

The Kennebec Land Trust News

No. 3

Fall 1989

MEMBERS' FIRST GATHERING:

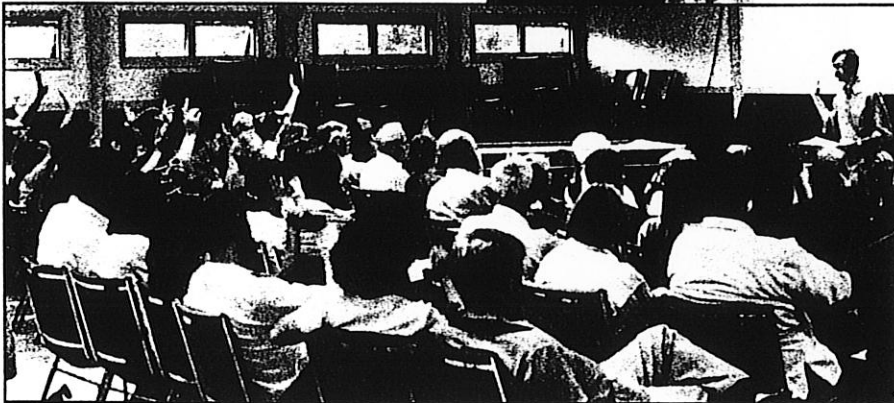
The Kennebec Land Trust held its first annual membership meeting Sunday the 30th of July. Nearly a third of KLT's then 220 members gathered at the Ladd Recreation Center in Wayne to get acquainted and transact KLT business.

Field Trips, Potluck Barbecue

The big day began with two afternoon field trips. Twenty-five members and their families joined leaders Wendy and Jeff Dennis and Jim Connors for a look at Carleton Pond



Above: The potluck barbecue was the first chance for KLT members to socialize.



Left: Jym St. Pierre and members vote for by-law change.

and its pristine surroundings in Readfield and Winthrop. Another group of fifteen canoed with leaders Mark Ishkanian and Howard Lake from Bob Mohlar's camp on Maranacook Lake to explore Butler Island.

At five in the afternoon members converged on the Ladd Center for a potluck barbecue. Despite the multitudes, no one went without a good supper. Cook boss Lloyd Brace, who had secretly hoped to take home some turkey barbecue leftovers, was left with only a little salad.

Business Meeting, Slide Show

President Jym St. Pierre reviewed accomplishments of the past year and issued a series of challenges for the next 12 months. The 69 members present, along with 33 proxies, then elected KLT's first regular Board of Directors (see box), replacing the original founders' Board. Doug Stevenson, who chaired the Nominating Committee, explained that a careful balance was sought in the eighteen people recommended as directors.

Members passed a first vote on a

by-law change that strengthens ethical standards for officers and directors. The measure was requested by the Internal Revenue Service in connection with KLT's tax-exempt status.

The evening ended with the first viewing of KLT's slide show, "A Voice for the Land," narrated by Wendy Dennis. As slide show coordinator, Wendy spent the weeks before the meeting drafting the narrative and meshing the work of photographer Geoff Marshall and writer/editor Janie Matrisciano.

Board of Directors

James "Jym" St. Pierre, President, Readfield • Wendy Dennis, First Vice President, E. Winthrop • Kenneth Spalding, Second Vice President, Wayne • Karen Burke, Secretary, Winthrop • Lloyd Brace, Treasurer, Readfield • John Archard, Vienna • Mike Byron, Manchester • Steven Crockett, Winthrop • Marcia Haig, Mt. Vernon • Sue Hermon, Mt. Vernon • Hope Hilton, Readfield • Ann Judd, Fayette • Robert Mohlar, Readfield • Jeffrey Pidot, Hallowell • Doug Stevenson, Wayne • Paula Thomson, Fayette • Aaron Whitcomb, Readfield • Sara Yindra, Wayne

KLT IN TWO MAJOR UPCOMING CONFERENCES

Statewide Conference

On Saturday, November 4, The Kennebec Land trust will become the first local trust to host the annual statewide conference of land trusts sponsored by the Maine Coast Heritage Trust. Representatives of the state's nearly 60 land trusts will exchange skills and experience relating, negotiating easements, raising funds, working with towns and developers on land use issues, and developing operating standards and practices.

Associate Director Kathy Barton will represent the Land Trust Exchange, the Alexandria, Virginia-based clearinghouse for the land trust community in the U.S.

The conference will open for registration at 8:30 a.m. at the Maranacook Community School in Readfield. All members are invited. To sign up in advance, mark and mail the

enclosed survey form.

KLT has been asked to house some of our far-flung colleagues for Friday or Saturday night. Giving bed and board to a land trust member from Eastport or Kezar Falls should be an interesting way to get involved. If you can host a visitor, please use the enclosed survey form to volunteer.

Conference for Land and Trust

The idea of holding an outreach conference has been under discussion since KLT's founding. Originally conceived as an educational presentation for large landowners and their advisors, the project has expanded in scope to include everyone with a stake in the land conservation and conversion process.

Three groups will join the Kennebec Land Trust as co-sponsors of the conference: Maine Coast Heritage Trust, Mainewatch Institute, and

tentatively, the Maine Municipal Association. Invitees will include members of all four sponsoring groups, landowners, developers, municipal officials, and legal, tax accounting, financial planning, and land use planning advisors.

Principal speakers and workshop leaders will be Steven Small, Esq., of Powers and Hall in Boston, and Robert Lemire, author of *Creative Land Development: A Bridge to the Future* and a land use consultant of national stature. Small is an expert on the use of conservation easements and gifts as means of preserving land ownership for people with large tracts and small bank accounts. His booklet *Preserving Family Lands* has become a popular guide for owners and their advisors. The conference will be held on Saturday, January 13, 1990 at the Edison Drive headquarters of Central Maine Power Co. in Augusta.

Conservationist Developers

by Marian Gagnon

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It's no secret there's been an immense amount of rapid, unplanned development in Maine, particularly on the coast and along the lakes and rivers. But with it there has been serious, often irreparable, damage to sensitive ecological areas. Today, as buildable lots become more and more scarce, developers are looking to what is called "marginal land," tidal flats, marshes, swamps, and entire stretches of deer and moose habitat. But for those developers who demonstrate that they care about the spruce fir forests, the wildlife, and the marine life that so many Mainers are dependent upon for their livelihood, taking a "long view" of things is the more sensible approach to development. They strive to achieve a balance between maintaining the character of the land and making their projects financially rewarding. In fact, conservation-minded developers believe their projects will have greater value in 30 years because they

worked to conserve land rather than developed with the single-minded goal of maximizing short-term profits.

But how many developers consciously make the decision to not disrupt a wetland or stream and carve a longer and more costly road far away from an ecologically sensitive area? How many would put a saltmarsh or a deer habitat under the protective wing of a conservation easement and build somewhere else? Some. Not many. Certainly not the majority, says Brownie Carson, executive director of the Natural Resources Council of Maine. "I think it's very important to work around sensitive ecology areas and critical wildlife habitat rather than developing in the midst of them," said Carson. "It's one thing to avoid filling in a wetland but another to build right to the edge of a marsh where the homeowner is likely to spray for mosquitos and use herbicides on the lawn. That, too, is going

to have a significant impact on wetland."

In Carson's mind, rising citizen concern is setting a political climate that is very favorable to thoughtful comprehensive planning and protection of the environment. "Citizen concern is right in the forefront," he says. "People are becoming more vocal about the kind of development we've seen over the last five years." According to Carson, the Natural Resources Council, an independent, citizen-supported environmental advocacy group, was a strong force in bringing about the 1988 growth management legislation requiring all municipalities to adopt comprehensive plans. The group, with 30 years experience and backed by 7,500 members, works to protect Maine's environment through litigation, lobbying, and development of public policy initiatives in areas ranging from land use planning to air pollution.

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Developers, continued

Not all developers, however, need a watchdog organization nipping at their heels every time they undertake a project. For some, being conservation-minded presents a real challenge in this business of land use. The Three-Strand Co. in Brooksville is one case in point. Scott Dickerson, Robert Vaughan and Doug Sewall came together in 1986 with a mutual goal to work as consultants and land use managers with individuals who want to sell their property yet want to protect the integrity of the land they love.

After spending years on the Brooksville Planning Board, Dickerson and Vaughan said they found themselves frustrated by inadequate state regulations and the dearth of available planning services. "What we also saw was a typical pattern of developers from 'far away' who would purchase a piece of property that was in a family for generations," said Dickerson. "That family would be modestly compensated, and the development profits would almost always go out of the area."

One recent project, the planned development of Bell Farm, a 224-acre parcel with in excess of two miles of shoreline on Cape Rosier, demonstrates how Three-Strand likes to operate. The owners of the property, a long-time Brooksville family, recently approached Three-Strand asking for advice. They wanted to sell the farm but wanted only limited development on the property. They also wanted to donate a large portion of the land to a conservation group. Working as consultants, Three-Strand proposed five homesites on five individually owned lots with minimal impact on the tidal cove. Approximately 50 acres of forest and roughly one mile of shoreline on Horseshoe Cove could then be donated in perpetuity to whatever conservation group the family chose. The real challenge, says Dickerson, was to propose a land development plan in which people could continue to come and go to Horseshoe Cove unaware that development of any sort had taken place. "It was a true balancing act," added Dickerson. "We

wanted to make the project profitable for the owner (and themselves), achieve certain conservation goals, and at the same time try to ensure that the town is not left with a diminished tax base."

Does that mean conservation pays? "Conservation absolutely does pay," says Frank Stewart, senior vice president of Northland Investment Corporation. "You know, it's funny, many people don't think developers have feelings or ethics. But to be able to develop a parcel with restrictions and covenants that protect the land and still have a financially viable project, it proves that conservation can be profitable. It also makes sense." Stewart, a New England developer since the early 1970s, has developed more than 30 projects in Maine. A forester by education, Stewart says land conservation has always been a priority with him. He believes his Long Island development in Casco Bay makes that statement loud and clear. Several years ago he purchased 400 acres on Long Island in Casco Bay, a large amount of which was oceanfront property on the tip of the island. The island had been a major oil terminal during WWII and had almost exclusively been owned by a large oil company. After subdividing the point into six five-to-eight-acre parcels, Stewart then worked with the island residents' association to deed 1,800 feet of white sandy beach over to the people who lived there. "Standing on the beach I knew that it made much more sense to have this in common ownership so that all of the island families have a right to use it," said Stewart. The major benefit to the six new homeowners is that they get to use the entire beach as well. At first the islanders were very skeptical, he related. "They were wondering why in the world a developer would turn such valuable property over to a group of residents," he said. "They came to finally realize, though, that private developers can have similar objectives to both private citizens and groups."

Because the majority of Northland's profit was made on the \$150,000 to \$200,000 five-acre par-

cels in the oceanfront subdivision, Stewart was then able to sell the hundreds of smaller inland lots almost at cost back to their original landholders. In some instances a back piece, landlocked, half-acre lot sold for as little as \$200 while a larger ocean view parcel sold for \$20,000 to \$30,000. "I think this type of situation was perhaps an aberration...it just happened to work out well for everyone."

Another Northland project was the Cape Rosier development in Penobscot Bay. In this instance, Northland purchased 450 acres with 2 1/2 miles of deep water ocean front from a long-time investor. The land had been a sub-division documented and recorded prior to the turn of the century. Old cellar holes, remnants of an old apple orchard, and an overgrown old road system still remained. Keeping land conservation in mind, Stewart developed with restrictions a limited number of residences along the shore and inland. Again, he deeded a large sandy beach nestled in a protective cove over to the townsfolk. Homes are just now starting to be built on the five-to-eight acre shore-front lots with 400 feet of frontage that sold for \$175,000 to \$200,000. Stewart believes in some respects it will be more difficult to continue practicing conservation in light of the tightening real estate market. "Yet, I think you'd be surprised that there are a lot of people in my end of the business who have similar feelings that if they had their "druthers", they'd try to do something that is both financially rewarding and rewarding from an environmental standpoint. We know, that as landowners, we're really only stewards of land for a certain amount of time."

Stewart's most recent project is a 250-acre dairy farm in Wayland, Massachusetts just 15 minutes from Route 128. Because of its location, the farm had come under incredible pressure to be put into residential use. However, a conservation group convinced the Farmer's Home Administration which had foreclosed on the farm, to sell the property for substantially less so as to avoid

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Developers, continued

overdevelopment. The Sudbury Valley Trustees, a very strong conservation organization in Massachusetts, approached Northland and asked them to build a high-end, low-density, restricted residential development on 20 acres of the property, leaving the remaining 230 acres undeveloped in perpetuity. What Northland proposed was that six homes utilizing many of the existing structures be built on two-to-eight-acre parcels. Because lots of that size are so rare in suburban Boston, a single lot, which would include a house, could sell for \$600,000 to in excess of \$1 million. The whole point of this project was to implement very limited development on a portion of property so as to be financially able to preserve the prime amenities or special environmental characteristics that should remain in tact for all time, said Stewart. He believes this project is an excellent example of how a private sector developer can work cohesively with conservationists. He also believes New England is going to see more of these types of joint ventures between private developers and conservationists. Cuthbert Russell and Barbara Kent Train started their brokerage and development company nine years ago because they were appalled by the intensity of some of the developments they were seeing all around them. They structured their Mt. Desert business, which they called The Train Companies, so as not to develop in haste and to, as often as possible, pay strict attention to the topography of the land they were developing.

Characteristic of the Train Companies policy is to cluster unattached houses on a portion of land with the brunt of the parcel deeded to be forever wild. Maintaining the traditional lifestyle of Maine is a concern of theirs as well. If when planning a project they note that local clam diggers have traditionally used that area for digging, they will grant a right of way to those people and convert it into a legal use for them. The Trains feel a gesture such as this also helps minimize friction between year-round and summer residents.

Project Southfield, a recent 130-acre development in Ellsworth, also illustrates how they subdivide large parcels. Given that the local zoning allowed for half-acre lots, the Trains instead opted for a total of 50 sites on one-to-four-acre lots. Each of the lots have deed restrictions to prohibit further subdividing and more than 30 acres have been left as protected, common ground. Phase I of the project has already begun with lots and houses expected to sell for \$100,000-plus. Cuthbert recalls that when he and his wife first began the business, they were often viewed with skepticism. But local planners and conservationists became increasingly aware that the Trains were open to suggestions prior to their even sketching a plan. Making as much money as possible is as important to the Trains as it is to any developer. "But it's important to us that we go to bed each night feeling good about it," said Cuthbert. Equally as important is keeping Maine the special place that it is. "We don't want to destroy our own nest," said Barbara.

Conservation-minded development may someday become the norm rather than the exception, Natural Resources' Brownie Carson optimistically predicts. Pockets of valuable wetland and significant stretches of animal habitat will be preserved as a matter of course...if care is given to comprehensive planning. He believes an important task for developers with strong conservation ethics is to get involved in the drawing of community comprehensive plans and ordinances. If sensible people don't get involved in putting comprehensive plans together, then we're all in trouble," he said. "I think that the developers who know first-hand what impact development has on the land might have something to contribute."

Membership in The Kennebec Land Trust, which includes a subscription to this newsletter, is available at the following suggested, deductible dues levels:

Individual	15
Family	25
Supporting	50
Sustaining	100
Sponsoring	250

SPECIAL MEMBERS MEETING NOTICE

A special meeting of members will be held on Wednesday, November 8, 1989 at 7 PM at the Maranacook Community School in Readfield, Maine. The sole purpose of the meeting is to hold a second vote, as required by Article XII of the By-laws, on the amendment to Article X which passed its first vote on July 30. The purpose of the amendment is to add protective language requested by the Internal Revenue Service in connection with the granting of the trust's tax-exempt status. A proxy form will be sent to members at a date closer to the meeting.

LITERATURE AVAILABLE

KLT has had guidance from several excellent publications that we want to make known and available. The "bible" of land trust organization and operation is *The Conservation Easement Handbook*, published by The Land Trust Exchange. Steven Small's book *Preserving Family Lands* and Robert Lemire's book *Creative Land Development: Bridge To The Future* are also available. Just published is *Saving America's Countryside, a Guide to Rural Conservation*, by Samuel N. Stokes with A. Elizabeth Watson, from Johns Hopkins.

If you are interested in exploring the principles and practices embodied in a land trust like KLT, these publications will provide a good foundation. The enclosed survey form lists costs and can be used to place an order.

PRESIDENT'S MESSAGE

The signs of a changing landscape are all around us, in wooded deer runs tamed into sodded dog runs; along lakeshores echoing with jet skis where loons once sang; on farms putting in a final crop — new houses.

John Herbers in a recent article in *Country Journal* insists that a close "reading of census figures shows that America's migration to the countryside has not only continued through the 1980's, but in many areas is more rapid than ever. We are experiencing today an explosion of growth around small towns and in rural or semirural areas. . . . The new growth is invisible to many, especially in the Northeast, because it is dispersed from town centers, often on marginal farmland or along country roads. . . ." Sounds a lot like western Kennebec County.

Many of the factors fueling the movement, particularly of young families and retired people, to and near our small towns are so fundamental that the trends seem certain to continue for some time. At a conference in which I participated during May there was dramatic evidence that Maine will be increasingly tied

into the economic and social forces of the global community. The shifting of industry and business from urban manufacturing centers, improvements in transportation, and, notably, the revolution in communications technology allow more and more people to live and work in central Maine for employers who are thousands of miles away but within easy reach of a commuter airline, a computer modem, a fax machine, or overnight mail. The implications of this future shock ripple over the hills and along the roadsides and shorelines of our villages.

The ripples are reaching more acres of woods and pasture every month. In response, six parcels totalling more than 7,000 acres in the eight towns within the Kennebec Land Trust region — four of wild forests, ponds, and brooks and two old farms — have been proposed to the State Land for Maine's Future Board for conservation acquisition. Unfortunately, none is likely to make the cut; all the parcels are of more regional than statewide significance and Maine does not yet have a farmland preservation program or a matching grant

conservation fund.

Even sadder is watching the For Sale signs go up on the special places that deserve better. This summer, many of us crowded under the damp auctioneer's tent at the Fogg farmstead in Readfield to watch the final remains of 175 years of a way of life be scattered. I don't begrudge the owners their chance to bail out. But I make no apologies for feeling discontented and angry that a cornerstone of our local heritage and one of the most exquisite spots in our area is being carved into expensive chunks of real estate. Ironically, the folks who build there will probably want to help save the next farm in our area to hit the skids.

Maybe the owner of that next farm will talk to us before selling to find out how to minimize estate taxes and designate land to remain undeveloped. In fact, the Kennebec Land Trust can be the best friend a landowner has. Which is good to know when the signs of change are all around.

*Jym St. Pierre,
President*

MEMBERSHIP UPDATE

KLT began 1989 with 34 members. Just before our April solicitation we numbered 55, and we had grown to 142 before the early summer solicitations. From the July 30 level of 220, we have reached 278 at press time. KLT now has an operating fund of almost \$8,000.

In a July special town meeting, the Town of Vienna voted to join the Trust, bringing to six the number of founding towns to have done so.

KLT DOCUMENTS AVAILABLE

The Board of Directors has adopted two documents that will serve as the foundation for KLT's operations in the years to come. The "Statement of Purposes and Goals" is intended to guide long term planning, while the "Guidelines for Evaluating Land Conservation Proposals" deals with conducting negotiations for land and easements. In addition, the Articles of Incorporation and the by-laws are available for distribution.

Members may obtain single copies of these documents at no charge by marking the appropriate entries on the enclosed survey form. Additional sets are available at \$3.00 each, postpaid.

VOLUNTEERS NEEDED

As the Kennebec Land Trust becomes more active, there is an increasing need for people to staff projects and committees. As a new non-profit group, KLT cannot afford to hire a paid staff to make things happen. Everything so far except the newsletter's design and production has been done by volunteer directors and members. The active group needs to expand. Here are some areas where you can help:

Lands Committee This group oversees the development and application of KLT policy as it applies to acquiring easements and land.

Acquisition Task Force When a potential conservation project appears, the President appoints an *ad hoc* team to handle negotiations with the land owner. Normally one member is always an attorney and another is from the town in which the property is located. We need a pool of people ready to work with land owners under the guidance of the Lands Committee.

Membership/Fundraising Committee We have been concentrating on building a base of individual members. It's time to develop a business and professionals program. We need people who can turn heads and open pocketbooks. A particular need is for someone with an MS-DOS computer and WordPerfect 5.0 software to increase our word processing capacity. Finally, we need to organize a small preparation team for large mailings.

Municipal Liaison We need one or two people in each town to monitor planning boards. We need to know of development plans in their earliest stages so that we can provide conservation advice.

Education Committee Having created a slide program, we need to show it. We need a small speaker's bureau of people who can bring our message to public gatherings, service clubs, and schools. Also needed is assistance with this newsletter, fair

displays, posters and line art.

Audit and Finance Committees With our bank account approaching five figures, we need a CPA to guide our accounting practices and provide an annual, internal audit to the Treasurer. At least two other individuals with heads for figures and fiscal policy are needed to help develop short and long-range financial plans.

Grant Writers An untapped resource for KLT lies in the world of private and public philanthropy. If you have grantwriting skills, we have use for your talents for several important projects.



THE KENNEBEC LAND TRUST

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