

MINUTES

GREEN SPACE COMMITTEE

WEDNESDAY, MAY 4, 2022

WILLIAM L. PULLEN MUNICIPAL BUILDING MEETING ROOM

ONLINE NON-INTERACTIVE AT TOWN HALL STREAMS

6:30 p.m.

Committee members present: Wendy Reinemann, Josh White (Select Board Representative & voting member), Kathleen Thornton (Chair), Don Kleiner, and Heather Jackson

Others present: Bruce Sigsbee

1. Meeting called to order: at 6:37 p.m. by Kathleen Thornton

2. Approve Minutes of Monday, April 4, 2022:

Motion by: Wendy Reinemann

2nd by: Kathleen Thornton

3-0-2 abstentions (Kleiner, White)

Motion passes.

3. Public Comment: None.

4. Updates and news from committee members:

Kathleen said the Budget Committee and Select Board voted in favor of the survey request. People may not fully understand why we need a survey. If questions come up at Town Meeting, committee members can be there to answer them.

Heather thinks somebody should point out cost savings due to Lanny's research.

Kathleen said Bill Lombardi gave her the name of another survey company that the Pullen Committee used for the Clark property. She will get a quote from them before Town Meeting.

5. Discussion with easement holders about their experiences working with local land trusts:

Bruce Sigsbee said he and his wife moved to their 107-acre Sennebec Road property in 2004. They are Appleton residents, but pieces of the property are in Union and Hope where they also pay taxes. He grew up going to Cape Cod with his family back in the 1950s: not much there then; now 7,000 SF houses along the shore occupied maybe a week a year; and working people have a hard time finding anywhere affordable to live.

Green Space Committee Minutes – May 4, 2022

He described a sense of wanting to preserve land and property and protect at least some from development. He has also been involved with Georges River Land Trust (GRLT). He and his wife put an easement on their property.

He said the process of an easement is actually separate from dealing with towns and tax abatements. The fact that the easement was there did not give them any tax benefits. They had to develop a forest management plan and have a forester come through, putting land in tree growth, open space, and agricultural blueberry land. They got tax abatements because of that, not due to the easement.

He continued: the easement is restrictive in what they can do. They cannot divide the property, but the house and a small amount of property are not included in the easement, so they can do things with that, but the rest is restrictive. They can pasture animals, create new pasture, do other things appropriate to serve the agricultural and open use. The intent is really to provide a continued environment for animals, travel pathways, and protect at least some of the property from development going forward.

The easement is registered as part of the deed, so future owners cannot suddenly decide they're going to do something different. GRLT has a sizeable legal defense fund in case they have to defend the restrictions in an easement.

In answer to Don, Bruce confirmed GRLT is the holder of the easement but there is also an amendment to the property deed which includes the restrictions, so when they sell the property those restrictions and that easement will be passed on to future owners. Don confirmed they have both an easement and a deed restriction. Bruce said yes, the deed restriction was done as part of the easement process as required by GRLT.

Kathleen inquired about the process of writing up the easement. Bruce said it was pretty much boilerplate. If you put the land under easement, you cannot do a lot of things that they list, and they do have a list of things that you can do (harvest lumber, agricultural, a neighbor now pastures cows there for example).

Wendy clarified there was nothing within the boilerplate he wanted added or removed. Bruce said the major negotiating part – and they were happy with what they were offering – was the exact part of the property excluded from the easement.

Don said so GRLT now has essentially a property interest in your land. When that land is timbered, which will have to be in next 10 years, as it's going into forest management, how are the proceeds divided? Bruce said we get the proceeds; they don't get any income out of agriculture, animal husbandry, anything like that.

Don asked if they have any rights regarding specifying management; for example, could they prevent you from doing a 25-acre clear cut? Bruce said no – we can expand, say we want to make the fields bigger and do a 25-acre clearcut.

Green Space Committee Minutes – May 4, 2022

Don confirmed GRLT does not get those kinds of rights. Bruce said if we do go in and log, they want a forester to go in with a plan in terms of harvest goals, etc. His understanding is town arrangements must be renewed every 10 years with an updated management plan.

Kathleen asked if the easement itself said anything about the forestry, or is that the forest management plan, or is it the tax program? Bruce said it's the tax program for which he needed the management plan. To get the easement GRLT came and did an evaluation of the maps of the property. In terms of the decisions about harvesting, those kinds of things, we do have to let them know, show we have a plan in hand if we want to do that, but they do not restrict us from harvesting.

Heather asked about the cost of a forest management plan. Kathleen said there are programs for landowners to get assistance with it. Wendy said it depends on the size of the property and what you're trying to accomplish. Don said the only ones he's been involved with were big enough that the foresters got paid out of stumpage, so a back-end sort of deal. Don added we won't go into tree growth as this is town property and reminded this has nothing to do with easements.

Don asked if a conservation easement would impact blueberry land income. Bruce said they're perfectly happy to have you keep that in blueberry land as well as, Heather added, the income you generate from that.

Kathleen asked if Bruce had considered any other land trusts. Bruce said he is GRLT treasurer and has been on the board for a long while, so he is fairly heavily involved and knows the people well there. Nothing was a surprise when he saw the documents.

Don asked about public access on his land. Bruce said it is not restricted; from the land trust standpoint, access is up to the owner, so he could post it if he wants.

Don asked if the conservation easement impacts the mineral rights at all. Bruce didn't know; he did not recall seeing anything but suspects it does.

Kathleen asked if there had been any issues with people inspecting the property. Bruce said no, they have a group of volunteers who come once a year and let us know ahead of time, walk the property, and make sure we haven't violated the terms of the easements. He added it's a cordial process.

Don asked how he carved out the piece not in the easement. Bruce said they surveyed it and put down GPS coordinates, which are recorded in the deed.

Kathleen asked about Bruce's most positive experience and any glitches. Bruce said you have to be very careful about the property you exclude for future use, if you want to build a barn or something else, for example. They do allow renewable energy.

Green Space Committee Minutes – May 4, 2022

Heather said so if the town wanted to restrict renewable energy, we would have to put that in; would they allow us to restrict that? Bruce didn't know. He said they're worried about climate change as part of protecting the environment, along with providing property for public access.

Kathleen asked what happens if the town has an easement with a land trust, and they go under. She said they discovered by law they have to transfer an easement to a similar organization, but what can Bruce say about financial stability? Bruce replied that GRLT has seen yearly substantial increases in donations. They have some money put away but not a huge amount. They have a good solid donor base and a solid development officer. Over the time he's been involved, they have become more and more financially stable. Maine Coast Heritage Trust (MCHT) and others have huge amounts of money; he thinks Coggins Hill may be in their area of prime interest. Wendy suggested reviewing Heather's notes. Don said he will contact them.

Kathleen said most land trusts have a fee they ask for when you put property into an easement with them, and that goes into an escrow, correct? Bruce said it goes into an account called stewardship. In legal defense the stewardship provides some revenue stream to help cover the cost of making sure the easement is being properly adhered to as well as a legal defense fund in case we have to use the courts to defend the agreement that has been reached. In answer to Kathleen, Bruce specified this fee does not go into operations.

Don answered the question of how long GRLT has been around: 1987, the same year he started his business.

Kathleen asked if Bruce had any trouble with people finding out about the easement and just assuming they can walk all over his property. Bruce said no, adding there is relatively narrow access on Sennebec Road, and the other borders are not easily accessible.

Kathleen said it sounds like no regrets. Bruce said no issues.

Kathleen if the land trust offered any assistance with forestry or ag programs? Bruce said not really but we haven't explored that.

Josh asked if the easement restricted him on grant applications. Bruce said no, as long it doesn't violate the use of the property there is no restriction on doing that; he and his wife still own the property.

Heather mentioned a link she sent. Don said it's the Land and Water Conservation Fund; Congress made a change to how that's funded, and there's a boatload of money available. It's a 50% match; they use the Land for Maine's Future grant as part of their match.

Green Space Committee Minutes – May 4, 2022

One of Don's questions: if the town has this property that has some value, is it possible to use that value as a match in that Land and Water Conservation Fund? We could get the money we need to do a forest plan, trails, whatever, and maybe not even just for that site as the town has other properties that would qualify. Don said this is broader thinking of how can I package this together and leverage some of what we're already doing?

Heather and Josh asked would that program have any restrictions that would not match up with land trust restrictions on the easement? Don said it would take careful wording of any easement you put on or even a deed restriction.

After a brief discussion about blueberries (Bruce's are organic and sell for four times the price of others), Bruce left with thanks from the committee.

In answer to Heather, Josh said we got under \$1,000 from last year's blueberry harvest.

Kathleen discussed the two responses she had received and emailed to the committee.

Kathryn (DerMarderosian), Chair of Owls Head's Conservation Commission, is doing something similar to what we're doing. Property was given to the town with the intent of putting an easement on it, so they chose to fundraise. GRLT helped them. The town voted for an easement at a special town meeting. They got a grant for the parking lot.

Heather mentioned the last page – the easement included aspects the OHCC desired including the inclusion of hiking trails and availability of said trails to the public. Improvements included bridging, cutting trees from trails, and free to host community events such as the pumpkin walk in October.

Kathleen mentioned the last paragraph – some things that came up included misconceptions about land trusts and misunderstandings about who owns the land.

Kathleen read aloud an email from Ken Oelberger, Chair of the St. George Conservation Commission, on working with Maine Coast Heritage Trust. In 2015-16 MCHT helped raise money through a grant from the Maine Natural Resources Conservation Program with the Nature Conservancy administering the funds.

The grants transferred ownership of a 20-acre parcel to the Town of St. George. The property to MCHT required a permanent easement, and they made an agreement with GRLT to hold an easement on the property. St. George was not required to pay the fee to put the easement on the property, because they had included it in the grant; funds split between MCHT and GRLT, but the town did not have to pay due to the grant.

The property has a brook and wetlands emptying into the St. George River. The town wanted the property because it connects to other trails, and they are trying to add to that complex. They also have a town forest a small piece of property on 131; Ken does not

Green Space Committee Minutes – May 4, 2022

know if they have easements on those. They have also worked with MCHT to preserve some island land. SGCC has been around for approximately 20 years.

Heather asked what was the grant for, and who helped pay for easement? Kathleen said it's a Maine Natural Resources Conservation program, but funds are administered by the Nature Conservancy. Don added feds are the source of the money and every state agency is involved. He said Heather's on a good tack, as we've surfaced the names of three organizations maybe we should be talking to: MCHT, Coastal Mountain Land Trust (they've got Beech Hill so already in the blueberry business), and the Nature Conservancy. Kate Dempsey and he are on the Forest Legacy Committee together, so an easy email. Wendy thought Heather talked to MCHT. Notes will be reviewed.

Kathleen got feedback from Keith Bodine. He said they do not have an easement; they have an agreement they'll have public access & the land trust will maintain the trails.

6. Discussion of future agenda items:

Kathleen said a lot has happened with blueberry land since the committee started meeting. She asked Heather to update or rehash what she found out from Maine Coast and email everyone.

Kathleen talked to Julie Keizer, Waldoboro Town Manager of Waldoboro, who hoped to attend tonight. She will get in touch with her again, as Waldoboro has similar property. She also has a list of people still to call.

Don suggested a spreadsheet and said it's time to start thinking about the final report. He will email MCHT, Coastal Mountain Land Trust, and the Nature Conservancy.

Discussion then focused on next steps, waiting to raise funds until after a town vote on preserving the property, importance of a survey to determine ROW among other things, and the role of the committee including possibly becoming a conservation commission.

Kathleen said according to Jay the town once had a conservation commission. She will ask about a charter.

Josh mentioned piggy backing on the special election for Bill Lombardi's Select Board. They are talking about July.

Kathleen suggested putting together the spreadsheet with contacts and outlining options for the next meeting. Don will take a whack at it then the committee will consolidate ideas; he referenced the excellent TCC report.

7. Schedule the next meeting:

June 8, 2022.

Green Space Committee Minutes – May 4, 2022

8. Adjourn:

Motion by: Don Kleiner
2nd by: Wendy Reinemann
5-0

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Sherry Abaldo
Secretary