

MINUTES

GREEN SPACE COMMITTEE WEDNESDAY, AUGUST 17, 2022 WILLIAM L. PULLEN MUNICIPAL BUILDING MEETING ROOM ONLINE NON-INTERACTIVE AT TOWN HALL STREAMS 6:30 p.m.

Committee members present: Kathleen Thornton (Chair), Heather Jackson, Clairlynn Rountree, and Don Kleiner

Others present: None.

1. **Meeting called to order:** 6:33 p.m. by Kathleen Thornton.
2. **Reading and approval of minutes for previous three meetings:**

Motion to accept minutes of May 4, 2022 by: Heather Jackson
2nd by: Kathleen Thornton
3-0-1 abstention (Kleiner)

3. **Public Comment:** None.

4. **Updates and news from committee members:**

Kathleen shared an update from Julie Kaiser, Town Manager of Waldoboro. She was researching the town forest option for us, but she found out theirs was done in 1960-something and there are no records of how they did it.

Kathleen also did a bit of digging into the land bank option, which really does not seem appropriate for this property although it might be something Union wants to look into when it comes to affordable housing or something along those lines.

The chart was projected onscreen. Kathleen asked if everyone was okay with eliminating these two options: town forest and land bank. Don thinks the land bank definitely doesn't fit but doesn't know about town forest, only because the public lots was an old, old statute and he wonders if there's some provision for a very old lot.

It occurred to Kathleen -- considering all options, putting everything on the table, getting all the facts about all the options to the voters and select board so they can decide -- we had talked about deed restrictions and the problems with that, because they're really hard to enforce.

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One thing we've never discussed is what if the town just voted in a plan that says every 20 years, we're going to vote on this: here's our management plan, here's what we want to do, and take away the power from the select board so the voters actually are the ones that would vote, and that would be the only way we could change it. That's just something wild off the top of her head, but worth looking into. Maybe this is what the public lot thing is but maybe if the town voted in "this is what we're going to do with this land for the next 20 years," that would be like the management plan we were talking about. Also, is there some way the voters can say the select board can't just decide to get rid of this, we have to decide? Don said that's a lawyer question. If something like this were possible, Kathleen would feel more comfortable with that than going with a deed restriction if it's legal.

Don reminded select board members are elected by the people as their representatives. He guessed the management plan would have to be on the 10-year horizon, because the tree growth and open space are all 10 years, and he thinks that's in statute. He added it's an interesting idea, because deed restriction could be the town will enact every 10 years a management plan for this land.

Kathleen said her concern with a deed restriction is that a select board could potentially get in and do whatever they want without consulting the people. Clairlynn raised the issue of enforcement. Kathleen said the enforcement might be different if this can be done; it's a subtle legal difference, if there's some way to say legally the select board can't just do it, the townspeople have to vote it in then it becomes a town statute – worth asking the lawyer.

Clairlynn said this could be how public lots work. Don said town forests must have a management plan. He knows Warren cut theirs not long ago which tells him there's a plan in place. Kathleen says Waldoboro has a plan but no records as to how it started in the first place, how it was established.

Kathleen urged anyone who knows anyone who can help us to speak up. We can ask Jay, and she'll write something up for the town lawyer. We won't add it as an option now but once we flesh it out.

Heather asked if the expectation was that people would vote to begin with on what they want to do with (the property) now, to get it started, or would they go right into preserving and protecting with the select board. Kathleen thought we would vote on a plan and 10 years later vote on a new plan. Don said renew the plan, or change it said Kathleen, get it out, vote on it.

5. Update and discussion of survey (if there is news from the survey):

Kathleen asked Jay for an update. He said they will have something (a final report) by October. Don asked if any chance of a preliminary; Kathleen didn't know.

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She suggested it may make sense, since they're all busy and the town can't vote on anything until next year, that the committee take some time and research some of these things then call a meeting when the survey is in. We can't truly finalize any of this until we know whether we have that access. Don added some thought and maybe conversation with Jay about the workload the select board has right now, and figure where our end product will land when they have a moment to look at it. They have TCC. He has never heard any urgency from them. Kathleen concurred saying the lot isn't going anywhere and we have a two-year lease with Wyman's. Heather is watching for them to do the maintenance on the field in the fall.

6. Work on summary document of options for select board consideration:

Kathleen said to recap: last time we put a description of each option in place; the actions required; is the property permanently protected; is there assurance of permanent public access; mechanism for terminating protections; the cost. We had discussed, since the select board asked for options for protecting and preserving the property, we may not include status quo in our report but it's good to have it as a comparison.

Heather said at the last meeting she was asked to talk with Jay about the cost of a deed restriction. He said the minimal cost would probably be about \$500.

Kathleen asked how they are monitored, legal remedies. We have some questions about the legal aspects; partners; whether the option needs another organization to partner with; whether the property could be sold; what rights does the town give up. We were going to put together some links to the supporting documents.

Kathleen asked if there are other aspects to be put in column A. We didn't do a pro and con, but what if we did a little advantages or risks and benefits? Something not totally subjective. Heather said or do we let the document speak for itself? Don argued at the end of the day, we're going to have a recommendation that will be a narrative with a supporting document for that narrative. Kathleen thinks we will give the select board several options.

Kathleen asked what the committee feels is missing from this. Clairlynn mentioned supporting documents. Kathleen said the next thing is to make sure they're all on the google drive and took a look. Two lawyer's letters: town attorney and Rob Levin email chain on deed restrictions.

Kathleen said as an assignment for the next meeting, can you all look through everything you've got in your research and correspondence and put it on the drive so we have everything, or email it to her and she can do it.

Heather mentioned the Georges River Land Trust GRLT document about conservation options for landowners, and there's a link to that. There should be three from Annette, Clairlynn said: questions and answers, Owls Head, Heather said we're on the deed

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restrictions. Under third party easement, Heather put the GRLT conservation easement Q&A sheet, then Owls Head easement with GRLT example, then that same one she had put in deed restriction, GRLT talking about conservation options with landowners.

Heather noted that Kathleen had a great conversation related to grants for handicap access/ADA compliant, then the Land for Maine Futures grant information. Don said we would not be eligible because it's for purchase. He is still a champion of land and water conservation fund money but doesn't see the creativity or energy in our current structure to do that – not the committee but the town itself. Kathleen wondered if the committee could do it instead of the town. Don said maybe, it's a real thing and a real opportunity but he doesn't see us in a position to do it right now; the good news is the Land and Water Conservation Fund is funded he thinks permanently now, so this is like an ongoing thing not a one-shot deal. Kathleen said think of the land we already own out on the Medomak River out on Happy Hollow, if we can get more of that. Don said you'd have a match, which he has seen done. Kathleen said there's a big chunk of wetland that we already own, if we could add to that. Don said that's a whole other ball of wax.

Kathleen brought up the Bruce Sigsbee notes from the meeting, and her notes from other conversations.

Kathleen brought up donating property to a land trust – we haven't really talked to anybody. Heather said she never heard back but they were discussing needing to find an easement holder. Kathleen doesn't know but has a feeling they might rather the town keep it. Heather was trying to find a way that would be cheaper for the town. Don asked about payments in lieu of taxes, but they were pretty evasive about it, because on those big projects that's a selling point for the town. Kathleen said in this case at least for now we have the blueberry money which Don said is a nice tip. She added if you look back at the last two years that the landowner paid taxes, it's more than we were getting from taxes on the agricultural land, so that is a nice benefit for this property. Heather said it will be interesting to see what happens with that other property on Coggins Hill, because the town may own that as of next year; that has access down to Butler Road. Don said there's a lot of land in play right now.

Land, views, and Wyman's were discussed.

Kathleen can inquire again with Midcoast; their group is involved in water quality monitoring, and she works with citizen science groups that are doing that. Don said they are good ones to talk to. His call is if Georges River goes belly up, Midcoast would take them over, probably within the next five years. In answer to Kathleen, Don said he feels Georges River is floundering; they've been through how many directors in the last five years, don't have one now, and have decided to let the underlings run the show which tells him they don't have budget enough for an executive director, so Midcoast is a good relationship to foster. Kathleen said they had also talked about working together, and she thinks Midcoast has already gone through its growing pains.

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Kathleen asked that, as they have time, before the next meeting they all go through the correspondence and the documents they may have gotten in the research; email anything to her and she will put it up on google drive; she can email that link again. She will double check that everyone on the Green Space Committee can add to the drive and check with Jay again about getting the link posted as the whole point was that it would be public. She sent the committee editing privileges.

7. Discussion of future agenda items:

Kathleen brought up survey results.

Don asked if Kathleen as Chair could have a conversation with Jay about a good time to deliver our input so we can get the select board's full attention, perhaps ahead of budgets.

Action items from Kathleen: contact Jay about timing of getting this to the select board; write up something for the lawyer about public lot option; ask Jay to get that link to the drive up on the website. Heather will resend her email to Midcoast and Georges River to say we'd really like an answer on this. The big question is would they even be interested in the Coggins Hill land as a donation? Don said they may well sell it; if we intend to keep it, how do we do that? Kathleen is thinking the town could be the third-party easement holder. She knows some of the land trusts that became Midcoast did that: one of them would own the property, and the other had the third-party easement. Two land trusts would have to want it enough to do that, probably with a really desirable property that they knew they would never want to sell.

8. Schedule the next meeting:

Hold off scheduling until survey results are in.

Kathleen will talk to Adam about the other properties in town and, as Clairlynn said, this group expanding out. Don said it would also be worth inquiring if these land trusts have any of them on their radar screen. Kathleen said there might be other land trusts such as Ducks Unlimited. Don said none of those national groups are interested; they are fundraisers.

9. Adjourn:

Motion by: Kathleen Thornton

2nd by: Heather Jackson

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Meeting adjourned at 7:33 p.m.

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Respectfully submitted,

Sherry Abaldo
Secretary