

# Land for Maine's Future Board

Minutes of the Meeting

October 22, 2002

Pine Tree State Arboretum in Augusta

## **Board Members Present:**

Commissioner George Lapointe [chair]  
Commissioner Lee Perry  
Roger Milliken  
Carole Dyer  
David Keeley, SPO Acting Director

Commissioner Ron Lovaglio  
Commissioner R. Spear  
Roger Berle  
Warren Balgooyen

## **Staff Members Present:**

Tim Glidden  
Aline Lachance  
Jim Connors

Steve Brooke  
R. Collin Therrien  
Surran Pyne [legal]

## **Others Present:**

Stephanie Gilbert, Dept of Agriculture  
Chris Spruce, Sunrise County Economic Council  
Lorna White, Lost Resort Inc  
Tom Rumpf, The Nature Conservancy  
Susan Morris and Susie Valatis, Medomak Valley Land Trust  
Sam Hodder and Jennifer Melville, Trust for Public Lands  
Ralph Knoll, Dept of Conservation  
Jerry Bley, Creative Conservation  
Nan Cumming, Portland Trails  
Dick Anderson, CCA Maine

## **Minutes of the Meeting**

Commissioner Lapointe noted that Stephanie Gilbert name spelled incorrect. A motion was made by Commissioner Lovaglio and seconded by Roger Berle to accept the minutes of the meeting. Vote was unanimous.

### **Sebago Headwaters Preserve - Hale parcel**

*[Note: tabled at last board meeting pending action on Trust's request for waiver of Board Acquisition Policy]*

A motion was made by Warren Balgooyen and seconded by Roger Berle to remove from the table the Hale parcel and open for discussion.

#### ➔ Appraisal Committee Recommendation

The Committee got in touch with Paul Mattor and after further discussions were in agreement that the appraisal had appropriately considered brokerage fees as an expense of the subdivision analysis and therefore recommends that the fair market value for the Hale parcel is \$33,000.

#### ➔ Vote

A motion was made by Commissioner Lovaglio and seconded by Roger Millken that the Board only support the appraised value sale [\$33,000]. The vote was unanimous and the Board will not waive its policy.

### **Mt. Blue/Tumbledown Mountain [Phase II]**

#### ➔ Public Notice

Published in the Kennebec Journal on 10/11/02 and the Lewiston Sun Journal on 10/11/02.

#### ➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$2,050,000. The committee further recommends LMF funding at \$1,150,000 based on the applicant's request (not including all other costs).

#### ➔ Public Comments

Sam Hodder, Trust for Public Lands, thanked the Board for their efforts during the last 2 years. This is an exciting project and TPL looks forward to coming back to the Board in the future.

Tom Rumpf, The Nature Conservancy, also echoed Sam's sentiments.

When asked by Roger Milliken what would be the hierarchy use of the site, Commissioner Lovaglio responded that the primary hierarchy use would be for recreation

and that this would be established in its management plan. He further noted that the public values in the proposal itself are clearly recreational. This fee acquisition becomes part of the public reserve land system.

➔ Vote

A motion was made by Commission Lovaglio and seconded by David Keeley and Roger Berle to fund this project. Vote was unanimous.

Conditions:

- Documentation of matching funds
- Evidence of good title

**Brayton Fall, Blue Hill**

➔ Public Notice

Published in the Kennebec Journal on 10/11/02 and the Bangor Daily News on 10/14/02.

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$45,000. The committee further recommends LMF funding at \$16,000 based on the applicant's request (not including all other costs).

➔ Public Comments

Stephanie Gilbert thanks the Board along with Blue Hill Heritage Trust, Tim and Collin for all their hard work. This parcel adds another piece of active farmland critical to the area. The parcel is also near Bowden Farm, an earlier LMF farm project.

➔ Vote

A motion was made by Roger Milliken and seconded by Carole Dyer and Roger Berle to fund this project. Vote was unanimous.

**Clary Hill** – Waldoboro and Union [Jackson, Hart & Medomak VLT parcels]

➔ Public Notice

Published in the Kennebec Journal on 10/11/02 and the Bangor Daily News on 10/14/02.

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$208,000 for the 3 parcels [*Jackson \$135,000 / Hart \$53,000 / MVL T \$20,000*]. The committee further recommends LMF funding at \$ 104,000 based on the applicant's request [*Jackson \$67,500 / Hart \$26,500 / MVL T \$10,000*] (not including all other costs).

➔ Public Comments

None.

➔ Vote

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

Conditions:

- Documentation of Matching Funds
- Evidence of Good Title
- Signed Purchase & Sale Agreements
- Completed Easements

**Board Policy regarding Commercial Recreational Rights on Conservation Easements**

[Note: tabled at 9/10/02 board meeting pending further consideration]

A motion was made by Roger Milliken and seconded by Commissioner Lovaglio to remove the draft policy from the table.

After considerable discussion of permissible fees, the committee voted to stress its desire to preserve the non-exclusive character of LMF funded easements and to retain the proposed requirement for sponsoring agency review and approval of any fees charged for commercial recreational activities undertaken by the landowner granting the easement.

The policy will now read:

While the Board maintains its presumption that recreational activity on the protected property will be non-intensive, **non-exclusive**, and primarily non-commercial, the Board will consider the option of including retained landowner rights for commercial recreational activities on the protected property on a case-by-case basis. The Board will apply the following criteria and requirements to guide its consideration of proposals for such retained rights:

1. Any retained commercial recreational right ~~may~~ **shall** not allow for exclusive use or significantly displace traditional, non-commercial public recreational uses<sup>1</sup>;
2. The sponsoring state agency has approval rights for any proposed commercial recreational activity undertaken directly or indirectly by the landowner. This may be accomplished through a cooperative recreation management plan developed with the landowner or through an explicit description of the proposed activity ~~on~~ **in** the easement that limits the activity by its express terms that are acceptable to the Board;
3. Any retained commercial recreational right ~~may~~ **shall** not diminish conservation and public recreation values of the proposed project, in the Board's judgment; and
4. Any fees charged must be reasonable and be approved by the sponsoring state agency.

<sup>1</sup> Exclusive use in this context is defined as a) a use which occupies all, a substantial portion, or a key portion of the protected property in such a manner as to preclude the general public from making unimpeded use of the property for the purposes for which it was acquired or b) a use which occurs over an extended period of time in such a manner as to preclude the general public from making unimpeded use of the property for the purposes for which it was acquired.

A motion was made by Commissioner Lovaglio and seconded by Commissioner Spear to accept the changes as recommended above. Vote was unanimous.

### **Presumpscot Preserve Water Access Application**

#### ➡ Comments

The Board considered whether or not an application by Portland Trails for protection of a parcel on the Presumpscot River was appropriately considered as a water access project.

Commissioner Perry asked about whether all the shoreline upstream would all be water access. Tim Glidden indicated that future proposals would stand on their own merits. Commissioner Lapointe suggested looking at the next upstream obstacle [dam] for future restoration and conservation efforts.

Both Nan Cumming and Dick Anderson spoke briefly to the Board thanking them for their consideration of the application. A yes vote will help protect a total of 9 ½ acres of riverfront property on both sides of the river surrounding Presumpscot Falls. The timing is exciting as the Smelt Hill Dam is in the process of being removed which will provide an attractive natural feature and a prime fishing and picnicking spot. Portland Trails plans to provide public access to the falls. The falls can be reached via short hike and hopefully will become a popular attraction for both fisherman and sightseers. Dick Anderson indicated that the site offered good river and shore fishing. He would like to see shad and brown trout fishing in the future.

➡ Vote

A motion was made by Roger Milliken and seconded by Warren Balgooyen to accept the application as a water access project. Vote was unanimous, except for Roger Berle who abstained due to conflict of interest.

**Mattawamkeag Project – Farrar Parcel**

➡ Overview.

The Easement Review Committee voted to recommend that the Board accept the proposed easement as compliant with the recently established Board guidelines for such easements. While there is a series of legal technicalities that still require resolution, the staff is working those out. None of these ‘technicalities’ affect the Board’s core policy interest in public access, protection from development, and sustainable forestry.

➡ Vote

A motion was made by Roger Milliken and seconded by Carole Dyer to accept the Easement Review Committee’s proposed working forest easement on the Farrar Parcel [*part of the Mattawamkeag Lake project*] as consistent with LMF Guidelines. Vote was unanimous.

**Staff Report**

➡ Five Fields Project

A second look by the Appraisal Review Committee recommends that the appraised value remain at \$200,000. Stephanie Gilbert indicated that she will be in touch with the landowner.

➡ Washington County Public Meeting

A public informational meeting was held in Calais on September 23, 2002 to provide information on LMF activities in the county, past, present and future as well as seeking input on land conservation needs in Washington County. Tim Glidden reported that it was a great meeting with roughly 100-120 people in attendance. Overall reaction was positive. Representing the Board at the meeting was Commissioner Lapointe and Linda Pagels. Also present at the meeting was Representative John Morrison and Representative George Bunker.

Local cable TV was also present filming the meeting.

➡ Initial indicators of interest for round 3 funding [2002-2003]

Tim Glidden reported that with a deadline of December 20, 2002 for submitted new proposals [3 round], LMF has received and continues to receive new and exciting proposals. Total amount will exceed funds available so the Board will need to make difficult choices as to which projects it will fund.

➡ Project status report

Distributed to the Board was the latest Project Status Report dated September 23, 2002 prepared by R. Collin Therrien.

**Next Board Meeting**

December 17, 2002 at the Pine Tree State Arboretum.