

Tidewater Conservation Foundation and Tidewater, LLC

Mitigation Plan

Introduction

This Plan contains the terms for a proposed agreement between the Tidewater Conservation Foundation (“TCF”) and Tidewater, LLC (collaboratively “Tidewater Management”); and the Falmouth Town Council (the “Council”). The terms provide for actions to be taken by Tidewater Management in exchange for the Council’s approval of an amendment to the Tidewater LLC, Master Plan. The Council’s approval of the Amendment will permit the construction of a regional learning center (the “Learning Center”) serving the Farm. The four basic components of mitigation offered by Tidewater Management include:

- (a) **the addition of a 5.9 acre parcel to the Easement.** This parcel, currently approved for construction of a single family home, is contiguous with the property currently identified as the “Protected Property”. The parcel will be maintained as open space and substantially exceeds the .6 of an acre required for the construction of the Learning Center.
- (b) **the development of four trail systems** providing a significant increase in public access to both the Protected Property and surrounding areas;
- (c) **a redefinition and expansion of the land at Tidewater Farm** to be controlled consistent with the Protected Property requirements; and
- (d) **a clarification of the permitted uses and activities** within the Protected Property

Detailed Description

1. Addition of 5.9 acre parcel to the Easement

TCF will place into the Conservation Easement an additional 5.9 acres of land that is currently located outside of the Tidewater Farm footprint. A schematic of the parcel has been attached as Exhibit A. Directly abutting the Farm, this land has an appraised value of \$275,000. Inclusion of this parcel will permit additional trail development and ensure environmental protection for what currently is an approved single family building lot.

This addition is a major factor based on the following:

- (a) from a mitigation perspective, TCF is providing an additional 5.9 acres in exchange for the .6 acre footprint requirement for constructing the Learning Center;
- (b) as illustrated on Exhibit A, the parcel is a key connector for the trail system;
- (c) public trail access will be provided to an area currently housing a natural habitat supporting an avian and salt marsh resource; and
- (d) an additional and unique site for marine and environmental research opportunities will be preserved.

Estimated value of the raw land: \$275,000;

Estimated value of the additional open space preservation: TBD

2. Trails¹

TCF will work in collaboration with Portland Trails to establish and maintain 4 new trail systems located both within and outside the Protected Property. The intent is to provide access to the public as well as to connect the Farm to other key areas of Falmouth. This trail system will provide access along the shore of the Presumpscot River estuary, will be ideal for nature study, exercise and serve as a connector for the working farm areas with public transportation and parking available at Clearwater Drive. The trails will also provide

¹ A timeline for trail development will be provided for in the Tidewater Strategic Plan.

pedestrian access from Tidewater directly to Route 1 sidewalks and future access to the Town of Falmouth's Pine Grove trail network. The four trails are illustrated on the attached Exhibit B and described as follows:

- **Brickyard Point Trail**

This trail starts at the Learning Center and will provide access over the Scittery Gussett creek to the Brickyard Point property recently acquired by Portland Trails. A pedestrian bridge is planned to be constructed over the creek to provide year-round access. The trail will require the grant of an easement by TCF to Portland Trails. In addition to an easement, TCF will donate in-kind services to assist Portland Trails with the development and maintenance of the access trail.

Estimated Value: \$25,000;

Easement donation: \$20,000;²

Materials: None;

TCF In-Kind Services: \$5,000

- **The Tidewater Basin Estuary Trail**

This trail also starts at the Learning Center and will provide a scenic path along the salt marsh and a trail through the wooded conservation land leading to the traffic circle on Clearwater Drive where parking and bus transportation are available. The trail will provide scenic overviews of the estuary and an approximately 100 foot pedestrian bridge will be installed by TCF and Portland Trails to cross a section of salt marsh which will allow an unusual opportunity for nature study.

Estimated Value: \$50,000;

Easement donation: \$30,000;

Materials: Wetland crossing materials - \$10,000 (charitable donations to TCF from community businesses and individuals);

TCF In-Kind Services: \$10,000

- **Clearwater Drive to Route 1/Pine Grove Connection**

This trail section will be developed cooperatively between TCF, Portland Trails, FTAC and Princeton Properties. This trail will start at the traffic circle on Clearwater Drive and provide a trail connection through the Protected Property, and along an edge of the Clearwater Estates/Princeton Properties, a section adjacent to the Portland Water District easement and out to the sidewalk on Route 1 across from Pine Grove.

Estimated Value: \$7,500; Easement donation: \$3,000 ; Materials: \$500; TCF In-Kind Services: \$4,000

- **Village Park Connection**

Starting at the Learning Center, this trail will provide a scenic path through the agricultural and orchard areas that are planned between the residential development and the TCF Conservation areas. The trail is planned to cross Farm Gate Road and provide a trail connection to the Falmouth Village Park and Family Ice areas.

Estimated Value: \$5,000;

Easement donation: \$1,000;

Materials: \$1,000;

TCF In-Kind Services: \$3,000

3. Land Use Plan for Open Space Preservation

² Calculation of the donated easement values will be verified with Portland Trails.

A key component identified by all interested stakeholders is to balance development within the Protected Property while ensuring permitted activities and uses consistent with maintaining open space and sustainable agriculture. In addition to agriculture, other permitted uses in the area include education and the arts. TCF will take the following steps to maintain the open space while ensuring the economic sustainability of the area:

- TCF will construct the Learning Center consistent with the parameters provided for in the attached schematic identified as Exhibit C. Construction shall begin upon completion of a capital campaign raising all funds necessary to cover construction costs. It is estimated this step will be completed not later than the Spring of 2009. TCF's option to construct the Learning Center will expire five years from the date of the Council's approval of the amendment to the Master Plan.
- With the exception of small outbuildings necessary to support permissible uses within the Protected Property, no further new construction will occur. Such buildings shall not exceed 12 feet in height.
- As part of its management obligations, TCF has begun a strategic planning process for Tidewater Farm and the Protected Property, the Tidewater Conservation Foundation 2008 Strategic Plan. The initial draft of the Strategic Plan describes and provides for the implementation of intended uses and activities at the Farm in 3 phases. The phases include the development and establishment of collaborative partnerships that will address environmental protection, agricultural research and site specific education. Implementation will be done in conjunction with these strategic partners and monitored by TCF. The focus will continue to emphasize agricultural and demonstration projects the results of which can be applied in other areas within the Town of Falmouth and outlying communities.
- Renovation of existing buildings shall be consistent with the historic nature and the character of the property. Improvements to existing buildings shall not exceed an expansion of more than 15% of the current total gross square footage of the structures.

4. Protected Property

In 2005, the Town and Tidewater LLC established two principal areas within Tidewater Farm, TF1 and TF2. TF1 was defined as the Protected Property and subject to the uses provided for in the Easement and a related Management Plan. Adjacent to the Protected Property were (and continue to exist) two buildings in the area designated as TF2. The original concept with respect to the TF2 buildings was to use the buildings to support the activities identified as permissible in the Protected Property. In order to ensure consistency in use and administration, Tidewater LLC and TCF will take the following steps:

- **Tidewater LLC Donation of TF2 to Tidewater Conservation Foundation**

Tidewater, LLC will sign a Letter of Intent providing for the donation of the TF2 parcel and buildings to TCF. See Exhibit D. This transfer will occur upon a pre-determined date as agreed to by the parties with all the rights and responsibilities assumed by TCF.

Estimated Value: Charitable Donation

- **Definition of Protected Property**

The definition of Protected Property will expand to include the TF2 area of the Farm. This change will ensure consistent administration by the Board of TCF and in a manner that supports the long range vision for the Farm. The TF1 and TF2 areas will continue to be delineated separately, however, to permit TCF and the Council the flexibility to monitor the activities and approval of uses involving the buildings separately from the open space.

