

STEP 2

Town of Middleborough Community Preservation Committee Application for Community Preservation Funding

A. COVER SHEET

1. PROJECT NAME "Lion's Head"

2. APPLICANT INFORMATION

Project Sponsor or Organization: Middleborough Conservation Commission

Contact Person: Patricia J. Cassady, Conservation Agent

Address: 20 Centre Street, 2nd Floor

City: State: Zip: Middleborough, Massachusetts 02346

Daytime Phone: Fax: 508-946-2406/508-946-2309

E-mail: Website: pcssdy@middleborough.com www.middleborough.com

Property Owner (if different from Applicant) Mary Jigerjian

Contact Name: Mary Jigerjian

Address: 67 Murdock Street

City: State: Zip: Middleborough, Massachusetts 02346

E-mail: _____

3. PROJECT INFORMATION

CPA Category (Please check all that apply):

Open Space # of acres 103.09

Historic Preservation

Recreation # of acres _____

Affordable Housing # of units _____

Project Location/Address: Murdock Street

Middleborough Assessors Map: 12, Lot 4585 & Map 21, Lots 1411 & 4652

Brief Project Description: Looking for funding to acquire this property to protect for public open space.

4. AMOUNT OF CPA FUNDING REQUESTED: \$ 156,600

TOTAL PROJECT COST: \$435,000

CPA AS PERCENTAGE OF TOTAL PROJECT COST: 36%

For CPC Use

Date Received _____

Funding Recommendation _____

Date Application Deemed Complete _____

Public Hearing _____

B. PROJECT NARRATIVE

1. Goals and Description:

- a. The project's goals are to acquire and permanently preserve 103.09 acres of woodland, floodplain, and riparian frontage along the Nemasket River in Middleborough, just east of the Nemasket's confluence with the federally-designated Wild and Scenic Taunton River. The project will create an outstanding nature reserve in an area historically underserved by conservation efforts, protect approximately one mile of river frontage, enable public access for a wide range of passive recreational pursuits, enable the creation of an expanded network of hiking trails, protect habitat for rare species, and combine with existing open space holdings to create a large open space assemblage along the lower Nemasket corridor.
- b. The proposed project will create significant new opportunities for land and water-based recreation that are for the most part unavailable in Middleborough, and therefore satisfy a community need for place-based recreation. Although there are some significant conservation reserves elsewhere in Middleborough, it is difficult to access them because of extensive wetlands areas, lack of road frontage, or the absence of a defined trail system. In contrast, the Lions Head Peninsula Property is unencumbered by these constraints. We intend to create a trailhead parking area to be open year-round to allow for winter recreational pursuits including cross-country skiing and snowshoeing. There is an existing forestry management plan for the property and we would like to see this forestry management continue for ecological purposes. Revenues from forestry will be put into an account for stewardship.
- c. This project is eligible for CPA funding because it is currently naturally forested land that is ripe to be protected as open space.
- d. The project applicant is the Middleborough Conservation Commission. The owner of the property is Mary Jigerjian. Mary and her sister Sarah Jigerjian both want to permanently protect the land, unfortunately Sarah passed away in June. The Town would also be working with the Wildlands Trust of Duxbury to hold the Conservation Restriction on the property, which is required through the Community Preservation Act. (See attached draft). The Nature Conservancy is also helping to contribute funding for due diligence.

2. Community Need: The property contains an existing network of woods roads and footpaths that collectively comprise about one mile. This existing network will easily transition to an outstanding trail system that will add greatly to Middleborough's existing walking paths. At present, the Town has a very limited network of walking trails in its municipal conservation lands portfolio, and none of these existing trails offer the type of experience that trails on the subject property will offer. This property falls under the following within the 2008 Open Space & Recreation Plan: Identifies the Nemasket River as a "Middleborough planning and conservation priority" (pg. 4) because "it is rich in archeological sites, historic sites, scenic vistas, wildlife habitat and recreational opportunity" (pg. 16). Among its wildlife habitat values is its herring fishery, "one of the most productive warm water fisheries in southeastern Massachusetts and part of what fisheries experts consider the region's most significant alewife run" (pg. 28). And in Section 8 of the OSRP, Goals and Objectives, on pgs. 43-44, priorities include "Manage and improve the Nemasket River ecosystem", and to "encourage recreational use of and on the river". This project will benefit the town because it will increase trails, provide additional protection of the Nemasket River and provide public access to a unique feature of the town.

3. Community Support and Outreach: The project has garnered the support of a wide array of local and regional stakeholders. Multiple town boards or committees, including the Conservation Commission, Open Space Committee, and Board of Selectmen, have voted to support the project. The property is well known to many Middleboro residents because of the Jigerjian family's long and generous history of allowing

community groups, including Boy Scouts, access for camping. Therefore, and also because of the project's many other merits, we have every expectation that Middleboro residents will support its preservation, including voting to approve the project at the next Town Meeting October 7, 2013. Regionally, the project is endorsed by The Nature Conservancy, Wildlands Trust, Mass. Division of Fish and Game, Taunton River Watershed Alliance, and the Taunton River Stewardship Council, a diverse collection of stakeholders including representatives from all ten communities along the stretch of the Taunton River designated as Wild and Scenic.

- 4. Credentials:** The following people will be involved in the project and their resumes and/or bios are attached:
Patricia J. Cassidy, Town of Middleborough Conservation Agent; David McGowan, Associate Director of Land Protection, The Nature Conservancy; Scott MacFaden, Land Protection Director, Wildlands Trust.
- 5. Maintenance and Ongoing Costs:** There will not be any ongoing costs only initial cost for a kiosk, more permanent gate, trailhead parking area, which can be garnered from in kind services from neighborhood volunteers and local youth groups. We don't plan to have trash barrels as the philosophy will be to carry in carry out.
- 6. Success Factors:** The primary measure of success will be the Town's successful acquisition of the subject property. A secondary measure of success will focus on whether the Town is successful in opening the property to the public for passive recreation within a reasonable interval following the acquisition (three to six months maximum). "Opening" the property in this context should be understood to include improvements such as roadside signage, an informational kiosk at the trailhead, and trail markers (arrows, blazes, or other directional aids). There will be follow up with the state LAND Grant program if we are awarded funding.
- 7. Project Permits & Approvals:** Provide documentation as required:
 - a. Control of Site: An offer to purchase letter is being reviewed and subsequent to that will be a purchase and sales agreement. Progress toward preparing and executing this important document was understandably halted for an extended period by the untimely and unfortunate death of property co-owner Sarah Jigerjian in June.
 - b. Deed Restrictions: Wildlands Trust drafted the required MGL Ch. 184 conservation restriction (copy attached) as an exhibit to the LAND Grant application, and its Board of Directors voted to approve the organization's holding of the restriction on July 25, 2013. Although the attached draft restriction may be subject to modest revisions as it passes through the approval process mandated by Ch. 184, it is substantially in its final form.
 - c. Hazardous Materials: An ESA ("Environmental Site Assessment") will be obtained for the property as part of the proposed project. We anticipate including the receipt of a favorable ESA as a contingency in the Purchase and Sale agreement that is in preparation, and actually obtaining the ESA upon notification that the Town will receive a LAND Grant award.

d. Environmental Concerns: The property includes approximately 5000' frontage on the Nemasket River, two potential vernal pools, and wetland areas distinct from the riparian areas. We are interested in protecting floodplain and these other resources.

e. Evidence of Historic Significance [for historic preservation projects]: N/A

f. Permitting: As indicated above, the applicant will commission an ESA as part of the proposed project, and Wildlands Trust has formally agreed to hold the required conservation restriction. The project is also contingent upon the Town's receiving a LAND Grant award from the Commonwealth. The project's scope calls for creating a trailhead parking area subsequent to the Town's acquisition of the property. The applicant will follow all permitting protocols that may be required as part of creating the trailhead parking area.

List below any permits needed for the project. Provide copies of permits already acquired. (Applicants are responsible for all costs associated with permitting, including, but not limited to abutter mailings and advertising.)

Name of Permit	Filed (Y/N)	Date Filed	Date Obtained
ESA	N		
Plannning/Parking Area	N		
Con. Com./Parking Area	N		
Building/Zoning – sign/kiosk	N		

C. PROJECT BUDGET, FUNDING, & TIMELINE

a. **Project Budget:** State the total budget for this project, and how CPA funds will be spent. **Applicants are reminded that they must adhere to the Commonwealth of Massachusetts's Procurement Policy.** All non government applicants should review the draft Grant Agreement to ensure that all potential project costs are eligible for CPA funding, e.g. CPA funds may not be used for maintenance. (See attached)

Provide a detailed itemization of all project expenses, such as personnel, consultants, contracted services, equipment, and supplies. For each item, specify in parentheses how the expense was calculated, e.g. (# of hrs. x cost/hr.) Applicants should obtain quotes for project costs when possible; if not, indicate where cost estimates have been used. For each item, identify whether CPA funds or other funding will be used, and note where applicant and/or partner in-kind contributions will cover non-CPA fundable expenses such as administration. (See attached)

Use table below or include as a separate attachment.

Expense Item	Total	CPA	Other
Survey	\$11,000	N	LAND Grant/TNC
Title Examination	\$2,000	N	LAND Grant
Appraisal	\$3,850	N	Taunton River Stewardship Council
Recording Fee	\$2,000	N	LAND Grant
Purchase of Land	\$420,000	Y	LAND Grant (64%)
TOTAL	\$438,850		

2. Other Funding: Describe efforts to secure other funding. Indicate what additional funding sources are available, committed or pending. Include commitment letters, if available. Complete the table below and include applicant and/or partner in-kind contributions.

Source of other funds	Amount	Funding requested (Y/N)	Funding secured (Y/N)
LAND Grant	\$278,400	Y	N
Taunton River Stewardship Council	\$3,850	Y	Y
The Nature Conservancy (TNC)	\$10,000	Y	N

3. Total Project Funding:

If the proposal is part of a multi-phase project, please indicate below the projected project costs and funding sources for the additional phases to completion.

Fiscal Year	Total Project Cost	CPA Funds to be Requested	Other Funding
2013	<u>N/A – We anticipate this to be a single Fiscal Year Project – Need to have done by June 30 ,2014</u>		
2014	_____		
2015	_____		
2016	_____		
TOTAL	_____		

4. Timeline and Grant Disbursement Schedule: Provide a detailed schedule for project implementation, including all activities and key milestones. Indicate the total funding as well as CPA and other funding

that will be required to complete each activity or milestone.

Project start date: Fall 2012

Use table below or include as a separate attachment.

Activity	Date Completed	Total Funding	CPA	Other
----------	----------------	---------------	-----	-------

See attached Timeline

D. SUPPORTING DOCUMENTS & APPLICANT CERTIFICATION

1. Supporting Documents: Check off all attachments included:

A. Minimum Submission Requirements

All Projects

- Support letters [three or more]
- Names and addresses of project architects, contractors, and/or consultants
- For projects on Town property: Letter of approval from Town Manager

- and/or appropriate department head
- Non-CPA funding commitment letters

Historic Preservation Projects

For Historic Preservation Projects:

- N/A Evidence property/site is on State Register of Historic Places or is eligible for the State Register, OR
- N/A Middleborough Historic Commission (MHC) letter of certification of significant historical, archeological, architectural, and/or cultural value.
- N/A Letter from the MHC indicating the project proposal has been reviewed and endorsed by the MHC.

Projects that include acquisition and/or rehabilitation of land, buildings, and other real property

- Evidence of Site Control [Purchase and Sales Agreement, Option, Deed, License, Lease, etc.] Offer letter
- Appraisal [for acquisitions]
- Assessor's map showing location of the project
- Permits already obtained

B. Additional Supporting Documents

See Appraisal Photographs, renderings, or design plans, if applicable

N/A Preliminary architectural plans and specifications for new construction or rehabilitation, if applicable

N/A Historic structure report or existing condition reports

See Attachments Other information or documents. Please list.

2. Applicant Certification

I hereby certify that the foregoing and attached information is true and accurate to the best of my knowledge. I further certify that I have reviewed the attached Community Preservation Fund Appropriation Payment, Accounting & Procurement Policy and for non-government applicants, the attached draft Grant Agreement and hereby affirm that if the foregoing application is funded, the applicant is prepared to execute and abide by the terms of these documents.

Applicant's Name Patricia J. Cassady Patricia J. Cassady, Conservation Agent

By Authorized Representative Ronald Burgess Ronald Burgess, Conservation Chairman

Date: August 15, 2013

E. CERTIFICATE OF AUTHORITY & LIST OF OFFICERS AND DIRECTORS

GRANT AGREEMENT #:
APPLICANT:

I hereby certify that I am the Clerk/Secretary of: _____
(Print Name of Corporation)

and that _____ is the
(Print name of Officer who signs the Grant Agreement)

duly elected of said corporation; _____
(Print title of Officer who signs the Grant Agreement)

and that _____ on at a duly authorized meeting of the Board of Directors
(date of Meeting)
of said Corporation, at which a duly authorized quorum of the Directors were present and
acting, or waived notice, that _____
(Print name and title of Officer signing Grant Agreement)

of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf
of said corporation, and affix it Corporate Seal thereto, and such execution of any contract of obligation
in this corporation's name on its behalf, with or without the Corporate Seal, shall be valid and binding
upon this corporation; and that the above vote has not been amended or rescinded and remains in full
force and effect as of the date set forth below.

Attest: _____
(Signature of Clerk/Secretary)

Name: _____
(Printed or typed name of Clerk/Secretary)

Date: _____

NOTE: THE DATE OF THE VOTE AUTHORIZING OFFICER TO SIGN GRANT AGREEMENT
MUST BE BEFORE THE DATE THE OFFICER ACTUALLY SIGNS THE GRANT AGREEMENT.
THIS CERTIFICATE MUST ALSO BE EXECUTED BEFORE THE OFFICER SIGNS THE GRANT
AGREEMENT. PLEASE ATTACH A LIST OF OFFICER AND DIRECTORS OF THE
CORPORATION

- This Form is to be used by corporations, trusts and associations who are applying for CPA Funds.

F. STATE TAX CERTIFICATION

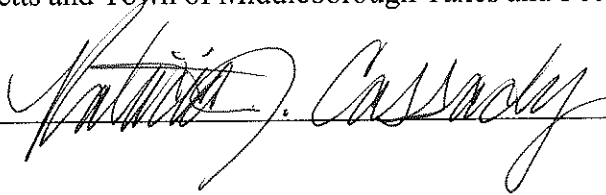
GRANT AGREEMENT #:

APPLICANT:

Pursuant to Massachusetts General Laws Chapter 62C, Section 49A, I certify under the penalties of perjury that, Middleborough Conservation Commission
(name of Recipient receiving the Grant)

to the best of my knowledge and belief, has filed all Massachusetts tax returns and paid all Massachusetts and Town of Middleborough Taxes and Fees as required under law.

Signature: _____



Name of Recipient: Middleborough Conservation Commission

Federal Tax ID # or Social Security #: _____

Date: August 20, 2013

G. AFFADAVIT

GRANT AGREEMENT #:

APPLICANT:

I, Patricia J. Cassady, Conservation Agent, under the penalties of perjury do hereby state and affirm that:

1. On August 15, 2013, I signed the attached Project Submission & Application For Funding (hereinafter "the Application") seeking funding from the Town of Middleborough's Community Preservation Fund as the Authorized Representative of

Middleborough Conservation Commission (hereinafter "the Applicant"); and

2. Neither I, nor the Applicant, nor any person or entity who would receive funding as a result of the Application has ever been convicted of:

- (a) a crime involving the willful and malicious setting of a fire, or
- (b) a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or
- (c) a crime involving the fraudulent filing of a claim for fire insurance; and

3. Neither I, nor the Applicant, as of this date, owe the Town of Middleborough any monies in the form of previously incurred real estate taxes, water/sewer charges, motor vehicle excise taxes, personal property taxes, parking tickets or any other indebtedness, or

4. I owe \$ 0.00, (please state dollar amount and source of indebtedness - if nothing owed insert \$0.00), and if delinquent,

- I have filed in good faith, an application for an abatement of such amount which is pending, or
- a petition before the Appellate Tax Board is pending, or
- an Installment Payment Agreement with the treasurer of the Town which is current and not in default; and

5. Neither I, nor the Applicant, nor any person who would gain equity as a result of funding of the project described in the Application, has ever been convicted of violating any code, statute or bylaw regarding conditions of human habitation within the last three (3) years; and

6. Neither I, nor the Applicant, nor any person who would gain equity as a result of funding the project described in the Application, has ever been the owner of any property in the Town of Middleborough for which the Town has foreclosed the right of redemption as a result of failure to pay real estate taxes, water/sewer charges or any other indebtedness

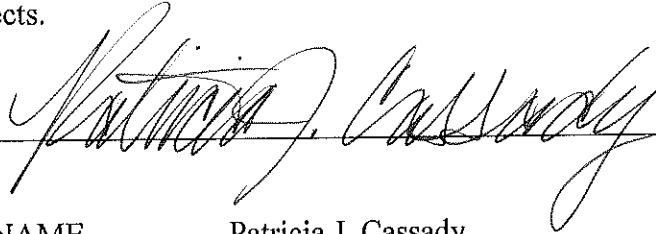
7. Neither I, nor the Applicant, nor any person who would gain equity as a result of funding the project described in the Application nor any person who would gain equity in the project described in the Application, is employed by the Town, or a member of a Board or Commission of the Town of Middleborough or if so:

- (a) In what capacity? Conservation Agent
- (b) In what department? Conservation Commission

I understand that in the event any of the foregoing statements are untrue, all CPA funding of the project described in the attached Project Submission & Funding Request will be forfeited and if any monies have been distributed pursuant to Town Meeting approval of this Funding request, then all such sums shall be immediately due and payable to the Town of Middleborough.

The undersigned swears under the penalties of perjuries that this Affidavit is complete and accurate in all respects.

SIGNATURE _____



PRINT OR TYPE NAME

Patricia J. Cassidy

ADDRESS

20 Centre Street, 2nd Floor, Middleborough, MA 02346

TELEPHONE #

508-946-2406

WITNESS _____

- This Affidavit must be signed by the individual(s) or organizations(s) applying for Community Preservation Funding. If this form is signed on behalf of a corporation or other legal entity, it must be signed by a duly authorized representative of that corporation or legal entity.

H. MEMORANDUM OF UNDERSTANDING

GRANT AGREEMENT #:
APPLICANT:

I understand that there are certain conditions and responsibilities involved in receiving CPA funding.

My signature below indicates that I have read the following conditions and agree to follow them if my application is recommended to and approved by Town Meeting:

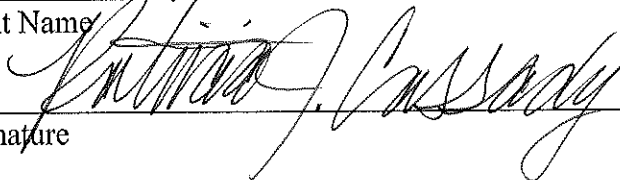
1. I understand that the funding process follows procedures described in the Community Preservation Act, M.G.L. Ch. 44B and that this places certain restrictions on how payments may be made.
2. In order to acknowledge the Community Preservation Act, and thus the contributions of the Middleborough taxpayers, I will:
 - Order, pay for and place a temporary "Community Preservation Works" sign or banner in front of the project. The Community Preservation Committee will provide the approved design. Approximate cost for the banner is generally \$250 - \$300.
 - Acknowledge the contributions of the Community Preservation Act in all press releases, newsletters, and other publicity.
 - Include recognition of the Community Preservation Act if a permanent plaque or sign is placed on the project.
3. If requested, I will supply the Community Preservation Committee with quarterly financial up-dates on the project.
4. I acknowledge that a deed restriction may be required. If needed, I will assist in the process of obtaining the required deed restriction to help protect the property in perpetuity.

Patricia J. Cassady, Conservation Agent for the Middleborough Conservation Commission

Print Name

Signature

Date



8/20/2013