

# Land for Maine's Future Program

December 17, 2002  
Minutes of the Meeting

Pine Tree State Arboretum in Augusta

## **Board Members Present:**

- Commissioner George Lapointe [chair]	Commissioner Ron Lovaglio
Commissioner Bob Spear	Roger Milliken
Roger Berle	Carole Dyer
Warren Balgooyen	Linda Pagels
David Keeley, SPO Acting Director	

## **Absent:**

Commissioner Lee Perry	Marcia McKeague
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## **Staff Members Present:**

Tim Glidden	Surrin Pyne [legal]
Steve Brooke	Jim Connors
Aline Lachance	R. Collin Therrien

## **Others Present:**

Governor Angus King, Jr.  
Denny Phillips, Belgrade Regional Conservation Alliance  
Edward Hinckley, Belgrade Regional Conservation Alliance  
Steve Spencer, DOC, Bureau of Public Lands  
Nan Cumming, Portland Trails  
Edward Hinckley, BRCA  
Elbridge Cleaves, Prentiss Carlisle Company  
Jerry Bley, Creative Conservation  
David MacDonald, Maine Coast Heritage Trust  
Misty Edgecomb, Bangor Daily News  
Tom Rumpf, The Nature Conservancy  
Ralph Knoll, Dept of Conservation  
George Patterson / Keith Brown / Spike Haible, Harpswell Heritage Land Trust  
Bill Ginn, Pownal Land Trust  
Fred Hurley and Bob Williams, Dept Inland Fisheries & Wildlife

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## **Opening**

Commissioner Lapointe opened the meeting by recognizing Governor King who made gracious and positive remarks about LMF and thanked Board members for their service. The Governor noted that LMF has been essential to Maine's success during a period of land conservation of historic proportions. Commissioner Lapointe presented the Governor with an LMF memento and thanked him on behalf of the Board for his leadership and support throughout the previous eight years.

### **Minutes of the Meeting**

A motion was made by Roger Berle and seconded by Roger Milliken to accept the October 22, 2002 minutes of the meeting. Vote was unanimous.

### **Mattawamkeag Lake, Farrar Timberlands property** [T4R3 WELS and T3R3 WELS]

#### ➔ Public Notice

Published in the Kennebec Journal on 12/5/02 and Bangor Daily News on 12/6/02

#### ➔ Easement Committee Report

Several appraisal committee members observed that some of the terms of the draft easement for the Farrar/Mattawamkeag project, a fairly small parcel, might be excessive. Specific changes have been made to reduce the level of detail and simplify the methodological sophistication in the growth and harvest projections. The easement committee having reviewed the proposed changes [eliminating projection of timber growth and harvest by species group and utilizing current scientific methods in the Forest Management Plan] has approved it unanimously. The amended language still requires that growth and harvest projections be provided but in a more summary form and based on more traditional methods and assumptions.

Roger Milliken mentioned that on future easements it might be wise to keep track of species harvest and harvest plans.

#### ➔ Appraisal Committee Recommendation

The committee recommends that the appraised value be \$390,500 for the easement, \$308,500 for the fee lands and \$57,200 for the leased lands. The committee also recommends LMF funding based on the applicant's request of \$256,200 (not including all other costs).

#### ➔ Public Comments

Jerry Bley stated that Wayne and Maxine Farrar should get a prize for their patience. This has been a long process for them.

Elbridge Cleaves stated that Mr. Farrar was proud to be able to conserve a piece of his heritage; the Maine Woods. He thanks the Board for their consideration of this project.

#### ➔ Vote

A motion was made by Roger Milliken and seconded by Roger Berle to approve the appraisal amount (\$256,200) and easement amendment. Vote was unanimous.

A second motion was made by Roger Milliken and seconded by Roger Berle to release the remaining \$243,800 of allocated LMF funds for this project. Vote was unanimous.

### **Presumpscot Falls, Falmouth**

#### ➔ Public Notice

Published in the Kennebec Journal on 12/5/02 and Portland Press Herald on 12/5/02

#### ➔ Appraisal Committee Recommendation

The committee recommends that the appraised value of \$100,000 be accepted. The committee further recommends funding at \$66,667.00 (not including all other costs) based on the applicant's request.

#### ➔ Public Comments

None.

#### ➔ Vote

A motion was made by Carole Dyer and seconded by Commissioner Spear to fund this project. Vote was unanimous, except for Roger Berle who abstained. It was noted that these lands (approximately 4 acres) will be owned by Portland Trail with LMF funds provided under a Project Agreement.

### **5 % Access Improvement Grants for Water Access Projects:**

<b>Water Access Project Name</b>	<b>Appraised Value</b>	<b>IF&amp;W Access Improvement Budget</b>	<b>5% from LMF funds based on accepted Appraised Value</b>
Round Pond/Long Pond	\$ 120,000.00	\$ 78,292.00	\$ 6,675.00
Clary Lake	\$ 45,000.00	\$ 34,314.00	\$ 2,250.00
Jacob Buck	\$ 30,000.00	\$ 49,870.00	\$ 1,500.00
Kennebec Shawmut-Chinet	\$ 110,000.00	\$ 9,200.00	\$ 5,500.00
Mere Point	\$ 245,000.00	\$ 300,000.00	\$ 12,250.00
Pocomoonshine Lake	\$ 32,000.00	\$ 109,076.00	\$ 1,600.00

TOTALS	\$ 582,000.00	\$ 580,752.00	\$ <b>29,775.00</b>
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A motion was made by Roger Milliken and seconded by Carole Dyer fund these 6 water access improvement proposals. Vote was unanimous

### **5 % Access Improvement Grant for Conservation & Recreation Project:**

#### ➔ Kennebec Highlands

Copies of the Kennebec Highlands Access Improvement Plan (Phase I) were distributed to the Board and Steve Spencer from the Department of Conservation did a brief presentation outlining planned improvements designed to facilitate access and safeguard resources at the site.

Noted: \$2,000 for signs omitted from the proposal. [total should now read \$66,365.00]

A motion was made by Roger Milliken and seconded by Commissioner Lovaglio to approve the amended amount requested for access improvement including \$2,000 for signs. Vote was unanimous.

### **Skolfield Farm**

Spike Haible, Harpswell Heritage Land Trust, distributed a project update summary to the Board and briefed them regarding changes in the configuration of the proposed Skolfield Farm project.

It was Mr. Haible's opinion that the biggest hurdle concerns the conservation easement on the **Barton** property. Progress is hampered by size and scope of the easement that the landowner is now willing to donate. The Trust has negotiated for a 3± acre easement and is attempting to have this aligned with the abutting Trust property. At some point in the future the Trust anticipates receiving a donation of an easement on the remaining of the property but cannot predict when.

HHLT is confident that final implementation of the conservation easement on **C. Skolfield** property will be completed by December 2003. The easement is extremely important in that it extends the amount of protected shorefront, increasing protection of salt marsh, mudflats and wetlands, and protects historic viewshed.

Mr. Haible is seeking confirmation of the Board's willingness to proceed with the project even though a very high possibility exist in that an easement with the Barton family might not occur in the foreseeable future. A Board member suggested that another option might be to obtain a letter from the Barton family giving the Trust a right of first refusal.

The Board is willing to release funds and has no objection in moving the proposal forward.

Mr. Haible will keep the Board posted on HHLR's progress.

### **Bradbury-Pineland Corridor Project Update**

Bill Ginn reported that the original proposal for **Parcel 11A** was to purchase in fee only its eastern half. Recent negotiations have resulted in the landowner being willing to sell all of Parcel 11A except for one buildable lot on Lawrence Road.

The original proposal for **Parcel 11B** was to purchase in fee 5 acres directly bordering Chandler Brook and also to purchase a limited development (one house) easement on the parcel's remaining 20 acres. Recent negotiations have resulted in the landowner being willing to sell in fee a larger portion of the parcel. The remainder of the parcel will be protected by an easement.

The Trust is not looking for additional funds; only seeking to amend the project to include additional acreage and a septic easement.

The Board expressed its acceptance of the approach outlined by Mr. Ginn.

### **Executive Session**

A motion was made by Roger Berle and seconded by Roger Milliken to go into Executive Session for the purpose of discussing ongoing negotiations regarding the Bradbury-Pineland Corridor project. [3:08 p.m.- 3:45 p.m.]

### **Project Agreement Financial Recovery Options**

One provision of the model Project Agreement; the enforcement section, has caused sufficient concern to justify reconsideration and possible amendment to the model Project Agreement.

The model PA currently provides that as one of the enforcement options, the sponsoring state agency may require full repayment of the LMF grant plus interest at the then-current prime rate plus 2 percent. While this is a reasonably common provision in commercial contracts the effect of this over the course of many years would be spectacular and arguably punitive. Some smaller land trusts have expressed reservation over signing such an agreement due to the financial impact it would have on their organization.

Tim Glidden provided members with 2 options that would remedy the situation. After discussion, members felt that Option # 2 which would tie the State's financial recovery to a proportion of the value of the property at the time of recovery based on the ratio of the grant to the purchase price was preferred. This approach would probably be tied to an appraisal of the property at the time of enforcement that was based on its unencumbered value.

A motion was made by Roger Milliken and seconded by Roger Berle to go with Option #2 in amending the model Project Agreement. Vote was unanimous.

A second motion was made by Roger Berle and seconded by Roger Milliken which would allow the staff to draft a simple amendment to existing project agreements.

### **Staff Report**

➔ Overall Project Status Report

The latest Project Status Report was included in Board packet.

Tim Glidden presented a 2002 Program Update stated that a total of 68 projects have been funded out of 1999 bond [\$50 million] representing an allocation of \$26.2 million including reserve for closing costs. With Board action today, \$383,131 can be "recovered" from completed project allocation and applied to future projects. Currently 32 projects have closed, 12 are expected to completely close within the next 3 months, on 6, the Board has approved all or portions of funds, and 18 negotiations underway; no funds approved. \$15.1 million remains to be allocated for conservation & recreation, up to \$2.6 million for farmland protection, and \$3.5 million for water access.

Tim stated that he contributed an article on the water access program to the SAM newsletter at the request of George Smith.

➔ New Round [3<sup>rd</sup> of \$50 Million] of Proposals

Deadline date for new proposals is December 20, 2002. We have received numerous inquiries and it looks like we'll receive a good number of proposals, said Steve Brooke.

➔ Board Assignments for various LMF committees

**Scoring Committee**

Warren Balgooyen  
Roger Berle  
Linda Pagels  
Commissioner George Lapointe

**Nominations Committee**

Marcia McKeague  
Roger Milliken  
Carole Dyer  
DAF&RR Commissioner  
IF&W Commissioner

**Appraisal Review Committee**

Roger Berle  
Carole Dyer  
DOC Commissioner  
Roger Milliken

**Easement Review Committee**

Warren Balgooyen  
SPO Director  
Commissioner George Lapointe  
Marcia McKeague

➔ Proposal Schedule for round #3 LMF Proposals

- staff will begin scoring [1/6/03 – 2/13/03]
- scoring committee will meet 2 full days and possibly a third day, if needed [2/3&4]
- nominations committee will meet 2 full days and possibly a third day, if needed [2/24&26]
- staff prepares Board packets [3/1/03 – 3/28/03]
- two-day Board meeting to conduct regular Board business and select finalist projects for the new round [April 7-8 2003]

➔ Board Meeting Schedule for 2003

February 18th	April 7-8	June 17 <sup>th</sup>	Sept. 23 <sup>rd</sup>
November 18 <sup>th</sup>	December 16 [backup, if needed]		

➔ Next Board Meeting

February 18, 2003 at the Augusta Armory

➔ Farewell

Commissioner Lovaglio stated that he enjoyed his 8 years with the Board and felt that the work accomplished was far-reaching for Maine's citizens and generations to come. It was his opinion that the Governor's 2 top successes during his administration was the laptop program and the land conservation work done by this Board. Commissioner Lovaglio further stated that it is only now that the magnitude of the work accomplished is beginning to sink in.