



Land for Maine's Future Program
Minutes of the Meeting
September 25, 2018
32 Blossom Lane, Marquardt Building, Room 118
Augusta, Maine

Board Members Present:

Fred Bucklin
Lisa Turner
Commissioner Chandler Woodcock (Acting Chairman)
Robert Meyers
Brad Moll
Commissioner Walter Whitcomb
Don Kleiner

Staff Members Present:

Sarah Demers
Tom Miragliuolo
R. Collin Therrien
Tammara Roberts

Others:

Ed Meadows, Orono
Robert Marvinney, DACF
Bethany Atkins, MDIFW
Liz Petruska, DACF BPL
Ian Stewart, Coastal Mountains Land Trust
Lana LaPlant-Ellis, ORV BPL

Brian Bronson, ORV BPL
Jeff Preble, Wright Pierce
Alan Stearn, Royal River Conservation
Trust
Mark Holt, Jay Sewer Department
Stephanie Gilbert, BAFRR

1. Welcome and Introductions:

Commissioner Chandler Woodcock, Acting -Chairman, called the meeting to order at 1:04 p.m., welcomed everyone, and asked for introductions.

2. Minutes:

Chairman Woodcock asked for a motion to accept minutes.

Motion to accept minutes: Lisa Turner, moved to accept minutes. Seconded by Robert Meyers. Motion passes unanimously.

3. Bond Balances -LMF Director:

Land for Maine's Future Program				
Bond Fund Balances				
August 31, 2018				
Public Law Reference	Designated Purpose of Funds	Authorized Bond Issue	Bonds To Be Sold	Cash Balance
2009, Chapter 645, Sec. J	Conservation & Recreation; Farmland Preservation	6,500,000	0	3,043,107
2009, Chapter 645, Sec. J	Farmland Preservation	1,000,000	0	383,559
2009, Chapter 645, Sec. J	Working Waterfront	1,750,000	0	276,857
<i>Sub-total Public Law 2009, Chapter 645, sec. J</i>		<i>\$9,250,000</i>	<i>\$0</i>	<i>\$3,703,523</i>
2011, Chapter 696	Conservation & Recreation; Farmland Preservation; Working Waterfront	\$5,000,000	\$0	\$3,175,000
Total		\$14,250,000	\$0	\$6,878,523
Water Access Funds - Board Allocation 11/09/2017				
	2009 Bond	\$192,500		
	2011 Bond	\$307,500		
	Total	\$500,000		
	Head of Tide Park II	\$50,000		
	Pettegrow Point	\$160,000		
	Lubec Boat Launch	\$54,000		
	Mailbox Pool	\$21,555		
	Funds Remaining	\$214,445		

4. Project Allocations & Status – Land for Maine's Future Director:

Status of Funds		
ATTACHMENT A		
As of August 31, 2018		
Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		
C&R	\$0	\$3,043,107
Farmland	\$0	\$383,559
Working Waterfront	\$0	\$276,857
Funds Remaining	\$0	\$3,703,523
PL 2011, Ch. 696	\$0	\$3,175,000
C&R, Farmland, WWF		
Total Funds Remaining		\$6,878,523

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Total Funds Remaining		\$6,878,523

The Board has \$6,878,523 cash on hand, with \$3,893,405 allocated towards projects, leaving just over \$3 million dollars unallocated. This running total now includes the recent allocation of water access funds for the Mailbox Pool project. No projects have closed since last meeting.

Note: The majority of the \$3 million dollars that are not allocated to specific projects are set aside for future farmland, working waterfront and water access projects.

Chairman Woodcock: Questions, from Board, or staff? Seeing none, the chair requested a change in order of the agenda, to accommodate Whistle Stop Multiuse Jay. No objections.

6. Whistle Stop Multi-Use Rail Trail Lease & Change of Use, Jay – Farmington, Franklin County

The Jay Sewer District has approached the Department of Agriculture, Conservation and Forestry's Bureau of Parks and Lands (BPL) for a 25-year renewable/revocable lease along 2.6 miles of the 14 miles long Whistle Stop multi-use rail trail for construction of sewer upgrades. The trail was acquired entirely with Land for Maine's Future funds in 1999.

Lana LaPlant-Ellis and Brian Bronson from BPL's Off Road Recreational Vehicle Program were in attendance to discuss the request, as were representatives from the Jay Sewer District and their engineering consultant.

Brian Bronson explained that the Town of Jay and the Sewer District will lease a section of the Whistle Stop Rail Trail in Jay install a force main sewer line along the west side of the trail. The Whistle Stop Multi-Use Rail Trail (14 miles) was purchased for recreational purposes on October 29, 1999 for \$198,000 with funds made available from the Land for Maine Future program.

The Town of Jay hired an Engineering Firm to complete a feasibility study to install a pump station at the North Jay Treatment facility. This will eliminate the North Jay Treatment Facility and direct wastewater flow to the sewer collection system located in the Hannaford Plaza and would be installed beside the Whistle Stop Trail for approximately 2.6 miles. The elimination of the existing treatment facility will save the Town money and redirect the effluent from a small stream to the Androscoggin River via the Livermore Falls treatment facility.

Understanding that the installation of a sewer line would be a change of use for the rail trail corridor, the Bureau requests this matter be brought to the Board for review and discussion.

Don Kleiner: How long with this take to accomplish and season to complete it in?

Jeff Preble: Hoping 2019 construction, bid February to March, construction to start April or May and go through most of construction season, and will have partial tail closure along the way.

Bob Meyers: What is the terms of the lease?

Lana LaPlant-Ellis: 25 years, which can be renewed or revoked.

With no further questions, the Board thanked the parties for bringing this to their attention and wished them well on the project.

5. Projects to be Acted on

Yarmouth Riverfront Woods, Yarmouth, Cumberland County

Tom presented the project summary: Subject property is vacant land located adjacent on the Royal River and is accessed from New Dugas Street. The Town of Yarmouth is purchaser of the fee and a conservation easement will be held by the Royal River Conservation Trust. Property will also be held under a LMF Project Agreement with Dept. of Agriculture, Conservation and Forestry as the Designated State Agency.

- 850' of scenic frontage on the Royal River.
- Abuts existing conservation lands on three sides.
- Two points of legal access:
 1. Public pedestrian access over 850' ROW.
 2. Vehicular access for maintenance via New Dugas Street.
- MDOT has granted a crossing over the rail line.

Fred Bucklin: We looked at the appraisal, which was well supported. We had a few questions and the appraiser was able to answer us without any problems.

AOC recommendation: The Appraisal Oversight Committee met on July 26, 2018 to discuss the Yarmouth Riverfront Preserve project appraisal. The Committee voted in favor of supporting the appraiser's value of the fee of \$353,000.

Chairman Woodcock: Now if we could have a motion from a non-AOC member.

Motion: Don Kleiner made a motion to accept the AOC recommendation and Commissioner Walter Whitcomb second the motion. No further discussion among the Board.

Announcement of public notice: The public notices for the Yarmouth Riverfront Preserve project were advertised in the Kennebec Journal and the Portland Press Herald on September 14, 2018.

Chairman Woodcock: No public comments, written or otherwise, have been received by Staff prior to this meeting, therefore we would like to take this time to allow any public comment from the audience. Seeing none, the Chair called the vote.

Vote: Unanimous.

Motion: Don Kleiner made a motion to confirm the total allocation of \$110,000 in LMF Conservation & Recreation funding to support the fee purchase of the Yarmouth Riverfront Preserve lands, subject to standard LMF conditions. The motion was seconded by Bob Meyers.

With no further discussion, the vote was unanimous.

Grassy Pond / Mirror Lake Conservation Easement Camden, Hope, Rockport, Knox County.

LMF funding will be directed to the Grassy Pond conservation easement, with the value of the Mirror Lake easement (798 acres) supplied as match. Coastal Mountains Land Trust will acquire and hold both

conservation easements, which will be held under a LMF Project Agreement with ME. Dept. of Inland Fisheries and Wildlife as the Designated State Agency.

The project area safeguards the drinking water source for six coastal municipalities and preserves important wildlife corridor and wetlands. Additionally, the conservation easements will provide the opportunity to expand and improve four-season multi-use recreational access to one of the most popular natural and recreational areas in the region for the benefit of the Mid Coast community and many seasonal visitors.

- Selected 11/2017, revised 04/2018 to include Mirror Lake & Grassy Pond, with LMF funds directed to Grassy Pond CE purchase.
- 498 +/- acres working forest CE protects water quality and allows non-motorized boating access on Grassy Pond. Part of multi-town 4 season recreation destination.

Estimated value:	\$600,000
Appraised value:	\$550,000
Match:	\$1,605,140.68
Project Cost:	\$2,260,299.02
LMF award:	\$500,000 (22%)

Fred Bucklin reported that the AOC reviewed the appraisal thoroughly and provided questions to the appraiser which were all satisfied by the appraiser's responses. Ian, Director of Coastal Mountains Land Trust, did a great job working with the appraiser to get our questions answered, and reported that he feels this project offers a good value.

AOC recommendation: The Appraisal Oversight Committee met on June 28, 2018 and September 6, 2018 to discuss the Grassy Pond CE appraisal. The Committee voted in favor (4-0) of supporting the appraiser's value of the conservation easement of \$550,000.

Chairman Woodcock: Now if we could take a motion from a Non-AOC member.

Motion: Commissioner Whitcomb made a motion to accept the AOC recommendation, seconded by Don Kleiner.

Chairman Woodcock called for discussion on the motion.

Commissioner Whitcomb asked for a refresher on the evolution of the project configuration.

Sarah Demers: The project was brought to the Board because of a change in configuration to direct LMF funds to the Grassy Pond property and match provided from the value of the Mirror Lake easement value. The Board agreed to this change and felt that it resulted in getting more public benefit for the LMF investment.

Chairman Woodcock: Any further discussion?

Don Kleiner: I like to think of this as a 1,200 acres' project.

With no further discussion, Chairman Woodcock called for the vote to accept the AOC recommendation.

Vote: Unanimous.

Announcement of public notice: The public notices for the Mirror Lake/Grassy Pond project were advertised in the Kennebec Journal on September 14th and the Courier Gazette on September 13th, 2018.

Chairman Woodcock: There hasn't been any public comments received by Staff prior to this meeting, so we would like to take this time to allow any public comment. Seeing none, we'll move to vote to accept the AOC recommendation.

Motion: Fred Bucklin makes a motion to confirm the Board Allocation of \$500,000. The motion was seconded by Don Kleiner.

With no further discussion, Chairman Woodcock called for the vote.

Vote: Unanimous.

Mailbox Pool, Lincoln Plantation, Oxford County.

Rangeley Lakes Heritage Trust, Water Access Proposal Mailbox Pool, 17 +/- acres, Lincoln Plantation, Oxford County

- 17+ acres located on the lower Magalloway River, below the dam at Aziscohos Lake, known for its brook trout and land locked salmon populations
- The Mailbox Pool is the most popular fishing pool on the lower Magalloway, with MDIFW estimating 3,000 angler days per season in the ½ mile stretch upstream and downstream of the property.
- Strong local support for this acquisition.
- The parcel also supports some DWA habitat

Fred Bucklin reported that the AOC felt comfortable with this appraisal and provided the AOC recommendation.

AOC recommendation: The Appraisal Oversight Committee met on July 26, 2018 and September 6, 2018 to discuss the Mailbox Pool appraisal. The Committee voted in favor (4-0) of supporting the appraiser's value of the fee at \$67,500.

Motion: Don Kleiner made a motion to accept the AOC recommendation, seconded by Bob Meyers.

Chairman Woodcock called for discussion regarding the motion.

Commissioner Whitcomb: Where will the parking happen?

Sarah Demers: Parking was discussed when we approved this project and it will be a small lot to allow vehicles to get off of the roadway. The intent is for 3 or 4 parking spots.

With no further discussion, Chairman Woodcock called for the vote to accept the AOC recommendation.

Vote: Unanimous.

Announcement of public notice: The public notices for the Mailbox Pool project were advertised in the Kennebec Journal and the Sun Journal on September 14th, 2018.

Chairman Woodcock: There hasn't been any public comments received by Staff prior to this meeting, we would like to take this time to allow any public comment. Seeing none, he asked for a motion.

Motion: Bob Meyer made a motion to confirm the total allocation of \$21,555 in LMF Water Access funding to support the purchase of the Mailbox Pool water access site (16+/- ac.), subject to standard LMF conditions, seconded by Lisa Turner

Chairman Woodcock: With no further discussion, let's take the vote.

Vote: Unanimous

6. Amendments & Changes of Use Committee Report – LMF Director

The Committee was formed by the LMF Board at their April 24, 2018 meeting to address the increase in inquiries for amendments and changes to LMF funded easements and Project Agreements.

Committee participants include LMF Director and staff, Board members: Commissioner Walt Whitcomb, Don Kleiner and Bob Meyers, State agency staff: Bethany Atkins, MDIFW, Liz Petruska, DACF-BPL contractor, Stephanie Gilbert, DACF-BAFRR, David Rodrigues, DACF-BPL, Tom Gordon, DACF Commissioner's Office and DOT contract attorney Hope Hilton.

Committee members met on 8/7/2018 and 9/13/2018. The first meeting was primarily information sharing on the different types of LMF funded projects (fee vs. easement and state ownership vs. cooperating entity ownership) and the state and federal laws and LMF Board policies that come into play for each of these project types.

The second meeting was primarily spent looking at 2 case studies, and refining materials developed by staff and attorney covering:

- a. Guidelines and Criteria for requests
- b. DSA/LMF staff considerations
- c. LMF Board considerations

Next steps include:

1. Finalizing the Guidelines and Criteria, DSA/LMF staff Considerations and LMF Board Considerations;
2. Begin developing a Board decision matrix which will assist the Board with determining what their role is for each request (notification only, approval, legislative action) and what associated factors the Board must consider and;
3. Investigate legal authority needed to set an application fee or fee for service to cover DSA and LMF staff time and legal costs to review requests.

Chairman Woodcock asked for questions and discussion from the Board.

There was consensus among the Board regarding the importance of formalizing this process for the benefit of the State and holders of LMF funded lands.

Chairman Woodcock asked for comments from the audience.

Ed Meadows: Commended the Board in asking the question and making this a concern of theirs. Shared his experience and will be connecting with Sarah to share some of his ideas and give suggestions for some future changes.

Chairman Woodcock: Appreciate your comment and information. Further discussion?

Chairman Woodcock: Thank you, I am sure we will have further discussions about this topic.

Sarah Demers: Next Board meeting we hope to have some recommendations for the Board's consideration.

7. Staff Updates – LMF Director

Sarah provided the Board with an overview of the LMF Project Finder project that she and staff have been working on.

Land for Maine's Future web-based project viewer.

- Web-based tool allows users to find and learn about Land for Maine's Future funded properties.
- 100+ C&R, Water Access, Working Waterfront projects to be included
- Property and Access descriptions, allowed activities, photos, documents, and weblinks for more information.
- Able to query by County, allowed activities, project name.

Lisa Turner: Could you put a street address?

Sarah Demers: This is in the development stage so there may be improvements in the future such as street address. Currently you can get directions to the property from your current location.

Don Kleiner: Keep in mind even a street address can bring you to the wrong location.

Chairman Woodcock: Thank you Sarah.

Next Meetings

Next AOC meeting: October 9, 2018 – cancelled, October 30, 2018

Next Board meeting: November 13, 2018

Chairmen Woodcock adjourned the meeting at 2:20 p.m.