

Walt's Farm & Orchard Application Process Information & Overview

The Westport Land Conservation Trust, Inc. ("WLCT" or "Seller"), is requesting applications from interested parties to purchase the 12-acre property at 439 Briggs Road in Westport, MA most commonly referred to as Walt's Orchard, or Walt's Farm. This property has been managed as a "market garden farm" for the past 50 years. A "market garden" farm is a small-scale farm of fruits, vegetables, flowers, and sometimes small-scale animals. WLCT and the Town of Westport are protecting the property with a Conservation Restriction (CR) in order to protect the property's natural, agricultural, scenic and open space values. WLCT is seeking applicants to purchase this Walt's Farm who will continue this tradition as a market garden farm.

WLCT and the Town of Westport often partner to protect important natural, agricultural and scenic properties across Westport. WLCT purchased this property for \$405,000 on March 31, 2021. The Town is providing public funds, and WLCT is providing privately raised funds to protect this property. The CR is the mechanism for protecting the property and it establishes restrictions that reduce the value of the property. The value of the property with these restrictions is \$200,000. WLCT is setting the price equal to this value. The Property is being sold in its AS-IS condition.

The Applicant must read the draft CR and view the map prior to proceeding with the application process. The draft CR is currently being reviewed by the Commonwealth of Massachusetts, and is subject to additional revisions. The purpose of the CR is to ensure that the property will be protected forever in its natural, scenic, agricultural, and open condition, and it will prevent any use of the property that will significantly impair or interfere with its conservation values.

- **Prohibited Activities:** include subdivision, mining, and dumping. Such prohibited uses are fully described in the CR.
- **Reserved Rights:** No more than one single-family residence (total) will be permitted and can only be located within the provided building envelope. The residence may be expanded or replaced up to total size of 2,500 square feet. Other rights include carrying out agricultural activities on the Property, constructing a limited amount of agricultural buildings, and creating and maintaining farm roads and trails. Such Reserved Rights are fully described in the CR.
- **Required Agricultural Duty:** The CR requires that the owner to maintain the property in active agricultural use as described in the CR. Agricultural activities must qualify and maintain for Massachusetts Chapter 61A.

Process and Timeline

1. **Potential Applicants Review the Property Information:** Review this document, the CR, map and MLS listing information prior to submitting a Pre-Application.
2. **Submit Pre-Application:** All applicants must outline their current farming experience and plans in the Pre-Application. Pre-Applications can be requested from Even Keel Realty or found on WLCT's website. Instructions for how to submit Pre-Application can be found below. **Deadline to submit Pre-Applications is June 17th , 2021.**
3. **Schedule Property Inspection:** After applicant submits the Pre-Application, you may request a Property Inspection by contacting the Realtor. Realtor requires 48 hour notice for scheduling Property Inspections. Instructions for how to request Property Inspection can be found below. Please be advised, the Property is being sold in its As-Is Condition.
4. **Submit Offer with Final Application:** After completing the previous three steps, Applicants can submit a completed offer and a Final Application, which will request details and financial information about Applicant's purchase plan, current farm business and/or farm business plan. Final Applications to be requested from Even Keel Realty or found on WLCT's website. All offers must be for the asking price of \$200,000. **Deadline for submitting Final Application is June 30th, 2021.**
5. **Applicant Selection:** WLCT will review all completed applications (Pre-Application and Final Application) after June 30th, 2021 and selects an applicant that best meets the criteria outlined below to purchase the property. WLCT reserves the right to make the final selection of the Applicant. WLCT reserves the right to request additional information from Applicants, including but not limited to a request to interview three final Applicants. **Selection will be made by July 12, 2021.** All applicants who submit a completed application will receive a written response from WLCT or the Realtor when the selection is made.
6. **Purchase Transaction:** WLCT proceeds to a Purchase & Sale Agreement with selected Applicant and completes sale subject to CR. Timing TBD.

Pre-Application Submission. As outlined above, all Pre-Applications must be received by **3:00pm on June 17th , 2021.** Completed Pre-Applications must be received via U.S. Mail at:

Even Keel Realty
Attn: Nicole Plante
803 Main Road
Westport, MA 02790

Or via email at: Nicole@evenkeelRealty.com

Property Inspections: Applicants may schedule a property inspection **after** submitting the Pre-Application Form. Please contact Nicole Plante of Even Keel Realty at least 48 hours before intended visit, by email nicole@evenkeelrealty.com or by phone at (508) 636-0099. As a reminder, the Property is being sold in its AS-IS condition.

Final Application Submission. All Applicants that complete the Pre-Application are welcome to submit a Final Application. As outlined above, all completed Final Applications must be received by **3:00pm on June 30th, 2021**. Completed Final Applications must be received via U.S. Mail or Email at the same addresses outlined above in “Pre-Application Submission”. An application will be considered complete and submitted when all questions on the Pre-Application and Final Application have been answered and submitted by the deadlines outlined above.

Evaluation and Selection Criteria: WLCT has established the following criteria for reviewing Applications. This criteria is consistent with the CR and project goals of WLCT and the Town of Westport. WLCT will review the Pre-Application and Final Application submitted by each Applicant and will review all applications after the June 30th, 2021 deadline.

- To what extent is the agricultural plan financially and technically feasible?
- To what extent is the agricultural plan compatible with the terms and guiding principles set forth in this Application and in the CR?
- To what extent has the Applicant demonstrated experience in the proposed agricultural operations?
- To what extent does the Applicant have experience farming conserved land?
- To what extent has the Applicant demonstrated the ability and willingness to implement his or her plans in a way that complies with the purposes and conservation values of the Conservation Restriction, and its required approvals?

WLCT MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO THE ACCURACY AND/OR COMPLETENESS OF THE INFORMATION PROVIDED IN THIS APPLICATION. THIS APPLICATION (INCLUDING ALL ATTACHMENTS AND SUPPLEMENT(S)) IS MADE SUBJECT TO ERRORS, OMISSIONS, PRIOR SALES, LEASE OR FINANCING, AND WITHDRAWAL WITHOUT PRIOR NOTICE, AND TO CHANGES TO, ADDITIONAL, AND DIFFERENT INTERPRETATIONS OF LAWS AND REGULATIONS.