



**Land for Maine's Future Program**

Minutes of the Meeting

**April 24, 2018**

32 Blossom Lane, Marquardt Building, Room 118

Augusta, Maine

**Board Members Present:**

Don Kleiner, Fred Bucklin, Commission Walter Whitcomb, Lisa Turner, Commissioner Chandler Woodcock, Robert Meyers, Henry Ricker, and Commissioner Patrick Keliher

**Staff Members Present:**

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

**Others:**

Bethany Atkins, MDIFW  
 Liz Petruska, DACF BPL  
 Bill Luneburs, Cape Elizabeth Land Trust  
 Kevin Miller, Portland Press Herald  
 Jeff Ranamo, Maine Coast Heritage Trust  
 Cindy Krum, Cape Elizabeth Land Trust

Elizabeth Goodspeed, Cape Elizabeth Land Trust  
 David Briman, Cape Elizabeth Land Trust  
 Bill Durkin, Biddeford Open Space  
 Ian Stewart, Coastal Mountains Land Trust

1. **Welcome and Introductions** - Commissioner Patrick Keliher, Chairman, called the meeting to order at 12:55 p.m., welcomed everyone, and asked for introductions.
2. **Minutes** – Chairman Keliher, moved to accept minutes. Don Kleiner, noted a minor change to minutes on page 3 Fred Bucklin's name has a "g" at the of it, it should be removed. The correction has been made. Motion to accept minutes: Don Kleiner accepted with the correction. Seconded by Henry.
3. **Bond Balances -LMF Director:**

Status of Funds		
ATTACHMENT A		
As of March 31, 2018		
Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		
C&R	\$0	\$3,135,203
Farmland	\$0	\$384,434
Working Waterfront	\$0	\$276,857
<b>Funds Remaining</b>	<b>\$0</b>	<b>\$3,796,494</b>
PL 2011, Ch. 696		
C&R, Farmland, WWF	\$0	\$3,175,000
<b>Total Funds Remaining</b>		<b>\$6,971,494</b>

Project Allocations		
Active Projects		Allocations
C&R	14	\$3,627,350
Farmland	2	\$163,000
Water Access	2	\$214,000
Working Waterfront	2	<u>\$421,500</u>
<b>TOTAL</b>	<b>20</b>	<b>\$4,425,850</b>
Projects Closed: Head of Tide Phase II, Water Access, The Gosling Islands, Lower Weskeag		
Project Withdrawn: Biddeford River Walk		

2009 cash on hand is \$3.7 million and 2011 cash on hand is \$3.175 million, for a total of \$6,971,484. Current project allocation total \$4,425,850.

Projects closed: Head of Tide Phase II, The Gosling Islands, and Lower Weskeag.

Project Withdrawn: Biddeford River Walk project was withdrawn by the City. The project had been granted an extension, and the one year extension was drawing near. The City had an appraisal commissioned which the AOC reviewed and rejected. A second appraisal was conducted and came back with an appraised value that made the project not viable.

Chairman Keliher asked for any questions.

Don Kleiner: Does the LMF allocation lapse back to unallocated funds without any board action?

Sarah: Correct, the \$35,000 allocation now becomes available for other projects.

#### **4. Project Allocations & Status – Land for Maine's Future Staff**

Sarah indicated that the Board's allocation to the Mirror Lake project has been corrected to \$500,000.

Lower Weskeag, Gosling Island, and Head of tides Phase II are shown as completed and the Biddeford River Walk project is shown as withdrawn.

North Falmouth and Clapboard Island are Round 8 projects that Tom will be working on closing out in the coming months.

The 13 project hi-lited purple are projects that have not yet submitted appraisals, so the AOC has quite a few appraisals coming in the next few months.

Chairman Keliher: Asked if any questions for Sarah regarding allocations and project status. Seeing none moving on to next agenda item.

#### **5. Projects to Acted on – Land for Maine's Future Staff**

##### **A. Pettegrow Point, Machiasport, Washington County (+/- 37.3 acres)**

LMF staff R. Collin Therrien presented the project summary.

- Project property is comprised of 37.3 acres, with approximately 2,700'± of deep-water frontage on Buck Harbor, Machias Bay; has 128'± feet of frontage on Pettegrow Point Road, a public road, in Machiasport.
- About ~500'± of shoreline (from West to East) consists of a wide, cobble beach with the beach ending where relatively high rocky cliffs and headland begins for a ~2000' stretch along the southerly end of Bucks Harbor;
- Public access to the shoreline is available from an unpaved path on the Project property with access to Pettegrow Point Rd.
- Land cover of the project property is predominantly forested; comprised mostly of softwood tree species with some mix of deciduous trees. There are several unimproved, informal trails traversing the property that provide access for traditional outdoor recreation and visual access to the shoreline from atop points along the property's steep bluff headland

Chairman Keliher: Any questions for Collin, seeing none, he called for the recommendation from the Appraisal Oversight Committee.

**Appraisal Oversight Committee Recommendation:** Fred Bucklin, AOC Chair reported that The Appraisal Oversight Committee met on March 6, 2018 to discuss the Pettegrow Point project appraisal. The Committee voted in favor (3-0) of supporting the appraiser's value of \$304,500.

Fred stated that Collin, did an excellent job preparing the AOC for this appraisal and presenting the project summary to the Board.

With no questions or comments regarding the motion, and no opposition to the motion, the motion passed unanimously.

Chairman Keliher reported that the Pettegrow Point project was advertised in the Kennebec Journal and Bangor Daily News on March 5, 2018, and also April 13, 2018. The Chairman offered the audience an opportunity to present public comment specific to the project. Seeing none and acknowledging that staff haven't received additional written comment prior to this meeting, the Chairman called for a motion.

**Motion:** To confirm the allocation of \$160,000 in LMF Water Access funds to support the fee simple purchase of the Pettegrow Point land, subject to standard LMF conditions.

The motion was made by Robert Meyers and seconded by Lisa Turner. With no additional comments, questions, or objections to the motion, the motion carries.

Chairman Keliher thanked Collin for her work on this project.

**B. Robinson Pond South, Cape Elizabeth, Cumberland County (**

Tom Miragliuolo presented the project summary: Subject property is vacant land located on Shore Road in Cape Elizabeth, Cumberland County, Maine. Cape Elizabeth land trust is purchaser of fee simple interest, which will be held under a LMF Project Agreement with ME. Dept. of Agriculture, Conservation and Forestry as the Designated State Agency.

- Adjacent to the heavily used previous Robinson Pond conservation parcels
- Town of Cape Elizabeth intends to commit \$281,666 to project
- Only 3.7 miles from the Casco Bay Bridge
- Has existing trails including a portion of the "Cross Town Trail"

Chairman Keliher: Any questions for Tom, seeing none, he called for the recommendation from the Appraisal Oversight Committee.

**Appraisal Oversight Committee Recommendation:** After discussion, the AOC Chair reported that Appraisal Oversight Committee met on February 13, 2018, and March 6, 2018, to discuss the Robinson Pond South appraisal. The Committee voted in favor (3-0) of supporting the appraiser's value of \$845,000 with reservation.

After much discussion there was no opposition to the motion and the motion passed unanimously.

Chairman Keliher reported that the public notice for the Robinson Pond South Project were advertised in the Kennebec Journal, and Portland Press on March 5, 2018 as well as on April 13,

2018. Tom noted that Staff did receive public comment which was distributed to the Board in the board packet.

The Chairman offered the audience an opportunity to present public comment specific to the project

Cindy Krum from Cape Elizabeth Land Trust, the project applicant, thanked the AOC and Board for their careful review of the appraisal. Cindy requested that despite the AOC's reservations on the appraised value, that the Board retain the \$250,000 allocation to the project, as that allocation is well under the 50% threshold required by the bond language, and the full amount would be a great help to the project.

Chairman Keliher asked if there are any other comments, seeing none, he asked the Board for a motion.

Tom re-capped that the total cost of the project, as proposed, is \$992,750. The applicant requested \$330,917, and the Board gave a preliminary allocation of \$250,000.

After further discussion, Lisa Turner made a motion.

**Motion:** Confirm an allocation of \$225,000 of LMF Conservation and Recreation funds to support the fee simple purchase of the Robinson Pond South lands, subject to standard LMF conditions.

The motion was seconded by Fred Bucklin.

Chairman Keliher asked for questions or additional comments or objections and seeing none, the motion passes without objections.

Commission Whitcomb inquired why the Board initially offered a lower preliminary allocation than was requested.

Chairman Keliher recalled that the scoring and limited funds were part of the discussion.

### **C. Mirror Lake CE, Camden, Hope, Rockport**

Sarah reported that the Coastal Mountains Land Trust's Mirror Lake project, submitted in Round 9, is before the Board for a change in project structure. The change was significant enough that it requires Board action.

The revision of the project will now include Grassy Pond Conservation Easement as the property to receive LMF funding. Mirror Lake will remain in the project, but it will be part of the project match. Both properties will be managed under a Land for Maine's Future project agreement, all requirements of hunting, fishing, trapping, water access all the things that will come with Land for Maine's Future will be applied to Grassy Pond. Fishing and water access will be prohibited from Mirror Lake, in accordance with its designation as a public water supply in state law.

Don Kleiner clarified that the applicant isn't looking for more money, they just made the project bigger, for the same money.

Sarah: Confirmed that this is accurate.

There was some discussion regarding the appraisal process, which Sarah confirmed that the AOC will now see the Grassy Pond appraisal, and not the Mirror Lake appraisal.

Sarah made available a letter of support from the Designated State Agency, Department of Inland Fisheries & Wildlife, stating that they are supportive of the project change and are prepared to work with Coastal Mountain Land Trust to complete the project.

Sarah reviewed the Board's options which could include:

1. Accept project revision as proposed, subject to LMF standard condition that all due diligence requirements must be completed and processes followed
2. Require CMLT to submit a revised proposal outlining the values of both Grassy Pond and Mirror Lake properties, to be scored by the Board and a preliminary allocation made.

**Motion:** Bob Meyers made a motion to accept project revision as proposed, subject to LMF standard condition that all due diligence requirements must be completed and processes followed Don Kleiner seconded the motion.

Chairman Keliher asked for any questions or comments and seeing none, the motion passed unanimously.

## **6. Access Improvement Grants: LMF Contractor Liz Petruska**

Liz Petruska reported that early this spring LMF issued invitations to 10 area organizations/agencies, who had successfully closed on their projects which were selected in LMF Round 8. We received 9 applications. The Board decided that this year LMF staff would review the applications and bring recommendations to the Board for consideration. All applications were reviewed by the Designated State Agency with no concerns raised, and all request are consistent with the proposed use of the property.

Liz walked through a summary of each project and provided the staff recommendation: Fully fund each project except:

- Crooked River Forest reduce by \$250 – no LMF funds for a donation tube, and
- Gulf Hugas fully fund, with condition that \$5,000 is allocated for brush trimming along the road and \$1,500 for bridge improvements.

For a total of \$43,485.74 for Access Improvement Grants

Chairman Keliher asked if the Gulf Hugas allocation for road work was clearing brush along the road.

Liz responded that yes, it would clear a couple miles worth of the road..

Chairman Keliher then asked whether this be an ongoing State agency responsibility?

Liz responded that yes, that is correct, and the Department is currently establishing a road fund for future management.

Sarah reminded the Board that we have statues that prohibit us from making capital improvements with LMF funds and that is why reduced the funds for the bridge and allocated more towards road clearing.

## Access Improvement Grants

LMF Staff met on April 10, 2018 to discuss the applications and recommends the following funding:

Project Name	Request	Approval	Approval Amount	Conditions
Pleasant Bay Wildlife Management Area	\$15,850	Full	\$15,850	
Braveboat Headwaters	\$3,000	Full	\$3,000	
Crooked River Forest	\$7,120	Partial	\$6,870	No funding for donation tube
Lily Pond	\$2,400	Full	\$2,400	
Gulf Hagas - Whitecap	\$6,500	Full	\$6,500	Allocation of \$5,000 for road work and \$1,500 for bridge
High Island	\$1,900	Full	\$1,900	
Crow Island	\$1,500	Full	\$1,500	LMF/IF&W approval of signs
Caribou Bog	\$1,590.74	Full	\$1,590.74	
Ellis River Conservation Area	\$3,875	Full	\$3,875	Management must be approved before access improvements
<b>TOTAL</b>			<b>43,485.74</b>	

Harry asked whether there is precedent for spending more than 2% for access improvement grants

Sarah responded that, yes, the Board has spent more in the past. By statute we have the ability to spend up to 5% of the LMF award, but the Board voted to allocate 2%, with an additional 2% available for projects providing ADA access.

Chairman Keliher noted that we have staff recommendation before us for Access Improvement Grants, we need a motion and a second before we can advance some or all of these grants.

**Motion:** Fred Bucklin made a motion to accept the nine Access Improvement Grant allocations as presented by staff. The motion was seconded by Harry Ricker.

Chairman Keliher asked for any question for comments and seeing no objections the motion carried.

## **7. LMF Appraisal Requirements**

After some Board discussion, Chairman: Keliher recommended tabling discussion for a future agenda.

Before closing the discussion, the Chair asked for comments from the public. Comments received from the public included making the appraisal requirements more understandable for applicants.

## **8. Staff Updates.**

1. Board Field Trip: Sarah inquired whether there was any interest in having a Board field trip as part of our July Board meeting. Several members indicated an interest and asked Sarah to propose some options for the July Board meeting.
2. Increase in Amendment Requests: Sarah reported that she is receiving more and more requests for amendments to projects that have closed, and we don't have the capacity among staff, or funds to pay our attorneys to address these in a timely manner.

There may be value in Staff working with a subcommittee to look at what factors and criteria the Board should consider when asked to approve an amendment. What are the questions that need to be asked and what due diligence needs to be done. This would result in a consistent decision making process for the Board and for landowners seeking guidance, and hopefully streamline the legal review process.

Chairman Keliher suggested a small subcommittee of Board and Staff, would be a good start. Bob Meyers, Commissioner Whitcomb, Don Kleiner and State Agency staff Liz Petruska, and Stephanie Gilbert indicated an interest.

Commissioner Whitcomb: I would do it with the understanding that holding over 600,000 acres of public lands, will cause an increasing amount of interest in what is done with LMF funded real estate. People have different opinions of what should be done with the lands. Board has to be prepared for an increase in request of changes or suggestions.

## **9. New Business**

Lisa Turner noted that the AOC is supposed to be comprised of 4 members of the Board and at this point we have 3.

Chairman Keliher asked for any volunteers from the Board to join Fred, Lisa, and Brad.

Bob Meyers indicated that he will go the next meeting to test the waters.

Lisa then asked what plans are in place to issue a working waterfront call for proposals.

Chairman Keliher responded that the working waterfront call for proposals is contingent on DMR hiring additional staff. The process of hiring is underway, however, the person we offered the position to declined it. So, we are starting a new search. That could start soon and could be at least 3 months.

Lisa asked to have a discussion about the farmland component of LMF discussed at a future Board meeting.

Sarah responded that the September Board meeting would work well to review the current work being done to update the AG easement.

Next AOC meeting: May 15, 2018 - tentative  
June 12, 2018

Next Board meeting: July 10, 2018

Chairman Keliher thanked the AOC members for their hard work. With no additional items for the Board, the Chairman called for a motion to adjourn. Don Kleiner made the motion, second by Lisa Turner. The meeting adjourned at 3:10.