



Land for Maine's Future Program

Minutes of the Meeting
September 11, 2007

Pine Tree State Arboretum
Augusta, Maine

Board Members Present:

Commissioner Pat McGowan
Commissioner Seth Bradstreet
Ben Emory

Carole Dyer
Diane Doyle
Jeff Thaler

Leon Gorman
Jeanne Mattson

Board Members Absent:

Commissioner Danny Martin
Commissioner George Lapointe

Martha Freeman, Director, SPO

LMF Staff Members Present:

Tim Glidden
Jim Connors

Steve Brooke
R. Collin Therrien

Aline Lachance

Others

Bob Baines, SpruceHead Coop.
John Petersdorf, Atwood Lobster Company
James Dayboch, Atwood Lobster Company
Willow Rheault, Coastal Enterprises, Inc./WWAPP
Vasco "Buster" Carter, Dept. Inland Fisheries & Wildlife
Deidre Gilbert, Dept. Marine Resources
David Etnier, Dept. Marine Resources
Jeff Romano, Maine Coast Heritage Trust
Hope Hilton, Esq.

- **Minutes of the Meeting**

A motion was made by Carole Dyer and seconded by Ben Emory to approve the July 10, 2007 Minutes of the Meeting. Vote was unanimous.

Conservation & Recreation Project

- **Additions to IF&W Management Areas, Heanssler parcel, Lubec, Washington County** (83+ acres in fee to the Maine Dept. of Inland Fisheries & Wildlife)

- Public Notice

On August 31, 2007 published in the Kennebec Journal and the Bangor Daily News.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$56,800 for this parcel and further recommends LMF funding of \$ 26,000 (not including all other costs).

- Public Comments

Tim indicated that written comments were received from the Selectmen of the Town of Lubec regarding the acquisition of the Heanssler parcels. The Town noted that acquisition by the State will reduce the amount of tax revenues to the Town. While they are not opposed to Open Space and Land Trusts, they are very much opposed to these properties being taken from the tax rolls and the burden being transferred to taxpayers. They feel that there needs to be legislation that addresses this issue and that these entities need to pay a fair percentage of the taxes to be assessed on these open space properties.

Vasco 'Buster' Carter (IF&W) mentioned the recent edition of the Cobscook Trail Guide which describes walks on 19 area properties within the greater Cobscook Bay area. Cobscook Trails is a cooperative project of conservation landowners and community partners to expand opportunities for nature-based recreation and tourism in eastern Washington County.

He encouraged the Board to vote in favor of this acquisition stating that the Heanssler parcels will link the existing MDIF&W lands on the east and west shores of Morong Cove and will complete the protection of the upper cove and its extensive saltmarsh and tidal flats

- Vote

A motion was made by Carole Dyer and seconded by Commissioner Bradstreet to support funding for this project. Vote was unanimous.

Farmland Project

- **Fields & Forests Forever - Perkins (B) parcel , Albion, Kennebec County** (182+ acres in an agricultural conservation easement to the Friends of Unity Wetlands under a PA with the ME Dept. of Agriculture, Food & Rural Resources)

- Public Notice

On August 31, 2007 published in the Kennebec Journal.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$107,000 for the purchase of a conservation easement for the Perkins' **B** parcel and further recommends LMF funding of \$53,500 (not including all other costs).

Note: For future reference, the Perkins' **B** parcel has since been renamed the Perkins' **A** parcel.

- Public Comments

None.

- Vote

A motion was made by Commissioner Bradstreet and seconded by Carole Dyer to support funding for this conservation easement. Vote was unanimous.

Working Waterfront Project

- **Spruce Head Fishermen's Coop., South Thomaston, Knox County** (0.25 ± acres with a working waterfront covenant) (TABLED 7/10/07 – moved by Ben Emory and seconded by Commissioner Bradstreet)

- Public Notice

On August 31, 2007 published in the Kennebec Journal and on September 1, 2007 published in the Courier Gazette.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$600,000 for this working waterfront covenant and further recommends LMF funding of \$475,000 (not including all other costs).

- Public Comments

Tim Glidden highlighted for the Board issues raised by Mr. Atwood, an abutting landowner. From LMF's perspective the alleged boundary issue is the most significant. Tim stated that Hope Hilton, Esq., LMF Legal Counsel, concluded after researching

documentation that it does not appear that there is a potential boundary issue on the line between Atwood and Waldron of sufficient legal weight to interfere with LMF's support of the applicant's application.

Other issues raised by Mr. Atwood, included: a) the Coop's placement of equipment and other materials along their common boundary line, b) the ability of the parties to act as good neighbors, c) reviewing other wharves in the mid-coast area which might be more efficient, and, d) why this Coop deserves support for such a small site.

Tim noted that in 2005, the Legislature passed a bill creating a working waterfront pilot program which the voters of Maine approved. Voters recognized the need to take action to protect and secure commercial fishing access at a time when increasing demands for coastal waterfront lands, rising land values and property taxes are making it difficult for commercial fishing businesses to retain working access to the water. The Spruce Head Coop application met the selection criteria including: economic significance, evaluation of the availability of alternative sites, community support, threat of conversion, and most importantly, the use of the property for commercial fisheries uses.

Bob Baines (SpruceHead Coop.) in addressing the issue of size noted that while the subject parcel is small its unique feature is that the facility has deep-water ocean frontage with all-tide access. There are roughly 75 fishermen and 65 boats benefiting from the use of the Coop and that the fishermen handle roughly 58 percent of the local lobster catch, which is 3.3 percent of all lobster landings statewide.

On-site parking is paved and accommodates 15-20 vehicles. There is also additional parking across the street and on several other lots on Spruce Head Island, all of which are leased.

Mr. Baines noted the threat of waterfront property for residential or alternative use is extremely high. The Coop. is fortunate to be financially strong at present and to have a willing seller. Mr. Baines encouraged the Board to vote in favor of this waterfront project to provide permanent protection for future commercial fishing activities.

John Petersdorf and James Dayboch (Atwood Lobster Company) reiterated concerns expressed by Mr. Atwood in his letter to the Board and stressed the high appraisal value of \$600,000 for a working waterfront covenant for such a tiny parcel of land. They distributed to the Board property assessment data derived from the Town of South Thomaston in support of their assertion that the appraisal value for the subject property was too high. LMF staff noted that direct comparisons of assessment and appraisal conclusions were not appropriate because the analytical methods were quite different. Long-standing Board practice has been to rely on professional appraisals.

It was noted that the purpose of the appraisal is twofold: to estimate the current market value of the property and to estimate the market value assuming a highest and best use as a fisherman's cooperative. Based upon the appraiser's analysis, he was of the opinion that the "as is" market value of the fee simple interest of the property was \$950,000 and that the market value "as restricted" is \$350,000 assuming a highest and best use as a fisherman's cooperative.

David Etnier, Deputy Commissioner, Department of Marine Resources, stated today's fishermen are facing a great deal of pressure as working waterfront access sites are being converted for other uses other than for commercial fishery. We have gone down to the site and, while small in size, the Coop. plays a vital role in the community and in the fishing industry. He urged the Board to vote in favor of this project.

- Vote

A motion was made by Commissioner McGowan and seconded by Carole Dyer to support funding for this project. Vote was 6 to 2. (Diane Doyle and Ben Emory abstaining.)

Other Business

- Status of Pending Projects

LMF staff distributed a Project Status Report to Board members. Most active projects are well underway with only a few exceptions: Larrabee Cove is expected to be withdrawn, Stillwater River Water Access project is unresolved but has a second appraisal underway, and negotiations are still in early phase regarding the Big Spruce & Saddleback Mountains project.

- Andrew K. Weegar Farm Project

LMF staff was recently notified by Maine Dept. of Agriculture, Food & Rural Resources, sponsor of the project application, that this project has been withdrawn at the request of the Heirs of the Weegan Estate and project partner; Maine Farmland Trust.

- Staff Report on Public Lands & Publicly Held Easements

Commissioner McGowan stated that the Task Force created by Executive Order (*An Order Creating the Task Force Regarding the Management of Public Lands and Publicly-Held Easements in Maine*) has held several preliminary conversations with many of our projects partners. The Department of Conservation has compiled a CD, **Maine Public Lands Management Task Force Presentation**, which contains over 105 slides taken throughout Maine of public lands and publicly-held easements. Copies of the CD will be distributed to Board members.

- Governor's Council of Quality of Place

As a result of the Brookings Report, the Governor created the Quality of Place Council. The purpose and duties of the Council shall be to:

1. Examine the State's public programs, decision-making processes, investment practices, private market incentives, institutional capacities, and research efforts to assess their

readiness to maintain Maine's distinctiveness as a desirable place to live, to work, to raise a family, and to build a useful and productive life;

2. Develop a recommended action plan or plans for protecting, investing in, and enhancing Maine's distinctive quality of place, including creative ways and means to finance such plans;

3. Propose structures, institutions, processes, programs, activities, and investments that will ensure the long-term protection and enhancement of Maine's quality places; and

4. Propose coordination with and among the actions of existing and recommended public, private, and nonprofit "quality of place" efforts in Maine.

Tim stated that he participates in these discussions and he hope to report back to the board in November.

- Board Committee Assignments

Tim distributed an attachment outlining committee assignments to the Appraisal, Nominations, Scoring, or Easement committees. Should anyone like another assignment, please notify Tim or Commissioner Lapointe.

- Downeast Magazine Article

The September 2007 issue featured an article entitled *Forever Maine* highlighting over 20 years of preservation of more than 147 of our most beautiful and fragile places throughout Maine by the Land for Maine's Future Program. Tim underscored the importance that such stories provide in spreading the word about the program.

- Next Board Meeting

~~September 11, 2007~~ November 13, 2007 at the Pine Tree State Arboretum, Augusta