

MINUTES

GREEN SPACE COMMITTEE WEDNESDAY, JANUARY 26, 2022 ONLINE BY ZOOM 6:30 p.m.

Called to order at 6:30 PM

Members present

Kathleen Thornton, Heather Jackson, Donald Kleiner, Joshua White, Select Board Representative and Voting Member.

Minutes of the last meeting approved.

Josh White motion to accept minutes as written Heather second 3 in favor one abstained.

The committee then reviewed the document with deed restriction questions for the town attorney and settled on the list below.

Questions for town of Union lawyer concerning deed restrictions:

- What process would a town need to go through to restrict a deed?
- What process would a town need to go through remove the restrictions?
- Can a restriction include limited public access rights?
- In order to enforce a private deed restriction, a person must have some financial harm from the violation. Who would be able to enforce a deed restriction on town property (i.e., an individual citizen of the town)?
 - What would prevent a select board from violating a deed restriction?
 - In light of the deed restriction on the church property that was recently changed in Portland to allow a bar (restriction in place for 100 years against sinful activity on the property) how strong are these sorts of restrictions?
 - How easy would it be to remove the restriction if the property is sold?
- If the town puts a deed restriction on development on the property, could a conservation easement with a third party be agreed to at a later date?
- One of the goals of the easement would be to provide for informal public access. Is there language that could be inserted into an easement that would provide for informal public access but could allow for more formal public access, if desired, at a later date and also allow access to the land for agricultural purposes?

Green Space Committee Meeting Minutes – Wednesday, January 26, 2022

- Can you provide a ballpark estimate of the cost to the town to draw up the legal documentation for a deed restriction that would run with the property and would prevent development and allow for informal public access, agricultural access and would allow for more formal access later if desired.
- What do you perceive as the pros and cons of deed restrictions for preventing development?
- In your opinion, would a survey of the property be required before putting a deed restriction in place?
- What would happen if the former owner is able to regain ownership of the property? Maine Statute Title 36, Part 2, Chapter 105, subchapter 9, Article 2 allows a 5 year period of redemption for tax acquired property, if the previous owner can prove that the town did not follow Maine statues for seizure of the property.
- What would the process be for the town to amend a deed restriction?
- Can a deed restriction be written to reference a management plan? If yes, what type of issue arises if the town falls into neglect with having a management plan in the future? Could part of the management plan refer to pursuing an affiliation with an outside organization?
- Can the town put a deed restriction on the property before the 5 years has expired for when the former owner can appeal the foreclosure?

Motion to send list of questions to town lawyer for advice after absent members have had a chance to review the list. Motion made by Kathleen; Heather second approved unanimously.

Kathleen noted that we need to acknowledge Lanny Dean for the research he has done on the deed and plan to connect him with surveyor when the time comes. Josh has a couple of pins on that line and will send Kathleen the numbers that correspond to those pins for research.

Next meeting in 2 weeks. Pending response from town lawyer or survey estimate. If we do not have at least one of those documents we will simply cancel and reschedule for 2 weeks later.

Next meeting date will be 2/9/22 at 6:30 PM

Meeting adjourned at 7:30 PM.

Respectfully submitted,

Don Kleiner
Recording Secretary