

DECLARATION OF CHARITABLE TRUST
Blockhouse Environs Parcel

WHEREAS, **ROYAL RIVER CONSERVATION TRUST**, a publicly supported non-profit corporation operating and existing under the laws of the State of Maine, and a tax-exempt organization under §501(c)(3) of the Internal Revenue Code, with a mailing address at P.O. Box 90, Yarmouth, Maine 04096 (hereinafter "RRCT"), owns approximately 4.5 acres surrounding the historic Blockhouse Site in the Town of New Gloucester acquired by warranty deed from Michael R. Sivulich dated December 21, 2020 and recorded in the Cumberland County Registry of Deeds in **Book 37607, Page 313** (hereinafter the "Parcel"), contiguous to RRCT's recently expanded Intervale Preserve described herein; and

WHEREAS, for centuries prior to colonization of the North American continent by the British and the French, the land area currently known as the State of Maine, including that area of Town of New Gloucester that extends from Gloucester Hill to the Royal River, was part of the ancestral territory occupied and stewarded by the Wabanaki Confederacy that includes the Abenaki, Penobscot, Passamaquoddy and Maliseet tribes and the Mi'kmaq; and

WHEREAS for approximately six decades preceding the first colonial settlement in New Gloucester, the so-called French and Indian Wars raged across the east coast as native Wabanaki warriors sided with the French in efforts to halt the British expansion into Wabanaki lands; and

WHEREAS the Town's first colonial inhabitants settled on Gloucester Hill in 1737 building nineteen wood frame homes and a sawmill on Stevens Brook, but after less than five years they abandoned their settlement in light of the local Wabanaki tribe's resistance to takeover of their ancestral lands by the British; and

WHEREAS the French and Indian Wars continued for three more decades resulting in violence, retribution and atrocities by parties fighting for survival or dominion over the territory and natural resources of what are now known as the New England states and Canadian maritime provinces; and

WHEREAS some of the colonial settlers returned to New Gloucester in 1753, this time building a 50' x 50' two-story Blockhouse defended by two swivel guns and surrounded by 110' long palisade stockade where 12 families and a garrison of six soldiers lived together for about six years during a period of violence, before hostilities subsided after the local Wabanaki retreated north; and

WHEREAS the first meeting of the Proprietors of New Gloucester to be held in the Maine Territory was held at the Blockhouse in 1763, just over a decade before the Town of New Gloucester was incorporated; and

WHEREAS as of the date of this Declaration, the Town of New Gloucester owns the site of the original Blockhouse, upon which sits a miniature replica of the Blockhouse and plaques explaining some of the history of the site; and

WHEREAS in 2020, Michael and Lenore Siluvich generously donated to RRCT the approximately 4.5 acres that immediately surround the Town's Blockhouse site, once part of the clearing and common ownership that supported the Blockhouse; and

WHEREAS the Parcel was acquired by RRCT in order to permanently protect the scenic, natural, archeological and historic resources of the Blockhouse site and its environs; and

WHEREAS the Parcel adjoins an additional 170+ acres acquired by RRCT for ecological protection and low-impact recreation, now known as part of the expanded Intervale Preserve, 22 acres of which are subject to a Declaration of Trust and 150 acres of which are subject to a Project Agreement with conservation covenants (reference being had to instruments dated July 16, 2021 recorded at the CCRD in Book 38434, Page 312 and Page 322); and

WHEREAS, to date, the Parcel is neither burdened by nor benefited from deed restrictions or other mechanisms necessary to protect the conservation and historic values of the Parcel, the Blockhouse Site, and the natural areas adjacent thereto; and

WHEREAS, as the site of violent encounters between the Wabanaki and New Gloucester's earliest English settlers, the Parcel provides an opportunity to work toward a reckoning with the trust of this territory's colonial history and reconciliation for the devastation and dislocation of its original inhabitants; and

WHEREAS RRCT wishes to hold the Parcel in trust exclusively for its charitable and benevolent purposes, specifically so that it will remain forever preserved for the benefit and enjoyment of the general public as an undeveloped area for traditional recreation uses and for historic and archeological preservation, education, and reconciliation,

NOW, THEREFORE, ROYAL RIVER CONSERVATION TRUST hereby grants to **ROYAL RIVER CONSERVATION TRUST**, its successors and assigns forever, as Trustee under this express Declaration of Charitable Trust, pursuant to 18-B M.R.S. §§ 401 and 402 and 33 M.R.S. § 851, the aforescribed Blockhouse Environs Parcel, subject to the following covenants and restrictions that will run with the Parcel in perpetuity, to which, by acceptance of this deed, **ROYAL RIVER CONSERVATION TRUST** agrees as Trustee thereof:

The Parcel shall be maintained for the benefit of the general public as conservation land and a historic site. The Parcel may be made available by the Trustee for outdoor low-impact recreation, nature observation, scientific study, environmental education, historic interpretation, and similar uses of benefit to the general public, provided that, in the sole determination of the

Trustee, such uses do not substantially degrade the ecological, scenic and historic qualities of the Preserve.

The Trustee shall have the right to establish rules and regulations for permitted use of the Parcel by the general public, and may temporarily close all or any part of the same to protect its conservation and historic values. The Trustee shall have the right to prohibit (by posting or otherwise) any uses it deems inconsistent with or adverse to the conservation and historic values of the Parcel. In the spirit of reconciliation, when assessing requests for use of the Parcel, the Trustee shall give deference to requests for uses by the Wabanaki for tribal ceremonial purposes, small interpretive installations or small monuments neither to exceed a three foot by three foot base, or harvesting vegetation for craft, medicinal and ceremonial purposes important to the Wabanaki.

The Trustee shall have the right to build trails and to install signs and minor structures not to include buildings on the Parcel as may be required to facilitate low-impact public recreation and historic education while protecting the ecological and historic integrity of the Parcel from erosion and similar impacts, including without limitation, water bars, boardwalks, stone or wood steps, interpretive signs, picnic tables, benches, trail kiosks, small interpretive installations or small monuments neither to exceed a three foot by three foot base, or similar amenities.

Motor vehicle use on the Parcel shall be limited to the minimum necessary to accomplish property management goals (for example, clearing of diseased or hazardous trees), and in no event shall motor vehicle parking ever be permitted on the Parcel.

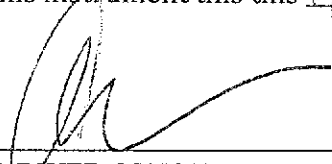
Commercial timber harvesting, residential use, agriculture, mining and quarrying shall be prohibited on the Parcel.

This Declaration of Charitable Trust is hereby declared to be irrevocable. This trust may be amended by the Trustee, its successors, and assigns without prior notice to or approval from any other party, provided such amendment enhances or does not materially detract from the conservation values intended for protection under this instrument. Any other amendment shall require the written consent of the Maine Office of the Attorney General. Amendments shall become effective upon recording at the Cumberland County Registry of Deeds.

The Parcel shall not be subdivided except for *de minimus* boundary adjustments necessary to resolve a bona fide dispute that do not impair its conservation or historic values. The Parcel shall not be transferred except to an entity that is qualified to act as a holder of conservation easements in accordance with 33 M.R.S. § 476(2) and that agrees to hold title to the Parcel as successor trustee, subject to the perpetual restrictions and requirements stated in this Declaration of Charitable Trust.

It is the intent of RRCT for this Declaration of Charitable Trust to be enforceable by the State of Maine's Attorney General but not by the general public.

In witness whereof, the said ROYAL RIVER CONSERVATION TRUST has instructed its duly authorized executive director, Alan Stearns, to execute this instrument this this 17 day of February, 2022.

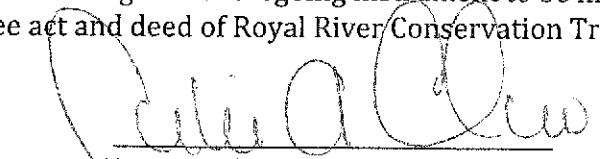


ROYAL RIVER CONSERVATION TRUST
By: Alan Stearns, Executive Director

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

February 17, 2022

Then personally appeared before me the above-named Alan Stearns, in his said capacity and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Royal River Conservation Trust.



Notary Public

Print Name: Julie A. Chew

My Commission Expires: 12/22/26

Notary Public
Julie A. Chew
My Commission Expires: December 22, 2026