



## Land for Maine's Future Program

Minutes of the Meeting

November 14, 2006

Pine Tree State Arboretum  
Augusta, Maine

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### **Board Members Present:**

Commissioner George Lapointe  
Commissioner Patrick McGowan  
Commissioner Dan Martin  
Commissioner Seth Bradstreet

Carole Dyer  
Leon Gorman  
Martha Freeman, Director

Marcia McKeague  
Warren Balgooyen

### **Board Members Absent:**

Jeff Thaler

[one vacancy]

### **LMF Staff Members Present:**

Tim Glidden  
Surran Pyne, Esq.

Steve Brooke  
R. Collin Therrien

Jim Connors  
Aline Lachance

### **Others**

Rep. Lillian LaFontaine O'Brien, Lewiston City Councilor  
Angela Twitchell, Brunswick-Topsham Land Trust  
Heather Bruce, Coastal Mountains Land Trust  
Annette Naegel, Georges River Land Trust  
Marty Anderson, Great Auk Land Trust  
Lida & Bob Iles, Mahoosuc Land Trust  
Leon Akers, Mahoosuc Land Trust  
Jim Mitchell, Mahoosuc Land Trust  
Steve Wight, Mahoosuc Land Trust  
Nancy Perlson, Rangeley Lakes Heritage Trust  
Stephanie Gilbert, Dept. of Agriculture, Food & Rural Resources  
George Powell and David Rodrigues, Dept. of Conservation, BPL  
David Soucy, Dept. of Conservation  
Buster Carter and Jim Connolly, Dept. of Inland Fisheries & Wildlife  
Ian Cleary, Trust for Public Lands

## Minutes

A motion was made by Carole Dyer and seconded by Marcia McKeague to accept the September 19, 2006 Minutes of the Meeting. Vote was unanimous.

### OLD BUSINESS

- **Hancock Lands – Phases I & II** – 5,028 ± acres in working forest conservation easement [TABLED 9-19-06]

- Vote to approve Recommendation of the Easement Review Committee

A motion was made by Marcia McKeague and seconded by Commissioner Martin to TABLE vote until the next Board meeting [*January 16, 2007*] as negotiations are still in progress.

### CONSERVATION & RECREATION PROJECTS

- **Rumford Whitecap** – Rumford, Oxford County [ 761 ± acres in fee to the Mahoosuc Land Trust under a PA with the ME Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and the Rumford Falls Times as well as the Lewiston Sun Journal on 10/31/06.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$ 560,000 for this project and the committee further recommends LMF funding of \$ 243,000 (not including all other costs).

- Public Comments

David Soucy expressed concern over the issue of mineral rights associated with the project and wondered if the board might be setting an undesirable precedent. The question is just how much risk the State was willing to accept. Surran Pyne noted that the State's practice is to have clear title or make settlements on lands it plans to acquire directly.

Jim Mitchell, Executive Director of the Mahoosuc Land Trust, felt that little or no mining would occur. This type of issue is not uncommon in Western Maine. The Trust currently owns 50% of the mineral rights and they have a commitment to acquire an additional 17% by Thanksgiving making them the majority owner. The Trust will take steps to extinguish any remaining mineral rights through a 'Quiet Title' action after they have purchased the property. This process could take up to two years as it maybe

difficult to locate the remaining heirs to the remaining mineral rights. Any project agreement with the State would incorporate language to enable the LMF program to recover public funds should the property no longer meet recreational requirements due to the exercising of outstanding mineral rights.

Bob Iles, Mahoosuc Land Trust Board Member, explained that the Trust must raise \$275,000 to meet their financial commitment and that fundraising must begin now in order to meet the closing date for the property. It is very important that the Trust know if the Board plans on moving forward with this acquisition.

Tim Glidden informed the Board that he had received two anonymous phone calls regarding access to the top of the summit. Jim Mitchell acknowledged that 2 main trails to the summit exist which the public has been using for years. While these trails are not part of the deeded access that comes with the property, the Trust is actively working with two landowners who have agreed to donate trail easements through their properties as part of this project. Tim confirmed staff review of these two easements.

- Vote

Following a discussion of options and the potential risk from the outstanding mineral rights, a motion was made by Commissioner Martin and seconded by Martha Freeman to accept the report of the Appraisal Review Committee to fund the project at \$243,000. LMF funds will support the acquisition of those portions of the property with clear title without allowing future subdivision of the entire property. The Project Agreement will include a provision requiring Mahoosuc Land Trust to undertake a Quiet Title action after they have acquired fee interest in the property. Vote was unanimous.

- **Greater Pleasant Bay** – Tibbetts Sheep Island parcel, Addison, Washington County [25± acres in fee to Great Auk Land Trust under PA with ME Inland Fisheries & Wildlife]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and on November 2<sup>nd</sup> published in the Bangor Daily News.

- Appraisal Review Committee Recommendation

The ARC found that the appraisal provides adequate value to support the Board's allocation. The committee further recommends LMF funding of \$ 120,000 for this parcel (not including all other costs).

*Note: This is the second of three parcels for the Greater Pleasant Bay project. Total LMF allocation for the entire project is \$586,000.*

- Public Comments

None.

- Vote

A motion was made by Marcia McKeague and seconded by Carole Dyer to support acquisitions of this parcel. Vote was unanimous.

- **Bald & Ragged Mountains Project** – Brown/Dickey/Gates parcels, Rockport and Campden, Waldo County [220 ± acres in fee to Coastal Mountain Land Trust under PA with ME Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and on November 2<sup>nd</sup> published in the Bangor Daily News and Camden Herald.

- Appraisal Review Committee Recommendation

The ARC recommended accepting appraisal values for the following parcels:

Brown parcel.....	\$317,900
Dickey parcel .....	\$40,000
Gates parcel.....	\$585,000

and further recommends LMF funding as follows: (not including all other costs)

Brown parcel.....	\$75,000
Dickey parcel .....	\$3,500
Gates parcel.....	\$137,500

- Public Comments

Heather Bruce thanked the Board for their support.

- Vote

A motion was made by Warren Balgooyen and seconded by Marcia McKeague to support acquisitions of these 3 parcels. Vote was unanimous.

- **Appleton Preserve** – Appleton, Knox County [128± acres in fee to Georges River Land Trust under PA with ME Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal, the Bangor Daily News on November 2<sup>nd</sup> and the Courier Gazette on November 9th.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$180,000 for this parcel and further recommends LMF funding of \$127,000 (not including all other costs).

*Note: The allocation is contingent on reaching agreement with the seller for a sale price that is at or below the accepted appraised value of \$180,000.*

- Public Comments

None.

- Vote

A motion was made by Marcia McKeague and seconded by Commissioner Martin to support acquisition of this parcel. Vote was unanimous.

- **Maquoit Bay**, Brunswick, Cumberland County [126 ± acres in fee to the Town of Brunswick under PA with both DOC & IF&W]

- Public Notice

On November 1, 2006 published in the Kennebec Journal, the Portland Press Herald and the Times Records.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$3,000,000 for this parcel and further recommends LMF funding of \$752,000 from conservation funds plus \$100,000 from water access funds (not including all other costs).

- Public Comments

Ian Cleary thanked the Board for their support.

- Vote

A motion was made by Commissioner Bradstreet and seconded by Martha Freeman to support acquisition of the parcel. Vote was unanimous.

## **COMBINATION FARMLAND & CONSERVATION PROJECT**

- **Crystal Spring Farm**, Brunswick, Cumberland County [155.4 ± acres, an agricultural conservation easement including a public access component – ME Dept. of Agriculture]

- Public Notice

On November 1, 2006 published in the Kennebec Journal, the Portland Press Herald and the Times Record.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$1,565,000 for the project and further recommends \$314,745 of LMF farmland funds and \$110,255 of LMF conservation funds (not including all other costs).

- Public Comments

Angela Twitchell thanked the Board for their support.

- Vote

A motion was made by Warren Balgooyen and seconded by Carole Dyer to support acquisition of this project. Vote was unanimous.

## **WATER ACCESS PROJECTS**

- **Androscoggin River Park**, Lewiston, Androscoggin County [14.3 ± acres in fee to the Androscoggin Land Trust under PA with ME Dept. of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and on October 31<sup>st</sup> published in the Lewiston Sun Journal.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$ 84,500 for this parcel and further recommends LMF funding of \$74,600 (not including all other costs).

- Public Comments

Rep. Lillian LaFontaine O'Brien, Lewiston City Councilor thanked the Board for their support of the project. She noted that the park will provide numerous recreational opportunities for local residence to enjoy. A letter of support was also received from Senator Margaret Rotundo.

- Vote

A motion was made by Marcia McKeague and seconded by Carole Dyer to approve the appraisal and release the allocation of LMF funds for this project. Vote was unanimous.

*Note: A motion was made at the last Board meeting [September 19, 2006] to allocate \$74,600 for this project pending an appraisal.*

- **Messalonskee Lake**, Sidney, Kennebec County [1.38 ± acres in fee to the Maine Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and Waterville Morning Sentinel.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$ 470,000 for this parcel and further recommends LMF funding of \$ 300,718.77 (including all other costs).

*Note: Subsequent appraisal of the property revealed that the accepted sales price was \$30,000 less than the fair market value of the property.*

- Public Comments

None.

LMF staff noted that this property will be used as a replacement for an existing water access site at the south end of the lake so that it can be closed to prevent the spreading of a variable-leaf milfoil infestation.

The site is zoned Lake Shore according to the town's shoreland zoning ordinance. A public boating facility is a permitted use. The proposed facility will comply with these standards.

- Vote

A motion was made by Warren Balgooyen and seconded by Martha Freeman to approve water access funds for this parcel. Vote was unanimous.

- **Kennebec River, Skowhegan Gorge**, Skowhegan, Somerset County [6 ± acres in fee to the Somerset Woods Trustees under PA with the ME Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and on November 2<sup>nd</sup> in the Bangor Daily News.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$53,000 for this parcel and further recommends LMF funding of \$34,000 (not including all other costs).

- Public Comments

None.

- Vote

A motion was made by Warren Balgooyen and seconded by Commissioner Bradstreet to support acquisition of this parcel. Vote was unanimous.

### **5 % ACCESS IMPROVEMENT REQUESTS**

- **Jamies Pond**, Hallowell, Kennebec County.

The Maine Department of Inland Fisheries & Wildlife is requesting a grant in the amount of \$8,786 for access improvements to reconstruct road access to the portion of the road known as Jamies Pond Road thru the Town of Hallowell. Access to the site through the Town of Manchester [Meadow Hill Road] has been discontinued and removal of the discontinued portion will take place in the spring/summer of 2007. In addition, the road has been repaired, two parking areas have been constructed and gates installed.

- Vote

A motion was made by Carole Dyer and seconded by Marcia McKeague to approve access improvement funds in the amount of \$8,786.00. Vote was unanimous.

### **PROJECT UPDATE & RECONFIGURATION**

- **Cupsuptic Lake Park**, Adamstown Twp., Oxford County [125 + acres in fee to the Rangeley Lakes Heritage Trust under PA with ME Department of Conservation]

- Public Notice

On November 1, 2006 published in the Kennebec Journal and Rangeley Highlander and on October 31<sup>st</sup> published in the Lewiston Sun Journal.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$1,463,000 for this parcel and further recommends LMF funding of \$500,000 (not including all other costs).

*Note: This project was again before the Board for consideration because of a court-ordered settlement that includes a new sale price based on new appraisals with new values above the values approved by the ARC in November 2005. The LMF allocation remains the same.*

- Public Comments

None.

- Vote

A motion was made by Commissioner Martin and seconded by Carole Dyer to approve this project. Vote was unanimous.

- **Additions to IF&W Wildlife Management Areas**, Hicks parcel, Newfield, York County [59± acres in fee to IF&W]

The Department of Inland Fisheries & Wildlife is seeking to amend their Round 5 project by confirming that additional match lands have now become available since the proposal was submitted and that this match should be considered as adequate match to allow the board to increase the allocation for the Hicks parcel to \$280,000.

*Note: The concept of accepting match land by regional basis is accepted by the Board.*

- Vote to Increase Acquisition to the Hicks parcel

A motion was made by Marcia McKeague and seconded by Carole Dyer to increase the allocation of the Hicks parcel from \$186,667 to \$280,000. Vote was unanimous.

- **Grafton Notch**, Grafton Twp., Oxford County [3,688± acres in fee to ME Department of Conservation]

- Update from David Soucy

*Brief recap:* the Dept. of Conservation is looking to draw upon the 5 % access improvement funds to use towards the purchase price instead of access improvement. They are looking at a \$340,000-\$330,000 shortfall.

DOC wishes to stress the need for additional allocation for the project due to the very real development pressure in the Newry and Bethel area: there are roughly 1,000 lots currently for sale in the area most of which are high-end, second homes; the Great Brook Preserve development is currently marketing 65 lots located just at the gateway of Grafton Notch; the Powder Ridge development has homes in Newry for sale in the million-plus price tag. Property values have doubled in the last four years.

The Department is currently looking at other programs such as the Forest Legacy Program, the Recreational Trail Program, the Land & Water Conservation Fund and others for funding. David plans on reporting back to the Board at its January 16, 2007 meeting on whether or not they have been successful in obtaining additional funding from these sources.

## OTHER BUSINESS

- **Staff updates & Report**

- **2007 Schedule Approved**

January 16 <sup>th</sup>	September 11 <sup>th</sup>
March 13 <sup>th</sup>	November 13 <sup>th</sup>
May 8 <sup>th</sup>	January 15, 2008
July 10 <sup>th</sup>	

- **Status on Water Access Funds**

Since 1999:

- 27 projects closed plus 5 withdrawn before completion
- 5 projects in various stages of completion
- 3 proposals are being reviewed by staff & Board
- 4 round #5 projects have water access allocations

For Projects that have closed:

- Lowest cost to date \$16,640
- Highest cost to date \$ 283,430
- Current median cost of a water access project is ~\$55,250  
*Note:* the Board has already made allocations to higher cost projects so the median cost is going to increase.

Summary:

- Available Funding: \$6,000,000
- Spent and Allocated: \$4,460,000
- Current Balance: \$1,540,000 as of 9/30/2006

- **Working Waterfront**

Six applications were received. The Review Panel is currently reviewing these applications and scoring should begin next week. Packets will be distributed to members of the Board for the January meeting. Commissioner Lapointe will be make recommendations.

- **Anticipated issues for next Legislative Session**

Tim mentioned that the following ideas are being floated:

- The possibility of using LMF funds for land acquisition for the purchase of land and/or conservation easements needed for drinking water protection.
- Adding 'Historic Preservation' as a criteria to LMF acquisitions.
- The possibility of a new land bond.
- Defining what public recreational access means; ATVs, snowmobiles, etc.
- Legislative oversight of conservation easements.
- Scheduling 3-4 Public Hearing around the State about the LMF Program.

- **Land Acquisition by District**

A motion was made by Commissioner McGowan and seconded by Commissioner Martin that LMF staff assemble data for distribution to the newly elected legislators that would identify lands acquired by the Land for Maine's Future Program in their district. Tim indicated that this would be done. Vote was unanimous.

Tim stated that he would be briefing legislative members in early January about the Program.

**Adjourned**

Meeting adjourned at 3:15 p.m.