

TOWN of MONTGOMERY
CONSERVATION FUND POLICY and GUIDELINES

I. Authority

This fund is a reserve fund established under 24 V.S.A. §2804 and shall be known as the Montgomery Conservation Fund (the Fund). The creation of this fund was approved by the Montgomery voters at Town Meeting on March 6, 2018. The fund is under the control of the Montgomery Select Board, as are other public funds.

II. Purposes of the Fund

The fund will be saved and used to leverage additional monies to conserve land in the public interest, with attention paid to natural, scenic, and recreational resources for the long-term benefit of future generations. All conservation efforts supported by this Fund will be done at the request of willing landowners. Priorities will be placed on community projects, and/or projects that are not traditionally funded by local, state, or federal conservation entities or agencies. This money may be held in reserve over a number of years before being used for a specific project. Public hearing(s) will be held prior to the use of any monies from the Conservation Reserve Fund, awarded at the discretion of the Selectboard, by recommendation of the Conservation Commission. Criteria for use of the fund (outlined in Article IV below) will be derived from the Town of Montgomery's 2016 Town Plan, specifically supporting the following goals:

- *To recognize the role of Montgomery's archeological, historic, and scenic resources in shaping the town's present quality of life and future opportunities*
- *To maintain Montgomery's rural character and scenic resources by encouraging development to follow wise land use practices*
- *To provide for local growth that is compatible with the town's natural features including soils, landscape, water resources & wildlife*

III. Fund Activities

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

1. Accept gifts of land, development rights, or conservation easements when such gifts fall within the priorities listed in Article IV below.
2. Accept and apply for grants and accept gifts of cash or securities to be used for the purposes of the Fund.
3. Purchase land, development rights or conservation easements alone or in conjunction with other municipalities, state or federal agencies, private land trusts, or other organizations when such purchase is in keeping with priorities listed in Article IV below.
4. Sell, trade or transfer conserved land when consistent with the purposes of the Fund.
5. Make direct expenditures to manage town conserved property held by the Fund.

6. Provide a cash contribution to support the purchase of development rights by municipalities, state or federal agencies, private land trusts, or other organizations when such projects are in keeping with priorities listed in Article IV below.
7. Actively seek out the voluntary participation of landowners when their land falls within priorities listed in Article IV below.

IV. Criteria for Prioritizing the Use of Funds

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

A. Natural Resources

1. The property is located within one of Vermont's Priority Interior Forest Blocks (as defined by *Vermont Conservation Design, 2015*, or successor document) that provide both economic opportunities for landowners as well as ecological and cultural benefits to the community.
2. The property includes significant water resources, which may include but not be limited to, headwaters, valuable fisheries, vernal pools, wetlands, and floodplains.
3. Protection of the property from development that would prevent point or nonpoint source pollution to ground or surface water.
4. The property includes significant habitat, which may include but not be limited to rare-threatened-endangered species, rare or unique natural communities, unique geologic formations, oak/beech or other significant mast producing stands, hemlock forests, wetlands, deer wintering areas, established wildlife corridors, and corridors connecting fragmented conservation habitat.
5. The property includes significant working land resources, which may include, but not be limited to, prime or statewide significant agricultural soils, class 1 forest soils, or sugarbushes.
6. The property is an existing farm or inactive farmland that could be brought back into production, or unmanaged forestland that could be brought back under management.
7. The property is contiguous with a working farm and would contribute to the protection of a sufficient mass of open agricultural land or provide an important buffer to protect and maintain an agricultural base for the Town of Montgomery.

B. Scenic Resources

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

C. Recreational Resources

1. The property has public recreational use management resources
2. The property has an existing trail(s) that is(are) in relative close proximity to other Town trails, Class 4 roads, or other areas of public accesses. In considering these criteria when reviewing

Conservation Fund applications, the Town will seek to ensure all proposed recreational uses will have minimal impact on the natural resources

3. The property does or could provide public access to recreational resources that could include hunting and fishing.

4. The project would preserve critical open space suitable for use as a town green or park.

D. Other Criteria

1. The property includes significant archaeological or historic resources, which may include but not be limited to, native American artifacts, old foundations, historic buildings, agricultural buildings or barns, and grave sites.

2. The Fund will provide an important local matching contribution that will be used to leverage a significant amount of state, federal or private land conservation funds for Montgomery as long as it meets significant criteria as outlined above.

3. The project will help the town to meet a strategic planning/land use goal identified in the town plan or community forum.

4. The project protects significant resources identified by other conservation groups.

5. In the case of Special Activities, the applicant must clearly demonstrate how the Town's funding of the proposed activity is a necessary step that will further one of the Fund Activities, as defined in Article III.

V. Funding

Capital for the Fund may come from voluntary contributions or grants from public or private sources. The Town of Montgomery may also make appropriations to the Fund from time to time. Approval for such appropriations will be granted by a majority vote of Montgomery residents, or by the Select Board.

On town lands acquired through the use of the Conservation Fund, unless rights to a particular resource are leased, profits derived from the sale of any such resource shall be deposited to the fund. The Conservation Commission may also hold fundraising events or develop longer-term fundraising projects to support its efforts. The Fund may accept bequests, gifts of cash and securities or pledges designated to benefit certain projects or certain parcels to be conserved that meet the objectives of this document. Contributions to the fund of cash or land may be tax deductible, subject to tax law.

VI. Structure and Decision Making

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

1. Conservation Commission will assist (if need be) applicant candidates with filling out the application.
2. The Conservation Commission will send the applicant written acknowledgement of having received the application within 30 days of receiving it.

3. Conservation Commission will conduct a site visit, walk the candidate property to inventory resources and meet with the landowner(s) to discuss objectives for the conservation project.
4. Conservation Commission, along with the property owner(s), will initiate the review of the application within the next 60 days at the next most convenient monthly Conservation Commission meeting to determine whether or not the property should be recommended to the Select Board for conservation.
5. If the Conservation Commission determines the project will not be pursued, the Conservation Commission will provide the property owner with a written explanation for why the project was not determined to be a viable candidate for use of the Fund. If yes, the Conservation Commission will make a recommendation to the Select Board, identifying which criteria the project candidate meets and including all materials related to the application.
6. Representatives from the Conservation Commission, along with the property owner(s), will attend the next most convenient bi-monthly Select Board meeting to determine whether or not the project should be pursued through the utilization of the fund.
7. Action must be approved by a majority of Select Board members.
8. The Conservation Commission will convey the Select Boards decision in writing to the applicant(s).
9. In the event that the applicant(s) would like to appeal the decision, the Select Board will process the appeals.

VII. Termination of the Fund

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

Adopted by the Montgomery Selectboard on Monday March 19th 2018








