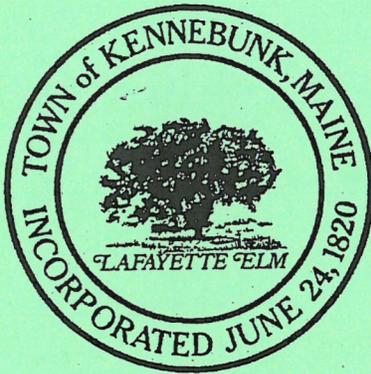


TOWN OF KENNEBUNK



Open Space Plan 2004

Workshop date:
8/9/2004

Public Hearing:
8/30/2004

**Approved for passage to the Board of Selectman
and Town Meeting with edits:**
8/30/2004

Approved by Voters at Special Town Meeting:
11/2/2004

Town of Kennebunk, Maine



July 30, 2004

Dear Kennebunk Citizen,

We are pleased to submit this draft of our Open Space Plan for the Town's consideration and future adoption.

This Open Space Plan identifies and prioritizes for planning protection purposes the Town's many natural, recreational and cultural open spaces. This plan is intended to be used to guide public and private decision-makers in developing new and enhancing existing open space lands in the community.

The Kennebunk Open Space Planning Committee has spent many meetings during the last two years gathering, reviewing, and analyzing information about Kennebunk's natural and developed open spaces and believe that the recommendations that we have included in this plan will help assure continued retention and access to our valuable open spaces.

We encourage Kennebunk's citizens to participate in the public hearing process and support the adoption of this plan.

Sincerely,

Kennebunk Open Space Planning Committee

Daniel J. Robinson, Chair
Robert Georgitis, Vice Chair
Lucinda A. Brockway
Janet Byrd (through 10/03)
Catherine Clark

Donald Gobeil
Kristen Gould
Donna Kabay (through 10/03)
David Smith
Tim W. Spahr

The Mission of the Open Space Implementation Committee shall be to implement the recommendations and strategies of the Open Space Plan by utilizing both regulatory and non-regulatory techniques and by working jointly with other public and non-public organizations to further protect, enhance, and/or provide access to the Town's valuable open spaces.

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Kennebunk Open Space Plan- 2004

Chapter I. Introduction

A. Purpose:

A community's open space planning is an important component of an overall Town Comprehensive Plan. Parks and open spaces add to the health and wellbeing of a community and its residents. Kennebunk's developed and undeveloped open spaces provide areas for both active and passive recreation as well as wildlife habitat areas, separations between developed parts of town and important neighborhood meeting spaces.

In December 2001, the Kennebunk Board of Selectmen appointed a 12 member Open Space Planning Committee with representation from diverse interests and agencies in the community, whose mission it was to develop a plan and policy for preserving and protecting open space lands in the Town.

This plan is intended to be a working document which can be used by Town officials and boards, private citizens and other agencies who are involved in open space protection and management. This plan will provide both short term and long term strategies for conserving and protecting important open space lands in the Town.

B. Plan Development Process:

The first step in this planning effort was for the Open Space Planning Committee to begin to develop a working definition of open space. The diversity of opinion reflected on the committee produced lively discussion and debate on all topics and tasks. The first task was for the committee to agree on a working definition of open space. After much discussion, the committee members agreed upon the following definition:

Underdeveloped land areas that have important ecological functions, natural resources or cultural resources and that are worthy of conservation and protection.

The next steps involved the collecting and analyzing of information about Kennebunk's open spaces and natural resources. This inventory phase utilized much of the information and mapping collected for the comprehensive planning effort taking place during the same period.

Early in the process the community planning forum provided the Open Space Committee with some public input/direction regarding the Town's open space needs. A copy of the June 1, 2002 public forum questions and group discussion results is included as an appendix to this plan as well as the January 2001 community survey results.

Based upon the open space resource inventory and much discussion and analysis of Kennebunk's long term needs, a set of goals, policies & strategies were developed by the committee, along with an open space plan map which identifies open space priority areas.

Finally, this plan identifies a variety of implementation techniques for achieving the plan goals- from voluntary participation through easements and donations- to purchasing options by the Town. Included in this section will be funding options available to the Town such as impact fees, grants which may be available and possible funding as part of the Capital Improvement Plan.

C. Consistency with State and Local Comprehensive Plans

The recommendations of this plan have been designed to be consistent with and compliment the Town's 2003 Comprehensive Plan Update as well as the State's growth management goals.

Upon completion and hearings regarding this plan, it is recommended the Open Space Plan be voted on and appended to the Town's latest approved Comprehensive Plan.

Chapter II. Community Profile and Demographics

This section provides background information regarding Kennebunk's growth and demographics. This profile of the Town's population, housing, economy and land use pattern was taken from the Comprehensive Plan Update 2003.

A. Population Trends and Projections

The Town has experienced steady growth over the past decade. Kennebunk's population grew by 31% between 1990 and 2000, from a year round population of 8,004 in 1990 to a year round population of 10,476 in 2000.

Table 1 provides population trends from 1970-2000 and shows how the growth rate has steadily increased over the past 30 years.

Table 1

POPULATION CHANGE 1990 - 2000			
Year	Town Population	Growth	% Change
1990	8004	1383	20.90%
2000	10476	2472	30.90%

Source: US Census Bureau

Another interesting demographic may be seen by looking at the Age Distribution Table below.

Table 2

KENNEBUNK AGE DISTRIBUTION				
Age	1990	2000	Change	% Change
0 to 4	522	553	31	5.9%
5 to 14	1114	1672	558	50.1%
15 to 19	514	638	124	24.1%
20 to 24	367	255	-112	-30.5%
25 to 34	1146	1046	-100	-8.7%
35 to 44	1357	1812	455	33.5%
45 to 54	898	1662	764	85.1%
55 to 64	747	1039	292	39.1%
65 to 74	589	873	284	48.2%
75 +	629	926	297	47.2%
Total	8004	10476	2472	30.9%

Source: US Census Bureau

Table 2 shows that Kennebunk has seen the greatest change (increases) in the 5-14 age group, the 45-54 age group and the 65-74 age group. These growing age groups will place different demands on open space resources in the community.

Population projections for the year 2010 are estimated to be in the range from 12,460 (1.9% per year) to 13,700 (3.0% per year).

B. Housing Trends and Projections

Kennebunk's housing growth was similar to its population growth- with a 25% increase over the past decade- from 3,985 housing units in 1990 to 4,985 units in 2000.

Residential permit trends shown in Table 3 show that between 1990 and 2001 there were permits issued for 940 single family homes, 25 duplex units and 410 multi-family units (which included 194 condos and 216 elderly congregate units.)

Table 3

RESIDENTIAL PERMIT TRENDS													
Application Type	Year												Totals
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	
Single Family (total units)	63	64	145	70	69	54	78	81	88	97	69	62	940
<i>Accessory</i>	0	0	0	0	0	2	2	0	1	0	1	0	6
Two-Family (# units)	0	0	0	0	4	0	6	0	2	2	0	11	25
Multi Family (# units)	4		4	4	8	6	16	102	54	100	44	68	410
<i>Apartments</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Condos</i>	4	0	4	4	8	6	16	16	28	28	44	36	194
<i>Elderly Congregate Units*</i>	0	0	0	0	0	0	0	86	26	72	0	32	216
Totals	67	64	149	74	81	62	102	183	145	199	114	141	1381

If Kennebunk's housing trends continue based upon anticipated population growth and household growth, approximately 1200-1500 new housing units will be developed over the next decade.

C. Existing Land Use (See *Figure 1*)

Kennebunk's pattern of land use has been made up of the higher density of development within and around the three traditional villages of Downtown Kennebunk, West Kennebunk Village and Lower Village and the lower density of rural lots spread throughout the rural zones. Kennebunk is primarily a residential community- with approximately 50% of the Town's total land area occupied by residential uses. Less than 8% of land area has commercial or industrial use. Approximately 20% of the Town's land area contains some sort of public/ semi-public, open space or conservation area excluding sites of government buildings, schools and utility uses which occupy another 7% of the total area.

The existing land use map shows the breakdown of the various land use categories throughout the town based upon the 2001 assessor's records.

The approximate breakdown and number of acres of the various land use categories are as follows:

Existing Land Use (See *Figure 1*)

Vacant & Underdeveloped		26%
Residential:		
Single Family		37%
Two-family		1%
Multi-family		4%
Commercial:		
Retail/Services		2%
Office		<1%
Restaurants/Lodging/Campgrounds		<1%
Industrial:		
Industrial/Manufacturing		1%
Wholesale/Distribution		<1%
Parks/Recreation/Conservation lands		22%
Government/Institutional/Utility		6%
Total Land Area	100%=	23,117 Total Acres

Chapter III. Open Space Resources Inventory

For the purposes of this open space planning effort, open spaces have been broken up into the following functions:

A. Natural Resources Inventory

- Water resources and Riparian Habitat
- High Value Plant and Animal Habitats

B. Recreation Resources Inventory

- Parks & Recreation Facilities (Town/MSAD 71)
- Trails
- River access points

C. Cultural Resources Inventory

- Visual/scenic areas & corridors
- Historic and archaeological sites and districts
- Agricultural lands
- Other cultural areas (i.e. cemeteries, museums, schools, libraries, neighborhood meeting spaces)

D. Existing (protected) Open Spaces Inventory

- Public/Semi Public/Land Trust/Utility

A. Natural Resources Inventory (See Figures 2, 3 & 4)

Kennebunk's natural resources have helped to define and guide its development pattern over the years. It's many rivers, streams, wetlands, special habitat areas and scenic corridors have added to Kennebunk's uniqueness and beauty. Identification and preservation of important natural resources has been identified by residents as an important goal for the long term plan of the Town.

Water Resources & Riparian Habitat (See Figure 2)

(water bodies, streams, wetlands, and riparian habitat)

Kennebunk has four major waterbodies within its boundaries- the Kennebunk River, the Mousam River, Branch Brook (the source of its water supply) and the Atlantic Ocean.

The Mousam River is the largest freshwater surface system in the Town, draining an area of over 100 square miles. The section of the Mousam River within Kennebunk is classified Class B which provides a quality level suitable for fishing, recreation, shellfish harvesting (relative to tidal portions) and for unimpaired habitat for fish and aquatic life. The major tributaries of the Mousam are Cold Water Brook, Day Brook and Fernald Brook. The mouth of the Mousam River is included in the State high value habitat maps with important tidal marsh and wildlife habitat.

The Kennebunk River forms the northerly boundary between the town of Kennebunk and the towns of Arundel and Kennebunkport. The Kennebunk River Watershed drains all three towns as well as part of Lyman. Extensive water testing of the river has been done for over 10 years and results are being monitored by both the State and the local conservation commission in order to reduce potential pollution sources. The major tributaries (in Kennebunk) of the Kennebunk River, include Ward Brook (Alewife Brook), Wonder Brook and Lake Brook/Gooch's Creek.

Branch Brook, the boundary between Kennebunk and the town of Wells, is a smaller water system originating in the town of Sanford. It is extremely important to Kennebunk as the primary source of the public water supply. The Branch Brook and its only major tributary in Kennebunk, *Slab Brook*, drain into the tidal waters of the Little River prior to reaching the Atlantic Ocean.

Alewife Pond is a Great Pond covering about 40 acres in the Kennebunk River Watershed. Old Falls Pond is a Great Pond on the Mousam River on the western boundary of town. About 40 acres of the pond is located within Kennebunk with the rest of the pond located in the town of Sanford. Both ponds have been rated by the Department of Inland Fisheries and Wildlife as having moderate fisheries value.

Wetlands

Wetlands function in Kennebunk as transitional zones between terrestrial and aquatic ecosystems. They support a diversity of wildlife and vegetation typically adapted for life in saturated soil conditions. Wetlands provide both biological and open space/ aesthetic benefits. Biological benefits include fish and wildlife habitat or nutrient export which supports productive and diverse food webs. The tidal marshes on the Little, Mousam, and Kennebunk Rivers are prime examples of high productivity wetlands. Water resource values include groundwater discharge, stream flow maintenance, flood prevention, water quality maintenance, and shoreline protection. Humans directly use and receive many cultural and economic benefits from wetlands. Recreational uses, such as nature study, hunting, fishing and boating are widely recognized. Public wetlands such as the Rachel Carson National Wildlife Refuge are designed to protect wetlands from overuse and development, while controlling public access and use. Education and research are also important functions of public wetlands, while many privately held wetlands have current or potential future value for research and education.

Wetlands also provide open space and aesthetic values. Broad tidal marshes backed by protective dunes are an important feature of Kennebunk's landscape. While not offering impressive vistas, forested wetlands present the visitor with a rich mosaic of trees, shrubs, ferns and

delicate wildflowers. Wetlands often provide open space buffers between developed areas in what otherwise might have become a continuously developed area. For example, extensive wetlands east of the Maine Turnpike have helped contribute to the growth of distinct neighborhoods separated by forest and open marshes.

Kennebunk's wetland map, prepared by Normandeau Associates in 1991 utilizing National Wetlands Inventory maps and additional state mapping, evaluates the wetland's benefits and functions. That wetlands map, at a scale of 1"=1000', is on file along with the full report, in the Town Planning office.

The principal findings of the Normandeau wetland evaluation were:

- The highest concentration of wetlands is located east of the Maine Turnpike. Twenty-eight (28) of the wetlands studied are located east of the turnpike. This includes 8 wetlands greater than 100 acres in size and 16 between 10 and 100 acres, as well as numerous small wetlands not included in the study. Of these wetlands 12 are highest priority, 12 are moderate priority, and 4 are lowest priority. This represents 75% of the highest priority wetlands and 52% of the moderate priority wetlands.
- Kennebunk's salt marshes have high regional and local significance. Salt marshes, which have exceptionally high wildlife, fisheries, recreational, aesthetic and educational values, are relatively uncommon in Maine. Kennebunk has two major salt marsh complexes (Little River and Mousam River/Back Creek) as well as smaller salt and brackish marshes associated with the Kennebunk River and Lake Brook/Gooch's Creek. These wetlands, which are highly visible, are the "Crown Jewels" of Kennebunk's wetlands.
- Wetlands within the Branch Brook watershed are highly valuable due to their contribution to the Wells-Kennebunk public water supply and to the Little River salt marsh.
- Stream-associated wetlands provide high value wildlife and water quality benefits. Relatively narrow forested wetlands along stream corridors provide key habitat for animals which require aquatic habitat for all or part of their life cycle. These wetlands also serve as travel corridors between large blocks of undeveloped land. Forested wetlands adjacent to streams also filter contaminants and sediments caused by human activities on nearby uplands. The narrow width of these wetlands is sometimes insufficient to provide water quality and wildlife habitat protection without added development setbacks in bordering uplands.

- Medium and large forested wetlands are important for wildlife and water quality. Forested wetlands east of the Maine Turnpike wetlands comprise the majority of available wildlife habitat. These wetlands are primarily used by non water-dependent species such as white tailed deer and songbirds. For forest interior songbirds, large tracts of unbroken forest are essential. As growth pressures increase, these wetlands will become increasingly important as wildlife refuges. Forested wetlands west of the Turnpike, while still supporting a high diversity of species, are less critical as refuges. Forested wetlands also provide important water resource benefits by detaining and cleansing runoff and storm water, discharging water and nutrients to downstream aquatic ecosystems, and seasonally recharging groundwater through coarse, sandy soils. As undeveloped areas, they also provide open space and recreational benefits for hunting, hiking, and nature study. The larger wetlands are less vulnerable to nearby site development but their value may be severely impacted if they are fragmented into smaller blocks by development.

100 Year Floodplains are mostly flat areas adjacent to rivers, streams, ponds and tidal waters that are an integral part of a river ecosystem. These areas serve as overflow for excess water and can become periodically flooded. They are important to Kennebunk because they act as flood buffers, water filters, nurseries and are major centers of biological life in the river ecosystem. Floodplains are important in maintaining the health of the river through water quality, habitats and breeding sites for plants and animals. They are important for maintenance of water quality as they provide fresh water to wetlands and backwaters, dilute salts and nutrients and improve the overall health of the habitat used by many species of birds, fish and plants. Important biologically, floodplain areas in Kennebunk represent areas where many species reproduce and as such are important for breeding and regeneration cycles.

Riparian Habitat consists of areas in the transitional zone between open water or wetlands, and dry or upland habitats. These areas include the banks and shores of streams, ponds, and lakes, and the upland edge of wetlands. Undisturbed Riparian Habitat is important to both water quality, because of its ability to buffer and filter runoff before it affects water sources, and to provide corridors and natural habitat for wildlife and fisheries.

High Value Plant & Animal Habitats (See *Figure 3*) In 2001, collaborating Maine agencies and organizations¹ published *Beginning With Habitat, An Approach to Conserving Open Space*. This cooperative effort was developed to provide municipalities and organizations with a program and single source of information about fish, wildlife and plant habitats. This program provided Kennebunk with a “landscape model” of the basic framework for presenting animal and plant habitat areas. This data is intended to be used and incorporated

into the planning for conservation and open space. A large set of maps of the Kennebunk region at a scale of 1"=2000' is on file in the Town Planner's office along with the complete copy of the "Beginning with Habitats" report.

Two distinctive habitats are identified by the landscape model used by the State in their "Beginning with Habitat" effort, *riparian habitats* (as discussed above) and *high value plant and animal habitats*.

High Value Plant and Animal Habitats:

Areas of identified and mapped habitats that support endangered and threatened species are classified as High Value Plant and Animal Habitat. Mapping these existing natural communities facilitates directed growth and development away from our rare habitat types. This map contains data from the Maine Department of Inland Fisheries and Wildlife (MDIFW), The Maine Natural Area Program (MNAP), and The U.S. Fish and Wildlife Service (USFWS). For a list of the names of the species found in Kennebunk (see *Appendix C*).

MNAP Rare or Exemplary Natural Communities:

The Maine Natural Areas Program tracks natural communities that are either rare types or outstanding examples of more common types. Communities are field-verified within the last 20 years, and are mapped and digitized at a scale of 1:24,000 and included in the "Beginning with Habitat" report.

MNAP Rare Plant Locations:

In addition to Natural Communities, the MNAP also tracks plant species that are rare in Maine. Rare plant point locations are mapped at a scale of 1:24,000 and are accurate to a 3-second radius. Rare plant habitat polygons are mapped and digitized at a scale of 1:24,000 and included in the "Beginning with Habitat" report.

B. Recreational Resources Inventory (See *Figure 4*)

Parks & Recreation Facilities- Recreational open spaces include existing and proposed spaces reserved for passive (i.e. hiking, biking, jogging, walking and sitting) and active (i.e. ball fields, tracks, tennis courts, skateboard parks) recreational purposes. Any land that supports recreational activity, from sports fields to biking trails has been identified on Recreation Resources Inventory Map.

The Recreational Resources map (*Figure 4*) generally shows that the Downtown Kennebunk area, the Lower Village area and the West Kennebunk Village area are each served by their local municipal park. Within a one mile walk of the Downtown can be found Parsons Field with tennis courts, a playground structure, ball fields, a basketball court, a youth center and picnic area. Also located within a mile radius of Downtown is Roger's Pond off Water Street which provides a covered picnic area with a pond, fishing and canoe/kayak access to the Mousam River. Wiggins Pond off of Fletcher Street is a public park which provides

walking trails to and around the pond. Wonder Brook Park, off Plummer Street, provides walking trails down to the Kennebunk River. Rotary Park provides a riverfront picnic area and a gazebo for weekly summer band concerts and passive recreation use. The high school on Fletcher Street provides more tennis courts, ball fields and an outdoor track.

The Lower Village is served by one municipal park at the rear of the fire hall which consists of ball fields, a basketball court and a playground. The municipal beaches are also located within a mile radius of the Lower Village. However, to be fully pedestrian and bicycle accessible, sidewalk and bike lane improvements and extensions are needed along Western Avenue and Port Road. Small boat access to the Kennebunk and Mousam River is limited to the area along Route 9 at the Mousam River bridge crossing and to a small area adjacent to Durrell's Bridge on the Kennebunk River within the road right-of-way (R.O.W.).

West Kennebunk Village is served by the West Kennebunk Park on Holland Road which provides ball fields, a playground structure, tennis courts, a basketball court and a picnic area. The new middle school on Thompson Road has more recreational fields as well as indoor recreational facilities primarily for school use. Public boat access for small boats only is provided on Kennebunk Light & Power land on both sides of the Mill Street Bridge. The proposed Eastern Trail Bikeway, located along the former rail line and now owned by Granite State Gas, will soon be improved as part of a linear bikeway running from Florida to Canada.

Lloyd Nedeau Park located off Webber Hill Road on Clear Brook Crossing provides several ball fields, a basketball court, a playground and a picnic area. Although the park has good pedestrian access for residents of Cold Water Farms, use of this more remote park requires a 3 to 4 mile drive from most areas of town.

Trails

Kennebunk has two trail systems. The Town owned trail is known as the Bridle Path and runs from the Sea Road School along the old rail right-of-way (R.O.W.) to lower Sea Road, below the Route 9 intersection. The Bridle path is used by pedestrians, horseback riders, bikers and cross country skiers.

The Eastern Trail is a planned bikeway, a part of which will be running along the old rail R.O.W. in West Kennebunk. When completed it will run from Florida to Canada and will have a turnpike crossing in Kennebunk and will be owned by a variety of property owners along the route. In Kennebunk the route is owned by Granite State Gas.

Public/Semi-Public Access to Rivers

Kennebunk River access as depicted on the Recreation Resources map is limited to small boats and provided at the following locations:

- Both sides of Mousam River at the Mill Street Bridge in West Kennebunk- owned by Kennebunk Light & Power
- Lafayette Center Park at Berry Court in Downtown Kennebunk- owned by Kennebunk Sewer District

- Roger's Pond access to Mousam River in Downtown Kennebunk- owned by the Town
- Western Avenue at Mousam River Bridge- State owned R.O.W.
- Durrell's Bridge access to Kennebunk River- Town owned street R.O.W.

C. Cultural Resources Inventory (See *Figure 5*)

Kennebunk has its own distinctive personality, one we most often define as rooted in its village character. What is that character? Kennebunk certainly is no longer rural in the sense of having a large agricultural economy. Yet its villages and farms, its open fields and winding roads, and its seaside cottages evoke many of the images of 19th or early 20th century Maine. Throughout its development, Kennebunk has interacted and reacted to its natural surroundings. The landscape character so valued in Kennebunk today is the product of centuries of human interaction with the area's natural resources. Every social and economic change has brought distinctive new building types and traditions, nurturing and preserving some earlier patterns, transforming and obscuring others. As Kennebunk grew, its three villages expanded into the surrounding woodlands and wetlands. Farms have prospered, declined, and evolved based on the demands of Kennebunk's ever-changing market. Rivers and streams that once powered sawmills, grist mills, shoe factories and boat building companies, today provide fresh drinking water and electricity to the citizens of Kennebunk. The town's diverse and dramatic scenery has drawn summer tourists for more than a century. Whether they are captivated by our sandy beaches, our picturesque estuaries, or our historic neighborhoods, it is the Town's open spaces which remind us of the beauty and sense of place we enjoy every day through every season.

Today the pace of life leaves little time to focus on why Kennebunk's surroundings are so attractive. Yet this sense of place can be the one constant that reassures our daily lives- for its familiarity as much for its cultural and scenic value. Each of us can relate some loss or change to our surroundings, bemoaning the change or loss of our most special places. Though we intuitively know that certain landscapes are important for their visual appeal and their timelessness, we cannot specifically describe or identify those elements that articulate that special place, and we do not consider the value of their protection or preservation. These special places- the *heritage landscapes* of Kennebunk- combine people and place- they articulate the story of human interaction with the natural environment, reflecting everyday lives and activities of all of the peoples of Kennebunk. Heritage landscapes can be significant for their historic, scenic, natural, architectural, engineering or archaeological associations. Scenic qualities, in particular, are the aspects most often recognized and understood by the general public. They can include open fields and stone walls, trees, mill ponds, orchards, individual buildings and structures, entire districts or neighborhoods, civic, religious or social buildings or places, and monuments. They can be as simple as a view from a bridge, a pocket park in Lower Village, or as extensive as the Kennebunk Plains or the Alewife District's agricultural fields.

Heritage landscapes relate aspects of Kennebunk's agricultural, commercial, social, economic, industrial or ecological activities within the context of the community's history. Rather than being static reminders of days gone by, these landscapes become more significant as a lens which brings into focus our current value systems about the special places which make Kennebunk distinct, unique and different from its neighboring communities. In respecting and recognizing these tangible traces of Kennebunk's past, we are participating in the continuous transformation process of history. These heritage landscapes are really vestiges of a hybrid, ever-changing combination of what they were, how we see them today, and what they will become in the future.

We can identify several themes that shape Kennebunk's heritage landscapes. These themes interweave themselves throughout our historic past, and shape our perceptions of Kennebunk today. Each of the culturally significant spaces identified in the survey relate to one or more of these themes:

- **Settlement and neighborhood development**
- **Manufacturing (Mills) and Industry**
- **Shipbuilding**
- **Fishing and Hunting**
- **Trade and Tourism**
- **Agriculture**
- **Natural Resource Protection**
- **Art and Recreation**
- **Social, civic and religious organization**
- **Government**
- **Education**

If we use the first category as a geographic organizational tool, we can identify five distinct historic settlement areas for Kennebunk:

1. Downtown Kennebunk
2. Lower Village and Beach Area
3. West Kennebunk Village
4. Kennebunk Plains
5. Alewife Area

Each of these areas has its own unique character and its significant heritage landscapes based on their historical development of their scenic qualities. All of these have indistinct edges and there are many areas of town that do not fall into one of these distinct areas of settlement (such as the Brown Street neighborhood, Fletcher Street near the high school, Ross Road, Route 1 South, and the Cole Road/Middle Road neighborhoods). Heritage landscapes in the areas outside of these settlement areas will be identified through the other thematic categories at the end of the inventory. These distinct settlement areas are important because they relate to the growth and low-growth areas identified in the Kennebunk Comprehensive Plan and continue to be identified as areas for future development. As such, the pressures on significant heritage landscapes in these

areas will be significant, and these special places should be carefully considered as Kennebunk's villages continue to grow and change. Areas in between the distinct villages are highly important as "spines" for connecting the more densely settled villages, and "buffers" for maintaining the distinct edges of each village. As spines, these spaces are highly traveled linear landscapes that we move through every day. As buffers, these areas offer a "breathing space" between villages, and prevent the villages from moving into one another, forming one densely packed suburban community. If we look at each of these areas in light of the other cultural themes for the community, we can organize and identify both existing and future heritage landscapes within each district.

Cultural Resources Identified

- **Settlement and neighborhood development**
 - Summer Street and Landing Historic District
 - Open lots within neighborhoods for casual play (privately owned)
 - Alewife National Register Historic District

- **Manufacturing (Mills) and Industry**
 - Lafayette Center
 - Ice cutting park
 - Water Street/Factory Pasture Industrial area
 - Twine Mill

- **Shipbuilding**
 - Landing area homes and architectural remains along Kennebunk River

- **Fishing and Hunting**
 - River at Rogers Pond
 - Alewife Pond
 - Lower Brown Street
 - Ward Brook Corridor
 - Kennebunk River

- **Trade and Tourism**
 - Downtown Shopping District
 - Brick Store Museum
 - Depot building
 - Lower Village port area

- **Agriculture**
 - Summer Street, Moulton Field
 - Field at High Street and Pleasant Street
 - Farms on lower High Street
 - Alewife Road District
 - Farms/hay fields on Alewife, Cole, Ross, Thompson, and Webber Hill Roads

- **Natural Resource Protection**
 - Maine State Forest Land (High Street)
 - Blueberry Plains
 - Rachel Carson Wildlife Refuge

- **Art and Recreation**
 - Parsons Field
 - Rotary Park
 - Lafayette Park
 - Rogers Pond
 - Skateboard Park

- Wonderbrook Park
- Bridle Path
- Route 1 Rest Area

- **Social, civic and religious organizations**
 - Unitarian Church
 - Baptist Church
 - Congregational Church
 - Presbyterian Church
 - Hope Cemetery
 - Veterans Post
 - Evergreen Cemetery
 - Home Cemetery
 - Pine Grove (West Kennebunk)
 - Mt. Pleasant (York Street)
 - Masonic Lodge (West Kennebunk)
 - Pythian Building (Downtown Kennebunk)

- **Government**
 - Town Hall
 - Police Station
 - Town Landfill
 - Library

- **Education**
 - High School
 - Cousens School
 - Superintendent's Offices
 - Park Street School
 - Sea Road School
 - The New School
 - Heartwood College of Art
 - River Tree Arts
 - Middle School

D. Existing (protected) Open Spaces (see *Figure 6*)

Public/Semi Public Lands/Land Trust Properties & Easements/ Public Utility Lands/ Other

Existing Protected /Semi-Protected Open Spaces

Since 1991, there have been approximately 1074 acres added to the category of protected open space in the Town. By adding up all the open space areas in the Town, including Town owned parks, Federal lands, State lands, Water District owned, etc. there is approximately 4,200 acres or about 18% of Kennebunk's total land area which is in some way considered protected open space. The following table shows the breakdown of these open space lands by owner.

**2002 Conservation/Government/Utility Parcels
Town of Kennebunk**

Owner	Owned acres	Easements
United States of America	949.33	
Town of Kennebunk	279.65	
Kennebunk Land Trust	836.80	300
Nature Conservancy	153.70	
State of Maine	1446.70	
KK & W Water District	419.56	
MSAD 71	136.54	
Total	4222.28	4522.28 (total with easements)
Total Town Acreage (23,117)		
% of Total Area	18.26%	19.56%

Chapter IV. Goals/Policies/Strategies

Open Space Goal(s):

- *To enhance the quality of life in Kennebunk by maximizing opportunities for meaningful relationships between people and nature;*
- *To preserve open spaces for future generations;*
- *To maintain and enhance existing open spaces and provide appropriate access and connections to and between those open spaces;*
- *To implement a strategy for prioritizing, protecting, acquiring and managing additional open space areas which are considered important to the long term needs of the Town of Kennebunk*
- *To integrate recreational use of open space where appropriate*
- *Retention of cultural landscape patterns (i.e. streetscapes, walkable neighborhoods, rural farm fields edged by stone walls)*

Policies & Strategies

Policy 1: Develop an open space plan overlay of the Future Land Use Plan which identifies Open Space Priority areas.

Strategy 1.A: Such open space plan shall be designed to identify and rate open spaces, trails and corridors based upon the following values and criteria:

- Environmental Priority areas
 - High value plant and animal habitats
 - High value riparian corridors
 - High value water resources
- Recreational Resource value
 - Parks and Recreation facilities
 - Trails and connections
 - Water access points
- Town Character areas
 - Historic and cultural value
 - Scenic value/ gateways
 - Neighborhood spaces
 - Agricultural value
 - Forest resource value

Strategy 1.B: Open Space committee should make recommendation regarding options for funding the acquisition of open space,

Strategy 1.C: Incorporate the priorities and recommendations of the open space plan into the town's zoning ordinance and subdivision review standards.

Policy 2: Develop an integrated open space and trail network which is designed to serve both active and passive recreation needs, preserve the visual quality of the area and minimize environmental impacts. [Such a network should be designed to:]

Strategy 2.A: Provide access to and connections between open spaces, public preserves, recreation facilities, parks, waterfront areas and other municipal facilities.

Strategy 2.B: Minimize potential conflicts between different user types and activity levels.

Strategy 2.C: Minimize required maintenance.

Strategy 2.D: Consider both on road and off road connections.

Policy 3: This plan understands that the Town's natural resource systems, including its' water resources, riparian habitats, and high value plant and animal habitats, are irreplaceable. The inventory of natural resources should continue to be the basis for guiding the Town's future land use pattern. The designation of areas suitable for growth and of areas to be conserved should, to the greatest extent possible, respect the identified high value resources.

Strategy 3.A: Develop a habitat priority area(s) list and map for use in encouraging donations, voluntary protection, enhancement and, if appropriate, the acquisition of high priority areas. Included in this list/ map should be the evaluation of opportunities to create greenways and corridors between parcels or to combine parcels in order to create large blocks of protected, high value habitat.

Strategy 3.B: Work to coordinate the resource protection efforts of the Town, the KKW Water District, the Kennebunk Land Trust, the Kennebunk River Committee, Rachel Carson Wildlife Refuge, and other resource related groups.

Strategy 3.C: Provide information and outreach to landowners regarding habitat protection, retention, and improvement and create incentives for property owners who carry out such measures.

Strategy 3.D: Revise/ update the Town's future land use plan to incorporate the high value plant and animal habitat areas [per the State's *Beginning with Habitat 2001 Report*] into the designated "low-growth" areas.

Policy 4: Respect for the varied cultural landscape patterns of the community is considered a high priority by the Town.

Strategy 4.A: Develop design standards which will enhance both residential and commercial neighborhood character and will retain the varied landscape patterns found in different parts of town. Develop land use standards which support the retention and creation of agricultural use. Design guidelines will allow villages to retain their distinct cores, while allowing each village to grow while retaining its own distinct character.

Strategy 4.B: Consider developing “gateway” landscape designs for the major entries to the Town which should attempt to enhance that first impression that one gets when coming to Kennebunk.

Chapter V. Open Space Plan Priority Areas

This section of the Open Space Plan will guide the Town's Boards and Officials in implementing the open space goals, policies and strategies identified in Chapter IV.

One of the most challenging tasks of the Open Space Planning Committee was to determine the value to the community of the many open space resources – including the environmental resources, the recreational resources and the cultural resources in the community.

Through the Committee's lengthy discussions on valuing open space resources, the group observed that many peoples' favorite places are small escapes –examples of open spaces. It may be a tree in the back yard, a little higher grass area near a favorite playground– it's these tiny spaces that were perhaps enjoyed early in life as a child that affects your attitude about open space preservation. It became clear to the Committee as we started to look at the Town, that the best we could do would be able to develop a plan that would provide every resident an opportunity to access and enjoy some means of open space, be it a pocket park, a trail, or a larger forest or field –some way of experiencing the natural environment.

It also became clear that as the population of our community ages, a lot of open space that we will end up experiencing will be what can be seen from the roads. And as the downtowns and main streets become more congested with automobile traffic, we are likely to need to experience those remaining streetscapes even more so. Important open spaces are therefore not just areas that you can walk through or to, or that you can park near and then go walk through, but are also what you can see from the edge of the road.

As questions arose about the philosophy of the whole community – what makes Kennebunk a livable community, the Committee attempted to look at open space planning as not only buying and preserving land for protection, recreation and cultural value, but also for providing connections between existing open spaces and identifying open spaces to connect to in the more developed areas. It's also important to think of open space as a landscape between the built environments, and as habitat for walkers and hikers as well as wildlife.

Ratings of Open Spaces:

The compilation of this open space rating system is shown on the full size overlay maps which accompany this plan and which are included (in reduced form) in this chapter.

The open space areas and ratings have been mapped by the same categories as noted in the inventory/mapping, i.e., Environmental, Recreation, and Cultural.

In determining what values to place on each of the identified open space resources the Committee utilized the goals, policies, and strategies contained in Chapter IV of this plan. In addition, the Committee created the following system for rating the open space areas:

A. Environmental Priority Areas (see *Figure 7*)

- High Value Riparian Habitat Corridors
- High Value Water Resources
- High Value Plant and Animal Habitat Corridors

For these environmental open space areas identified on the map, the Open Space Planning Committee looked at the resource value in relation to the level of protection (if any) and the potential vulnerability from development and/or use. The current degree of protection of the resource and the degree of potential vulnerability to the resource by development was rated as follows:

- 1. High Value/High Vulnerability/Limited Protection**
- 2. High Value/Moderate Vulnerability/Limited Protection**
- 3. Moderate Value/Moderate Protection/Less Vulnerability**

The Committee has determined that these areas identified on the map are the priorities for protection as additional open space lands, that is, they are all priorities. The map differentiates between the areas only to the degree of *highest, higher and high* levels of priority protection, if prioritization is needed for any future decision making.

Summary of Environmental Priority Areas:

Branch Brook Corridor:

The western boundary of Kennebunk is Branch Brook, with its headwaters located in Sanford south of the municipal airport, and traveling and defining the border between Wells and Kennebunk. The Branch Brook is the water source for the residents of Kennebunk, Kennebunkport, and Wells, through the KK&W Water District.

- **High value riparian habitat corridor:**

Rating 1

The western most regions surrounding the Branch Brook have many rare habitats, which include communities of designated rare species of plants and animals. The Maine Natural Area Program (MNAP) has designated this area *Freshwater Forested and Non-Forested Wetlands*. These natural habitats are further designated *Outwash Seepage Forest*. This area also includes habitat designated *Sandplain Grassland*, habitat which supports many rare species and natural communities.

The mouth of the Branch Brook terminates into the Little River/Atlantic Ocean and is estuarine saltwater habitat. Maine's Endangered Species Act protects *Essential Wildlife Habitats*, which are areas currently or historically providing physical or biological features essential to the conservation of an Endangered or Threatened Species in Maine and which may require special management considerations.

- **High Value Water Resource:**

Rating 1

North and west of York Street/U.S. Route 1, Branch Brook is the primary water source for the Kennebunk, Kennebunkport and Wells Water District. The protection of lands near this important groundwater resource is critical to promoting the health, safety and general welfare of the residents in these municipalities.

- **High value plant and animal habitat corridor:**

Rating 3

The western reaches of the Branch Brook and the surrounding habitat consist of designated *Rare Species* and *Natural Communities* of ecological value. Species in the corridor include but are not limited to the following: *Upright Bindweed, White-Topped Aster, Northern Blazing Star, Grasshopper Sparrow, Ribbon, Snake, Upland Sandpiper, Wood Turtle*

Blueberry Plains Area near Branch Brook:

The Blueberry Plains and the immediate surrounding areas are owned by the State of Maine. These lands stretch from just outside the Cold Water Farms development, to the boundary with Sanford, along Old Falls Pond and the Mousam River to the power lines, and then back to Webber Hill Road to the Cold Water Farms development.

The Grass, Shrub, and Bare Ground of the Blueberry Plains adjacent to the Branch Brook are designated *High Value Habitat* for USFWS Priority Trust Species. Priority Trust Species include all migratory birds, anadromous/catadromous and certain coastal fishes, and federally listed endangered and threatened species.

- ***High value plant and animal habitat***

Rating 3

Rare Plant Habitat

Rare Animal Habitat: Upland Sandpiper

Additionally, there are rare species in these areas including, but not limited to: *the Northern Black Racer, Barrens Chaetoglae, Eastern Joe-Pie Weed, Slender Blue Flag, Smooth Winterberry Holly, and Upright Bindweed.*

Branch Brook /Little River Estuary:

The estuary at the Branch Brook's terminus is called the Little River. This estuary contains the only undeveloped barrier beach and salt marsh in southern Maine with a tidal inlet. The Little River is formed by the convergence of two freshwater brooks, the Merriland River and Branch Brook, into a tidal marsh-estuarine ecosystem. The dominant land cover of the Little River watershed is a softwood/hardwood mix, covering over 83% of the land. As of 1991, only 6% of the watershed land area was developed, but in recent years the watershed has experienced increased development pressure.

The MBLR watershed is important to freshwater, estuarine, and marine fish, as well as diadromous fish that migrate between the sea and inland waters. Wells NERR researchers have identified 45 finfish species in the watershed. Branch Brook is considered exemplary southern Maine habitat for native fish in the salmon family (such as brook trout), and the Merriland River has abundant high quality spawning habitat for rainbow smelt and river herring. The Little River is an important feeding ground for juvenile striped bass, and anecdotal reports describe sea run brown trout and Atlantic salmon taken from its channels.

- ***High value riparian habitat corridor:***

Rating 1

The mouth of the Branch Brook at its terminus with the Atlantic Ocean is Estuarine Saltwater/Habitat. Maine's Endangered Species Act protects Essential Wildlife Habitats, which are areas currently or historically providing physical or biological features essential to the conservation of an Endangered or Threatened Species in Maine and which may require special management considerations.

- ***High value plant and animal habitat:***

Rating 3

Piping Plover and Least Tern Habitat

Rare Plant Habitat, mouth of Branch Brook

Deer Wintering Area

Kennebunk River Corridor:

The Kennebunk River marks the eastern boundary of the Town, separating Kennebunk from Arundel and Kennebunkport. The interior portion of the river rambles through old farm fields and high-value grass and shrub habitat west of the Maine Turnpike, then forest habitat between the Maine Turnpike and Route 1. The tidal portion of the river is important tidal waterfowl and wading bird habitat.

- ***High value water resources, riparian habitat corridor:*** **Rating 1**

The riparian habitat corridor of the Kennebunk River is designated *High Value Habitat for USFWS Priority Trust Species*. Priority Trust Species include all migratory birds, anadromous/catdromous and certain coastal fishes, and federally listed endangered and threatened species

- ***High value plant and animal habitat corridor:*** ***Rating 3***

Species in the corridor include but are not limited to the following:

Wood Turtle

Small Reed Grass

Significant grass, shrub and bare ground habitat exists throughout the corridor, primarily in the northernmost part of town between the Alewife Pond deer wintering area and the Maine Turnpike.

East of the turnpike, the river's course is surrounded by habitat categorized Forest and Forested Wetlands by the *Beginning with Habitat High Value Plant and Animal Map*.

Ward Brook/Alewife Pond Corridor:

Ward Brook flows from Alewife Pond to the Kennebunk River through rural wetlands of the northernmost section of the Town. Alewife Pond is surrounded by the 582 acre Alewife Woods Preserve, owned and managed by the Kennebunk Land Trust. The remaining parcels, through which Ward Brook flows however, are owned privately.

- ***High value water resources, riparian habitat corridor:*** ***Rating 2***

Forest and forested wetlands

Freshwater wetlands

- ***High value plant and animal habitat corridor:*** ***Rating 3***

Species in the corridor include but are not limited to the following:

Alewife Pond Deer Wintering Area

Spotted Turtles have been observed within one mile of Alewife Pond.

"Punky Swamp" Corridor:

Located between the east side of the Maine Turnpike, Ross Road, and the Kennebunk River, "Punky Swamp" includes a large wetland area and a portion of Ward Brook corridor.

- ***High value water resources, riparian habitat corridors:*** ***Rating 2***

The wetland habitat of "Punky Swamp" is a field verified Natural Resource of Statewide significance. Maine's Natural resources Protection Act was intended to prevent further degradation or destruction of certain natural resources of State Significance. Within the Act are provisions for protecting Significant Wildlife Habitats, which includes the Waterfowl/Wading Bird habitat in this area as indicated on the *Beginning with Habitat High Value Plant and Animal Map*.

- ***High value plant and animal habitat corridor:*** ***Rating 3***

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has mapped this habitat and classified it as a "Waterfowl/Wading Bird Habitat" and confirmed species in

this location. This is the largest 100-year floodplain in Kennebunk according to the FEMA maps.

Wonder Brook Corridor:

Wonder Brook begins northwest of Route 1 and east of Merrifield Drive. Much of the brook has been diverted and buried in culverts where it passes under Route 1. This has been done to accommodate the commercial and residential development in the vicinity. Once Wonder Brook leaves this area, it returns to its natural course and passes through an undeveloped area between Summer Street and the railroad corridor before joining the Kennebunk River.

- ***High value water resources and/or riparian habitat corridor*** ***Rating 2***
High value habitat for USFWS Priority Trust Species is found east of Merrifield Drive and west of Route 1. This habitat consists of Grass, Shrub, and Bare Ground. To the south of Route 1, Wonder Brook leads into similarly categorized habitat, consisting of Forest and Forested Wetlands. Wonder Brook has been significantly impacted by the development in the Suburban Commercial district surrounding Route 1, with much of piped from the Wonder Brook condominiums under Merrifield Drive, Route 1 and to daylight again near Shopper's Village.

Lake Brook/Gooch's Creek Corridor:

Located near Lower Village, Gooch's Creek is the estuarine habitat buffered from the Atlantic Ocean by Gooch's Beach. Lake Brook is a tributary to Gooch's Creek, and runs in a northeasterly direction, across Western Ave. to Heath Road. The area has substantial residential housing development near the beach, with little preserved open space.

- ***High value water resource and/or riparian habitat corridor:*** ***Rating 1***
The marsh area surrounding Gooch's Creek and the Kennebunk Beach neighborhood consists of *Significant Wildlife Habitat of Statewide Significance* as mapped by MDIFW and MNAP. These Habitats include *Shorebird Habitat*, specifically for migratory shore birds as a coastal staging area, and *Tidal Waterfowl and Wading Bird Habitat*, consisting of habitat for breeding, migration/staging, and wintering. Wading Bird Habitat also includes feeding, roosting, loafing, and migration areas.

- ***High value plant and animal habitat corridor:*** ***Rating 2***
The rare plant species and natural community of *Saltmarsh False-Foxglove* has been field verified in the Gooch's Creek and Lake Brook marshes.

Mousam River West Corridor:

West of the downtown Kennebunk, the Mousam River meanders through one of the least developed regions area of Town before passing West Kennebunk Village. From the border with Sanford, the Mousam River is dammed as Old Falls Pond, and then travels through a narrow corridor north of the Blueberry Plains. This leads to "lagoon" like habitat as the river approaches West Kennebunk Village and then finally Kennebunk Village after passing under the turnpike.

- ***High value water resources, riparian habitat corridors:*** ***Rating 2***

Much of the land surrounding the Mousam in this corridor is classified as wetlands. This is especially true between Old Falls Pond Dam and Twine Mill area.

• ***High value plant and animal habitats corridor:*** ***Rating 2***

The banks of the entire length of the Mousam River from Old Falls Pond to the Maine Turnpike are classified as Forest and/or Forested Wetlands. The USFWS has classified the surrounding habitat as High Value Habitat for Priority Trust Species. The Maine Natural Areas Program (MNAP) has classified portions as containing Rare or Exemplary Natural Communities

Forest and forested wetlands

Freshwater forested and Non-forested wetlands; Outwash Seepage Forest

Pale Green Orchis habitat

Spotted Turtle habitat

Wild Garlic

The Eastern Box Turtle has been identified west of Old Falls Pond and its habitat likely includes the Corridor.

Cold Water Brook Corridor:

A tributary to the Mousam River in the westernmost part of Town, Cold Water Brook begins near the Sanford line and travels in a northeasterly direction until it meets the Mousam River, just east of Old Falls Pond. Much of the land surrounding the brook is protected in one way or another. Much of the land it travels is in conservation easement, owned by the State, or owned by the nature Conservancy.

• ***High value water resources, riparian habitat corridor:*** ***Rating 3***

Field Verified Natural Resources of Statewide Significance:

Upland Forests/Woodlands/Barrens; Grasslands

High Value Habitat for USFWS Priority Trust Species:

Forest and Forested Wetlands; Grass, Shrub, and Bare Ground

• ***High value plant and animal habitats corridor:*** ***Rating 3***

Sandplain Grassland

Upland Sandpiper

Day Brook Corridor:

Day Brook begins at the Blueberry Plains, south of Webber Hill Road/ Route 99 and flows southerly north of Maguire Road and then High Street until it joins the Mousam River north of Route 1 near downtown.

• ***High value water resources, riparian habitat corridors:*** ***Rating 2***

The lands surrounding Day Brook west of Wakefield Road up through to the Blueberry Plains are abundant with high value habitat for USFWS Priority Trust Species. This habitat consists of Grass, Shrub, and Bare Ground. To the east of Wakefield Road all the way to Kennebunk Village the corridor consists of similarly categorized habitat, designated Forest and Forested Wetlands.

• **High value plant and animal habitats:**

Rating 3

Pitch-Pine Scrub Oak Barrens
Sandplain Grassland
Blanding's Turtle
Upland Sandpiper
Flowering Dogwoods
White-Topped Aster
Upright Bindweed

Mousam River East Corridor:

This corridor includes the lands surrounding the Mousam River from the Maine Turnpike bridge, through downtown Kennebunk to the Route 9/Western Avenue bridge. The river winds through a more developed section of town, with significant residential development currently above the east bank, and potentially along the west bank, which is within the Village Residential (VR) Growth Area.

• **High value water resources, riparian habitat corridors:**

Rating 2

Forest and forested wetlands
Freshwater forested and Non-forested wetlands; Outwash Seepage Forest

• **High value plant and animal habitat corridors:**

Rating 3

Pale Green Orchis habitat
Spotted Turtle habitat
Wild Garlic

The Eastern Box Turtle has been identified west of Old Falls Pond and its habitat likely includes the Corridor.

Mousam River /Back Creek Estuary :

From the Route 9/Western Avenue bridge over the Mousam River one can see much of a vast estuary and marshland of the Mousam River convergence with small Back Creek and the Atlantic Ocean. This is perhaps one of the most beautiful areas of Town, with ecology of the highest importance.

• **High value water resources, riparian habitat corridors:**

Rating 1

Field Verified Natural Resources of Statewide Significance: Estuarine/Saltwater Habitat

• **High value plant and animal habitat corridors:**

Rating 1

MDIFW Mapped Habitats and Confirmed Species Locations

Significant Wildlife Habitat: Maine's Natural Resources Protection Act (NRPA) was intended to prevent further degradation or destruction of certain natural resources of state significance. Within the Act are provisions protecting Significant Wildlife Habitats:

Shorebird Habitat

Migratory shorebird coastal staging area habitat for shorebird feeding and roosting meeting the requirements during migration as set by MDIFW.

Tidal Waterfowl/Wading Bird Habitat

B. Recreation Priority Areas (See *Figure 8*)

Summary of Recreation Priority Areas:

- Parks and Recreation facilities (Town/M.S.A.D. 71)
- Trails and connections
- Water access points (boats)

For these open space areas identified on the map, the degree to which there are such active and passive facilities of the three villages (Downtown Kennebunk, West Kennebunk and Lower Village) and the Webber Hill Road/Cold Water Farms area have good pedestrian access, and/or have an identified need for expansion or improvement to serve Town's growth areas

1. **No access-limited and/or no facilities**
2. **Good facilities – improved access needed**
3. **Safe walkable access to variety of facilities**

Downtown Kennebunk Area:

- ***Parks and Recreation facilities*** ***Rating 3***

Facilities in Downtown Kennebunk were determined to be adequate for existing needs, however, if possible, future facilities, if needed, should be located here to utilize the central location and the existing sidewalks for pedestrian access. The Committee believes there is a need for "pocket parks" and additional neighborhood open spaces in the area.

- ***Trails and connections*** ***Rating 2***

A critical link between the downtown and the Bridle Path is missing. There is a need for a trail connection from the Bridle Path to the downtown. Rogers Pond Park needs better signage for awareness and directions from the downtown (perhaps signs should be located downtown).

- ***Water access points*** ***Rating 1***

North of the downtown dam there is access to the Mousam River at Ice Park; however there are no facilities and parking is limited. Rogers Pond Park provides access to the Mousam River south of the dam.

Lower Village Area:

- ***Parks and Recreation facilities*** ***Rating 3***

Facilities in Lower Village are currently adequate. There remains a need for "pocket parks" and additional neighborhood open spaces in the village area, perhaps with water access.

- ***Trails and connections***

Rating 2

The Town of Kennebunk owns the old right-of-way for the railroad that leads from Lower Village to Lake Brook and use to connect to the Bridle Path. Reconnection of this piece to the existing Bridle Path would provide a pedestrian/bike trail to the beach area and continue on to Downtown Kennebunk. A connection to a proposed trail along the Kennebunk River north and south was also identified as a need for Lower Village.

- ***Water access points***

Rating 1

There are currently no public, formal, safe facilities or access points to the Kennebunk River in Lower Village for kayaks, canoes, or small boats. Acquiring and developing access and facilities is a top priority.

West Kennebunk Village Area:

- ***Parks and Recreation facilities***

Rating 3

With the additions of the new Middle School and the new Elementary School, along with the existing West Kennebunk Park, parks and facilities are currently adequate. The Committee believes there is a need for “pocket parks” and additional neighborhood open spaces in the area.

- ***Trails and Connections***

Rating 2

The yet to be improved Eastern Trail and the private Gary Pike Trail off of Twine Mill Road are the extent of a trail network in West Kennebunk. A connection from the existing Eastern Trail to the new Elementary School is a logical recommendation of the Committee. The Committee finds a need for a trail from West Kennebunk Village along the Mousam River to the Blueberry Plains and Old Falls Pond. Such a trail would provide important natural and recreational experiences for the residents of West Kennebunk and the entire Town.

- ***Water Access Points***

Rating 1

Currently there is access to the Mousam River from West Kennebunk Village on the north side of the bridge off of Mill Street. The access is limited to smaller boats and the facilities and parking are limited to just a few cars. The Committee had identified a need to improve access and parking for people accessing the river at this location.

Webber Hill Road/Cold Water Brook Area:

- ***Parks and Recreation facilities***

Rating 3

The Lloyd G. Nedeau Memorial Park includes several ball fields, a basketball court, a playground and a picnic area. The facility is next to the Cold Water Farms community and the Blueberry Plains state lands.

- ***Trails and Connections***

Rating 2

Some trails exist in the Blueberry Plains area, but connections by trail(s) to the Mousam River, and West Kennebunk Village along the Mousam River are recommended.

- ***Water Access Points***

Rating 1

Presently there are no public water access points in this area. The Committee suggests working with the State and the Cold Water Farms community to study the feasibility of a water access point and if possible to develop an access point for small boats to Old Falls Pond and the Mousam River with appropriate facilities.

C. **Town Character Priority Areas:** (Cultural, Historic and Visual characteristics)
(See *Figure 9*)

Cultural landscape: definition

Cultural landscape is a term used to describe special places created by human interactions with the environment that help define the character of a community and reflect its past.

Summary of Town Character Priority Areas:

- Historic and Cultural Value
- Visual Corridors
- Scenic Value
- Neighborhood spaces
- Heritage Landscape Value
- Agricultural and Forest resource value

For these open space areas identified on the map, the priority area ratings are based on the degree to which the landscapes & facilities provide opportunities for daily cultural exchange and the degree to which the open space(s) foster a sense of place and community. The degree to which the resource needs further protection and/or greater accessibility has been included in the rating as follows:

1. **High Value, limited or no protection.**
2. **Additional resources protection and/or access needed.**
3. **Good resources, good access or additional access connections needed.**

Downtown Kennebunk Area:

Historic and cultural value

Rating 3

Additional protection of the downtown historic commercial district is needed.

Visual Corridors

Rating 2

The Summer Street Historic District currently serves as an adequate measure for protecting the aesthetic visual qualities of the area. However the Committee felt that Summer Street and the downtown should be identified as a high priority visual corridor.

Scenic Value

Rating 2

Neighborhood spaces

Rating 2

Pocket parks and neighborhood spaces with connections are recommended as parcels are developed or redeveloped.

Agricultural and Forest Resource value

deemed Not Applicable

(The Committee agreed that no agricultural or forest resources were present in the downtown area and therefore this ranking was Not Applicable)

Lower Village Area:

Historic and cultural value

Rating 3

Additional protection for the historic commercial district is recommended.

Visual Corridors

Rating 1

The Committee has identified the following Visual Corridors on the map and recommends preserving and protecting the lands and the characteristics that make up these Visual Corridors near Lower Village:

- Kennebunk/Kennebunkport Harbor of the Kennebunk River***
- Beach Avenue along the Atlantic Ocean***
- Western Avenue-- from the Wells line to the Bridle Path***
- Brown Street—from the railroad bridge to Western Avenue***
- Parsons Beach Road***

Scenic value

Rating 2

Needs for preserving scenic value are stated in Visual Corridors above.

Neighborhood spaces

Rating 2

Pocket parks and neighborhood spaces with connections are recommended as parcels are developed or redeveloped.

Heritage Landscape Value

Rating 2

Webhannet Golf course, Snug Harbor Farm, Hill Crest Golf, etc.

Agricultural and Forest Resource value

deemed Not Applicable

(The Committee agreed that no agricultural or forest resources were present in the Lower Village area and therefore this ranking was Not Applicable)

West Kennebunk Village Area:

Historic and cultural value

Rating 2

Old Eastern Railway (Eastern Trail), Post Office, Masonic Hall, Pine Grove cemetery

Visual Corridors

Rating 2

The Committee has identified the following Visual Corridor on the map and recommends preserving and protecting the lands and the characteristics that make up this Visual Corridor near W. Kennebunk Village:

- Thompson Road – West Kennebunk Fire Hall to Alewife Road***

Scenic value

Rating 2

Needs for preserving scenic value are stated in Visual Corridors above.

Neighborhood spaces

Rating 3

Pocket parks and neighborhood spaces with connections are recommended as parcels are developed or redeveloped.

Heritage Landscape Value

Rating 2

Agricultural and Forest Resource value

deemed Not Applicable

Webber Hill Road/Cold Water Brook Area:

Historic and cultural value

Rating: 1

Highly valued farms, between Wakefield and Webber Hill Road, including the old Stuart Farm.

Visual Corridors

Rating 2

The Committee has identified the following Visual Corridor on the map and recognizes that the lands comprising the Visual Corridor are already protected.

Webber Hill Road -- Blueberry Plains

Scenic value

Rating 1

Recognizing that much of the area is already protected, the Committee ranking is to underscore the areas *High Value*.

Neighborhood spaces

Rating 3

Although not a village area, pocket parks and neighborhood spaces with connections are recommended as parcels are developed or redeveloped.

Heritage Landscape Value

Rating 2

Agricultural and Forest resource value

Rating 2

The area is well protected, however access is limited

Route 35/ Alewife Road Area:

Historic and cultural value

Rating: 1

Lower Alewife National Historic District

Visual Corridors

Rating 1

The Committee has identified the following Visual Corridor on the map and recommends preserving and protecting the lands and/or the characteristics that make up this Visual Corridor along Alewife Road:

Alewife Road Corridor - Cole Road to Thompson Road

Scenic value

Rating; 1

Needs for preserving scenic value are stated in Visual Corridors above.

Neighborhood spaces

Rating: 2

Although not a village area, pocket parks and neighborhood spaces with connections are recommended as parcels are developed or redeveloped.

Heritage Landscape Value

Rating: 3

Agricultural and Forest resource value

Rating: 3

D. Summary of the Highest Value Open Space Needs Areas

From the rankings above, the following areas were identified as the highest priority areas for additional Open Space. These areas had the most Environmental, Recreational, and Cultural/Town Character attributes important to the Open Space goals of this plan.

Branch Brook Corridor

The Branch Brook serves as the water supply for the water district of Kennebunk, Kennebunkport and Wells. The Branch Brook defines the southwestern boundary with Wells. Committee members ranked the brook of Highest Value with regard to Environmental Priority Areas, and recognized that some protections are already in place to protect the water districts supply. Although the Kennebunk side east of the brook is already zoned as *Branch Brook Aquifer Protection* zones, there remains a highest level need for additional protection from development and associated environmental impacts to ensure the quality of the communities' water supply. The Committee also has identified the need for a trail in the corridor which would connect existing conservation lands in the western end of the town near the Branch Brook (Blueberry Plains and the Mousam River) with conservation lands in the eastern part of town near the ocean. A trail connection to the Proposed Eastern Trail (along the old Eastern Railroad right of way) would provide a linkage to additional open space of recreation and cultural value. The Committee also suggests formal small boat access facilities off of Route 9/Western Ave to the Little River—the part of the Branch Brook that meets the Atlantic Ocean.

Mousam River West Corridor (West Kennebunk area)

This priority area includes sensitive lands surrounding the Mousam River from just west of the Maine Turnpike to Old Falls Pond at the Kennebunk-Sanford-Lyman border. The Committee determined that the natural features of this corridor are of Highest Value while connectivity to the Village of West Kennebunk is a Highest Priority. The Committee has determined that a connecting trail for non-motorized recreational use between Old Falls Pond and the Proposed Eastern Trail in West Kennebunk would provide needed recreational opportunities. This trail could link West Kennebunk Village to the existing open space lands near the Blueberry Plains and Old Falls Pond. Committee Members agreed that the *Mousam River Greenway Plan*, or at the very least,

aspects of the plan, should be revisited and implemented for the development of such a trail. Additionally, the Committee has identified the need for improved water access (ranked 2: *limited and/or no facilities*) at the boat launch off of Mill Street.

Improvements should include improved launch area, expanded parking, pedestrian access, and sidewalks to the village.

Alewive Road Corridor

A drive out Alewive Road from the southbound interchange with the Maine Turnpike reveals open, historical agricultural landscape found no place else in Kennebunk. These Visual Corridors rank Highest Value and the Committee agreed that the corridor remains highly threatened by development. Members felt that the former agricultural lands and their associated farms and forests were of highest value and with the least protection. Lands which make up this visual corridor should be considered highest priority for open space preservation. Additionally, access to these lands is limited for open space and recreational uses. The Committee recommends trail connections through additionally protected conservation land in the corridor between the *Kennebunk Land Trust's* lands surrounding Alewive Pond to an access area with parking along Alewive Road. This trail and conservation land should be connected to the Kennebunk River Corridor trails mentioned above.

Brown St – Parsons Beach Rd. – Rt. 9 Corridor:

Back Creek and the Mousam River mouth area were ranked Higher Value with moderate vulnerability/limited protection by the Committee with regard to Environmental Priority. The surrounding area is well protected and mostly under the control of the US Fish and Wildlife Service (Rachel Carson National Wildlife Refuge). Adjacent lands are a natural continuation of the conservation efforts in this area of Town. Distinct marshlands, wetlands, rare plant habitat and deer wintering areas are throughout the vicinity. Because of its proximity to Downtown Kennebunk and Lower Village, the Committee recommends the development of unimproved trails through the corridor with the exception of an improved trail parallel to Brown Street. Such a trail could substitute for the more urban sidewalk in providing a pedestrian connection between downtown and Parsons Beach Road. Exploring the possibility of reviving Harts Road as a trail is

recommended since it is essentially an existing trail. The existing visual corridors traveling Brown St. (canopy formed by trees) and the visual openings to tidal marshes and the Mousam River along Western Avenue/Route 9 were recognized as important Town Character areas which should be preserved.

Kennebunk River Corridor:

The Kennebunk River forms the northeastern boundary with Kennebunkport and Arundel. Near the mouth of the river, one of the earliest settlements was formed and has evolved into what is now known as Lower Village in Kennebunk. The village area on the east bank is actually part of a separate town, Kennebunkport. The port area shares the harbor area of the Kennebunk River in common and remains an important cultural, recreation area with a natural environment that is heavily influenced by the presence of human settlement. Just up the river from the present day bridge are the sites used for shipbuilding from colonial times through the late 19th century. The Kennebunk River in the harbor area has been identified by the Committee as a visual corridor important as open space in keeping with the historic character of a port. The Committee has identified the lands adjacent to the length of the Kennebunk River from the Franciscan Monastery to the Lyman border as of High Value, High Vulnerability and with Limited Protection. The Committee therefore recommends the permanent protection of lands adjacent to the river incorporating a recreational bike and/or hiking trail. Such a trail would provide pedestrian/recreational access through protected open space from Lower Village to the Eastern Trail, and onward northwest to the Alewife area.

Chapter VI. Open Space Plan Recommendations

A. Environmental Open Space Recommendations

All areas identified on the *Environmental Priorities Map (Figure 7)* are intended to be used as a guide for Town Boards, committees, and agencies in developing and implementing strategies that further protect and (as feasible) provide limited access and trails for active and passive recreation.

B. Recreation Open Space Recommendations

Areas identified on the *Recreation Priorities Map (Figure 8)* are intended to show those locations where trails, connections between open spaces and water access points should be enhanced and expanded.

C. Town Character Open Space Recommendations

The Visual Corridors identified on the *Town Character Priorities Map (Figure 9)* are intended to show those areas where further protection and enhancement of those visual corridors, historic areas, and the Town's traditional villages is recommended.

[The recommendations are summarized in the table following.]

<u>Environmental Priority Areas</u>	<u>NEEDS</u>	<u>RECOMMENDATIONS</u>
Branch Brook Corridor	Additional protection of adjacent land	Acquisition options for additional adjacent land in conservation, easements to ensure quantity and quality of KKW water supply
Blueberry Plains near Branch Brook	Protection of rare species in area	
Branch Brook/ Little River Estuary	Additional protection of Endangered or Threatened Species(Maine Endangered Species Act	Work with Wells Reserve and other groups to determine additional parcels for protection
Kennebunk River Corridor	Protection of riparian habitat for migratory birds, coastal fish, and endangered and threatened species	Development of a conservation trail, or pieces of a trail along the river's length
Ward Brook/Alewife Pond Corridor	Protection of Deer Wintering Area	Almost all of the Deer Wintering Area is owned by the Kennebunk Land Trust. When possible, adjacent lands not in protection should be conserved.
"Punky Swamp"	Additional protection of land	
Wonder Brook	Additional protection of land	Acquisition options for additional adjacent land in conservation, from Route 1 to the Kennebunk River
Gooch's Creek/Lake Brook	Additional protection of land for wildlife and shorebird, tidal waterfowl, and wading bird habitat conservation	Acquisition options for the conservation of lands
Mousam River West Corridor	Additional protection of High Value Habitat for Rare or Exemplary Communities	Conservation trail with conservation protections through acquisitions and easements
Cold Water Brook	Additional protection of High Value Habitat for Priority Trust Species	
Day Brook	Additional protection of High Value Habitat for Priority Trust Species	
Mousam River East Corridor	Additional protection of Freshwater forested and Non-forested wetlands	
Mousam River/Back Creek Estuary	Additional protection of Estuarine/Saltwater Habitat	Acquisition options for the conservation of lands

Recreation Priority Areas	NEEDS	RECOMMENDATIONS
Downtown Kennebunk	Pocket parks and additional neighborhood open spaces Trail connection from end of Bridle Path to downtown Signage for awareness and directions from downtown to Rogers Pond Park Improved water access parking	Require consideration of feasibility when projects come through Town processes. Feasibility study of connecting Bridle Path to Summer Street sidewalk or other downtown location. Find/develop additional parking at boat launch sites.
Lower Village Area	Pocket parks and additional neighborhood open spaces, with possible water access. Reconnecting Lower Village with Bridle Path	Research and develop small boat access site with adequate facilities. Research/feasibility study on pedestrian/bike trail via Town owned old rail right of way to Bridle Path/beach area.
West Kennebunk Area	Pocket parks and additional neighborhood spaces with connections to existing open space and trails. Connection from Eastern Trail to new Elementary School. Improve Mousam River small boat access facility, parking.	Require consideration of feasibility when projects come through Town processes. Develop connection between new Elementary School and Eastern Trail. Develop plan to expand/improve facilities and parking at Mill St. boat launch area .
Webber Hill Road/Cold Water Brook Area	Connection by trail(s) to the Mousam River and West Kennebunk Village. Water Access needed	Develop trail link to West Kennebunk Village. Research and develop (perhaps with the State and Cold Water Farms and extended community) the feasibility of access at Old Falls Pond or another site on Mousam River with facilities/parking.

Town Character Priority Areas	NEEDS	RECOMMENDATIONS
Downtown Kennebunk	Additional protection of historic commercial district. Preservation of visual corridor. Pocket parks and additional neighborhood spaces	Develop design standards or guidelines for area. Require consideration of feasibility when projects come through Town processes.
Lower Village Area	Additional protection of historic commercial district. Preservation of visual corridors. Pocket parks and additional neighborhood spaces	Visual Corridor for the following areas: <i>Kennebunk/Kennebunkport Harbor of the Kennebunk River</i> <i>Beach Avenue along the Atlantic Ocean</i> <i>Western Avenue-- from the Wells line to the Bridle Path</i> <i>Brown Street--from the railroad bridge to Western Avenue</i> <i>Parsons Beach Road</i>
West Kennebunk Area	Protection of historic farmlands and fields and existing forest areas.	Visual Corridor for the following areas: <i>Thompson Road -- West Kennebunk Fire Hall to Alewife Road</i>
Webber Hill Road Area	Protection of historic farmlands and fields and existing forest areas. Possible pocket parks and neighborhood spaces	Visual Corridor for the following areas: <i>Webber Hill Road -- Blueberry Plains</i> Require consideration of pocket parks/neighborhood spaces as parcels are developed and redeveloped
Rt. 35./ Alewife Road Area	Protection of historic farmlands and fields and existing forest areas. Possible pocket parks and neighborhood spaces	Visual Corridor for the following areas: <i>Alewife Road Corridor -- Cole Road to Thompson Road</i> Require consideration of pocket parks/neighborhood spaces as parcels are developed and redeveloped

Chapter VII. Implementation

The recommendations and strategies presented within this document can be implemented through a variety of measures – including both regulatory and non-regulatory techniques as described below.

Advocacy is essential to getting trails built and retaining open spaces. Private citizens and citizen organizations make the most effective advocates.

A. Incorporation into Comprehensive Plan

The first step in implementing the Open Space Plan is to incorporate it into the Town's Comprehensive Plan. This step provides the legal basis which allows the Zoning Ordinance and Subdivision Regulation to implement the recommendations of the plan. Since the Comprehensive Plan Update 2003 already includes the goals, policies and strategies identified in this plan, adoption of this plan as an addendum to the Comprehensive Plan Update is suggested.

B. Appointment of Open Space Plan Implementation Committee

Appointment of an existing Commission or new committee to oversee the long term implementation of this Open Space Plan is highly recommended.

C. Coordination and Cooperation with other Organizations and Agencies

Kennebunk should examine all opportunities to work jointly *and collaborate* with the following organizations in carrying out the implementation strategies of this plan.

Kennebunk Kennebunkport & Wells Water District
Kennebunk Land Trust
M.S.A.D. #71
State and Federal agencies
Nature Conservancy
Surrounding Municipalities

D. Options for the Acquisition of Rights and Interests

The acquisition of land is often the most challenging aspect of preserving and protecting open space lands. A number of techniques are available to the Town to acquire land, development rights, and easements. These are:

Conservation Easement/Development Rights

A legal agreement between the property owner and the Town in which the owner maintains ownership of most of the rights related to the land, but agrees to restrict future development on all or a portion of the property to protect significant natural resource or open space values. If transferred in perpetuity, the land covered by the conservation easement remains subject to the easement restrictions as ownership changes. Conservation easements can be donated or sold; when donated the donor may qualify for

a federal tax deduction. Conservation easements are less expensive than fee simple ownership and can serve to protect a property's natural resources and open space values while, in some case, providing public access.

Purchased Development Rights (PDR) are voluntary legal agreements that allow owners of land meeting certain criteria to sell the right to develop their property to local government agencies, state government, or to a nonprofit organization. A conservation easement is then placed on the land. This agreement is recorded on the title to permanently limit the future use of the land to agriculture, forestry, conservation, or other open space uses.

Transferred Development Rights (TDR) are enabled by local ordinances that create *sending areas*, or preservation areas, and *receiving areas* where communities encourage additional growth and development. Landowners in the *sending area* receive *development right credits* which they can sell in exchange for not developing their land. Real estate developers, speculators, or the local unit of government can then purchase the *development right credits* and use them to increase existing or planned densities in *receiving areas*.

Density Transfer Fee

A fee in lieu of a transfer of Development Rights program, this program provides for a fee to be collected upon issuance of a building permit for a new dwelling unit that was made possible by Town up zoning (a zone that allows higher density). The fee is based upon density credits given from prior density allowed plus open space credits. The proceeds are spent to purchase existing development rights of high priority open space lands

Donation

This technique is the least expensive means of acquiring land for outdoor recreation and open space uses. Landowners can donate almost any property right or interest in their land, including the entire parcel, or as a conservation easement. Tax deductible contributions can be in the form of a lease, easement, or outright title to a piece of property.

Donated Conservation Easements are voluntary legal agreements between a landowner and a local government, land trust, or agency that allow landowners to permanently limit or prohibit development on their property. Conservation easements run with the title so that all future owners of the land are bound by the original agreement.

Donated Easements can also be used to provide limited trail access for recreation purposes. Because of their versatility easements are a valuable implementation tool.

Eminent Domain

Eminent domain is the power of a governmental body to condemn private land for public purposes upon payment of just compensation. This is traditionally a method of last resort.

Fee Simple Acquisition (Ownership)

Fee simple acquisition is a common way of acquiring public lands for recreational uses or for permanent open space preservation. The landowner is given a sum of money for all rights to a specific piece of land or property. This mechanism allows the public agency to have full control over a property's future. When the Town owns all the rights to a

piece of land and holds title to it, this is called fee simple or fee title ownership or owning land in fee. Complete ownership provides full control over the land and thus the most certain ability to protect the conservation resources on the property while allowing some level of public access. However, owning land is usually costly and requires the owner to assume liability for accidents or injury on the property and the maintenance and protection of its resources.

Fee Simple/Leaseback

This acquisition option allows the Town to purchase and obtain full title to a specific property and then lease the property back to the previous owner or another designated lessee. Natural resource and open space values are protected through restrictive easements or a covenant limiting future development, income is received through leaseback while liability and management responsibilities are assigned to the lessee. The land must be appropriate for leaseback (e.g. agricultural).

Land Banking

The land bank, which can be set up as a part of local government or a self-governing entity, can purchase land and then sell it for conservation, open space, or recreational purposes. Proceeds from the sale of land could be used for subsequent purchases. Initial financing could be provided through grants or the issuance of bonds, or compensation fees provided in lieu of open space dedications.

Lease

Leasing of property provides temporary control over land in cases where the landowner either cannot or does not want to make a more permanent arrangement. This technique provides for the conservation, open space, or recreational use of land for a designated period of time but without fee simple acquisition. An easement of lease can be written to allow or restrict public access and use of private land. Restricting access can encourage the preservation and creation of scenic views. Leasing typically gives exclusive access rights to the property thereby ensuring protection of on-site resources on an annual or term basis.

Management Agreements

A management agreement specifies a plan under which the property will be managed, either by the landowner (with the advice or assistance of the land trust) or by the Town itself. Such agreements are usually recorded and remain in force for their full term even if the land changes hand. This method is used extensively by the Nature Conservancy, among others.

METHODS THAT BUY TIME

Bargain Sales

The sale of land or an interest in land below fair market value is known as a Bargain Sale. The difference between the sale price and the appraised fair market value may qualify as a tax deductible, charitable donation for the seller thereby reducing or eliminating the disparity and creating a valuable negotiating opportunity.

While most transactions involve taking full ownership of a property or conservation easement when the terms are finalized and the necessary documents are signed, other agreements such as bequests and remainder interests result in ownership at some future date.

Bequests

When donating by bequest the landowner leaves rights to a property including fee ownership, an easement or other asset to the Town in his or her will. While the donor does not receive any income tax benefits since the gift does not take place until the donor dies, estate taxes are significantly reduced for the donor's heirs by removing the value of the donation from the taxable estate.

When dealing with the donation of a conservation easement, the Town is advised to negotiate the exact terms of the donation during the donor's lifetime to ensure that the conservation resources are protected, that the trust is given sufficient management flexibility and, where possible, that adequate management and monitoring funds are donated as well. The downside of donations by bequest includes the uncertain date of acquisition and the possibility that a landowner will change their will.

Fair Market Value Purchase

Purchasing land or interests in land such as conservation easements at fair market value is the most expensive acquisition method.

Methods to Acquire Title

This method determines how much would be paid to acquire the property rights and when those rights accrue to the buyer.

Option to Buy

A written agreement purchased from or donated by the landowner giving the Town the exclusive right to purchase a property under certain terms and condition- and at a specified price, by a certain date. To strengthen the land trust's claim, these agreements should be recorded with the Town and at least a token sum paid. Acquiring an option gives the Town time to raise funds when a property is put on the market and threatened with imminent development. The Town may also acquire a series of options that expire sequentially to allow it to acquire an expensive property over a period of time and thus avoid an all-or-nothing proposition: if the trust fails to obtain adequate funds to exercise one of the options, it still retains ownership of those parcels it had already purchased.

Right of First Refusal

An agreement between the landowner and the Town that gives the right to match any

bona fide purchase offer made on the property acceptable to the landowner within a specified time period after the offer is made. The Town is under no obligation to make an offer on the property.

E. Regulatory Techniques

The Committee recommends incorporating language into the Zoning Ordinance that will facilitate the recommendations and protections for the priority areas identified in this Plan.

F. Potential Funding Sources

Land Bank
Impact Fees
Open Space Fund in Capital Improvement Plan
Density Transfer Fee

Financing Open Space Acquisition

Open space financing of land and easement purchases can be achieved through three basic methods:

1. Private sector (individuals, foundations, and corporations);
2. Government funding; and
3. Using market forces to finance the acquisition.

Land trusts for example, finance more than two-thirds of their acquisition costs on average by fundraising from the private sector. More established land trusts with some sophistication and credibility, are adept at securing government funding which may provide an essential element of the trust's acquisition program when such funding is available.

Land trusts can access government funds in a variety of ways. They can acquire land and resell it to government agencies. They can nominate and advocate particular properties to be purchased with public funds, and help raise local matching funds required by government programs. Public agencies will often loan funds or make grants directly to land trusts for land purchases and to develop access and restore wildlife habitats.

Foundations:

Funds are often available for the acquisition of Open Space, or at least technical assistance on how to acquire funds from the following groups:

Maine:

Libra Foundation

National:

The Conservation Fund
The Trust for Public Land

State:

Land for Maine's Future --Tim Glidden, Program Director
Maine Coast Heritage Trust

Federal:

Federal Land and Water Conservation Fund

The major source for acquisition at the federal level is the Land and Water Conservation Fund (LWCF). The LWCF program provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non-federal investments in the protection and maintenance of recreation resources across the United States. Each year, Congress appropriates funds from revenue received from offshore oil development to various federal projects such as national parks, forests, and wildlife refuges. In addition, a specific portion of the funding is usually allocated among the states for state and local projects that meet certain criteria. The LWCF is authorized to provide up to \$1 billion a year for the federal acquisition of open space lands, and federal grants to states and localities for recreation land purchases and facility development. Recently however, annual appropriations have hovered around \$100 million dollars, with FY 2004 equaling \$92 million. In FY 2003 Maine's share of the appropriation was \$925,366. While none of this funding can be allocated directly to them, land trusts may seek to have the state use LWCF money to purchase lands the trust has reacquired or pursue the political process to have the state directly acquire a targeted property. LWCF funds provided to state or local government for the acquisition and development of open space and recreational areas require a 50-50 match in state or local funds which the land trust can help raise.

Intermodal Surface Transportation Efficiency Act (ISTEA, TEA21, TEA3)

Federal transportation funds for recreational facility development can be obtained through several TEA21 programs. While renewal of TEA21 (TEA3) by Congress has not yet occurred (as of July 2004), previous congressional approval for extending associated enhancement program funding ensures that at least some funds will be available in the future

G. Education

Realization of the goals of the Open Space plan requires an informed and empowered community. Continued dialogue with the community is recommended to educate and involve citizens who will be the ones who make the recommendations of the plan a reality.

H. Incentives:

Farm and Open Space Tax Law (Maine Title 36 M.R.S.A., Sections 1101 – 1121 as amended by PL 1999, c. 731

Maine Tree Growth Tax Law (Maine Title 36 M.R.S.A., Section 571 – 584-A. PL 2003, c. 30 (amd))

Notes:

¹ The *Beginning with Habitat* publication was a collaborative effort between the Maine Department of Inland Fisheries and Wildlife, Maine Natural Areas Program, Maine Audubon Society, Maine State Planning Office, United States Fisheries and Wildlife Service, Maine Cooperative Fish and Wildlife Research Unit

Appendices:

- A. January 2000 community survey results.
- B. June 1, 2002 public forum questions and group discussion results
- C. *Beginning with Habitat Study (2001)* habitat/species fact sheets
- D. *Open Space Committee rankings: Value, Threat, Protection, Access, Connectivity*