



Land for Maine's Future Program
Minutes of the Meeting
March 13, 2012

State Planning Office
Baxter Conference Room, 19 Union Street
Augusta, Maine

Board Members Present:

Don Marean, Chair
Chandler Woodcock
Patrick Keliher

Jeff Thaler
Ben Emory
Peter Rogers

Norman Gosline
Diane Doyle

Kathy Eickenberg, sitting in for Commissioner Bill Beardsley

Board Members Absent:

Bill Beardsley

Walter Whitcomb

Bucky Owen

LMF Staff Members Present:

Jody Harris
Sam Morris

Tom Miragliuolo
Aline Lachance

R. Collin Therrien

Others

Timothy Alley & Chuck Plummer, So. Bristol
Co-op

Galen Alley, Great Wass Lobster & Bait Co
Leon Bucher, Dept. of Inland Fisheries &
Wildlife

Jerry Bley, Creative Conservation LLC
Diano Circo, Trust for Public Land

Jim Connolly, Dept. Inland Fisheries &
Wildlife

Hugh Cowperthwaite, Coastal Enterprises,
Inc.

Sarah Demers, Dept. of Inland Fisheries &
Wildlife

Molly Docherty, Dept of Conservation

Deirdre Gilbert, Dept. of Marine Resources
Stephanie Gilbert, Dept. of Agriculture,
Food & Rural Resources

Berndt & Elaine Graf, Residents of Fayette
Fred Harrigan, Resident of Sebec

Theresa Kerchner, Kennebec Land Trust
Carrie Kinne, Kennebec Estuary Land Trust

Harry Lamphear, citizen

Jennifer Melville, Freeport Conservation
Trust

Mark Robinson, Town Manager, Town of
Fayette

Jeff Romano, Maine Coast Heritage Trust

Nina Young, Maine Farmland Trust

Minutes of the Meeting

A motion was made by Jeff Thaler and seconded by Diane Doyle to accept the November 8, 2011 Minutes of the Meeting. Vote was unanimous.

Welcome New Board Members

Don Marean noted that Patrick Keliher was recently confirmed by the Maine Senate as Commissioner of the Department of Marine Resources.

Peter Rogers, has been appointed as new Acting Director, State Planning Office. He served as Communications Director for Governor LePage before joining us.

Status of LMF Projects/Funds

Jody Harris provided an update of LMF projects and activity as well as funds available. A year ago there were 24 projects still in the process of closing and since that time the LMF staff has closed on 19 of these projects. Today, LMF has 40 projects due to selecting 26 new projects in Round 7 during 2011. LMF anticipates that 3-5 additional working waterfront projects and perhaps 5-6 water access proposals will be submitted for Board consideration in 2012.

Jody informed the Board that 'authority' to borrow bond funds expires after five years. The \$17 million LMF bond approved in 2007 will expire June 2012 and that there remains \$4.2 million unborrowed from that round. LMF has projected its anticipated expenditures and documented that the outstanding \$4.2 million in bond funds will all be expended within one year. Based on this analysis, the Treasurer's Office will borrow the \$4.2 million in anticipation of LMF's project closing schedule.

Six projects currently pending from 2006 and 2008, account for the bulk of the unborrowed funds. They have been large projects that have moved slowly for various, unforeseen reasons. The Board may want to give more consideration to project readiness when awarding funds to avoid this issue in the future.

There is approximately \$933,815 in LMF funds that has become available either from a combination of withdrawn projects and unexpended access improvement grants. Two of these withdrawn projects are the Wells Barren/Kennebunk Plains and Bald & Ragged Mt., Hart parcel. The Department of Conservation has returned \$42,615 of unused access improvements grant funds for grants that came in under budget. Also, projects that closed more than two years ago are no longer eligible for access grants and those funds (\$80,000) are now available to be re-programmed.

There is also \$30,000 in access improvement funds set-aside for Water Access Grants that are no longer eligible.

- Motion

A motion was made by Jeff Thaler and seconded by Diane Doyle to unallocate the \$30,000 that was set aside for access improvement grants and return those funds to the Water Access Fund. Vote was unanimous.

Jody stated that the Board has several options for use of the \$933,815. The following 4 options are available:

- 1) Transfer funds to the Public Access to Maine Water Fund;
- 2) Fund more projects that were submitted as part of Round 7;
- 3) Conduct a mini-competitive round for new conservation/recreation projects;
- 4) Hold the funds and combined with the next round at the time a new bond may be authorized.

The board discussed the possibility of conducting a new competitive round perhaps at the end of the year. Kathy Eickenberg of Dept of Conservation, sitting in for Commissioner Beardsley noted that DOC might have some additional projects that will be withdrawn that could add to the funds available for a new round. She will provide LMF staff with a confirmation of those projects before the next board meeting.

Communication from MCHT

Don Marean read letter from Tim Glidden, Maine Coast Heritage Trust, expressing his appreciation for the Board's support of the Camden State Park project and the Willard Point parcel at Greater Pleasant Bay project thus securing a sustainable future for the Maine coast.

Proposed 2012 Board Meeting Schedule

After a brief review, the following dates were selected:

May 15, 2012
September 11, 2012

November 13, 2012
December 11, 20112

Farmland Projects

Marsh Field Farm, Bowdoinham

- Public Notice

On March 5, 2012 published in the Kennebec Journal and The Times Record.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. It is the Appraisal Review Committee's recommendation (10/18/2011 and 2/14/2012) that the appraisal provides adequate value to support the purchase price of an agricultural conservation easement of \$775,000.00.

- Motion

A motion was made by Ben Emory and seconded by Diane Doyle to release \$377,500.00 in LMF Farmland Funds to support the acquisition of the agricultural conservation easement for the Marsh Field Farm property in Bowdoinham, subject to meeting the Board's standard conditions (adopted by reference). Vote was unanimous except for Norman Gosline who opposed.

Meadow Brook Farm, Fayette

- Public Notice

On March 5, 2012 published in the Kennebec Journal and in the Lewiston Sun Journal.

- Public Comment

Theresa Kerchner, Kennebec Land Trust, thanked the Board for consideration of this important agricultural easement acquisition, the last remaining dairy farm in Fayette. It is a keystone parcel in a multiple-parcel project that will conserve significant working farm and forest lands and wildlife habitat. We are very pleased to be at this point.

Mark Robinson, Fayette Town Manager, was here to show his support and noted the value that the farm brings to the town. Protecting this farm has been met with strong community support. Also, it fits into our Comprehensive Plan.

Mr. Graf expressed his love of the farm having raised his family on the farm since 1983 and hopes that it continues as a farm. He agrees to continue an existing snowmobile trail which is managed by the Rainbow Riders, the local snowmobile club. Recently, a 90-acre parcel of land was acquired, of which they intend to convert 65 acres to hay land and pastureland.

- Appraisal Review Committee Recommendation

It is the Appraisal Review Committee's recommendation (12/13/2011 and 2/14/2012) that the appraisal provides adequate value to support the purchase price of an agricultural conservation easement of \$410,000.00

- Motion

A motion was made by Jeff Thaler and seconded by Peter Rogers to release \$140,000.00 in LMF Farmland Funds to support the acquisition of the agricultural conservation easement for the Marsh Field Farm property in Fayette, subject to meeting the Board's standard conditions (adopted by reference). Vote was unanimous except for Norman Gosline who opposed.

Varnum Farm. Sebec-Dover-Foxcroft (Farmland & Conservation/Recreation)

- Public Notice

On March 5, 2012 published in the Kennebec Journal and on March 6, 2012 published in the Bangor Daily News.

- Public Comment

Fred Harrigan, resident of Sebec, was in favor of this project. He stated that the Varnum Farm fields provide a unique, flat and picturesque landscape. The scenic view is beautiful.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. The Committee recommends that the appraised value for the **North parcel** conservation easement be \$320,000.00 and the appraisal value for the **South parcel** conservation easement be \$411,000.00 and the appraised value for the 1± acre **water access** site be \$9,000.00

- Motion

A motion was made by Norman Gosline and seconded by Ben Emory to release \$220,000.00 in LMF Conservation and Recreation Funds to support the acquisition of a conservation easement for the Varnum Farm (North parcel) property in Sebec, and \$150,000 in LMF Farmland Funds to support the acquisition of the agricultural conservation easement for the Varnum Farm (South parcel) property in Sebec and Dover-Foxcroft subject to meeting the Board's standard conditions (adopted by reference) with the following special condition: Before closing,

conservation easement holders are identified and determined by staff to meet LMF's requirements. Vote was unanimous.

Winter Hill Farm, Freeport

- Public Notice

On March 5, 2012 published in the Kennebec Journal and Portland Press Herald.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. It is the Appraisal Review Committee's recommendation that the appraised value of conservation easement be \$240,000.00

- Discussion

The Freeport Land Trust requested an additional allocation of \$39,011 from the board to make up for federal funds that are no longer available to this project. LMF staff determined that this request could be absorbed because of two recent farmland projects that have had appraisals lower than what was budgeted.

- Motion

A motion was made by Ben Emory and seconded by Norman Gosline to release \$80,989 in LMF Farmland funds and a second motion by Ben Emory and seconded by Peter Rogers to approve the supplemental request of \$39,011 in LMF Farmland funds to support the acquisition of the agricultural conservation easement for the Winter Hill Farm property in Freeport subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

Conservation & Recreation Projects

Kennebec River Estuary – Phase III – Lamoreau parcel, Bowdoinham

- Public Notice

On March 5, 2012 published in the Kennebec Journal and in The Times Record.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. The Committee recommends that the appraised value be \$193,000.

- Motion

A motion was made by Norman Gosline and seconded by Ben Emory to release \$106,500 in LMF conservation and recreation funds to support the acquisition of the Lamoreau property in Bowdoinham as part of the Kennebec River Estuary- Phase III project, subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

Kennebec River Estuary – Phase III – Lenna Forest parcel, Bowdoinham

- Public Notice

On March 5, 2012 published in the Kennebec Journal and in The Times Record.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. The Committee recommends that the appraised value be \$185,000.

- Motion

A motion was made by Norman Gosline and seconded by Ben Emory to release \$100,000 in LMF conservation and recreation funds to support the acquisition of two Lenna parcels in Bowdoinham as part of the Kennebec River Estuary- Phase III project, subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

Seboeis Lake South, Lake View Plantation, Piscataquis County

- Public Notice

On March 5, 2012 published in the Kennebec Journal and on March 6, 2012 published in the Bangor Daily News.

- Public Comment

Harry Lamphear asked the Board if its intent was to increase access to the lake and, if so, might the lake suffer. He was concern about algae being a problem. Overall, however, he was supportive of the acquisition.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. It is the Appraisal Review Committee's recommendation that the appraised value be \$2,035,000.00.

- Motion

A motion was made by Commissioner Woodcock and seconded by Norman Gosline to release \$483,136 in LMF conservation and recreation funds to support the acquisition of 4,143 acres of undeveloped land with lake-shorefront in Lake View Plantation as part of the Seboeis Lake South project, subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

Working Waterfront Projects

J O Brown & Son, Inc., North Haven

- Public Notice

On March 5, 2012 published in the Kennebec Journal and on March 8, 2012 published in the Herald Gazette.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. The Committee recommends that the appraised value be \$960,000.00.

- Motion

A motion was made by Commissioner Woodcock and seconded by Jeff Thaler to release \$240,000 in LMF working waterfront funds to support the acquisition of a working waterfront covenant on the J. O. Brown property in North Haven, subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

South Bristol Fisherman's Co-op, South Bristol

- Public Notice

On March 5, 2012 published in the Kennebec Journal and on March 8, 2012 published in the Coastal Journal.

- Public Comment

None.

- Appraisal Review Committee Recommendation

The Appraisal Review Committee finds the appraisal to be conducted in accordance with the board's appraisal review standards. The Committee finds the appraisal value to reflect fair market value and accepts the appraisal. The Committee recommends that the appraised value be \$1,100,000.00

- Motion

A motion was made by Commissioner Keliher and seconded by Commissioner Woodcock to release \$275,000 in LMF working waterfront funds to support the acquisition of a working waterfront covenant on the South Bristol Co-op in South Bristol, subject to meeting the board's standard conditions (adopted by reference). Vote was unanimous.

New Working Waterfront Proposal

Moosabec Mussels, Inc., Jonesport

Deirdre Gilbert presented brief overview of the project. This commercial fishing site is located along the Jonesport waterfront facing south along Moosabec Reach. The 0.69 acre parcel with 395 feet of all tide, deep water frontage provides access for 13 mussel and mahogany clam boats that require a sturdy pier and deep water to berth at low tide. Except for 2 other piers in the Jonesport-Beals Island area, no other properties provide similar large boat access.

- Motion

A motion was made by Commissioner Woodcock and seconded by Ben Emory to select Moosabec Mussels Inc. in Jonesport as a finalist project and to allocate \$215,000 in working waterfront funds subject to standard conditions (adopted by reference). Vote was unanimous.

New Water Access Proposal

China Lake/Swimming Area, China

- Proposal

The proposed site will be designed as a public park with a recreation area/swimming area to serve China and the neighboring communities. The proposal includes water front access, a small boat launch, picnic area, winter skating and ice fishing.

- Appraisal Review Committee Recommendation

On 2/14/12 the ARC reviewed the appraisal for the property under consideration and voted to table the appraisal until such time after the full LMF Board had an opportunity to review the project application and vote to consider it as a project finalist for Access to Maine Waters Funds. The property is appraised at \$511,000.00 real property.

- Other

Jody stated that a letter from Representative H. David Cotta was received wholeheartedly supporting this acquisition which would provide a great opportunity for China area residents to gain access to property with exceptional recreational value and also for out of town visitors to enjoy the beauty the lake has to offer.

- Discussion

The China water access project is located on property that is highly developed with multiple capital improvements, 23 buildings, old recreational facilities, parking, and leach fields. LMF funds are intended to conserve undeveloped property. However, the board has precedent for contributing LMF funds to water access projects on developed sites when the improvements improve public access to the water. In the past the board has contributed funds based on an appraisal for the value of the land as if it were undeveloped, or carving out an area of land that is undeveloped or the least developed.

Board members expressed concern about an adjacent proposed subdivision with the same landowner and the possibility of the water access site being exclusive to the subdivision residents. Other questions from the Board members regarded how much access, parking availability, the town's plans for the cabins and overall use of the recreational site.

- Motion

, A motion was made by Commissioner Keliher and seconded by Peter Rogers to TABLE this proposed until the next Board meeting in order to get answers to the board's questions. Vote was unanimous.

Access Improvement Grant

Caribou Bog, Penjajawoc, Phase III, Bangor

The Bangor Land Trust is requesting an access improvement grant in the amount of \$10,850.00 to construct a 4 car parking lot to enable access to all 88 acres of Caribou Bog Penjajawoc Preserve, to construct a 1.6 mile loop nature trail, includes construction of 353 feet of bog bridge, and signage and information Kiosk.

- Motion

A motion was made by Ben Emory and seconded by Norman Gosline to release \$10,850.00 of LMF access improvement funds to support upgrades that will increase public access to the Caribou Bog – Penjajawoc Project focus area and more specifically the Benson and Woods of Maine, Inc. parcels. Vote was unanimous.

Project Amendments

Clark Farm & Forest, Phase I (*farmland portion*), Windham

- Action Requested

The Windham Land Trust and the Maine Farmland Trust are requesting that the LMF Board approve and accept the transfer of the agricultural conservation easement and assignment of Project Agreement for Clark Farm by the Cooperating Entity Windham Land Trust to the new Cooperating entity Maine Farmland Trust.

- Discussion

LMF Staff confirmed that the ME Farmland Trust is qualified to hold the conservation easement and to be an assignee of such easements pursuant to 33 MRSA §476 (2) and that it is a qualified organization under the IRS tax code. It also is qualified to be the new assigned cooperating entity for the project agreement. MFT also has sufficient capacity for stewardship of the conservation easement.

- Motion

A motion was made by Ben Emory and seconded by Commissioner Woodcock to transfer assignment of conservation easement holder and Project Agreement from Windham Land Trust to Maine Farmland Trust. Vote was unanimous.

Clark Farm & Forest, Phase II (*conservation/recreation portion*), Windham

No action needed as Project was withdrawn.

Pleasant Mountain Preserve, Denmark

- Action Requested

To amend the project to substitute a 190-acre parcel on Beaver Pond in place of original parcel.

- Discussion

The board reviewed a letter from Commissioner Beardsley, as DOC is the project's sponsoring entity. DOC noted that the proposed 190-acre Beaver Pond parcel is not equivalent in conservation values to the 540-acre funded parcel that includes the top of Pleasant Mountain. The Commissioner asked the board to consider reserving the \$300,000 for a future competitive round.

- Motion

A motion was made by Ben Emory and seconded by Jeff Thaler to reject the Pleasant Mountain Preserve request to substitute a 190-acre parcel on Beaver Pond in place of original parcel B. Vote was unanimous.

Quoddy Bay Lobster, Co., Eastport

- Action Requested

The Quoddy Bay Lobster, Company is seeking Board action to amend the project by adding an additional 0.35 acres of land and 108 feet of frontage to the existing parcel. Additional funds needed is \$20,000.

- Motion

A motion was made by Ben Emory and seconded by Jeff Thaler to amend the Quoddy Bay Lobster, Inc. project to include the remainder of the current project parcel and to add \$20,000 in LMF working waterfront funds to support the acquisition of the working waterfront covenant subject to meeting the board's standard conditions (adopted by reference).

Great Wass Lobster & Bait Co., Beals Island

- Action Requested

Great Wass Lobster & Bait Company is looking to amend their project to include additional water frontage and two small auxiliary parcels. These two additional lots will improve functionality of the property and protect an additional pier for commercial fishing. Additional funds needed is \$33,750.00

- Motion

A motion was made by Commissioner Woodcock and seconded by Peter Rogers to amend the Great Wass Lobster & Bait Company project to include two additional parcels as identified on Beals tax map 9 lots 51 and 52 and to add \$33,750 in LMF working waterfront funds to support the acquisition of the working waterfront covenant, subject to meeting the board's standard conditions (adopted by reference).

Staff Updates

- Appraisal Review Committee discussions

Jody read from her notes the Appraisal Review Committee (ARC) meeting of the morning of March 13, regarding the LMF appraisal review process. She will draft a summary of the committee's recommendations to make sure she has captured accurately their recommendations as well as seek input from them as to how they would like to proceed. The recommendations will be brought back to the full Board for their consideration in May. The board may want to consider accepting public comments on the proposal at its May meeting.

In summary, the committee intends to recommend that all LMF appraisals be reviewed by a Maine-licensed, third-party appraiser at the applicants' cost. The new policy would apply only to new project finalists, selected after the date of the policy change. The committee acknowledged that they are laymen and want to be assured that LMF appraisals are meeting the board's appraisal standards. An independent, third-party review would ensure stricter adherence to the standards. On the down side, the committee recognized the added cost of due diligence to the applicant that might preclude them from participating in the program and the state potentially losing valuable land as a result. It will also slow down the appraisal process and add to staff workload.

- Easement Review Committee discussions

Members of the Easement Review Committee are Don Marean, Jeff Thaler, Bucky Owen. The ER Committee met in December to review the Lower Penobscot/Great Pond forest conservation easement. As a result of that review, it agreed to take a look at existing Forest Easement Standards to see if any changes are needed. Also possibly restructure for commercial non-forest uses of those lands.

Any changes to the easement by the Easement Review Committee would be presented to the LMF Board for their review.

- Part FF (relocate LMF to DOC)

In the next week or so we will know where the program will be housed. Jody stated that Part FF was presented in the Governor's proposed supplemental budget as recommended in the Part FF working group's original plan. This would move the Land for Maine's Future program to the Dept of Conservation.

SPO will vacate 19 Union Street by end of May.

Jody informed the board that she is leaving State Government effective April 6th. She has accepted a position with Maine Center for Economic Policy as Senior Policy Analyst.

Both Ben Emory and Peter Rogers thanked Jody for the great job she done running the Land for Maine's Future Program since Tim Glidden's departure. She was working 24-7, was able to get up to speed rather quickly as well as continue her other duties for the office. We will miss her and wish her well.

- Maine Land Conservation Conference

Jody invited board members to attend the 2012 Maine Land Conservation Conference schedule for April 27 & 28 at the Mt. Ararat Middle School and Orion Performing Arts Center in Topsham. LMF will have booth.

Adjourn

2:30 p.m.

DRAFT