



Land for Maine's Future Program
Minutes of the Meeting
July 23, 2019
Mahoosue Land Trust, 126 North Road
Bethel, Maine

Board Members Present:

Commissioner Judy Camuso (Acting Chair), Robert Meyers, Don Kleiner, Barbara Trafton, Jim Norris, and Roger Berle

Staff Members Present:

Sarah Demers, Tom Miragliuolo, R. Collin Therrien, and Tammara Roberts

Others:

Bethany Atkins, MDIFW
Liz Petruska, DACF BPL
Stephanie Gilbert, DACF
Jerry Bley, Creative Conservation, LLC
Chris Franklin, Maine Farmland Trust

Jeff Romano, Maine Coast Heritage Trust
John Marshall, Pleasant River Wildlife
Foundation
Betsy Cook, Trust for Public Land
Charlie Baldwin, Maine Farmland Trust

1. Welcome and Introductions:

Commissioner Judy Camuso, Acting-Chair, called the meeting to order at 10:05 p.m., welcomed everyone, and asked for introductions.

2. Minutes:

Commissioner Camuso presented the minutes.

Motion to accept minutes: Don Kleiner moved to accept minutes. Seconded by Bob Meyers. Motion passes unanimously.

3. Bond Balances -LMF Director:

Sarah presents, with some discussion regarding how funds are used and why we still have funds from 2009 available as cash on hand.

Barbara requested a discussion at a future Board meeting on the LMF process for spending down funds. After further discussion, it was determined that Barbara would meet individually with the Director for an overview of the process.

Status of Funds

ATTACHMENT A
As of June 30, 2019

| Authorized | Bonds To Be Sold | Cash on Hand |
|------------------------------|------------------|--------------------|
| PL 2009, Ch. 645 | | |
| C&R | \$0 | \$1,660,510 |
| Farmland | \$0 | \$383,559 |
| Working Waterfront | \$0 | \$276,685 |
| Funds Remaining | \$0 | \$2,320,754 |
| PL 2011, Ch. 696 | | |
| C&R, Farmland, WWF | \$0 | \$3,175,000 |
| Total Funds Remaining | | \$5,495,754 |

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We have \$5,495,754 cash on hand, with approximately \$4 million allocated to 10 Conservation & Recreation Project, 2 Farmland Project, 3 Water Access Project, 6 Working Waterfront Access Project.

4. Project Allocations & Status – LMF Director:

Project Allocations

| Active Projects | | Allocations |
|--------------------|-----------|--------------------|
| C&R | 10 | \$2,227,350 |
| Farmland | 2 | \$163,000 |
| Water Access | 3 | \$328,555 |
| Working Waterfront | 6 | \$1,136,250 |
| TOTAL | 21 | \$3,855,155 |

Projects Closed: Bethel Community Forest, Yarmouth Riverfront
Anticipated Closings: Robinson Pond South, Grassy Pond CE, Annabessacook Lake Water Access

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We have closed on several projects since our last meeting: Bethel Community Forest and Yarmouth River Front. We have anticipated closings for Robinson Pond South, Grassy Pond CE, and Annabessacook Lake Water Access Project. Please keep in mind, as we close projects, we use the oldest funds first.

In November we will be approaching the 2-year deadline, which the board set as a deadline for completing projects selected in November 2017. We have a list of projects that have made little

to no progress in this time. We will be looking to find out if the project is still a go or if we will be withdrawing it from our projects.

Questions/comment:

Barbara: noted the last meeting we had \$6 million, looks like we are down a million. Was that for project we had approved?

Sarah: Pointed out that since the last meeting we have drawn down funds for the Bethel Community Forest and the Yarmouth Riverfront projects, as well as legal expenses for those and other active projects.

5. Bond Allocations – Sarah Demers presented:

| Bond Fund Allocations | | | | | |
|-----------------------|--|--------------|-------------|----------------|---------------|
| 06/21/19 | | C&R | Farmland | Water Access | WWAPP |
| | Round 9 Available funds (10/2017) | \$4,052,748 | \$470,000 | \$450,000 | \$911,195 |
| | Round 9 Prelim Allocations (11/2017) | \$2,815,000 | \$163,000 | \$214,000 | \$0 |
| | Additional Water Access Allocations | | | \$168,555 | |
| | Unallocated Funds | \$1,237,748 | \$307,000 | \$67,445 | \$911,195 |
| | WWAPP Fund re-distribution (11/2018) | \$1,030,815 | | | \$1,030,815 |
| | November 2018 Sub-total | \$206,933 | \$307,000 | \$67,445 | \$1,942,010 |
| | WWAPP Prelim Allocations (05/2019) | | | | \$1,136,250 |
| | Legal/Inventories | 4% \$112,600 | 6% \$18,420 | 4% \$15,302.20 | 10% \$113,625 |
| | AIG Set Aside | 2% \$56,300 | | 2% \$7,651.10 | |
| | Unallocated Funds | \$38,033 | \$288,580 | \$44,491.70 | \$692,135 |

Proposal: Transfer \$600,000 from Working Waterfront to Water Access

Sarah: We started Round 9 process in October 2017 with the Board allocations represented above. In November 2017 the Board made allocations in the amount recorded above in red.

In November 2018 the Board moved \$1,000,000 in funds from C&R to Working Waterfront in anticipation of a call for proposals, leaving subtotals of \$206,933 C&R, \$307,000 Farmland, \$67,445 Water Access, and \$1942,010 WWAPP.

After legal/inventories/AIG set aside the remaining unallocated bond funds are: C&R - \$38,033, Farmland - \$288,580, Water Access - \$44,491.70, and WWAPP - \$692,135.

The Director made a recommendation to the Board to reallocate \$600,00 of unused funds from Working Waterfront to the Water Access. Account, which can accept applications on a rolling basis.

After some discussion, Chairman Camuso asked for a motion to reallocate these funds.

Motion: Don Kleiner moved to reallocate \$600,000 from Working Waterfront with \$500,000 going to Water Access and the remaining \$100,000 to C&R to cover legal, access improvement and other required expenses. The motion was seconded by Bob Meyers.

The motion passed unanimously

6. Project to be Acted on – LMF Staff

Before beginning discussions, Barbara Trafton recused herself, noting a personal conflict.

A. Brigeen Farm, Turner, Androscoggin County, (58.3± acres) - Collin Therrien presented.

Project Description

- Project property: comprised of 58.3 acres vacant, undeveloped farmland having primary access to/from Upper Road, a public road in Turner. The project property is mostly open, agricultural land (36± acres) with excellent westerly views and a woodlot (19± acres) to be encumbered by the proposed agricultural conservation easement.
- Accessibility to the project property is from 2 public roads bordering the property, Upper Road and Malloy Road;
- There are no existing structures on the project property, however, a 5-acre designated Farmstead Area is planned for the subject property;
- The land supporting the proposed designated Farmstead Area is to be encumbered by the proposed agricultural conservation easement.
- Project property is encumbered by a R-O-W providing access and for utilities along a portion of Malloy Road, and a R-O-W to abutter along current 60' foot R-O-W that is part of the subject property. This R-O-W runs westerly from Upper Street; provides access to the back 2.46-acre portion of the abutting property.
- Nearly 61% of the farmland of Project property is USDA NRCS classified as Prime Farmland Soils and Soils of Statewide Importance; conservation of these lands is a primary goal of MFT's efforts. Subject farmlands are located near high population areas and markets.
- Brigeen Farm was founded in 1777 and has remained in productive agricultural use since that time. The current owners Bill and Betsy (Briggs) Bullard represent the 9th generation to run the farm. Brigeen Farm, LLC. currently owns 800+ acres in Turner to operate its successful dairy operation and sustain its nationally recognized cattle breeding business.

The Project property provides valuable connectivity to other land tracts owned by Brigeen Farms. The Brigeen Farms, main base of operations and, the landowner's home lot abuts Project property's southerly boundary.

Jim Norris: Are there any utilities on the land?

Collin: None

Sarah: We currently don't have a chairperson for the AOC. So, I will read the AOC Recommendations.

AOC recommendation: To accept the recommendation of the LMF Appraisal Oversight Committee to accept the appraiser's value of the agricultural conservation easement at \$61,000.

Motion: Don Kleiner moved to accept the recommendation of the AOC, seconded by Robert Meyers.

The vote passed unanimously.

Announcement of public notice: The public notice for the Brigeen Farm farmland protection project was advertised in the Kennebec Journal on July 12, 2019 and in the Sun Journal on July

12, 2019. The public notice is required. It must be posted in the KJ and an area newspaper when applicable.

Public Comment: None

Motion: Bob Meyers moved to confirm the total allocation of \$30,500 in LMF Farmland funding in support of Maine Farmland Trust's acquisition of an agricultural conservation easement encumbering 58.3± acres of land comprising Brigeen Farm project property, and to be held under an LMF Project Agreement with ME DACF, subject to standard LMF conditions. Roger Berle seconded the motion.

The vote to allocate \$30,500 in LMF funding to the Brigeen Farm project was unanimous.

B. Old Talbot Farm, Arundel, York County, (129.98± acres) Sarah will be Presenting.

Project Description

- Project property is comprised of 2 non-contiguous parcels split by Limerick road:
 - East parcel: 31.48± acres of open agricultural lands with an existing farmhouse and barn(s). These improvements to remain and located within a proposed 4.37acre designated Farmstead Area. The land supporting the proposed designated Farmstead Area is to be encumbered by the proposed agricultural conservation easement.
 - West parcel: 98.5 acres of mostly open, agricultural land and a woodlot to be encumbered by the proposed agricultural conservation easement.
- Nearly 30% of the farmland of Project property is USDA NRCS classified as Prime Farmland Soils and Soils of Statewide Importance, conservation of these agricultural lands is a primary goal of MFT's efforts. Subject farmlands are located near high population areas and markets. There is a need to conserve farms of all sizes, particularly in southern Maine where threat of converting farmlands to non-farm use is most severe.
- Kennebunk River frontage: "West parcel" of Project property has 1,492' LF (surveyed) of river frontage.
- Old Talbot Farm originally established in 18th century by Durrell Family. These farmlands over subsequent decades have been actively managed for agriculture. The current farmer/ landowner raises Scottish Highland Cattle and has a successful, diversified agricultural operation, known as Hardscrabble Farm, located nearby on Mountain Rd. Old Talbot Farm will add critical capacity to the current farmer/landowner's existing farming enterprise.

Project property shares nearly a mile of boundary with the Eastern Trail recreational corridor.

Discussion:

Chairman Camuso: Are both parcels owned by same owner?

Collin: Yes

Discussion then ensued on the project design.

Barbara: So, this is the one where the applicant is requesting more funds.

Sarah: We are almost there.

Barbara: I am sorry, I short changed you.

Collin: Its okay. Anyhow what you have in your packet are the original requested information, showing the allocation of \$125,000. The applicant has submitted a request for your

consideration an increase to Land for Maine's Future level of participation to the 50% appraised value.

Motion: Don Kleiner moved to accept the recommendation of the LMF Appraisal Oversight Committee to accept the appraiser's value of the agricultural conservation easement at \$404,000. The motion was seconded by Robert Meyers

Vote: unanimously accepted.

Sarah: Both of the easement appraisals were done by the same company. AOC felt the reports were very readable. There was some conversation by the AOC discussing use of comps and highlighted a need in some training for the AOC. I spoke with Jesse Studley to see about getting some training for the AOC. Hopefully his price is manageable.

Announcement of public notice: The public notice for the Old Talbot Farm farmland protection project was advertised in the Kennebec Journal on July 12, 2019 and in the Portland Press Herald on July 12, 2019.

Public Comment: None

Motion: Barbara Trafton moved to confirm the total allocation of \$202,000* in LMF Farmland funding in support of Maine Farmland Trust's acquisition of an agricultural conservation easement encumbering 129.9± acres of land comprising Old Talbot Farm project property, subject to standard LMF conditions. *Board Prelim Allocation \$125,000 – see agency memo
Roger Berle seconded the motion.

The vote was unanimous.

Jim Norris: Is the allocation change due to a size or configuration change, or the appraised value came in higher than expected?

Sarah: There has not been a change in size or configuration. When the board selected this project there were concerns and the Board didn't fully fund it.

Barbara Trafton: Coming from a Realtor's perspective. This would be a very desirable piece of property for development.

A. Krausse Property, Kennebec Highland, Vienna, Kennebec County, 21±acres.

Project Description: Sarah Demers

- This property is a 21 acres in-holding within the Bureau of Parks and Lands Kennebec Highlands public land unit and is adjacent to an existing hiking trail and management road;
- Access to the project property is from a right of way and adjacent conservation lands held by DACF, BPL
- The Project property provides valuable connectivity to other land tracts owned by DACF, BPL

Motion: Barbara Trafton made the motion to accept the recommendation of the LMF Appraisal Oversight Committee to accept the appraiser's value of the fee simple title at \$22,000.
Roger Berle seconded the motion.

Vote: unanimously accepted.

Announcement of public notice: The public notice for the LMF project -Kennebec Highlands Strategic Addition, Krause parcel, was advertised in the Kennebec Journal on July 12, 2019.

Sarah: We received no public comment at the office, but this is the opportunity for public comment, should there be any. Seeing none, move forward to Motion #2.

Motion: Jim Norris moved to confirm the total allocation of \$11,000 in LMF C&R funding in support of the fee acquisition of the Krause parcel; subject to standard LMF conditions. Don Kleiner seconded the motion.

Barbara: I am assuming that Seven Lakes Alliance can come up their half of the funding?

Sarah: They haven't indicated otherwise.

Vote: unanimously accepted.

7. **Board Notification & Approvals - LMF Director**

This is a request for permission from the Land for Maine's Future Board for the transfer of ownership of 4 properties from The Pleasant River Wildlife Foundation (PRWF) to Maine Coast Heritage Trust (MCHT).

Sarah explains that the reason why this is relevant to the Board is that the Board has entered into a project agreement with these non-state entities. Commissioner Keliher signs a project agreement on the Board's behalf, and in that agreement is states, among many other things, if the property is to be sold or transferred or discontinued from its intended purpose, the Board needs to be provided with notifications and approval.

The four properties are known as Boncore, Cormo, Rowse and Meadow Brook Property. The properties are located in Jonesport and Jonesboro. The properties were purchased in 2009 and 2010, in part with funds from the LMF program under the Head of the Estuaries Grant. The Boncore, Cormo, and Rowse properties were encumbered by a single Land for Maine's Future Project Agreement recorded in Washington County Registry of Deeds. The Meadow Brook parcel was encumbered by separate LMF Project Agreement. Both Agreements were held by Maine Department of Inland Fisheries and Wildlife as designated State Agency.

Mason Bay Property Transfers:

- 4 properties (375 ac.) acquired with LMF funding;
 - Part of 866 ac. Mason Bay Conservation Area;
 - Protected for wetlands, wildlife habitat, traditional outdoor recreation activities, clamming and worming access;
 - Transfer from PRWF to MCHT for ownership & management
 - LMF PA terms will remain the same - no change in property acreage, conservation values, access or allowed uses;
 - DSA – MDIFW is supportive of property transfers;
- USFWS (funder) has provided conditional approval of transfer;

Questions:

Barbara: I see the four properties that under discussion for us today, what about the other properties in conservation. Who will be providing stewardship for the rest?

Sarah: All 866 acres are being transferred to MCHT.

Don Kleiner: This with change the deeds, then?

Sarah: Yes

Don Kleiner: How much is this going to cost us?

Sarah: It will primarily cost us legal review. I think it would possibly take our attorney about 4 hours or less, but I am not going to hold her to that.

Don Kleiner: So, under \$20,000

Sarah: Definitely.

Motion: Barbara Trafton made the motion , and Roger Berle seconded the approval of the fee transfer of Boncore, Cormo, Rowse and Meadowbrook properties from Pleasant River Wildlife Foundation to Maine Coast Heritage Trust on the following conditions:

- PRWF to realize no monetary gain for the transfer of properties;
- PRWF to submit LMF PA reports, site inspection report and updated ESA documenting current conditions and any substantial property changes to LMF & DSA prior to transfer;
- Copies of PRWF Board authorizing transfer and MCHT Board vote authorizing acceptance of properties and current certificates of good standing for both organizations from SOS Office;
- Draft conveyancing documents, including deeds, LMF PA and federal grant agreements as well as title commitment(s) for all properties for LMF approval;
- Letters from USFWS grant programs confirming no grant violations and confirmation of final approval for transfer.

Chairman Camuso: Any discussion?

Sarah: Reviewed the conditions of the motion one more time.

Chairman Camuso: All in favor.

Vote: unanimously accepted.

John Marshall (PRWF) commented and thanked the Board for their approval.

Staff update: LMF Board has been invited to The Bethel Community Forest Grand Opening on August 9th.

Next AOC meetings: August 5th and September 5th. Save the date, Sarah will be in touch.

Next Board meeting: September 24th, back in Marquart building.

Motion: Barbara made the motion to adjourn. The Board unanimously agreed to adjourn the meeting at 11:37 a.m.