

# Land for Maine's Future Board

## Minutes of the Meeting

January 24th and 25th, 2002

Maple Hill Farm  
Hallowell, Maine

### **Board Members Present:**

Evan Richert, Chair	Roger Milliken	Roger Berle
Marcia McKeague	Linda Pagels	Carole Dyer
Warren Balgooyen	Commissioner Lovaglio	Commissioner Perry
Commissioner Lapointe	Commissioner Spear*	

[\*Day 2, absent, except for vote on Newry Mineral Park]

### **Staff Members Present:**

Tim Glidden, Program Director	Steve Brooke	R. Collin Therrien
Surran Pyne [legal]	Aline Lachance	

### **Others Present:** *[list incomplete, many folks did not sign-in (Attendance List)]*

Mark C. Conrad, Birch Island Corporation  
David W. Brooks, Brunswick Conservation Commission  
Tom McKinney, Brunswick resident  
Melanie Pagels, High School student  
Ellie Swanson, Brunswick resident  
Mark Verhey, Brunswick  
Elizabeth Swain, New England Forestry Foundation  
Frank C. Reed, New England Forestry Foundation  
Don Gerrish, Brunswick Town Manager  
Dick Snow, Birch Island  
Charles H. White, Brunswick  
Susan White, Brunswick  
Stephania [Stephanie] Gilbert & Mary Ellen Johnston, Maine Department of Agriculture  
Lee Sochasky, St. Croix International Waterway Commission  
Karen B. & Gordon Clarke, Falmouth Conservation Commission  
Gerry Bley, Creative Conservation  
Ralph Knoll, Maine Department of Conservation

Spike Haible, Harpswell Heritage Land Trust  
Sean Mahoney, Falmouth Conservation Trust  
Alan Donald, Falmouth Conservation Trust  
Brian Kent, Kent Associates  
Alison Truesdale, LandForms  
Henry Hilton, Maine Dept of Inland Fisheries & Wildlife  
Tom Rumpf, The Nature Conservancy  
Bill Diamond, Windham Land Trust  
David MacDonald, Maine Coast Heritage Trust  
Connie Cross, Loon Echo Land Trust  
Sue Telferian, Loon Echo Land Trust  
Leslie Hudson, Forest Society of Maine  
Bill Randall  
T. Hamilton

1) **Minutes of the Meeting**

On page 2 of the DRAFT November 1, 2002 Minutes under **Process to Establish Model for Landscape Conservation Easement** the following sentence “Such easements would be used in large-scaled acquisitions such as the West Branch and Leavitt Plantation [both 1<sup>st</sup> Round-\$50 M] containing multiple resources.” is being replaced with the following *“These guidelines will be used in large-scaled forestry easement projects in the future. LMF staff and the cooperating agencies will attempt to incorporate key elements of these guidelines into the pending easements where possible.”*

A motion was made by Commissioner Lapointe and seconded by Roger Berle to accept the November 1, 2001 Minutes as amended. Vote was unanimous.

***PROJECT VOTES***

**PUBLIC ACCESS TO MAINE WATERS PROPOSALS**

2) **Mere Point – Middle Bay - Property, Brunswick**

- Announcement of Public Notice

Published in the Kennebec Journal on 1/4/02 and in The Times Record on 1/4/02.

- Appraisal Committee Recommendation

It is the Committee recommendation that the accepted appraised value be \$245,000. Committee recommends the following level of funding for this acquisition (not including all other costs) at \$163,333 which is 2/3 of appraised value.

- Public Comments

Before beginning the public comment period, Evan identified several of the criterias used by the Board in determining whether or not a project is funded. Some examples given:

- willing seller
- naturalness of the land
- accessibility of the land
- sponsoring agency commitment to the project
- responsible entity to manage the property
- inventory of existing State needs by priority
- adequate financial match as part of the project
- good value for the tax dollars spent

He stated that this Board is not a "permitting" Board such as Board of Environmental Protection or the Corps of Engineers. LMF is a funding agency and not an environmental agency. Its mission is defined by statute.

Commissioner Perry gave a brief overview of the history and purpose of the project including the analyses undertaken by the Department to assess design, legal and environmental impact issues.

The following persons spoke in **FAVOR** of the project:

*\* Those names containing an asterisk, in addition to speaking to the Board, have submitted letters. A complete set of all letters submitted is on file at the State Planning Office.*

Steve McCausling  
Mark A. Verhey \*  
Steve Walker  
James MacLeod  
Tom McKinney  
Eleanor (Ellie) Swanson\*  
Don Gerrish

Ann Hayden \*  
Representative Stanley Gerzofsky  
David Brooks \*  
Pete Worthington  
Dana Wallace \*  
Tom Farrell

The following persons spoke in **OPPOSITION** of the project:

Dick Snow	Mark Snow *
Mark C. Conrad *	Persephone & James Ditzel *
Charles White *	Tim Carter
Steve Neal *	Nancy Sherwin
Prentise & Leslie Weiss *	Greg Mason
Sue Hartman *	Janet Durby
Alice G. Bean Andrenyak *	Dan McCran
Eric & Elizabeth Butler *	Debora Price *
Sue Hartman *	

In response to Board questions, Bob Williams (IF&W) addressed the issue of whether or not the Naval site in Harpswell might be a better location. He responded that there might be possible contamination at the site, intertidal difficulties, and wind and exposure issues to be addressed.

Commissioner Perry stated his department does have a Purchase & Sales Agreement which will expire March 15th. There is an established easement, also. The site's R-O-W would need to be widened to about 17 feet. He mentioned that Hope Hilton, DOT attorney, indicated there is title to the property and we would have right-of-way. When asked if reducing the size of the parking lot to accommodate between 25-30 vehicles might be more appropriate, he thought the amount to be too low.

- Vote to Support Acquisition

**In its vote to support acquisition, the Board found that existing points of public access to Middle Bay and Upper Casco Bay are not sufficient.**

A motion was made by Roger Berle and seconded by Commissioner Spear to support this acquisition. Vote was 10 to 1 in favor of the project. Warren Balgooyen opposed.

It was noted that before public funds can be released the following requirements must be met: 1) a land survey be completed, 2) that a Purchase & Sales contract be signed with all appurtenant conditions, and 3) documentation of matching funds.

### **3) Bear River Rips, Hanover, Oxford County**

- Announcement of Public Notice

Published in the Kennebec Journal on 1/4/02 and in The Bethel Citizen on 1/10/02.

- Appraisal Committee Recommendation

It is the Committee recommendation that the accepted appraised value be \$60,000. Committee recommends the following level of funding for this acquisition at (not including all other costs) \$40,000 or 2/3 of appraised value.

- Public Comments

Richard Hoeh, member, Board of Directors of the Mahoosuc Land Trust, encouraged the Board to acquire the site. The land is on the market and there is fear that public access will be lost to private development. The goal of the project is to provide a key access point along the Androscoggin Canoe Trail, provide cold-water fishing access, enhance the 4-season recreation economy of the Bethel region, and to protect and preserve a traditional access site. The Mahoosuc Land Trust will hold title.

Susan Lincoln, Board of Directors of the Mahoosuc Land Trust, also spoke in favor of the acquisition. They anticipate requesting funding for the development of this site through the Maine Boating Facilities Program or the Maine Recreational Trails Program which distributes federal funding through the Maine Department of Conservation.

Becka Roof, National Park Service. We have been working with the land trust of this project and support them in this effort to provide increased access to the Androscoggin River. There is great community support and local neighbors also excited and want to help.

Steve Wight, LURC chairman. This site came to mind immediately as the type of acquisition this Board should pursue. Great recreational opportunity for everyone and the site can be used by educators and schools alike.

Jim Mitchell, Executive Director, MLT. This is truly a spectacular river and I hope you will approve funding the project.

- Vote to Support Acquisition

A motion was made by Roger Berle and seconded by Roger Milliken to acquire this parcel. Vote was unanimous.

It was noted that before public funds can be released the following requirements must be met: 1) a signed project agreement, 2) evidence of good title, and 3) documentation of matching funds.

**CONSERVATION & RECREATION PROJECTS**

**3) Florida Lake Conservation & Recreation Area, Freeport**

- Announcement of Public Notice

Published in the Kennebec Journal on 1/4/02 and in the Portland Press Herald on 1/4/02.

- Appraisal Committee Recommendation

It is the Committee recommendation that the accepted appraised value be: \$225,000 for Rogers Campground, \$44,000 for Burton Brewer, and \$115,000 Marstaller [donated match]. Committee recommends the following level of funding for this acquisition (not including all other costs) at \$200,333.

- Public Comments

Steve Walker thanked the Board for its consideration of the project.

- Vote to Support Acquisition

A motion was made by Commissioner Perry and seconded by Commissioner Lapointe to acquire this parcel. Vote was unanimous.

It was noted that before public funds can be released the following requirements must be met: 1) a signed project agreement, 2) evidence of good title, and 3) documentation of matching funds.

**5) Little Pond Addition to Donnell Pond Unit, Franklin, Hancock County, 882 $\pm$  acres.**

Note: This acquisition will convert a 666 acre easement to fee ownership of lands surrounding Little Pond and adds an additional 216 acres of adjacent fee ownership.

- Announcement of Public Notice

Published in the Kennebec Journal on 1/4/02 and in The Ellsworth Weekly on 1/10/02.

- Appraisal Committee Recommendation

It is the Committee recommendation that the accepted appraised value of the 666  $\pm$  acre Little Pond tract be \$275,000 or \$412.91 per acre. An additional 216 acre parcel will be provided as match by the applicant. The Committee recommends the following level of funding for this acquisition (not including all other costs) be \$100,000.

- Public Comments

None.

- Vote to Support Acquisition

A motion was made by Roger Milliken and seconded by Commissioner Perry to acquire. Vote was unanimous.

**6) Tinker Island [~~Conservation Easement~~ Project Agreement] - Tremont, Hancock County, 225± acres.**

Tabled at November 1,2001

A motion was made by Roger Milliken and seconded by Commissioner Lovaglio to remove from the Table. Vote unanimous.

A motion was made by Commissioner Lovaglio and seconded by Roger Milliken and Roger Berle to change proposal category from 'statewide' to 'regional'. Vote: 1 opposed [Commissioner Perry] other in favor.

- Vote to Support Acquisition

A motion was made by Commissioner Lovaglio and seconded by Roger Berle to support acquisition. Vote was unanimous.

**7) Staff Report**

- Update on recent closings

Time did not permit discussion.

- Anticipated supplemental funding requests on existing projects (*Attachment #6*)
  - ⇒ Spednic Lake/Upper St. Croix River Waterway Project
  - ⇒ Leavitt Plantation Forest Project – Parsonsfield

Will be discussing both projects at the next Board meeting. For now, a heads-up, that a request has been submitted to change the Spednic Lake proposal from acquisition of an easement to a fee simple purchase along with a request for an additional \$800,000 of support. A request has also been received asking the Board to allocate an additional \$300,000 to the Leavitt Project in light of new information on the easement's appraised fair market value.

- Report on Government Evaluation Act presentation to Legislature

A copy of the report was given to the members of the Joint Standing Committee on Agriculture, Conservation and Forestry. Tim reported that the LMF program was well received, said Tim.

□ Update on Easement Working Group effort

Several meetings have been held. Karin Marchetti, consulting attorney, was asked to design 'boiler plate' guidelines for large scale easements as well as addressing policy issues to assist us in our final product.

Also, the Agriculture Committee is expecting a proposal from the LMF Board on how best to manage this easement development process.

**8) Rules of the Day and General Overview of Board's Proposal Review Process**

Evan Richert outlined the basic format for discussion as follows: Board members would discuss projects. If needing additional clarification, the Board will direct its question(s) the agency staff. If agency staff member is unable to address any question(s) directed to them, then other entities such as project partner(s) could address the Board.

Evan noted, when a project is selected as a finalist, this action sets in motion a series of process steps called "**standard conditions**" that must be completed to the satisfaction of the Board. LMF Staff coordinates this process for the Board, including the work of its committees and the preparation of recommendations to the Board. The Board may determine at any time that new information or other developments require further Board review of a finalist project.

The following requirements and process is included by reference in the motion by the board to designate proposal as a "Finalist Project":

- Board acceptance of an appraisal to LMF standards to determine fair market value;
- Completion of title work or, in the case of a Project Agreement, evidence of good title;
- Completion of a Level I Environmental Hazard Assessment;
- Completion of a land survey for interests in land to be held by the State;
- Description of a management & stewardship plan for state held interests;
- Completion of baseline documentation for easements;
- Documentation of matching funds provided by applicant;
- In the case of farmland preservation projects, documentation of the availability of adequate federal matching funds;
- Approval by elected municipal officials (organized townships) if the property represents more than 1 percent of State valuation of town/ approval by County Commissioners (unorganized territories) if the property represents more than 1 percent of State valuation of county;
- If the state holds the interest, execution of a Purchase & Sales Contract signed with all appurtenant conditions. If action involves the purchase of a conservation easement, easement is finalized. If action involves a Project Agreement, the Project Agreement is finalized.

- Finalists should also be aware that the enabling legislation of the LMP Program requires the Board to “examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition [5 MRSA sec. 6207 (3)]. Program staff will work with each finalist to determine the application of this requirement to each project.

It should be noted, that final Board action to approve a project will be taken subsequent to PUBLIC NOTICE of the pending action providing the opportunity for public comment prior to the vote to approve.

**9) Report on the Scoring and Nominations process:** Carole Dyer & Roger Milliken

The Scoring Committee met several times beginning in November and scoring all proposals. A scoring list was then given to the Nominations Committee which met in December and January and identified its recommendations in each categories (farm, state, regional, or local).

**10) Project Vote:**

**Note:** Contingent upon available funding for the project.

**FARMLAND PROPOSALS**

➔ Sunrise Farm, Cumberland Center, Cumberland County

A motion was made by Commissioner Perry and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Five Fields Farm**

A motion was made by Roger Milliken and seconded by Carole Dyer & Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Packard-Littlefield**

A motion was made by Commissioner Perry and seconded by Roger Berle to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Hanson's Ridge**

A motion was made by Commissioner Perry and seconded by Roger Milliken to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Final approval contingent on inclusion of Town of Sanford parcel in first phase of project with an appropriate mechanism to ensure long term commitment of town parcel to farming.

➔ **Lake Farms, Phase 1**

A motion was made by Commissioner Perry and seconded by Commissioner Lovaglio to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Brae Maple Farm**

A motion was made by Commissioner Spear and seconded by Roger Berle and Carole Dyer to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Rivard Farm**

A motion was made by Roger Milliken and seconded by Carole Dyer and Commissioner Spear to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Conditioned on progress in Hanson Ridge project.

➔ **Brayton Farm**

A motion was made by Commissioner Perry and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

## CONSERVATION & RECREATION PROPOSALS

Statewide significance

➔ **Machias River Project**

A motion was made by Roger Milliken and seconded by Roger Berle to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

The Department of Conservation be designated as managing entity for recreation.

➔ **Lower Kennebec/Merrymeeting Bay**

A motion was made by Roger Milliken and seconded by Commissioner Lovaglio to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Morong Cove**

A motion was made by Commissioner Perry and seconded by Roger Milliken to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Flagg Island**

A motion was made by Roger Milliken and seconded by Commissioner Lovaglio to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None

➔ **Mt. Blue/Tumbledown Mountain – Phase II**

A motion was made by Commissioner Perry and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Newport-Dover Foxcroft Rail Trail**

A motion was made by Roger Milliken and seconded by Commissioner Lapointe to move this project into Executive Session for discussion. Board vote was unanimous. While this project **not selected** among the finalists, the Board expressed its regret at not being able to support this project in the current round due to limited funding. The Board expressed its support for the project concept and encourage the applicants and other project partners to bring the proposal back to the Board in the next round of funding.

➔ **Newry Mineral Park**

On Day 1 this proposal was not selected as a finalists by the Board. Off major concern was the issue of removing an asset, in the case, a mineral value from the site. Five in favor [Evan, Commissioner Lapointe, Commissioner Lovaglio, Marcia McKeague, and Linda Pagel] and six opposed.

Day 1 adjourned at 6:10 p.m.

On Day 2, Commissioner Spear after reconsidering his decision from the previous day, made a motion seconded by Carole Dyer to reconsider the vote. Vote unanimous.

Commissioner Lovaglio answered further questions regarding the project. He indicated that the project would be more like a Public Reserve and would be great for children and gem hobbyists.

A motion was made by Marcia McKeague and seconded by Carole Dyer to move this project forward to the negotiation stage. Board vote was 4 opposed [*Commissioner Perry, Roger Milliken, Roger Berle, and Warren Balgooyen*] to 7 in favor.

*Additional Condition(s):*

Contingent on documentation of the represented value of donated “mineral rights” and on acquisition of pedestrian access easement to site. ~~Management of project to be limited to hand tools only.~~ Preparation of and adherence to a 10 year management plan, similar to that required for public reserves. ~~No new mining.~~

Should now read: Contingent on documentation of the represented value of donated “mineral rights” and on acquisition of pedestrian access easement to site. **Public use to be limited to hand tools only.** Preparation of and adherence to a 10 year management plan, similar to that required for public reserves.

## Regional significance

### ➔ **Mattawamkaeg Region**

A motion was made by Commissioner Lovaglio and seconded by Warren Balgooyen to move this project forward to the negotiation stage. Board vote was unanimous, except for Commissioner Perry who abstained.

*Additional Condition(s):*

Explore coordinated management of adjacent Island Falls parcel with the Town of Island Falls.

### ➔ **Moose Cove Acquisition**

A motion was made by Commissioner Perry and seconded by Roger Berle to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Johnson Point Acquisition**

A motion was made by Carole Dyer and seconded by Roger Berle to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

➔ **Hancock Lands Project**

A motion was made by Roger Berle and seconded by Carole Dyer to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Resolution of hunting access compatible with planned management and with Land for Maine's Future mandate.

➔ **Sebago Headwaters Preserve**

A motion was made by Roger Berle and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was

*Additional Condition(s):*

None.

➔ **Sawyer Mountain Highlands**

A motion was made by Roger Berle and seconded by Commissioner Perry to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Funding is limited to acquisition of proposed new fee and easements that connect existing holdings and also satisfactory resolution of proposed trapping restrictions via existing IF&W regulatory mechanism.

➔ **Devil's Head**

A motion was made by Roger Milliken and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None.

**Local significance**

➔ **Blackstrap Hill**

A motion was made by Roger Berle and seconded by Warren Balgooyen to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

*None*

➔ **Boston Hills**

A motion was made by Marcia McKeague and seconded by Roger Milliken to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

None

➔ **Rines Property**

A motion was made by Commissioner Perry and seconded by Roger Berle to move this project forward to the negotiation stage. Board vote was unanimous, except for Roger Milliken who abstained as his property abuts this parcel.

*Note: Following the executive session regarding negotiations and funding it was determined that lack of funding precluded this proposal from going forward. Therefore this proposal is not listed amongst the finalists. The Board directed Tim Glidden to contact the applicant to discuss opportunities to strengthen and resubmit the proposal in the future.*

➔ **Black Brook Preserve**

A motion was made by Roger Milliken and seconded by Commissioner Lapointe to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Board acceptance of a report back from the Trust [within 6 months] of how the Town, with cooperation of the Trust as appropriate, is designing its future efforts to ensure an adequate housing supply and open space protection along with efforts to reinforce the land use patterns of the village center adjacent to the existing preserve and the brook corridor along Black Brook.

➔ **Skolfield Farm**

A motion was made by Roger Milliken and seconded by Roger Berle to Table this proposal and discuss in Executive Session. At issue was whether or not the proposal category be change from 'Regional' to 'Local'.

A motion was made by Commissioner Perry and seconded by Roger Berle to take the proposal off the Table for discussion. Vote unanimous.

After discussions, a motion was made by Commissioner Lovaglio and seconded by Roger Berle to change the proposal category to 'local'. Vote unanimous.

A motion was made by Roger Berle and seconded by Warren Balgooyen to move this project forward to the negotiation stage. Board vote was unanimous.

*Additional Condition(s):*

Board acceptance of a report back from the Trust [within 6 months] of how the Town, with cooperation of the Trust as appropriate, is designing its future efforts to ensure open space protection throughout Harpswell along with the provision for adequate water access for recreational and commercial fishing interests.

**11) Motion to move into Executive Session** - To discuss negotiations in connection with the acquisition of the above projects selected as finalists by the Board.

**12) Continued Project Vote:**

The following proposals were **not selected** among the finalists:

Farmland

Bragdon Farms, Vassalboro, Kennebec County  
White Birch Farm, Litchfield, Kennebec County

Conservation & Recreation Proposals

Newport-Dover Foxcroft Rail Trail  
Lake St. George Park Addition, Liberty, Waldo County  
Caterpillar Hill, Sedgewick, Washington County  
Hersey Retreat, Stockton Springs, Waldo County  
Welch Farm, Roque Bluffs, Washington County  
Dan's Hill Woods, Raymond, Cumberland County  
Rines Property, Cumberland, Cumberland County

**13) Other Business**

None.

**14) Next Meeting of the Board**

The February 26, 2002 meeting is cancelled. Rescheduled for March 6, 2002.

**15) Adjourn**

Meeting adjourned at 4:15 p.m. on January 25, 2002.