated Conservation Commission member.

Relevant documents such as the bill that is being paid should be attached to the request. When the Town Treasurer processes the request the Town Treasurer will write on the request the check number, the date the check was mailed and any other relevant information. A copy of this document will be returned to the Conservation Commission. Periodic reports summarizing expenditures will be provided to the Select Board by the Conservation Commission.