

## **Appendix 21**

### **Suggested Town Lands to Preserve As Open Space**

The Town of Harpswell currently has **389 acres** of land which are protected from development. Some of this land could be designated as permanent open space for use of the residents for recreation, for the preservation of habitat and for the protection of our water resources. The Town might explore the possibility of preserving some of the Town lands as conservation land. The Town could do this in two ways: 1) put a Conservation Easement<sup>1</sup> on selected Town property which could be held by an organization, such as, the Harpswell Heritage Land Trust or 2) prepare a Declaration of Trust<sup>2</sup> on specific pieces of land to preserve them for conservation and recreation use only. The Town would need to allocate money for the management or stewardship of the land.

Towns do not usually have conservation easements or declarations of trust on their land as these legal agreements restrict the use of the land in the future for conservation and recreation use only. The Selectmen will need to decide if this is an issue to bring to the voters for consideration. The voters of the Town of Harpswell may wish to insure that some of the Town land is preserved for future generations for recreation and habitat.

In order to decide which lands to preserve and do the work involved in preserving them, Representatives of the Town Lands Committee and Conservation Committee could form a *conservation lands subcommittee* to prepare a suggested list of potential town lands to protect permanently and develop a plan for how to protect them. Priority should be given to Town Landings that allow access to the water; Town Lands which have a significant number of acres that support habitat and permit recreation; and Town Islands with nesting habitat. The Selectmen would approve the properties for potential conservation use and then the residents would approve or disapprove the idea at a Town Meeting.

The Town lands which might be important to preserve permanently include the following:

- 1. Town Landings:** The landings are important to residents since they provide public access to water for recreation and commercial fishing. The Town Landings Committee is currently working on rights of way (ROWs) to some of these landings. The Town might consider recording a declaration of trust on these landings so they

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<sup>1</sup> **Conservation Easements:** The Town could grant a conservation easement to the Land Trust to preserve the land for conservation uses only in perpetuity. The Town would continue to own the land and the Land Trust would be responsible for stewardship of the land.

<sup>2</sup> **Declaration of Trust:** The Town could identify a piece of land in Harpswell to be held in Trust for conservation and recreation purposes only. The Town would record a Declaration of Trust at the County Registry of Deeds. A trust on the property would be established for the benefit of the public and would include specific restrictions on the future use of the specific piece of land for conservation purposes. A Declaration of Trust is not binding long term.

will always allow public access to the water and not be sold to a private party in order to raise funds for the Town.

- 2. Portion of Mitchell Field:** The HCC supports the recommendation of the Mitchell Field Master Plan to protect a portion of the Field for open space and recreational use. The Harpswell Heritage Land Trust or another entity could hold a conservation easement on the portion of Mitchell Field that is set aside for recreation and habitat.
- 3. Portion of Town Lands:** The most important Town lands to conserve are located behind the Town Offices and include lots 42-70 (117 acres behind the Town Office/Recycling Center), lots 42-72 and 42-04 (10 acres off Mountain Road on the Le May properties) and lot 42-54 (78 acres off Doughty Point Road). These properties include the Cliff Trail which residents value for recreational use and some important habitat areas adjacent to Long Reach Cove, across from the state owned Austin Cary land on the south side of Long Reach. By conserving these lands, Harpswell would preserve a significant amount of connected habitat. The Town could explore whether the Harpswell Heritage Land Trust or another entity would be willing to hold a conservation easement on a portion of these lands and provide stewardship for these lands.
- 4. Town Islands:** Priority should be given to protection of the islands with nesting habitat and/or recreation opportunities. The Town should explore working in collaboration with organizations, such as the Maine Island Trail Association and the Harpswell Heritage Land Trust, to insure stewardship<sup>3</sup> of the islands and provide information to the public about how to access the islands outside of the nesting season. Signs would need to be posted to protect the fragile habitat.

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<sup>3</sup> **Stewardship** is the practice of carefully managing land usage to ensure that natural systems are maintained and enhanced for future generations. *Land Stewardship Resource Center*. Stewardship can involve the development of a land management plan that lists the property's natural characteristics and creates a set of objectives for future uses of the property consistent with the protection of its natural, cultural and recreational resources.