

# Land for Maine's Future Program

Land for Maine's Future Program

**September 25, 2003**

Pine Tree State Arboretum, Augusta

10:30 a.m. – 3:00 p.m.

## **MINUTES OF THE MEETING**

### **Members Present:**

Marcia McKeague

Commissioner Lapointe

Commissioner Spear

Carole Dyer

Martha Freeman, Director, SPO

Warren Balgooyen

Leon Gorman

Commissioner McGowan\*

\* [present afternoon session only]

### **Members Absent:**

Roger Milliken

Linda Pagels

Commissioner Martin

**LMF Staff Members Present:**

Tim Glidden

Steve Brooke

Jim Connors

Aline Lachance

Surran Pyne

R. Collin Therrien

**Others Present:**

Rep. Judd Thompson

Rep. Roderick Carr

Rep. Roger Sherman  
Land T.

Christina Epperson, Androscoggin

Will Brune, The Nature Conservancy  
Trust

Anonymous, Androscoggin Land

Ralph Knoll, Dept of Conservation  
IF&W

Paul Jacques, Deputy Commissioner,

Erik Anderson, Dept of Conservation

Henry Hilton, Dept. IF&W

David MacDonald, MCHT

Jim Mitchell, Mahoosuc Land Trust

Sam Hodder, Trust for Public Land  
Land

Jeremy Wintersteen, Trust for Public

David Soucy, Dept of Conservation  
Trust

Judy Marden, Androscoggin Land

John Marshall, Pleasant R. Wildlife Foundation

Chris Franklin, Cape Elizabeth Land Trust

Stephanie Gilbert, Dept of Agriculture

Herb Hartman, Dept of Conservation

## **Minutes of the Meeting**

A motion was made by Warren Balgooyen and seconded by Marcia McKeague and Commissioner Spear to accept the June 17, 2003 Minutes of the Meeting. Vote was unanimous.

## **Welcome new Board member**

Commissioner Lapointe welcomed Martha Freeman to the Board. Martha was recently appointed by the Governor to serve as Director of the State Planning Office. He also thanked David Keeley who served on the Board as Acting Director for his continuing support of the program.

## **Conservation & Recreation Projects**

Note: Tim mentioned that the following projects, as well as future projects, include management plans as well as cost estimates as mandated by the Legislature in 2002.

**Marshall Island, Hancock County** (744 ± acres in fee)

➔ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Bangor Daily News on 9/9/03.

➔ **Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$4,100,000 and further recommends LMF funding based on the applicant's request of \$800,000 (not including all other costs).

➔ **Public Comments**

David MacDonald from Maine Coast Heritage Trust thanked the Board for considering the project. He noted that MCHT plans on submitted a Phase II application to protect most of the island.

➔ **Vote**

A motion was made by Leon Gorman and seconded by Warren Balgooyen to support fee acquisition of 744 ± acres at Marshall Island. Vote was unanimous.

**Lower Kennebec, Bowdoinham** (64.25 ± acres in fee)

[*Peddicord-Frye-Gallant parcels*]

→ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Portland Press Herald on 9/6/03.

→ **Appraisal Committee Recommendation**

The Committee recommends that the total appraised value be \$186,000 and further recommends LMF funding based on the applicant's request of \$146,000 for 3 parcels (not including all other costs).

→ **Public Comments**

None

→ **Vote**

A motion was made by Carole Dyer and seconded by Marcia McKeague to support fee acquisition of three parcels [Peddicord-Frye-Gallant]. Vote was unanimous.

**Hooper Pond, Green** (174 ± acres in fee)

[*Malmo/Blaisdel - Philbrook parcels*]

**→ Public Notice**

Published in the Kennebec Journal on 9/10/03 and Lewiston Sun Journal on 9/10/03.

**→ Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$475/acre for the Malmo/Blaisdel parcel and \$26,500 for the Philbrook parcel and further recommends LMF funding based on the applicant's request of \$55,666 (not including all other costs).

**→ Public Comments**

Christina Epperson from Androscoggin Land Trust thanked the Board for its support and indicated that the owner is working to clear the title on the remaining 31 ± acres of the Malmo-Blaisdel parcel.

**→ Vote**

A motion was made by Commissioner Spear and seconded by Carole Dyer to support fee acquisition of these two parcels. Vote was unanimous. This vote authorizes staff to release funds as title issues are resolved.

**Camden Hills State Park, Camden & Lincolnville** (48.86 ± acres in fee)

[Connor-Millington-Laite *parcels*]

**→ Public Notice**

Published in the Kennebec Journal on 9/6/03 and Portland Press Herald on 9/6/03

**→ Appraisal Committee Recommendation**

The Committee recommends that the total appraised value be \$ 272,000 for the Connor's parcel and further recommends LMF funding based on the applicant's request of \$166,667.00 (not including all other costs). The Millington and Laite parcels on HOLD.

**→ Public Comments**

None.

**→ Vote**

A motion was made by Carole Dyer and seconded by Commissioner McGowan to support fee acquisition of the Connor's parcel. Vote unanimous.

**Machias River Project, Washington County** (5,772 ± acres to be held by DOC and 7,405 ± acres be held by ASC )

*[This is a change in acreage/size from previously submitted proposal.]*

➔ **Public Notice**

Published in the Kennebec Journal on 6/7/03 and Bangor Daily News on 6/7/03

➔ **Easement Committee Recommendation** accepted at the June 17, 2003 Board meeting.



→ **Appraisal Committee Recommendation**

The Committee recommends that the total appraised value be \$4,395,330 (*\$2,785,080 for fee and \$1,610,250 for easement*) and recommends LMF funding based on applicant request of \$2,800,000 (not including all other costs).

→ **Public Comments**

Tom Rumpf thanked the partners particularly International Paper for working with the State on bring this project forward. He noted that The Nature Conservancy has as of today raised \$1 million towards the project.

*Note: Public comments were accepted at previous Board meeting on June 17, 2003.*

→ **Vote**

A motion was made by Warren Balgooyen and seconded by Carole Dyer to support a conservation easement to be held by the Atlantic Salmon Commission for 7,405 ± acres plus a fee acquisition to be held by the Department of Conservation for 5,772 ± acres. Vote was unanimous.

*Special Board Condition stipulating that the Maine Department of Conservation is designated as managing entity for recreation.*

**Crowley Island, Addison** (183 ± acres in fee)

→ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Bangor Daily News on 9/9/03

→ **Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$315,000 and further recommends LMF funding based on the applicant's request of \$80,000 (not including all other costs).

→ **Public Comments**

John Marshall from the Pleasant River Wildlife Foundation (PRWF) stated that the primary goal of this acquisition was to protect and enhance wildlife habitat with a secondary goal of ensuring access to the shore and island interior for public recreation and education.

He did speak to the issue regarding the right-of-way with respect to Crowley Island. Various deeds cite right of way "by the old town road". While the town no longer maintains this roadway, the town has not extinguished the rights of way held by property owners over the old roadway. This bridge is not new but a reconstruction of the original and the town is of the opinion that the original right of way over the bridge remains in effect.

Rep. Roderick Carr inquired about the appraised value. Tim responded that there was a substantial match and, in fact, was a small bargain sale.

→ **Vote**

A motion was made by Warren Balgooyen and seconded by Carole Dyer to support fee acquisition of 183 ± acres on Crowley Island. Vote was unanimous.

**Frenchman's Hole, Riley Township** (385 ± acres in fee)

→ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Portland Press Herald on 9/6/03

→ **Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$375,000 and recommends LMF funding based on applicant request of \$207,000 (not including all other costs).

→ **Public Comments**

Jim Mitchell, Mahoosuc Land Trust thanked Ralph Knoll and others for their efforts in moving this project forward.

→ **Vote**

A motion was made by Marcia McKeague and seconded by Carole Dyer to support fee acquisition. Vote was unanimous.

**Ferry Beach State Park, Saco** (5.8 ± acres in fee)

→ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Portland Press Herald on 9/6/03

→ **Appraisal Committee Recommendation**

The committee recommends that the appraisal value be \$272,000 and recommends LMF funding based on applicant request of \$91,000 (not including all other costs).

→ **Public Comments**

None.

→ **Vote**

A motion was made by Carole Dyer and seconded by Warren Balgooyen to fund fee acquisition of 5.8± acres. Vote was unanimous.

**Greater Mount Agamenticus Conservation Initiative, York & Wells**

(204.64 ± acres in fee) [*Gallagher & Eastbrook #6 parcels*]

➔ **Public Notice**

Published in the Kennebec Journal on 9/10/03 and Portland Press Herald on 9/10/03

➔ **Appraisal Committee Recommendation**

The committee recommends that the appraised value be \$163,000 for the Gallagher parcel and \$224,000 for the Eastbrook #6 parcel and further recommends LMF funding based on the applicant's request of \$ 205,630 (not including all other costs).

➔ **Public Comments**

None.

➔ **Vote**

A motion was made by Martha Freeman and seconded by Carole Dyer to support fee acquisition. Vote was unanimous.

# Water Access Projects

**Lambert Lake, Washington County** (6.17 ± acres in fee)

## ➔ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Bangor Daily News on 9/9/03

## ➔ **Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$36,500 and recommends LMF funding based on 2/3 of the appraised value [\$24,333] contingent upon the Board's approval of participating in acquisition at above the appraised value.

## ➔ **Policy on acquisition at above appraised value**

The Board recognizes that in rare instances, exceptions may be considered when purchase price exceeds fair market value. The Board will consider such exceptions only when all of the following conditions are met:

- a) the public values present on the subject property are exceptional, there is imminent threat that the public values will be severely compromised if the property is not purchased immediately, and the risk of losing the opportunity is outweighed by the differences between appraised value and the asking price; and

- b) Two thirds of the board members present and voting agree that the project meets these conditions.

→ **Public Comments**

Paul Jacques, Deputy Commissioner of IF&W, stated that in his opinion the purchase price of water access sites are usually above appraised value. He noted that the LMF funding process for waterfront lands is not set up to address market situation and suggested the Board might look into addressing the issue.

It was also suggested that LMF staff prepare a 'history' on the number of acquisitions that were above appraisals value.

Rep. Roderick Carr expressed concern about the 'above' appraisal value.

→ **Vote**

A motion was made by Marcia McKeague and seconded by Carole Dyer to support fee acquisition of 6.17 ± acres at Lambert Lake recognizing that the Board was participating in an acquisition that was closed above appraised value for the reasons noted below. Vote was unanimous.

- Site identified as a priority fishing spot;
- Will provide only guaranteed public access to the lake;
- Risk of losing the site due to volatile real estate market for waterfront lands; and
- Paying \$2,500 more than appraised value for the parcel at the end of the road, and for use of the roadbed, will save thousands of dollars in improvements costs associated with the road upgrade alone.

**Worthley Pond, Peru** (0.7 ± acres in fee)

→ **Public Notice**

Published in the Kennebec Journal on 9/6/03 and Portland Press Herald on 9/6/03

→ **Appraisal Committee Recommendation**

The Committee recommends that the appraised value be \$60,000 and recommends LMF funding based on 2/3 of the appraised value [\$40,000] contingent upon the Board's approval of participating in acquisition at above the appraised value.

→ **Public Comments**

None.

→ **Vote**

A motion was made by Leon Gorman and seconded by Carole Dyer to support fee acquisition of 0.7 ± acres at Worthley Pond recognizing that the Board was participating in an acquisition that was closed above appraised value\* for the reasons noted below. Vote was unanimous.



- This site will provide the only permanent public access for small to medium size boats and construction of a launch ramp on this priority lake;
- The town selectmen have agreed to share management of the area saving the Department of Inland Fisheries & Wildlife money;
- The town's Fire Chief will be able to use this location for the town's hydrant and source of water for fire risk to camps and acreage; and

*\*Note: \$4,000 above appraised value.*

## Farmland Projects

### **EXECUTIVE SESSION** [12:40 p.m. – 1:40 p.m.]

To discuss ongoing negotiations regarding Meserve Farm.

**Five Fields Farm, Bridgton** (202 ± acres as Agriculture Conservation Easement

➔ **Public Notice**

Published in the Kennebec Journal on 9/10/03 and Portland Press Herald on 9/10/03

➔ **Appraisal Committee Recommendation**

The committee recommends that the accepted fair market appraised value of the development rights be \$237,000 and recommends LMF funding based on applicant request of \$118,500.00 (not including all other costs).

➔ **Public Comments**

None.

**Note:** Tim noted that 10 acres have been removed from the original proposed acreage. Stephanie Gilbert, Farmland Protection Program Manager, stated that the Department of Agricultural Food & Rural Resources and business advisors have worked together to develop a plan to reconfigure the original proposal to protect the Gyger's orchard, farm stand and cross-country ski operation. This configuration will complement the easement and allow the Gyger's sons to raise their families close to the farm.

The Gyger's have paid \$1,800 for an appraisal update and are willing to contribute \$10,000 towards the land survey.

➔ **Vote**

A motion was made by Marcia McKeague and seconded by Martha Freeman to support acquisition of an agricultural conservation easement for Five Fields Farm. Vote was unanimous.

**Packard Littlefield Farm, Lisbon** (205 ± acres in Agri. Cons. Easement)

→ **Public Notice**

Published in the Kennebec Journal on 9/10/03 and Lewiston Sun Journal on 9/10/03

→ **Appraisal Committee Recommendation**

The committee recommends that the accepted fair market appraised value of the development rights be \$280,000 and recommends LMF funding based on the applicant request of \$116,666.50 (not including all other costs).

→ **Public Comments**

None.

[An 8 percent bargain sale was given by the landowner noted Tim.]

→ **Vote**

A motion was made by Commissioner Spear and seconded by Carole Dyer to support acquisition of an Agricultural Conservation Easement for Packard Littlefield Farm. Vote was unanimous.

**Jordan Farm, Cape Elizabeth (45 ± acres in Agri. Cons. Easement)**

**→ Public Notice**

Published in the Kennebec Journal on 9/10/03 and Portland Press Herald on 9/10/03

**→ Appraisal Committee Recommendation**

The committee recommends accepting fair market appraised value of the development rights as sufficient to support the LMF contribution and recommends LMF funding based on applicant request of \$429,450 (not including All Other costs).

**→ Public Comments**

Chris Franklin, Cape Elizabeth Land Trust, stated that the farm's scenic vistas is a major contributor to the town's rural character, that this 45 acres parcel is just the 1st phase of a 3 phase project, that three generations have worked the farm, that development pressure is at its highest in Cape Elizabeth town with few remaining farms in the area compared to 50 years ago and that two neighboring farms have been developed or are in the process of being developed.

**→ Vote**

A motion was made by Commissioner Spear and seconded by Carole Dyer to support an agricultural conservation easement for Jordan Farm. Vote was unanimous

**Sunrise Farm, Cumberland** (156 ± acres in Agri. Cons. Easement)

**→ Public Notice**

Published in the Kennebec Journal on 9/11/03 and Portland Press Herald on 9/11/03

**→ Appraisal Committee Recommendation**

The committee recommends that the accepted fair market appraised value of for the development rights is sufficient to support the negotiated LMF contribution. It further recommends LMF funding based on applicant request of \$364,600.00 (not including all other costs).

**→ Public Comments**

None.

[Tim indicated that he attend the town's Council meeting and that the council voted 4-3 to appropriate \$435,000 towards the project with a few conditions.]

➔ **Vote**

A motion was made by Marcia McKeague and seconded by Commissioner to support acquisition of an agricultural conservation easement for Sunrise Farm. Vote was unanimous.

5 % Access Improvement Request

**The Presumpscot River Bridge Site** (Walton Park), Falmouth

Access improvement funds in the amount of **\$11,900** are being requested by the Town of Falmouth (*5 % of the \$238,000 appraised value*) for construction of an 800-foot ADA accessible trail and a 15-car gravel parking area on 4.5 acres of land.

➔ **Public Comments**

None

➔ **Vote**

A motion was made by Marcia McKeague and seconded by Carole Dyer to approve \$11,900 for access improvements. Vote was unanimous.

**Tibbetts Pond** (Concord Twp), Somerset County

Access improvement funds in the amount of **\$1,800** is being requested (*5 % of the \$36,000 appraised value*) for construction of 6 parking spaces near the public road and improve an existing footpath currently leading from the road to the shore area.

➔ **Public Comments**

None

➔ **Vote**

A motion was made by Carole Dyer and seconded by Warren Balgooyen to approve \$1,800 for access improvements. Vote was unanimous.

5 % Farmland Business Plan Request

**Beech Hill**, Rockport

Access improvement funds in the amount of **\$5,000** is being requested by Coastal Mountains Land Trust (*5 % of the \$100,000 appraised value for farmland*) for conducting field and soil analysis to determine highest quality sites for blueberry production, applying for formal organic certification, identify and prioritize suitability of field(s), acquire machinery most suitable to the scale of our operation, develop retail relationships with farm stands and small markets in our immediate area.

**→ Public Comments**

Rep. Roderick Carr asked to have his memory refreshed regarding profits derived from sales. Tim mentioned that the monies go back into the farm operation.

[*Note: In the April 2002 Minutes of the Meeting it was noted that organic blueberry cultivation is presently experimental on this site and involves considerable financial investment and risk.*]

**→ Vote**

A motion was made by Carole Dyer and seconded by Martha Freeman to approve \$5,000 for business plan. Vote was unanimous.



## Other Board Action

### **Sebago Headwaters Preserve**, Bridgton

Two parcels from the original proposal did not qualify for LMF support. Therefore, Loon Echo Land Trust is asking to add two new parcels to their Round 2 proposal. Approximately 40 acres (*parcel 16*) from Bob Parker in Bridgton and 1 acre (*parcel 17*) from Ken Pulasky also in Bridgton. The Parker property is an important addition to the Sebago Headwaters Preserve because it extends the 1,500 acre preserve and maintains the undeveloped habitat along Sawyer's Brook and the one acre Pulasky parcel creates an important link to a historical mill site and connects the Bald Pate Mountain connector trail to the Holt Pond boardwalk.

#### ➔ **Public Comments**

None

#### ➔ **Vote on substitution of new project lands**

A motion was made by Carole Dyer and seconded by Martha Freeman to approve the two new parcels.

## Other Items

### → **Staff Report**

#### **a) Project Status Report**

Much progress has been done in closing out projects from Round 1 and 2.

#### **b) Round 4 of \$50 Million**

Application deadline is October 1, 2003. Tim stated that this will probably be the final round of the \$50 million and that much work needs to be completed in the interim.

#### **Scoring & Nominations Committee Assignments**

Scoring Committee meeting(s) scheduled for November 12-13, 2003.

Nominations Committee meeting(s) scheduled for December 18-19, 2003

2-day LMFB Meeting scheduled for January 26-27, 2004 at Maple Hill Farm.

**c) Maine Land Bond**

Tim briefed the Board on discussions within the Administration.

**d) Outreach Meetings**

Meetings scheduled for September 15<sup>th</sup> in Belfast, September 23<sup>rd</sup> in Bethel, October 14<sup>th</sup> in Kennebunkport, and October 22 in Caribou.

**Next Board Meeting**

November 18, 2003 at the Pine Tree State Arboretum

**Adjourn**

3:00 p.m.