



**Land for Maine's Future Program**  
Minutes of the Meeting  
**May 19, 2015**  
DACF Deering building room 319  
90 Blossom Lane, Augusta ME

**Board Members Present:**

Jim Norris, Neil Piper, Chairman Bill Vail, Commissioner Chandler Woodcock, James Gorman, Commissioner Walter Whitcomb, Ben Emory

**Board Members absent:**

Commissioner Patrick Keliher

**Staff Members Present:**

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Sarah Demers

**Others:**

Kimbalie Lawrence, DACF  
John Bott, DACF  
Kathy Eickenberg, DACF  
Penny Asherman, Chebeague & Cumberland Land Trust  
Gregg Caporossi, Trust for Public Lands  
Marian McCue, The Forecaster  
Charles Baeder, Belgrade Regional Conservation  
Angela Twitchell, BTLT  
Rod Melanson, Town of Topsham  
Diane Circo, TPL  
Jeff Romano, MCHT  
Jim Connolly, MDIFW  
Bethany Atkins, MDIFW  
Mark Girard, Town of North Yarmouth  
Keith Fletcher, MCHT  
Bill Bayreuther, W.A. Bayreuther Grant Writing, CMLT  
Kaitlyn Bernard, Appalachian Mountain Club  
Christine Bennett, Kittery Land Trust/MTA2C  
Katrina VanDusen, Freeport Conservation Trust  
Lee Dassler, Western Foothills Land Trust  
Charles Bryant, Greely High School  
Will Bryant, Greely High School  
John Marshall, Pleasant River Wildlife Federation  
Jerry Bley, Creative Conservation LLC  
Nina Doonan, Natural Resources Council of Maine  
Alan Stearns, Royal River Conservation Trust

**1. Welcome and Introductions**

Chairman Vail called the meeting to order at 1:12pm and welcomed everyone, asked for attendees to sign in, gave directions to the bathrooms, and asked for introductions.

## **2. Minutes of the March 17, 2015 meeting**

Sarah Demers presented minutes from March 17th meeting. Minutes amended to reflect the correct board allocation of \$105,000 instead of \$405,000 to Winterwood Farm

**MOTION:** Jim Norris motions to approve the minutes of the meeting on March 17 2015, seconded by Commissioner Woodcock. Board votes unanimously in favor.

## **3. Update on Availability of Funds – LMF Director**

### **Attachment A Attachment A-1**

Sarah presents status of bond funds and water access funds remaining. Neil Piper asks for explanation of what is on hand. Sarah explains that the Conservation and Recreation funds and the Water Access funds are in the same account. Chairman Vail queries whether these funds are in-hand, Sarah explains that the Water Access funds allocated in the amount of \$500,000 by the Board in November 2013 are technically from the 2011 bond which has not yet been sold, however, newly approved Water Access projects could close with the cash on hand which is from the 2009 bond.

Chairman Vail addresses to the Board and audience the importance of why the LMF board still meets. The LMF board hopes for business as usual to return soon and feels it is important to carry on with due diligence needed for these projects. Commissioner Woodcock reads a note from the Governor of his plan. He has said he will not release any funds for projects until the heating needs of Maine's people are covered. Commissioner Whitcomb says that the harvest level is not the reason for this move of the Governors. Neil Piper asks why completed projects aren't moving forward with funding and clarifies that this has changed from the last statement from the Governor in which he indicated he would take a case by case look at projects. Ben Emory states he feels the Board should not take the Governor's statement without making a statement or motion that the Board is not taking this and needs to continue to take our work seriously. Chairman Vail feels if we continue to follow the established LMF process and the business of the board as they have been appointed to do, eventually the funding will work out. Ben Emory reiterates that this isn't a political forum. James Norris states the LMF board members have spent hours working on projects and that this support is proof that we are continuing to preform our roles. James Gorman agrees that we should carry on regardless of current politics. Neil Piper points to the pile of work for this board meeting and agrees the board should continue with the process as we owe it to the general public to continue with due diligence and believes this board should stay out of the politics.

Chairman Vail states that this is not a fool's errand and we will continue in hopes to see the fruits of our labor come to pass. He has met with the Governor's staff and asked Sarah for what has come of her meetings and communication with the Governor's staff. Sarah replies that the Governor's staff is looking over the projects.

Commissioner Whitcomb states that the Board is not in a political bubble. LMF is well supported but not exempt from the discussion of what is being done with public money. It is caught up in a discussion of the future of Maine.

Ben Emory states that public debate is appropriate regarding future LMF bond issues but that the time has passed when it is appropriate to debate whether or not to spend monies from already approved bond issues and that have already been allocated by the LMF board to finalist projects. Commissioner Woodcock states for the Board not to conclude that anyone is devaluing anyone

or the Program. Do not assume that if it is used politically to accomplish other objectives, that it is devaluing the LMF program or projects. He thinks these are valuable projects and will continue to believe in the process vs. politics.

Chairman Vail requested more detail on the Governor's decision to allow the Gulf Hugas project move forward in the process of receiving federal matching funds from the US Forest Service's Forest Legacy Program. Kathy Eickenberg explained the project was selected for federal funding and the Governor approved entering a grant agreement with the US Forest Service - an essential step to ensuring the federal funds are reserved for this project. Neil Piper points out that many of the LMF projects have financial commitments and deadlines and just because they may not be multi-million dollar projects, they still have value, deadlines, money and time spent.

Chairman Vail remains convinced that we will eventually move forward with funding all these projects.

#### **4. New Proposals and Project Amendments**

##### A. New Water Access Proposal – LMF Staff

##### **Head of Tide Water Access Proposal, 6.89 acres Topsham, Sagadahoc County**

**Attachment B**

##### **Sponsored by Department of Agriculture, Conservation and Forestry**

- Tom gives presentation of the proposal - Acquisition in fee by the Town of Topsham. Jim Norris felt visiting the sight helped him to understand the need for the acreage in this project. Commissioner Woodcock asked for a breakdown of funds.

**MOTION:** Ben Emory motions to accept the Head of Tide Park Phase 2 project as a water access project finalist, James Gorman seconded the motion. Board votes unanimously in favor.

##### B. C&R Project Amendments – LMF Staff

##### **Pleasant Bay Wildlife Management Area -**

**Attachment C**

MEDIFW request for project amendment. Collin presents the project summary. James Norris clarifies the amendment.

**MOTION:** James Norris motions to accept the project amendment and James Gorman seconds the motion. Board votes unanimously in favor to accept.

##### **Roberts Farm parcel substitution – Noyes Mountain**

**Attachment D**

Sam presents the project summary. Chairman Vail points out that the LMF Board Workbook directs parcel substitutions are sent to Scoring Committee and full board vote. Board may choose to waive this requirement.

Jim Norris asks where the active forest management comes into play. Sam replies it would be in the 235 acre s parcel. There are 15 acres of hay fields, but most all of land is under tree growth. Ben Emory asks if we had a similar substitution recently and has concerns that this could set a precedent that if we allocate money and if it doesn't work the project can just go somewhere else more convenient. Is it fair to do this and not give everyone a chance to go after the funds? Sarah reminds the Board that there is a Policy in place and the Board

we could be setting a precedent for future substitutions. Commissioner Woodcock believes waiving the scoring committee is not an option. Jim Norris talks of our changes to the workbook being helpful and fully recognizes that it would be good in a perfect world. Staff has done a thorough job of looking at this and felt it important to bring it forward. Norris is inclined to accept substitution and revisit the policy. Kathy Eickenberg explains that the sponsoring agency feels that this is a good sound project substitution.

**MOTION:** Ben Emory makes a motion to re-score the project. The motion is seconded by Jim Gorman.

Discussion on the motion ensues. Commissioner Whitcomb says he would vote against the motion explaining that he was on scoring committee and feels this is taking away time to get project done and the substitution is not going to stop the project no matter the vote. Neil Piper – accepts the motion –fair that all projects get a scoring process Chairman Vail agrees with Sarah that this will not be the first of substitutions to come forward. Commissioner Woodcock agrees with motion.

**Board Vote to Confirm LMF Allocation:**

In favor of the motion to re-score the project: Neil Piper, Ben Emory, James Gorman, Chairman Vail, and Commissioner Woodcock

Opposed: Commissioner Whitcomb and James Norris

**5. C&R Projects to be Acted On – LMF Staff**

**Brave Boat Headwaters, 55.8 acres in Kittery, York County  
Sponsored by Department of Inland Fisheries and Wildlife**

**Attachment E**

- Tom gives project summary. James Norris gives AOC report

**MOTION:** James Norris motions to approve the appraiser’s value of \$1,350,000, seconded by Ben Emory. Board votes unanimously in favor.

- Chairman Vail announces “The public notice for the Brave Boat Headwaters project was advertised in the Kennebec Journal on May 8<sup>th</sup> and the Weekly Sentinel on May 15<sup>th</sup>.”
- Chairman Vail asks for public comment:
  - One written comment was received from Ed Meadows, recommending increasing funding for this project.
  - Kittery Land Trust – comments that this parcel is keystone to the Mt. A to the Sea and its industries. This regional conservation project is ranked top ten – KLT has pre-acquired this parcel and it is a critical project for Kittery.

**MOTION:** Neil Piper motions to confirm the allocation of Conservation & Recreation fund to support this acquisition subject to standard conditions. James Norris Seconded the motion.

Discussion ensues on the motion: Ben Emory asks for clarity on why the Commissioners are voting against this? Commissioner Woodcock replies because we have to and are bound by conscience to do so. Commissioner Whitcomb explains that it is to keep it clear that the funding will not be available in the near future. Chairman Vail points out that this is not the last opportunity to visit this allocation. Neil Piper understand this is to confirm that due diligence is

being done. Commissioner Whitcomb states that the normal process for these funds is Board approval then paperwork for releasing funds gets signed by the Commissioner and then to the Governor and that has been the process all along. Commissioner Woodcock states that the role of Commissioners is very different than public member's roles.

**Board Vote to Confirm LMF Allocation:**

For: James Gorman, James Norris, Ben Emory, Neil Piper and William Vail

Against: Commissioners Whitcomb and Woodcock

**Kimball Pond, 278± acres, located in New Sharon, Franklin County Attachment F  
Sponsored by Department of Agriculture, Conservation and Forestry**

- Collin presents the project summary. James Norris presents the AOC recommendation.

Commissioner Whitcomb states he will abstain from this vote due to conflict of interest with family ownership on this pond.

**MOTION:** James Norris motions to approve the recommendation of the LMF OAC to accept the appraiser's value of \$264,000. James Gorman seconded the Motion. With Commissioner Whitcomb abstaining the Board voted unanimously in favor.

- Chairman Vail announces "The public notice for the Kimball Pond project was advertised in the Kennebec Journal on May 9<sup>th</sup>."
- Chairman Vail asks for public comment:
  - Project manager thanks the Board for considering this project

**MOTION:** Neil Piper motions to confirm the allocation of \$90,000 of LMF Conservation and Recreation funding to support the fee simple acquisition of the Kimball Pond Expansion Project Property (278 acres) subject to standard conditions. Ben Emory seconded the motion

**Board Vote to Confirm LMF Allocation:**

For: James Gorman, Neil Piper, James Norris, Ben Emory and William Vail

Against: Commissioner Woodcock

Abstained: Commissioner Whitcomb

Ben Emory requested that the minutes reflect his comment that this land has already be acquired in anticipation of LMF funding and again the Governor's withholding funds is affecting the land trust and general public in a negative way.

**Raymond Community Forest, 350± acres, Raymond, Cumberland County Attachment G  
Sponsored by Department of Agriculture Conservation and Forestry**

- Sam presents the project summary. Jim Norris presents the AOC recommendation.

**MOTION:** Ben Emory motions to approve the recommendation of the LMF AOC to accept the appraiser's value of \$615,000. James Gorman seconded the motion. Board voted unanimously in favor.

- Chairman Vail announces "The public notice for the Raymond Community Forest project was advertised in the Kennebec Journal on May 9, 2015 and the Portland Press Herald on May 9<sup>th</sup>, 2015."
- Chairman Vail asks for public comment: No public comment received.

**MOTION:** James Gorman motions to confirm the allocation of \$150,000 in LMF Conservation & Recreation funding to support the fee acquisition of the Raymond Community Forest land, subject to standard conditions. Ben Emory seconded the motion.

**Board Vote to Confirm LMF Allocation**

For: James Norris, James Gorman Ben Emory Neil Piper and William Vail

Against: Commissioners Whitcomb and Woodcock

**Kennebec River Estuary Ph. III, Fawcett Parcel,  
118± acres, Bowdoinham, Sagadahoc County**

**Attachment H**

**Sponsored by Department of Inland Fisheries and Wildlife**

- Tom presents the project summary and Jim Norris presents the AOC recommendation. Jim Norris clarifies that it will not have an easement on it from ME Farmland Trust. Neil had concerns about the right of way which need to be clarified through the due diligence process.

**MOTION:** Jim Norris motions to accept the AOC recommendation of the appraiser’s value of \$156,000. Neil Piper seconds the motion. Board voted unanimously in favor.

- Chairman Vail announces “The public notice for the Kennebec River Estuary Phase III – Fawcett Parcel was advertised in the Kennebec Journal on May 9<sup>th</sup>, 2015 and the Times Record on May 8<sup>th</sup>, 2015.”
- Chairman Vail asks for public comment: No public comment received.

**MOTION:** Neil Piper motions to confirm the allocation for \$142,318 in LMF Conservation and Recreation funding to support the fee acquisition of the Fawcett Parcel subject to standard conditions. James Gorman seconded the motion

**Board Vote to Confirm LMF Allocation:**

For: James Norris, James Gorman Ben Emory Neil Piper and William Vail

Against: Commissioners Whitcomb and Woodcock

**The Goslings, 12.9± acres in Harpswell, Cumberland County**

**Attachment I**

**Sponsored by Department of Agriculture Conservation and Forestry**

- Collin presents the project summary and James Norris will present the AOC recommendation.

**MOTION:** Jim Norris motions to accept the AOC recommendation of the appraiser’s value of \$275,000 for West Gosling Island and \$475,000 for East Gosling Island. Ben Emory seconds the motion. Board voted unanimously in favor.

- Chairman Vail announces “The public notice for The Goslings project was advertised in the Times Record on May 8<sup>th</sup> and in the Kennebec Journal on May 9<sup>th</sup>.”
- Chairman Vail asks for public comment:
  - The applicant, Maine Coast Heritage Trust explains they have pre-acquired the 3 islands and that these islands were the 5<sup>th</sup> most visited islands in 2014. The project has had tremendous public support. The applicant thanked the Board for their consideration.

**MOTION:** Neil Piper motions to confirm the allocation of \$262,500 of LMF Conservation and Recreation funding to support the fee simple acquisition of the two project island identified as “the Goslings” subject to standard conditions. Jim Gorman seconded the motion.

**Board Vote to Confirm LMF Allocation:**

For: James Norris, James Gorman, Ben Emory, Neil Piper, and William Vail

Against: Commissioners Whitcomb and Woodcock

**Knight’s Pond, 214.5± acres,**

**Attachment J**

**Cumberland & North Yarmouth, Cumberland County**

**Sponsored by Department of Agriculture Conservation and Forestry**

- Tom presents the project summer and James Norris presents the Appraisal Oversight Committee Recommendation.

**MOTION:** Neil Piper motions to approve the recommendation of the LMF AOC to accept the appraiser’s value of \$860,000. James Norris seconds the motion. Board votes unanimously in favor.

- Chairman Vail announces “The public notice for the Knight’s Pond project was advertised in the Kennebec Journal on May 9<sup>th</sup> and The Forecaster on May 14, 2015.”
- Chairman Vail asks for public comment:
  - Penny Asherman, Chebeague & Cumberland Land Trust reported that there is unanimous support from the towns of Cumberland and North Yarmouth to conserve this land.
  - Greeley high school senior-thank the Board and stated support of this land for the community and shared the senior project being done at Knight’s pond.
  - Royal River Conservation Trust -This pond will not be open to the public next month due to the Governor’s actions which is troubling.
  - Chairman Vail points out the outpouring of local support for this project in an area under intense development pressure.

**MOTION:** Neil Piper motions to confirm the allocation of \$225,000 in LMF Conservation and Recreation funding to support the fee acquisition of the Knight’s Pond land subject to standard conditions. Ben Emory seconds the motion.

**Board Vote to Confirm LMF Allocation:**

For: James Norris, James Gorman, Ben Emory, Neil Piper, and William Vail

Against: Commissioners Whitcomb and Woodcock

**6. Water Access Projects to be Acted On – LMF Staff**

**Woodward Cove Water Access, 25± acres, Brunswick, Cumberland County Attachment K**

**Sponsored by Department of Agriculture, Conservation and Forestry**

- Sam presents the project summary and Jim Norris presents the AOC recommendation

**MOTION:** James Norris motions to approve the recommendation of the LMF AOC to accept the appraiser’s value of \$125,000. Neil Piper seconds the motion. Board votes unanimously in favor.

- Chairman Vail announces “The public notice for the Woodward Cove Water Access project was advertised in the Kennebec Journal on May 9<sup>th</sup>, 2015 and the Times Record on May 8<sup>th</sup>, 2015.”
- Chairman Vail asks for public comment:
  - Angela Twitchell- first gives thanks to the board and hopes of more projects working with marine resources to preserve water access on the coast.

**MOTION:** Neil Piper motions to confirm the allocation of \$65,000 in LMF Public Access to Maine Waters funding to support the fee acquisition of the Woodward Cove Water Access land subject to standard conditions. Jim Gorman seconds the motion.

**Board Vote to Confirm LMF Allocation:**

For: James Norris, James Gorman, Ben Emory, Neil Piper, and William Vail

Against: Commissioners Whitcomb and Woodcock

**Head of Tide Water Access Proposal, 6.89± acres,  
Topsham, Sagadahoc County**

**Attachment B**

**Sponsored by Department of Agriculture, Conservation and Forestry**

- Tom briefly refreshes with overview of project and James Norris presents AOC recommendation.

**MOTION:** James Norris motions to approve the recommendation of the LMF AOC to accept the appraiser’s value of \$89,600. James Gorman seconds the motion. Board votes unanimously in favor.

- Chairman Vail announces “The public notice for the Head of Tide Park Water Access project was advertised in the Kennebec Journal on May 9<sup>th</sup> and the Times Record on May 8<sup>th</sup>.”
- Chairman Vail asks for Public Comment:
  - Rod Melanson, Town of Topsham, states that LMF staff has been extremely helpful and during first phase of the project the town relied on the LMF staff heavily. Project is attempting to accommodate anglers and paddlers in and around the falls for safety of the falls. This stretch of river has class 3-4 rapids for 2 miles above the falls and intense usage is not yet known to this area vs. western Maine.

**MOTION:** Neil Piper motions to confirm the allocation of \$50,000 in LMF Water Access funding to support the fee acquisition of the Head of Tide Park Phase II parcels subject to standard conditions. Ben Emory seconds the motion.

**Board Vote to Confirm LMF Allocation:**

For: James Norris, James Gorman, Ben Emory, Neil Piper, and William Vail

Against: Commissioners Whitcomb and Woodcock

**7. Farmland Protection Project to be Acted On – LMF Staff**

**Parker Farm, 36± acres, South Berwick, York County**

**Attachment L**

**Sponsored by Department of Agriculture, Conservation and Forestry**

- Collin presents the project summary and James Norris presents AOC recommendation.



**MOTION:** Neil Piper motions to approve the recommendation of the LMF AOC to accept the appraiser's value of the agricultural conservation easement of the subject 36 acre phase 1 project parcel of \$148,000. James Norris seconded the motion. Board votes unanimously in favor.

#### **8. Staff Updates – LMF Director**

- **Bond Authorization and Expiration Dates:** The Treasurer's office explained that while the expiration date for both bonds is technically in November, because the Treasurer's office only sells bonds in June, the bonds will effectively expire in June. This means the \$6.47 million bond funds will expire in June, 2015 if not sold and \$5 million bond will expire June 2017 if bonds aren't sold. Cash on hand does not expire. LD. 1248 is a bill that has been submitted that would create a new \$20 million LMF bond to be voted on. The bond as proposed allocates \$2 million to working waterfront, \$1 million to Water Access, \$1 million to farmland protection and \$16 million to conservation & recreation. The bond language gives preferential scoring to projects with Deer Wintering Areas and acquisitions that benefit multiple towns or regional conservation needs. At the Board's request, Sarah agreed to circulate the bond language to the Board after the meeting.
- **C&R Scoring & Selection Process Work Group:** Tom provided a summary of work accomplished by the sub-committee and next steps for reporting out. Sarah indicated these next steps will be on the July Board agenda to give adequate time for discussion. Commissioner Whitcomb mentioned the legislature is likely to try to influence changes to the LMF scoring process.
- **Randall Orchard closing celebration:** Neil and Collin attended this event to celebrate the closing of the Randall Orchard farmland protection project. Collin noted this is an ambitious project and the land trust learned a lot and hopes that this will continue to enhance projects in the future. She appreciates Mr. Randall's commitment to his community and for ensuring the property is adequately managed with the donation of a stewardship endowment to the land trust.
- **Board Appointments:** none at this time.
- **LMF budget for Board per diem expenses:** The Department of Agriculture, Conservation and Forestry's budget included \$7,932 for board reimbursements. We should know the status of this by the July Board meeting.

Neil Piper talks about considering the time it takes to do these meetings and making other arrangements.

Ben Emory recalls when the staff reports were much more succinct and AOC reports were much shorter.

James Norris thanks Commissioners Woodcock and Whitcomb for making themselves available and appreciates their situation and their candid responses, and feels better hearing their position on Board votes, whether he agrees with them or not.

#### **9. Adjourn-4:51 p.m.**

Next AOC meeting: June 16, 8:15 a.m.  
Next Board meeting: July 14, 1:00 p.m.