Eliot Open Space Plan

July 2010

Eliot Open Space Committee

Funded by a Grant from the Piscataqua Region Estuary Partnership

Prepared by the Committee with the assistance of the Southern Maine Regional Planning Commission
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1. Introduction and Overview

At the 2009 Town meeting, the town of Eliot passed a Comprehensive Plan which laid out a number of new proposals for both the future development of the town and the various ways by which to preserve the unique characteristics of Eliot. A key recommendation of this plan was to prioritize those areas in Eliot which contain critical natural resource values of statewide and regional significance but also build in the local assets which are crucial to the townspeople as a whole.

A sub-Committee of the Eliot Conservation Commission was appointed and with funding from the Pisacataqua Region Estuary Partnership (PREP) began the process of developing a locally driven Open Space Plan with the intent of generating local prioritized “focus areas” for the town. These areas would then serve as the focal point by which the Committee might work with willing landowners, local conservation groups, the Planning Board, and others to apply for grants, develop land use strategies and encourage stewardship of private lands - all with the intent of ensuring the protection of these critical resources. This was all envisioned within the Comprehensive Plan as a critical step in devising future land use strategies for the town.

Prior to conducting research on issues concerning open space and conservation the Committee developed a working definition of “open space” by which to guide their effort. The definition read as follows:

Open space is undeveloped land that includes:

- Land with important ecological features
- Natural resources
- Cultural resources (such as farm lands and water access)
- Scenic vistas
- Historic sites
- Passive recreational resources, such as trails.

The Committee decided organized recreational spaces such as ball fields and courts would not be a focus of this project.

With the assistance of the Southern Maine Regional Planning Commission and others, the Committee spent a year looking at data from the state of Maine, regional data from other sources, and locally generated data. The Committee went to events in Eliot, sought the opinions of the towns people in different venues and sought to prioritize both the scientific information and the opinions and thoughts of those people who know the town best –the local residents. In order to make this process as objective as possible, a point system was developed to help with the prioritization process. This point system is described in detail in the document and appendices that follow. The end result was a map illustrating the geographic regions in town that were
deemed to be the most critical as far as natural resource values in the town of Eliot were concerned. This map can be seen on the following page.

An additional map and focus area was discussed and reviewed by the Committee and actually received the second most points to be allocated. This was called the working farmland map and is also presented on the page following the Focus Area Map. This map reflects Eliot’s strong interest and the presence of a number of working farms in town providing locally grown produce, scenic vistas and highlighting the rural character that many in Eliot feel is so important.

It is critical to understand that the Committee is not advocating the immediate or outright purchase of these areas. There are a number of different mechanisms to achieve the goals of protecting these lands all of which are laid out in the implementation section of this plan. Certainly, purchase or protection by easement may be the clearest way to achieve a desired conservation goal. However, there is also a need for lands to be incorporated as open space through the development approval process, through the purchase of development rights and through education of landowners. These focus areas merely provide the town with a “focus” for these efforts.

It is also important to note that these focus areas do not preclude town interest in conservation of other areas. The Committee went through an elaborate weighting of all the different conservation values that are present in Eliot. It may end up that a parcel becomes available outside of a focus area but with many of the values that the Committee felt were important. That does not necessarily mean that opportunity should be missed. This plan should serve as a planning guide for future conservation planning efforts, not a regulatory guide.

This plan lays out the process, rationale and the methods by which to preserve these focus areas. It will serve the efforts of many different Board and organizations in town.
2. Why Plan For and Conserve Lands for Open Space

Eliot is a multi-faceted community. It offers scenic beauty, New England charm, and a diverse natural environment all nestled within the rapidly growing region of Southern Maine. Residents are now witnessing ever-increasing demands for new town expenditures annually at town meeting and per-capita non-school related expenses have nearly doubled since the early 1990's. New subdivisions have cropped up on many former farm fields and woodlots. The residential growth, although adding to the overall assessed value in town, has triggered much of the new demands on town budgets. Concerns over growing property tax bills have resulted in long-time residents pushing selectmen to do something to alleviate the burden. The challenge that Eliot faces is developing land use policies to preserve biodiversity, while also allowing for growth and development to occur.

For the most part, Maine towns have a history of being reactive when it comes to designating or protecting open space. When a well-known farm, favored hunting area, or stretch of coastline goes on the open market, neighborhood residents jump to attention and try to rally elected officials, land trust board members, and state agencies to take notice and save the property. Much time and effort is spent trying to justify the purchase by invoking any environmental cause that may or may not be locally applicable. However, the typical motivating factor is often to simply stop development in the neighborhood.

The conservation of open space can serve as vital component to the long term sustainability of a community. Open spaces can preserve wildlife habitat (and provide resulting recreational benefits such as hunting and fishing), provide opportunities for local agriculture, ensure high quality water resources which can be used for drinking, recreation and wildlife and finally contribute to the elusive quality of life concept for which many residents have moved to Eliot and Maine.

In addition the conservation of open space makes economic sense from a few perspectives. The 2005 Brookings Report on Maine identified a number of recommended actions to achieve economic prosperity in the state. One of these was to focus on so-called “Quality of Place” strategies designed to invest in actions and programs that support the Maine “brand”. Conservation of open spaces is certainly part of that brand. To emphasize this concept the Maine Legislature, in 2010, passed a bill entitled “An Act to Create Regional Quality of Place Investment Strategies for High Value Jobs, Product, and Services in Maine”. The goal is to identify on a regional basis what public and private investments make sense to promote the Maine brand and encourage job creation at the same time.

Conserving land can be important as far as costs of services to the community are concerned. Numerous studies have shown that undeveloped land provides more in tax revenue than it requires in municipal services. In certain instances, residential development actually costs more in services than it provides in revenue. In 2003 SMRPC conducted an analysis on a hypothetical 50 lot subdivision in South Berwick and found that based on current revenue and expenditure patterns in the town the project would have cost the town $31,000 more per year to provide services than the project would provide in income. Over the years other reviews have shown than
when the choice is between providing services and education to a large project and its residents and/or purchasing the parcel for conservation, the cost of paying off a bond may in fact be less in certain situations.

Finally, it has also been shown that properties next to conserved lands actually are valued at a higher level than similar property not located near conservation lands. This actually helps to increase the town tax base. A net increase in tax revenue is realized because the increased property values of land adjacent to conservation land create more tax revenue than if the land was built out.

Town involvement in the purchase of lands for open space and conservation is certainly not a new phenomenon in Maine. Both York and Wells have been active in the purchase of lands for conservation in recent years. While towns may pursue acquisition or easements for different reasons, the preservation of natural resource values that are important and unique to the community is always individualized for a community and may serve to represent what the community considers its essential character. In many respects that is what this Open Space Plan has set out to do – prioritize the most essential features of Eliot.

In addition, various proactive land use tools are employed throughout Maine and particularly in York County to assist Planning Boards as they review development applications. This includes open space development provisions; application requirements, which require further analysis when the potential for rare plants and animals exist on a site; a review of shoreland zoning standards for additional protection of high value wetlands; and general strategies for protecting the rural areas of Eliot and encouraging growth on water/sewer and near the village center. These town-wide strategies were examined in detail in the Eliot Comprehensive Plan Update that was adopted by Town Meeting in 2009.

Eliot contains a number of conserved and open lands already (although not as much as some surrounding towns such as York, South Berwick and Kittery). These lands, including lands in Tree Growth and the Farm and Open Space Current Use Program, can be seen on the following page.
3. Plan Development

This plan was developed with a number of factors in mind and with the support of a broad range of interests. The volunteers who put their time and effort into this plan are listed in Appendix A. The evolution of the plan and how the Committee arrived at their key findings is provided below and on the following pages.

Eliot’s Comprehensive Plan

Part of the Comprehensive Plan Update process was a survey of the town to solicit input and assess citizen priorities. Following is a summary of survey portions that dealt with open space:

- Loss of open space had a “high level of importance” to a majority (68%) of the 550 respondents
- Loss of wetlands had a very high ranking (82%) as far as level of importance to residents.
- Wetlands ranked third after taxes and water supply as areas of greatest concern.
- Access to town ponds, hiking trails and bicycle paths, responses were more mixed in regards to level of importance.
- Historic sites and buildings also had a fairly high level of importance in the survey.

One of the goals within the Comprehensive Plan Update is to protect critical natural resource areas from possible negative impacts of development. While Eliot has a fair amount of open space (both conserved and not conserved) there is ample room for future development. The Comprehensive Plan identified the areas in Eliot that are still suitable for development. That map can be seen on the following page.

The most effective way to conserve open space and mitigate impacts from development is to conserve the property through work with willing land owners and other organizations. Determining priorities for open space conservation is a key strategy identified to help achieve that goal. This Open Space Plan was developed to help the Town move closer to achieving those goals. Major Comprehensive Plan strategies related to open space and priorities can be found in the Implementation Section of this plan. Expanding opportunities for passive and active recreation were also goals listed in the Comprehensive Plan Update.

PREP GRANT:

In 2009 PREP awarded Eliot a $8,500 grant to develop an Open Space Plan. The Selectmen assigned the task to the Conservation Committee. The Conservation Committee (Committee) hired Southern Maine Regional Planning Committee (SMRPC) to consult on the project. The Conservation Committee also initiated a subcommittee to guide the development of the plan (the Open Space Committee).
COMMUNITY INPUT:

One of the first tasks that the Committee undertook was to solicit input from the community. The Committee gathered input from two events, Eliot Festival Days, September 26, 2009, and Town Meeting, June 2009. At each event the Committee set up a booth and displayed a large aerial photo map of Eliot, with the intent to use the map to engage passers-by to locate their favorite areas or features in Eliot related to environment and/or passive recreation. The map proved to be a great conversation starter.

The booth consisted of someone from the Committee attending the map while it was displayed to explain the purpose, help people locate areas and places, and ensure that things were properly marked. Different colored sticky tabs were used to dots to represent different categories, i.e., scenic views, habitat, recreation, agriculture, forest, etc. At the same time, the Committee member was able to have a discussion with the citizens and gather their input and ideas. Below is a summary of the topics that were raised by people stopping at the booth listed in order from most frequent comment to least:

1. Farms
2. Creeks
3. Boat Basin
4. York Pond/Town Forest
5. Big Heath and others
6. Old Trolley Tracks
7. Hiking under Utilities
8. Old Indian Rivers campground

Below are more detailed comments in descending order of mention:

1. Interest in conserving farms
2. Interest in seeing the creeks protected in town - all the creeks.
3. Seeing trails protected including a trail between River Road and Jennie Lane (which was a trail of the past that people would like to get back).
4. Regaining control of the Boat Basin or alternatively expanding the space.
5. Access to the Town Forest and York Pond besides the access from South Berwick.
6. Conserving the Big Heath.
7. Trail along the old trolley tracks.
8. Hiking/biking trail underneath the high tension towers.
9. Saving the Old Indian Rivers campground.
10. Water access and views of water.
11. Protecting agriculture viewsheds.
12. A desire for more open space in general.

As part of the community outreach effort the attending Committee members explained how the interactive map helped to engage people to become involved in identifying where their favorite areas were (are) in town. In summary, the Committee members reported that the locations identified focused on tracts of open spaces and their future use. People had personal and
memorable reasons for choosing their locations, such as the lands they used for sledding as kids, for bow and or other hunting, etc. One common thread was the opinion that the lack of public access to town forests access via route 236 to York Pond is not adequate. Overall, the exercise showed that people were engaged in the idea of open space and conservation, and want to see the space that is open now to remain that way.

The initial map generated by the community and assimilated by the Committee can be seen below.
When the map was displayed at Voting Day the Committee members noted that many citizens seemed unaware of Eliot’s offerings, such as the town forest. The Committee felt that more public education about Eliot’s treasures is needed. The Committee also pointed out to citizens that the interactive map is not designed to be a statistically significant survey, but that it was more to publicize the existence of the Committee, explain its functions, and why they were gathering data and input. The Committee reminded citizens that “open space” does not necessarily mean “open access” necessarily, that some lands need to be protected for their aquifer value, and some lands are privately owned.

COMMITTEE METHODOLOGIES:

To assist the Committee with further choosing and prioritizing focus areas based on the additional information that was available, Jamie Oman-Saltmarsh from Southern Maine Regional Planning Committee (SMRPC) facilitated two activities. Essentially, the first exercise required everyone to pick and prioritize the three most important areas in Eliot. The second exercise asked everyone to divide a $100,000 allocation to various natural resource criteria/factors in town that they, individually, saw as most important to support. At the outset of the exercise SMRPC suggested to the Committee the overarching goals:

- Not enough money to preserve and protect everything so choices must be made
- Need to balance needs of the community
- Need to narrow the focus
- Need to prioritize

Exercise 1 Mapping – Locate geographically and prioritize the most significant feature(s) while considering the following:

- What are the most significant features
- Where are they located
- Which feature is the most important
- All dots can be placed on one location

Exercise 2 Dollar Voting – What are the most important factors to preserve/protect? Each person received a chart with a list of habitat, conservation, open space and recreation factors. Each person was allotted $100,000 and was asked to vote with their “dollars” as if they were advising the town on how much to spend on any given factor. They were to consider the following when filling out the table (see below):

- What general factor do you feel is the most important preserve/protect
- If time/money were limited, what should be the highest priorities
- Where should time/money be spent
- Consider what is already being done (i.e., zoning, regulations, land trusts, etc)

<table>
<thead>
<tr>
<th>Open Space/Conservation Plan Factors</th>
<th>$ Amount</th>
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<tr>
<td>Recreational Values</td>
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<td>Public Water Access</td>
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<td>Trails</td>
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<td>Proximity to Settled Areas</td>
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<td>Adjacency to Publicly Accessible Conserved Land</td>
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<td>Water Quality Values</td>
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<td>Aquifer Recharge</td>
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<tr>
<td>Proximity to Streams</td>
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<tr>
<td>Proximity to Lakes, Ponds or Rivers</td>
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<tr>
<td>Highly Erodable Soils</td>
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<tr>
<td>Habitat Values</td>
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<tr>
<td>Unfragmented Forested Land</td>
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<td>Deer Wintering Area</td>
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<td>Waterfowl Habitat</td>
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<td>Rare Animal Location</td>
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<td>Rare Plant Location</td>
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<tr>
<td>Adjacent to Conserved Land</td>
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<tr>
<td>Environmental &amp; Health Values</td>
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<td>Wetlands</td>
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<td>Steep Slopes</td>
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<td>Flood Plains</td>
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<td>Wellhead Protection</td>
<td></td>
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<tr>
<td>Scenic &amp; Cultural Resources</td>
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<tr>
<td>Ridge Tops</td>
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<tr>
<td>Scenic Views</td>
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<tr>
<td>Historic</td>
<td></td>
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<tr>
<td>Land Productivity Values</td>
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<td>Forest Land</td>
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<td>Farm Land</td>
<td></td>
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<tr>
<td>Prime Agricultural Soils</td>
<td></td>
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<tr>
<td>Other</td>
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<tr>
<td><strong>TOTAL (Should equal $100,000)</strong></td>
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A review of the mapping results (exercise 1) showed that there were areas of overlapping interest between the Committee members ranking of significant areas and those areas depicted on the town interactive maps, particularly York River and farm fields. There were areas that produced different results. The citizen interactive map showed more interest in the Boat Basin than the Committee, while the Heath gained stronger interest than the citizens. Some Committee members thought it was because the town’s people were unaware of the heath, or that the boat basin was simply more important to them.

The results of “dollar voting” (exercise 2) by the Committee showed a significant lead in the following five factors. In order of greatest importance to least are the top five factors:

1. unfragmented forests
2. trails
3. wetlands
4. farm lands
5. proximity to lakes/ponds/rivers/streams

Each member added why they chose certain areas of Eliot to prioritize. Among the comments were:

- York River - important water way,
- Farms - need farms
- Heath - cottontail home, large continuous unfragmented wetland,
- Bartlett Mill Pond - mill site, historical, access, pristine quiet,
- Water mill - near dairy used until the 1980s,
- Trolley Beds - historical value

In addition, the group felt that the issue of farmland was critically important, particularly farmlands of greater than 10 acres.

4. GIS MAPPING and DATA REVIEW

The Committee also spent a few meetings reviewing all the GIS mapping data layers and natural resource information that is available from Maine IF&W Beginning With Habitat, the farmland map above and additional mapping completed by SMRPC. The following maps are available though these various sources:
<table>
<thead>
<tr>
<th>indicator</th>
<th>Available</th>
<th>Obtainable</th>
<th>Do Not Need</th>
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<tbody>
<tr>
<td>Trails</td>
<td></td>
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<tr>
<td>Parcels</td>
<td>X (not accurate)</td>
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<tr>
<td>Zoning</td>
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<tr>
<td>Shoreland Zoning</td>
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<tr>
<td>Tree growth</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture land</td>
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<tr>
<td>Conservation lands</td>
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<tr>
<td>Build-Out Study</td>
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<tr>
<td>Water lines</td>
<td>X</td>
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<tr>
<td>Sewer lines</td>
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<td></td>
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<tr>
<td>Known historic places</td>
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</tr>
<tr>
<td>Potential historic places</td>
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<tr>
<td>MNAP Focus Areas</td>
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<tr>
<td>Scenic views</td>
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<tr>
<td>Water access locations</td>
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<tr>
<td>Undeveloped shoreland</td>
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<tr>
<td>Open space corridor</td>
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<tr>
<td>Town owned land</td>
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<tr>
<td>School owned land</td>
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<tr>
<td>Federal owned land</td>
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<tr>
<td>State owned land</td>
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<tr>
<td>Wellhead protection areas</td>
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<tr>
<td>Wetlands</td>
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<tr>
<td>Vernal pools</td>
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<tr>
<td>Floodplains</td>
<td>X</td>
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<tr>
<td>Developable land</td>
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<td></td>
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<tr>
<td>Existing development</td>
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<tr>
<td>Future Land Use</td>
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<tr>
<td>Hydric soils</td>
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<tr>
<td>Orthophotos</td>
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<tr>
<td>Rare animals</td>
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<td>Rare plants</td>
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<td>Steep slopes</td>
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<tr>
<td>Unfragmented habitat</td>
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The Committee examined this data in a hierarchal manner comprised of:

- **State Level Data and Significant Areas**
- **Regionally Significant Areas**
- **Locally Significant Areas**

### A. State Level Data

**Beginning with Habitat**

The primary source of state level data comes from the Beginning with Habitat program located in the Department of Inland Fisheries and Wildlife.

1. The importance of riparian habitat along streams, brooks, rivers, and associated wetlands. These areas function as tremendous travel corridors for wildlife and most importantly contain 75% of all the species diversity in Maine. To some degree, these areas are protected by Shoreland Zoning. The extent of that protection is much debated.

The Maine Department of Inland Fisheries and Wildlife consider these riparian areas the backbone of any wildlife preservation effort.

2. The wide range of high value plant and animal habitat within the community. The agencies denoted above have highlighted the ecological diversity of the town with mapping of; deer wintering areas; assemblages of rare plants, animals and natural communities found within the town; “essential” wildlife habitats which requires IFW review for endangered animals and their habitat; and “significant wildlife habitat” (such as high and moderate value waterfowl or wading bird habitat). These areas are found on the maps on the following pages.

3. Finally, and perhaps most importantly, the identification of large relatively unbroken blocks of habitat which can support animals with large home ranges (such as moose and fishers) as opposed to suburban species (such raccoons and skunks). These unfragmented blocks offer valuable opportunities to preserve a wide range of species in a rapidly developing landscape. The implications for wildlife diversity in the face of “sprawl” in these locations may be an important planning concern. Many of these unfragmented blocks also cross town boundaries.

Two large unfragmented blocks of habitat occur in the town. These areas function as important wildlife habitat and form the critical values which people attribute to the Mt. Agamenticus area –
it’s rural and wilderness like setting in a rapidly growing area and near the coast. These blocks are considered important on a statewide and/or regional level because of their size.

Eliot also contains a noteworthy Deer Wintering area as mapped by MDIFW along Route
101. Deer wintering areas are heavily vegetated areas where deer tend to winter over due to the undeveloped nature of the area as well as the dense tree cover (and possibly lower snow depths). This area is also seen on the Rare Animal map above.

The point locations of the rare plant species are located on the maps. For the purposes of this section we have not identified the specific species with the actual location. However, it important to note the general location as applications come in for possible development review.
Wetland Wildlife and Fisheries Habitat

Eliot also has several notable Waterfowl and Wading Bird Habitat locations as mapped by MDIFW. These are areas fairly spread out through the town and are comprised mainly of larger freshwater wetlands. Nearly the entire length of the Piscataqua River in Eliot is considered Tidal and Wading Bird Habitat. These are found on the Rare Animal Map above.

These high value wetlands are protected by a large extent through Shoreland Zoning Standards. It should be noted Maine Shoreland Zoning guidelines only cover freshwater wetlands of ten acres of greater. Forested wetlands of any size are not included in shoreland zones although they would be covered by the DEP administered Natural Resources Protection Act (NRPA).

Other wetland resources are spread throughout Eliot. The Maine State Planning Office has ranked a number of these for their natural resource values in addition to wildlife such as flood control and storm water retention, recreation and possible educational value. These smaller wetlands and their ranking can be found on the following page. In view of the importance the Committee and the citizens of Eliot have put on water quality these maps provide valuable background for future planning and acquisition efforts.

Vernal pools – which can be found in abundance in the Mt A area and Eliot are also now regulated by NRPA. However these pools are not mapped due to their small size and temporary emergence in the spring. Vernal pools are notable for a wide variety of wildlife including breeding grounds and habitat for endangered Blanding’s Turtles, salamanders and frogs.
### New England Cottontail

After review of the existing data, Kelley Boland from U.S. Fish and Wildlife gave a presentation to the Committee later in the process. She reported that it was the only cottontail native to Maine, and that the NE Cottontail has seen an 80 percent decline in the last 50 years in Maine. There are currently less than 350 in Maine and less than three thousand in the world. Eliot, South Berwick and North Berwick are areas where the NE cottontail presently exists. To survive this rabbit needs a very broad (25 or more acres) of thicket habitat. Due to its declining numbers, it is poised to appear on the federal endangered list. Kelly and the Environmental Defense Fund are trying to get land either through conservation, private owner agreement, etc. that can be groomed to become habitable and hospitable to protecting the NE cottontail. Wells and York are already working on creating some appropriate habitat areas. The EDF, coordinating with the USFWS, would like to create areas that are contiguous or close to each other (less than a mile apart) for ensuring good cottontail habitat.

There are many reasons for the decline of their numbers, part due to human development of their natural habitats, part due to the decrease in unfragmented land (they need a minimum of 12 plus acres for survival), part due to predators having greater access to the NE cottontail with the loss of mass areas of thickets where the cottontail is well protected, etc. The NE cottontail is more prone to predators than the Eastern Cottontail.

Kelley said that there are three specific areas prime for management of lands hospitable to NE Cottontail survival: Eliot, Berwick and Wells.

According to Kelley there is money available from different sources that, in conjunction with other projects, could improve the grant application’s success if the NE cottontail is included as part of the grantee’s efforts. New England Wildlife and NAWCA (North American Wetland Conservation Act) and Wetlands Reserve are three granting institutions that she mentioned. She also mentioned that the Rachel Carson Reserve also want to actively work with obtaining or maintaining environments for the NE Cottontail. Ideally, the land, according to Kelly would:

1. Be conservation or protected land
2. Have at least 25 acres or more to establish a habitat area (this could be private land with agreements with the landowners, or could be power line corridors)
3. Riparian areas

(For more information go to the following website [www.edf.org/cottontail](http://www.edf.org/cottontail))

The Committee felt that including the Eastern Cottontail data to the mix of resource values was an important feature that should be considered on the local level.
B. Regionally Significant Natural Resource Areas

Various regional data sources point to the regional nature and value of natural resource features in the area. These are important as Eliot’s critical natural resource features do not end at the Eliot town line.

Land Trust Focus Areas

Through a cooperative program of MDIFW, MNAP and the Maine Audubon Society, a series of maps and presentations were made throughout southern Maine detailing the presence of so-called Land Trust Focus Areas. These focus areas are essentially areas, which contain a number of rare and/or endangered plants or animals, their habitat, form a natural community and are of a size large enough to maintain a diverse population of species. There are two defined focus areas for Eliot – The York River Headwaters and the Mt. Agamenticus Region- as seen on the following map.

Detailed descriptions of these areas (put together by the Maine Natural Areas Program) can be found in Appendix B. A map depicting the two areas is provided on the following page.
Piscataqua Region Conservation Lands Focus Areas

The Piscataqua Region Estuary Program (PREP), based out of the University of New Hampshire provides environmental planning support and services to towns within the Piscataqua Region watershed, including ten towns in Maine. Recently, PREP has begun to become more involved with projects and planning on the Maine side of the Watershed (and in fact funded this plan). Over the past year PREP has funded a regional Conservation Plan for the Maine side of the watershed (as a companion piece to a Conservation Plan developed for New Hampshire a few years ago).

The Regional Conservation Plan highlights a number of regional Conservation Focus Areas for Maine. These were formulated by a GIS modeling program and were supported by a group of stakeholders, including biologists, land trust representatives and state officials. The Conservation Focus Areas can be found on the map below.

Similar to the local effort here in Eliot the PREP group came up with a ranking system for resource values addressing unfragmented blocks of habitat (the highest ranking), riparian zones, wildlife habitat, rare species, vernal pools and other factors. The final focus areas were broken into Tier One and Tier Two areas. Interestingly, they line up with the Land Trust Focus areas described above.
Great Works Regional Land Trust Focus Areas

As the Land Trust serving the town of Eliot and surrounding communities, the Great Works Regional Land Trust (GWRLT) plays a vital role in the conservation of land. GWRLT finished a strategic planning effort in 2009 which also highlighted key focus areas for conservation. As stated in the document:

*This plan identifies five Focus Areas for proactive conservation efforts. These are geographic areas where numerous conservation priorities (water, farms and forests) overlap and, when conserved, return exceptional benefits to our communities. All six towns are represented in the selection. These are often locally known “special places” that have long been publicly used, but privately owned. Changing ownership and land use threaten traditional access and use of these areas. Focus Areas, however, do not include all the valuable resources that exist within the six towns.*

*These Focus Areas have the following attributes in order of priority;*

- **Conservation Priorities, present and significant • (water, farms and forests)**
- **Public benefits, easily described and available•**
- **Defined geographic boundaries•**
- **Feasible/achievable conservation•**
- **Measurable success•**
- **Builds the organization/broadens base of support•**
- **Partnership opportunities•**

*Each Focus Area has a list of natural resources that are protected through the conservation effort (water quality, recreation, scenic views, etc.) These resources will guide the acquisition activities and priorities as well as stewardship activities and priorities once properties are protected. The identified resources will convey to supporters, neighbors and the community why this area is worthy of attention.*

These focus areas can be seen on the following page.
C. **Locally Significant Focus Areas**

After the review of all other sources of data, the most important part of the plan revolved around the determination of what was most critical to Eliot as far as Focus Areas. One key feature that had not been mapped by others was the farmland – considered a key component for the retention of the rural character in town. The following map was prepared by the Committee.
Establishment of Sub Committee for Refinement of Focus Areas

With the voluminous amount of data on the state, regional and local level, the Committee established a subcommittee to further narrow down the focus areas which had been established through the community outreach and Board members individually. Some members of the Committee wanted to focus on broader areas and not working strictly with identified areas on the map, while others wanted to take the approach of establishing priority areas. To break through this barrier, the Committee established a subcommittee to focus on bringing forward a recommendation for goal setting back to the Committee for consideration. The subcommittee consisted of Paul Goransson, Jennifer Fox, Connie Weeks, Al Libbey, and Ron Chrapek. The subcommittee was assigned the goal of selecting 3-10 focus areas using the information from the SMRPC data layers (BWH data, wetlands, etc), the committee survey ranking, the SMRPC categories, the town survey map exercise, and the committee input on top focus areas.

The subcommittee developed a flexible spreadsheet to tally data scores based on data generated and analyzed since the Committee began their work. They then collected data for 10 focus areas, assigning the following point categories (maximum possible scores for each category). The information that the subcommittee considered included:

- Town survey
- Committee survey
- Committee ranking of SMRPC categories
- SMRPC raw data from GIS maps

Total possible points were divided as follows:

- scientific mapped data layers = 1000 pts
- committee surveys = 500 pts
- town surveys = 500 pts

TOTAL = 2000 pts

In all cases, each potential focus area was allotted either all or none of the points in each possible category. For the two surveys, this was straightforward in that the area received either the full allocation of 1000 points for each if it was selected during the survey process, or zero points if it was not. In the case of the scientific data, the process was more complex. The areas were evaluated for each the factors that were included in the ‘Dollar Ranking’ (exercise 2) mentioned earlier in this report. For each of these factors the area received either the full component point allocation or zero. The sum of the component point allocations is the 1000 points mentioned for scientific mapped data layers. A key point, though, is that the factors did not all carry the same weight. Each factor was assigned a pro-rated ‘piece’ of the total 1000 points as a function of the ranking it received in exercise 2. Each focus area received either the total ‘piece’ or zero points.

The table below shows the outcome of the subcommittee’s analysis:
The spreadsheet analysis for this effort can be found in Appendix C.

5. **Focus Area Recommendations and Summary**

The Map of Eliot Focus Areas can be found on the following page. A brief description of these focus areas is presented following the map. In addition, the Farmland Map, shown in the beginning and on the following page consists of numerous parcels spread over Eliot. These features are ranked second in importance (as seen on the chart above), and should viewed in combination with the Focus Area map below.
It should be noted the location of these focus areas are not absolutes. The York River for instance may cover lands in the broad range of areas surrounding the river. The colors shown on the maps are not intended to be the boundaries of a focus area but more of a guide.

As mentioned above, we have also chosen to not show parcels of individual farmlands but it is important to highlight working farmlands greater than 10 acres. The map as provided below is also considered critical by the committee.
6. Implementation Plan

The heart of any Comprehensive Plan or Open Space Plan is in the implementation section. In the case of this plan, we will include pieces of both. The genesis of this plan rose from the recently written, town meeting approved and Maine State Planning Office approved Comprehensive Plan for Eliot. Many of the strategies in that plan referenced, either directly or indirectly, the need and value of an open space plan used to guide future decision making. This includes decisions made not only as far as land acquisition or easements but in helping guide Planning Board actions and future land use policies.

The focus areas defined in the plan can provide guidance to the town, local land trusts and regional/statewide organizations that may have interest in working with willing landowners on land or easement acquisition for conservation and/or outdoor recreation. These focus area areas can support grant applications on a statewide or national level where documentation is needed that a local plan and/or priority has been developed for a specific property.

The focus areas can also serve to guide Planning Board decisions on development proposals which may take place on areas that have been defined as a focus area. The mapping and documentation that comes with this plan is a strong tool to assist the Planning Board as they include areas as open space as part of conservation subdivisions or as they attempt to link open spaces as part of a series of possible development proposals in rural parts of town. Furthermore the state Growth Management Act also includes provisions for the inclusion of “critical rural areas” with the town’s zoning map and ordinance. The focus areas can (and should) be included within these zones.

Beyond the delineation of the focus areas, the Open Space Committee also discussed at length what resource values in Eliot were important on a town wide scale. These values are important to note as decision making occurs within the community – both as far as land use decisions and also decisions regarding budgetary items and town investments. For instance, the strong support for water quality, wetland protection and farmland would indicate that as the town moves forward with sewer expansion, creating additional recreation facilities and improving roadways these resources be considered in any planning or budgetary process.

In any implementation plan it is important to point out not only what action items should be implemented but how. This relates to a variety of possible implementation techniques – many of which were outlined in the Comprehensive Plan. The implementation plan and the matrix included here may repeat some of the items listed in the Comprehensive Plan (in fact, to start we intend to list those items which relate to this plan), but we feel this is useful for the sake of clarity.

Another important part of any implementation strategy is who is responsible for the guiding implementation of the plan. This decision rests to a large degree at the Selectman level but a
recommendation for the most effective way to implement this plan should also be included as part of this strategy section.

Finally, it is important for all relevant decision makers to be aware of how recommended actions fit in to the work plans and priorities of all those concerned with implementation. To that end the plan also needs to include prioritization of all recommended strategies. Some plans attach actual years (such as 2010) to an action. We have decided to prioritize actions as high, medium or low – primarily due to uncertainty about the current economic conditions and how they may affect town policy.

THE RELATIONSHIP OF THIS OPEN SPACE PLAN AND ELIOT’S APPROVED COMPREHENSIVE PLAN

As noted, Eliot approved a forward thinking Comprehensive Plan in 2009. Many strategies in that plan were contingent upon a conservation and open space prioritization process to be carried out to provide guidance to the ultimate strategies that were approved. This plan has done that. A review of the approved strategies in the Comprehensive Plan and how they relate to this effort are provided below to show the importance and interaction of both plans.

<table>
<thead>
<tr>
<th>Comprehensive Plan Strategies</th>
<th>Role of this Plan</th>
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<tbody>
<tr>
<td>Consider a Development Transfer Overlay District (as recently adopted by the Town of Gorham)</td>
<td>With the approval of a Development Transfer Overlay District, a fund will be set up to purchase conservation lands from willing sellers. It is important as this ordinance is developed and debated that the town has a document in place to demonstrate that they have a long term vision in place for the purchase of conservation lands.</td>
</tr>
<tr>
<td>Develop priorities for open space</td>
<td>The focus area designations serve as the</td>
</tr>
<tr>
<td>Conservation and/or recreation to be used in any land acquisition or conservation program, Development Transfer Program and as part of the Open Space Development Ordinance.</td>
<td>Prioritization list and map for the town in the case of any land acquisition effort. It also provides the Planning Board with documentation as they move towards an Open Space Development Ordinance.</td>
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<tr>
<td>Develop an Open Space Development Ordinance for subdivisions, which permits overall project density at the level permitted by the district, but sets aside open space for areas with critical natural resource and/or recreation values.</td>
<td>The focus areas as well as the list of resource values that the Committee listed as most critical, should be written into the Open Space Development Ordinance to provide clear guidance to the Planning Board.</td>
</tr>
<tr>
<td>Establish critical rural areas as defined by Maine Statute (critical rural areas must receive priority consideration for proactive strategies designed to enhance rural industries, manage wildlife and fisheries habitat and preserve sensitive natural areas) as shown on the Future Land Use Map.</td>
<td>Although the Comprehensive Plan specifically listed Beginning with Habitat to be used in defining critical rural areas, the inclusion of focus areas into a critical rural area should be a definite consideration for inclusion in such a zone. (The Comp Plan was approved prior to any discussions about this plan). A change to future land use map in the Comp Plan would be needed.</td>
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</table>

Within areas designed as critical rural areas, establish open space development provisions, which:

- Require developers in critical rural areas to prevent a conventional and open space development as part of a subdivision application. Include provisions for including Beginning with Habitat data mapping as part of application review. Specifically, allow Planning Board to require an Open Space Development in the critical rural areas, if such design will conserve valuable natural resources. Suggested

The focus areas as defined by the Committee should form the basis for planning in Open Space Developments. The Planning Board should have access to these focus areas as they craft an ordinance and use the focus areas as they review development proposals.
Ratios for preserved open space vs. developed lands shall be 50% open space vs. 50% developed. Density in an open space development shall reflect the same density as if the project were to be developed as a conventional subdivision.

**Develop local sources of funding for a conservation acquisition program in Eliot with a focus on developing and maintaining an open space fund through various mechanisms to be considered:**

- Using funds from a Transfer Overlay Development District
- Development of a Conservation Impact Fee
- Private donations
- Fees in lieu of set asides for conservation in large subdivisions
- Sales of town owned land
- Monetary set asides at town meeting (similar to the Town of Wells program)

Although the Open Space Committee does not have the authority to institute revenue producing financial mechanisms for open space conservation, they can certainly recommend such ideas. The Comp Plan listed the ideas to the left as ways to raise revenue to be used for conservation acquisitions. Some of these are self explanatory. Others need elaboration.

- A sample Conservation Impact Fee is provided as part of this Plan. North Berwick has successfully set up an Impact Fee for conservation.
- The town should seek to establish a land conservation bank where private donations may be retained. Wells has done this very successfully over the years.
- Many towns require that large subdivisions provide some open space as part of a development proposal. Sometimes this set aside does not make sense from an ecological or open space perspective (the land may hold no real conservation value). In its place towns have required that in-lieu of this set aside a donation be made to a conservation fund.
- Money from the sales of land owned by the town (tax acquired properties for instance) be placed into a land conservation fund.
- The town of Wells simply has a budget item every year for the set aside of funds at Town Meeting (anywhere from 25,000 or more) to be set aside as a conservation fund.

Request the appropriate local board(s) or committee(s) investigate potential public access, trails, other recreational opportunities and prioritize possible conservation opportunities. Consider

While this plan focuses mainly on conservation areas, the promotion of passive recreation opportunities is always a part of an open space planning process. Many of the focus areas might be considered part of a trail network and/or other
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<th>long-term plan for gradual needs based expansion of recreational facilities.</th>
<th>science based recreation.</th>
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<tr>
<td>With the input of the appropriate local board(s) or committee(s), develop incentives for large development proposals to provide an open space or recreation set aside and coordinate with trail and open space needs.</td>
<td>See above. The Open Space Committee/Conservation Committee should be part of the initial Planning Board process such as providing comment on open space or trail needs.</td>
</tr>
<tr>
<td>Where a given subdivision proposal is not large enough to feasibly set aside recreational facilities or open space, consider a fee-in-lieu of a set aside for these amenities.</td>
<td>In some instances, rather than setting aside open space a developer would rather contribute funds to an open space account. This is written into a number of subdivision ordinances in Maine.</td>
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<tr>
<td>Continue to maintain a town account for monies set aside for recreation and open space. Such funds may be used for matching funds for conservation land purchases (by a land trust or through the state Land For Maine’s Future Program) or for recreational facilities and/or projects.</td>
<td>The town should ensure that the current open space account remains in place and is available for matching funds for the fee purchase of conservation lands or the purchase of easements or development rights.</td>
</tr>
<tr>
<td>Consider an impact fee on new residential development for purchasing needed recreational facilities and open space based on needs identified through an assessment of facilities and standards described in Policy 2, strategy 1 above.</td>
<td>SMRPC has established an impact fee model which is available to all towns. North Berwick has used their own impact fee for conservation for the purchase of a waterfront park and is now considering the use of their funds to help a Great Works Regional Land Trust project for the purchase of farmland off Rte. 4 in North Berwick.</td>
</tr>
<tr>
<td>Use “Beginning with Habitat” data (from the Maine Natural Areas Program and the Dept. of Inland Fisheries and Wildlife), mapping and data from the US Fish and Wildlife Service as guidelines to establish areas for habitat protection and for consideration during the Planning Board review process.</td>
<td>This is discussed above and should also reflect the new conservation focus areas established in this plan.</td>
</tr>
<tr>
<td>Amend subdivision and Conditional Use review standards to reflect the new data and mapping available through the Beginning with Habitat Program and other sources.</td>
<td>New language in the subdivision and Conditional Use/Site Plan process should also include reference to this document and the focus areas which have been developed.</td>
</tr>
<tr>
<td>Work with adjoining towns and local land trusts and conservation organizations to employ non-regulatory mechanisms to protect habitat both within and across town boundaries.</td>
<td>As a result of some of the regional work associated with Mt. Agamenticus, more cross town efforts have been suggested as a means to improve the conservation of regional resources. Both the Planning Board, this Committee and the Conservation Committee might get involved these regional groups.</td>
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<tr>
<td>Distribute or make available information to those living in or near critical natural areas about the resources with which they co-exist, the importance of those resources with various ways they might become stewards of these critical areas.</td>
<td>In some towns local conservation groups (or town committees) take the lead and let landowners know of the resources that they may (possibly unknowingly) be the caretakers of. The focus areas as outlined by this process may be an area to begin such an effort.</td>
</tr>
<tr>
<td>Ensure that any new cluster development requirements specify the protection of farmland and forest resources as a valid purpose for open space preservation.</td>
<td>The Planning Board should incorporate language into any new Open Space development ordinance which specifically includes farmland or forest resources as part of the protected open space.</td>
</tr>
<tr>
<td>Continue to work with land trusts or other non-governmental organizations in preserving working farms and working landscapes.</td>
<td>Groups such as Great Works Regional Land Trust and statewide farmland protection groups have recently been very successful in protecting and maintaining working farms as part of the regional economic landscape.</td>
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</table>
The following Implementation Matrix seeks to clarify upon the ideas raised above as part of the Comprehensive Plan and put them into actionable items for the Committee to follow, act upon and monitor over the next few years. Rather than being specific (such as saying we would like to raise money to buy a particular property) the strategies are geared towards providing basic goals for action (such as raising revenues), developing strategies for those general goals, hopefully seeing them adopted and then using these strategies to protect and conserve the focus areas and prioritization areas of this plan. Many strategies require dialogue and support from other town bodies which should be a main focus of this effort.

The following matrix reflects the goals and priorities as determined by the Committee. The strategies as listed in the matrix are listed by their importance and priority as far as implementation.

The actual implementation of these strategies will require the work on townspeople and dedicated volunteers. To accomplish the goals and priorities of this matrix the Committee envisions implementation to proceed as follows:

- There will be quarterly meetings of the designated Open Space Action Committee.
- Working groups will be established in the following areas: Ordinance Development/Planning Board Liaison; Open Space Funding; Trail Development; Open Space Education. These groups will be formed with volunteers who have currently expressed interest in these areas as well as possible additional volunteers. Additional working groups may be added.
- The Chairs of these various working groups will be make up the Open Space Action Committee.
- The groups will use the matrix below to guide their efforts.
- At each quarterly meeting the groups will meet with the Open Space Action Committee and update everyone of their efforts.

The responsibilities outlined in the matrix below are assigned to the various working groups. The acronyms for these groups are as follows:

- Open Space Action Committee - OSAC
- Ordinance Development Working Group – OWG
- Open Space Funding Committee - OSFC
- Trail Development Committee – TDC
- Open Space Education Committee - OSEC
<table>
<thead>
<tr>
<th>Goal</th>
<th>Strategy</th>
<th>Responsibility</th>
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</table>
| 1. Use this plan to build bridges between groups dedicated to the conservation of natural resources and open space protection in Eliot and those who make decisions on these same resources (Selectman/Planning Board/Town meeting) | 1. Formally request and seek the approval of the Eliot Board of Selectman of this plan.  
2. Request that the Board of Selectman permanently establish an Open Space Action Committee charged with implementing the recommendations contained in this plan.  
3. Assign an individual from newly formed Open Space Action Committee to work with Planning Board on applications that concern focus areas and other resource values as prioritized in this plan (for instance assisting with subdivision applications that cross into focus areas; assisting with Open Space Development proposals)  
4. Meet with the Open Space Action Committee (OSAC) | Open Space Action Committee (OSAC)  
OSAC  
Ordinance Working Group (OWG)  
OSAC |
<table>
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<tr>
<th></th>
<th>Conservation Committees/Open Space Committees of adjoining towns to establish dialogue regarding resource areas which cross town lines.</th>
</tr>
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<tbody>
<tr>
<td>5.</td>
<td>Assign an individual or individuals to work directly with landowners in focus areas to discuss stewardship of their land and options for conservation if they so choose (such as tax possible tax benefits, state planning, etc)</td>
</tr>
<tr>
<td></td>
<td>OSAC with assistance from Great Works Regional Land Trust (GWRLT) and Eliot Conservation Commission</td>
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</tbody>
</table>

|   | 2. Seek methods to maintain and expand upon the existing Open Space Fund, with such funds to be used for conservation purchases by the town, by non-profit groups, and to be used as matching funds for purchases through grant programs and other sources. |
|   | SMRPC/OWG/Eliot Planning Board |

|   | 1. Using SMRPC Conservation Impact Fee/North Berwick Impact fee as a model work with Planning Board on developing a Conservation Impact Fee. |
|   | Open Space Funding Committee (OSFC) |

|   | 2. Set aside funds from the Development Transfer Overlay District (once enacted) and deposit them in the dedicated Open Space Fund. |
|   | OSFC |

<p>|   | 3. Encourage the Selectman to adopt a policy whereby |
|   | SMRPC/OWG/Eliot Planning Board |</p>
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<tr>
<td>4.</td>
<td>Encourage the Selectman to adopt a process/policy whereby revenue received from the sale of land formerly in and taken out of Tree Growth and/or in the Open Space/Farmland Program is placed in the open space account.</td>
<td>OSFC</td>
</tr>
<tr>
<td>5.</td>
<td>As approved in Wells, seek to set aside a small amount of funds (possibly in the range of 10,000 to 20,000 dollars) yearly at town meeting with such funds to be placed in the open space account.</td>
<td>OSFC</td>
</tr>
<tr>
<td>6.</td>
<td>When a particular open space opportunity, or as part of larger long term effort to purchase open space, seek bond funding for the purchase of open space(s).</td>
<td>OSFC/OSAC</td>
</tr>
<tr>
<td>7.</td>
<td>Seek donations from developers - possibly in lieu of open space set</td>
<td>OWG/OSFC</td>
</tr>
</tbody>
</table>
| 3. Maintain the natural resource values that currently exist on town and non-profit owned conservation related parcels or other parcels of land in town. | 1. Encourage the Selectman to maintain a policy where the Open Space Action Committee or another such group may review the natural resource values of tax foreclosed properties prior to their sale and make a formal determination whether these properties fit into the principles/focus area areas of this plan.  
2. Work with the Board of Selectman to apply permanent Trail Development Committee (TDC)/OSAC | OSAC/TDC |
<p>| 8. Develop options for seeking private donations (such as requesting private donations for conservation with tax mailing) with dollars raised to go towards the Open Space Account. | OSFC |</p>
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| 4. Build bridges to regional conservation groups who may provide financial and technical assistance to Eliot regarding implementation of this plan and other conservation initiatives. | 1. Organize a community wide meeting on the use of conservation easements and other options for land protection using experts from various conservation groups. Include information and experts to assist residents as part of the meeting.  
2. Assign an individual from newly formed Action Committee to attend regional and statewide Land Trust Trainings and seminars if appropriate.  
3. Continue to seek funding from Piscataqua Region Estuary Program for technical assistance grants to assist with implementing this plan (such as working with the Planning Board on ordinance changes).  
4. Continue work with the Great Works Regional Land Trust, the | OSEC/GWRLT  
OSAC  
OSAC and all other Committees  
All Committees |
| 5. Ensure that the work done as part of this plan is maintained and institutionalized as part of Eliot’s long term planning focus | 1. Update this plan as necessary and provide the Board of Selectman a report every two years including a review and status report on these recommendations, an evaluation of conservation efforts within the focus areas, and an update on any new natural resource mapping that may be available. | OSAC | 2. Work with assessor to ensure that information on the Tree Growth and Farmland/Open Space Programs are available and promoted to appropriate landowners. Develop fact (if not already available) to send out to property owners in focus areas. | OSEC | 3. Update the Land Prioritization Matrix (as utilized by the Committee for prioritization) to examine open | OSAC and all Committees |
space proposals for acquisition, easement or protection that fall outside of the focus areas (for instance if a parcel is proposed to be sold to the town or if the town is asked to help fund a project outside of the focus areas, how would the town determine whether it would be suitable for the use of public dollars).

6. Begin a process for encouraging a network of trails and/or sidewalks throughout the community.

1. Using the focus areas, existing conservation lands and existing sidewalk/trails as a backbone, look at establishing sidewalk/trail systems through Eliot using the following as methods to establish these trails:
   - Map existing sidewalk/trail networks
   - Through subdivision approval process establish standards for the linking of open spaces, including sidewalk/trail networks.
   - Once a proposed TDC
| **sidewalk/trail network is envisioned, establish trail “networking” and establishment of greenbelt corridors as a priority use of Open Space Funds** |  |
| **2. Participate in the upcoming trails and pedestrian plan to be undertaken by SMRPC and the town in 2010/2011.** | **TDC** |
APPENDICES

A. Committee Members
B. Land Trust Focus Areas
C. Spreadsheet Analysis
D. Model Ordinances
Appendix A

Meeting Participants

May 27, 2009:
Bobbie Atkinson, Connie Weeks, Paul Turley, Elizabeth Higgins, Jim Higgins, Ella Richardson, Ron Chrapek, Jean Seeley, Ernie Bruneau, Al Libbey, Liz Lane, Jennifer Fox, Katie Cook, Diane Burbank, Jeff Duncan, Cindy Lentz, Glenn Crilley, Steve Towne, Tim Staz, Jodi Castello (MTA2C)

June 17, 2009:
Connie Weeks, Arthur Bartlet, Stephen Towne, Al Libbey, Jennifer Hunter (PREP-Piscataqua Region Estuary Partnership), Dennis Lentz, Cynthia Lentz, Bobbi Atkinson, Ron Chrapek, Jeff Duncan, Glenn Crilley, Liz Lane, Jennifer Fox

July 15, 2009
Jennifer Fox, Liz Lane, Connie Weeks, Bobbi Atkinson, Claudette Moran, Glenn Crilley, and Al Libbey

Wednesday, August 19, 2009
Jennifer Fox, Liz Lane, Bobbi Atkinson, Steve Towne, Tim Straz, Claudette Moran, Al Libbey, Ron Chrapek, Ella Richardson, Jim Higgins, Jack Murphy, Dave Ramsey (Portsmouth Herald), Jodi Castello (Facilitator), Marcel Polack (Facilitator), Jamie Oman-Saltmarsh (Facilitator)

September 2009
Present: Liz Lane, Lisa Raitt, Stephen Towne, Bobbi Atkinson, Al Libbey, Connie Weeks, Ron Chrapek, Jennifer Fox

Wednesday, October 21
Jennifer Fox, Liz Lane, Connie Weeks, Bobbi Atkinson, Jeff Duncan, Claudette Moran, Ron Chrapek, Al Libbey, Paul Goransson, Paul Schumacher (SMRPC Facilitator)

November 18, 2010
Jennifer Fox, Liz Lane, Connie Weeks, Bobbi Atkinson, Claudette Moran, Timothy Straz, Al Libbey, Ron Chrapek, Ella Richardson, Stephen Towne, Jeff Duncan, Jamie Oman-Saltmarsh (SMRPC), Chris MacClinchy (SMRPC)

Wednesday, December 16, 2009
Jennifer Fox, Liz Lane, Bobbi Atkinson, Connie Weeks, Claudette Moran, Jeff Duncan, Tim Straz, Paul Goransson, M. Nightingale, Stephen Towne, Glenn Crilley, Jamie Oman-Saltmarsh (SMRPC)

January 20, 2010
Jennifer Fox, Liz Lane, Paul Goransson, Ron Chrapek, Al Libbey, Bobbie Atkinson, Glenn Crilley, Jeff Duncan, Steve Towne

Wednesday, Feb 17, 2010
Jennifer Fox, Liz Lane, Connie Weeks, Claudette Moran, Steve Towne, Jeff Duncan, Tim Straz, Glenn Crilley, Al Libbey, Paul Goransson, Ron Chrapek, Ella Richardson, Jamie Oman-Saltmarsh (SMRPC), Kelly Boland (presenter – NEC), Keith Fletcher (presenter – NEC)

Wednesday, March 17, 2010
Jennifer Fox, Liz Lane, Connie Weeks, Stephen Towne, Bobbi Atkinson, Ella Richardson, Claudette Moran, Al Libbey, Tim Straz, Ron Chrapek, Glenn Crilley, Paul Schumacher (SMRPC)

Wednesday, April 21, 2010
Liz Lane, Jeff Duncan, Glenn Crilley, Ella Richardson, Al Libby, Claudette Moran, Connie Weeks, Paul Goransson

Wednesday, May 20, 2010
Claudette Moran, Glenn Crilley, Bobbie Atkinson, Jack Murphy, R. Johns, Connie Weeks, Stephen Towne, Jeff Duncan, Paul Goransson, Liz Lane, Jennifer Fox
Appendix B

LAND TRUST FOCUS AREAS
Through a cooperative program of MDIFW, MNAP and the Maine Audubon Society a series of maps and presentations were made throughout southern Maine detailing the presence of so-called Land Trust Focus Areas. These focus areas are essentially areas which contain a number of rare and/or endangered plants or animals, their habitat, form a natural community and are of a size large enough to maintain a diverse population of species. There are tow defined focus areas for Eliot

The following description of the Mt. A area was prepared by the Maine Natural Areas Program (MNAP):

Mt. Agamenticus Area

**Eliot, South Berwick, Wells, and York, Maine**

*Description:*
The greater Mt. Agamenticus area extends from York Pond in Eliot northeast through the Tatinic Hills area in Wells. The greater Mt. Agamenticus area includes rugged terrain, several lakes and ponds, and numerous small wetlands that together comprise the largest contiguous block of lightly developed land in southern York County. Mt. Agamenticus is the most outstanding feature at the site, both topographically and ecologically. Other prominent physical features are Horse Hill, Second and Third Hills, the Chick’s Brook watershed, Chase’s Pond, Folly Pond, Middle Pond, Bell Marsh, Warren Pond, Welch’s Pond, Round Pond, and York Pond.

![Atlantic white cedar swamp at Mt. Agamenticus](image-url)
The area’s numerous upland and wetland complexes are ecologically significant because they contain plant and animal assemblages that are at their northern range limits. For example, at least three animal and 20 plant species are restricted to this extreme southern portion of Maine, and many other common species in this area occur only sparingly further northward. This pattern extends to natural communities as well. The Atlantic white cedar swamp, hemlock-hardwood pocket swamp, and pitch pine bog that occur in this area are all restricted to southern Maine, and the oak-pine-hickory forest that extends from Mt. Agamenticus north through Third Hill includes the only remaining intact Chestnut oak woodland community in the entire state.

Rare Plants:

Of the twenty-one rare plant species known to occur in the Mt. Agamenticus area, fourteen are considered rare because Maine is the northeastern limit of their range; that is, they are much more common further southward and westward. For a few of these species, such as large beak-rush (*Rhynchospora macrostachya*) and flowering dogwood (*Cornus florida*), the greater Mt. Agamenticus area supports the furthest northeastern occurrences in their range. Of the two species that are not range-restricted in Maine, wild leek (*Allium tricoccum*) and alga-like pondweed (*Potamogeton confervoides*), wild leek is uncommon because it occurs only in nutrient-enriched hardwood forests, and alga-like pondweed occurs very sporadically in shallow, soft-water ponds.

Rare Species/Natural Community Table for Greater Mt. Agamenticus Area:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Status</th>
<th>S-Rank</th>
<th>G-Rank</th>
</tr>
</thead>
</table>

*Feather Foil (Hottonia inflata)*

Agamenticus area supports the furthest northeastern occurrences in their range. Of the two species that are not range-restricted in Maine, wild leek (*Allium tricoccum*) and alga-like pondweed (*Potamogeton confervoides*), wild leek is uncommon because it occurs only in nutrient-enriched hardwood forests, and alga-like pondweed occurs very sporadically in shallow, soft-water ponds.
<table>
<thead>
<tr>
<th>Rare and Exemplary Natural Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic White Cedar Swamp</td>
</tr>
<tr>
<td>Chestnut Oak Woodland</td>
</tr>
<tr>
<td>Pocket Swamp</td>
</tr>
<tr>
<td>Leatherleaf Bog</td>
</tr>
<tr>
<td>Grassy Shrub Marsh</td>
</tr>
<tr>
<td>Sandy lake bottom</td>
</tr>
<tr>
<td>Pitch Pine Bog</td>
</tr>
<tr>
<td>Red maple Swamp</td>
</tr>
<tr>
<td>White Oak – Red Oak Forest</td>
</tr>
<tr>
<td>Common Name</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td><strong>Rare Plants</strong></td>
</tr>
<tr>
<td>Wild leek</td>
</tr>
<tr>
<td>White wood aster</td>
</tr>
<tr>
<td>Upright bindweed</td>
</tr>
<tr>
<td>Atlantic White-Cedar</td>
</tr>
<tr>
<td>Spotted Wintergreen</td>
</tr>
<tr>
<td>Sweet pepperbush</td>
</tr>
<tr>
<td>Flowering dogwood</td>
</tr>
<tr>
<td>Eastern joe-pye weed</td>
</tr>
<tr>
<td>Featherfoil</td>
</tr>
<tr>
<td>Smooth winterberry</td>
</tr>
<tr>
<td>sloly blue flag</td>
</tr>
<tr>
<td>Mt.ain Laurel</td>
</tr>
<tr>
<td>Spicebush</td>
</tr>
<tr>
<td>Broadbeech fern</td>
</tr>
<tr>
<td>Pale green orchis</td>
</tr>
<tr>
<td>Alga-like pondweed</td>
</tr>
<tr>
<td>Chestnut oak</td>
</tr>
<tr>
<td>Tall beak-rush</td>
</tr>
<tr>
<td>Sassafras</td>
</tr>
<tr>
<td>Swamp Saxifrage</td>
</tr>
<tr>
<td>Columbia Water-Meal</td>
</tr>
<tr>
<td><strong>Rare Animals</strong></td>
</tr>
<tr>
<td>Spotted Turtle</td>
</tr>
<tr>
<td>Wood Turtle</td>
</tr>
<tr>
<td>Blanding's Turtle</td>
</tr>
<tr>
<td>Northern black racer</td>
</tr>
<tr>
<td>Ribbon snake</td>
</tr>
<tr>
<td>Swamp darter</td>
</tr>
<tr>
<td>Brown snake</td>
</tr>
<tr>
<td>New England cottontail</td>
</tr>
<tr>
<td>Spring salamander</td>
</tr>
<tr>
<td>PORPHYRITICUS</td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>Scarlet Bluet</td>
</tr>
<tr>
<td>New England Bluet</td>
</tr>
<tr>
<td>Ringed Boghaunter Dragonfly</td>
</tr>
</tbody>
</table>

*Other Resources Mapped by MDIFW:*
- Deer Wintering Area
- Wading Bird / Waterfowl Habitat
Conservation considerations:

Residential Development: Poorly planned development in the area may cause irreversible impacts to the natural systems through fragmentation due to roads and land conversion. Increases in invasive plant species often accompany development.

Timber Management: Timber management can lead to increased fragmentation and isolation of habitat patches and conversion to other forest types. However, timber management, applied properly within pitch pine habitats may actually help regenerate some barrens community types.

Wetlands and Aquatic Systems: The integrity of wetlands are dependent on the maintenance of the hydrology and water quality of these systems. Intensive logging, clearing, soil disturbance, new roads, and development on buffering uplands can result in greater runoff, sedimentation, and other non-point sources of pollution.

Preserving Natural Communities: Preserving natural communities and other sensitive features will be best achieved by conserving the integrity of the larger natural systems in which these features occur. Conserving the larger systems helps ensure both common and rare natural features will persist in this part of the state.

Set Asides: Conservation planning for upland features should include setting some areas aside from timber harvests to allow for the development of some unmanaged forests.

Vernal Pools: Close adherence to Best Management Practices for forestry activities near vernal pools (see Forestry Endangered and Threatened Species Guide) will ensure the protection of wetlands and the amphibian food source they supply.

Off Road Vehicle (ORV) Use and Wetlands: Where there is use by ORV’s care needs to be taken that ORV’s stay on existing trails and remain out of all wetlands.

Protection Status (note that these):
Approximately 9,000 acres of the greater Mt. Agamenticus area is in public or quasi-public ownership, divided among the Maine Department of Inland Fisheries and Wildlife, Town of York, Town of South Berwick, Town of Eliot, York Water District, and Kittery Water District. The Nature Conservancy, the York Land Trust, and the Great Works Regional Land Trust also own land and are actively pursuing conservation strategies on additional parcels. While the abundance of protected land affords a significant opportunity for habitat protection, fragmentation is occurring on all sides of the site.

STATE RARITY RANKS

S1 Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.

S2 Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
S3 Rare in Maine (on the order of 20-100 occurrences).
S4 Apparently secure in Maine.
S5 Demonstrably secure in Maine.
SH Occurred historically in Maine, and could be rediscovered; not known to have been extirpated.
SU Possibly in peril in Maine, but status uncertain; need more information.
SX Apparently extirpated in Maine (historically occurring species for which habitat no longer exists in Maine).

Note: **State Ranks** determined by the Maine Natural Areas Program.

GLOBAL RARITY RANKS

G1 Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
G2 Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
G3 Globally rare (on the order of 20-100 occurrences).
G4 Apparently secure globally.
G5 Demonstrably secure globally.

Note: **Global Ranks** are determined by The Nature Conservancy.
T indicates subspecies rank, Q indicates questionable rank, HYB indicates hybrid species.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's endangered and threatened plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

E ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future, or federally listed as Endangered.
T THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.
SC SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
PE POSSIBLY EXTIRPATED; Not known to currently exist in Maine; not field-verified (or documented) in Maine over the past 20 years.

FEDERAL STATUS
LE  Listed as Endangered at the national level.

LT  Listed as Threatened at the national level.


Where entries appear as binomials, all representatives (subspecies and varieties) of the species are rare in Maine; where names appear as trinomials, only that particular variety or subspecies is rare in Maine, not the species as a whole.

The second area – the York River Headwaters - has just recently been designated as a focus area/ the following is a description from the MNAP:

**York River Headwaters Focus Area**
Eliot, Kittery, York, South Berwick

**Location:**
The York River Headwaters Focus Area consists of approximately 8000 acres of uplands and wetlands that comprise the headwaters of the York River. The focus area is located west of Interstate 95 and extends west to York Pond and north to Bell Marsh Reservoir and to Boulter Pond. This focus area includes most of the major tributaries of the York River such as Cider Hill Creek, Smelt Brook, and Rogers Brook.

**Description:**

**Tidal Marsh Estuary and Spartina Saltmarsh:**
The York River Estuary extends about 8.5 miles from the coast to the head of tide. The entire estuary is mapped as tidal bird and waterfowl habitat and as an important roosting and area for a number of shorebirds. The extensive York River Estuary is the Gulf of Maine’s least disturbed estuarine ecosystems and may be one of the most ecologically diverse coastal drainage for its size in the Gulf of Diadromous fish, species that use both marine and

Spartina saltmarsh
freshwater habitats during their life cycle, such as alewives and striped bass are found within the estuary. The estuary’s saltmarshes provide excellent spawning habitat, and twenty-eight species of estuarine and freshwater fish have been documented in the York River, including rainbow smelt, alewives, eel, bluefish, winter flounder, striped bass, and Atlantic herring. The estuary ecosystem includes a large Spartina saltmarsh community, a rare habitat type for Maine. The Spartina saltmarshes are dominated by a mix of saltmeadow cordgrass, smooth cordgrass, and black grass. The tidal estuary ecosystem and the Spartina saltmarshes are located at the center of the focus area and encompass the confluence of Smelt Brook and the York River. The estuary ecosystem is in good condition, although some areas in its immediate vicinity are utilized for residential and agricultural purposes. The broad lowlying saltmarshes support a population of the rare saltmarsh false-foxtail. More rare plants occur at the site in the upper reaches of both the York River and Smelt Brook. The two rare plant species found in these areas, spongy arrowhead and water pimpernel, need freshwater tidal habitat for survival. The marshes also provide breeding habitat for a number of migratory birds, including the rare sharp-tailed saltmarsh sparrow. Most large saltmarshes in the state are protected by public or private entities. At approximately 450 acres in size, the Upper York River Saltmarsh is one of the largest unprotected saltmarshes in the state.

Oak-Northern Hardwoods Forest:

Beyond the immediate tidal wetlands and waterways York River Estuary, the focus area includes some areas of mostly undeveloped lands that extend westward and northward and abut the Mount Agamenticus Focus Area. The predominant upland forests of this region are oak-hardwood forests. One east of Belle Marsh Reservoir is considered an exemplary occurrence of an oak-northern hardwoods community. Several rare plant species occur in the area, but are located outside the estuary. Many of the large area forest focus these
plant species (e.g. broad beech fern, Eastern Joe-pye weed, and sassafrass) reach their northern range limit in southern Maine. In the western section of the focus area, there are numerous small wetlands embedded in relatively undisturbed forests. These wetland-upland complexes provide excellent habitat for rare animal species such as the spotted turtle and the ringed boghaunter.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Latin Name</th>
<th>S RANK</th>
<th>G RANK</th>
<th>State Status</th>
<th>*EO Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rare Animals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ringed Boghaunter</td>
<td>Williamsonia lintneri</td>
<td>S1</td>
<td>G3</td>
<td>E</td>
<td>n/a</td>
</tr>
<tr>
<td>Saltmarsh Sharp-tailed Sparrow</td>
<td>Ammodramus caudatus</td>
<td>S3B</td>
<td>G4</td>
<td>SC</td>
<td>n/a</td>
</tr>
<tr>
<td>Spotted Turtle</td>
<td>Clemmys guttata</td>
<td>S3</td>
<td>G5</td>
<td>T</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Latin Name</th>
<th>S RANK</th>
<th>G RANK</th>
<th>State Status</th>
<th>*EO Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rare Plants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broad Beech Fern</td>
<td>Phegopteris hexagonoptera</td>
<td>S2</td>
<td>G5</td>
<td>SC</td>
<td>BC</td>
</tr>
<tr>
<td>Eastern Joe-pye Weed</td>
<td>Eupatorium dubium</td>
<td>S3?</td>
<td>G5</td>
<td>SC</td>
<td>B</td>
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<tr>
<td>Featherfoil</td>
<td>Hottonia inflata</td>
<td>S1</td>
<td>G4</td>
<td>T</td>
<td>C</td>
</tr>
<tr>
<td>Pale Green Orchis</td>
<td>Platanthera flava</td>
<td>S2</td>
<td>G4</td>
<td>SC</td>
<td>E</td>
</tr>
<tr>
<td>Saltmarsh False-Foxglove</td>
<td>Agalinis maritima</td>
<td>S3</td>
<td>G5</td>
<td>SC</td>
<td>BC</td>
</tr>
<tr>
<td>Sassafrass</td>
<td>Sassafrass albidum</td>
<td>S2</td>
<td>G5</td>
<td>SC</td>
<td>CD, D</td>
</tr>
<tr>
<td>Spongy Arrowhead</td>
<td>Sagittaria calycina var. spongiosa</td>
<td>S3</td>
<td>G5T4</td>
<td>SC</td>
<td>C</td>
</tr>
<tr>
<td>Water Pimpernel</td>
<td>Samolus valerandi</td>
<td>S3</td>
<td>G5T5</td>
<td>SC</td>
<td>B</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Natural Communities</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Central Hardwoods-Oak Forest Ecosystem</td>
<td></td>
<td>S3</td>
<td>GNR</td>
<td>n/a</td>
<td>A</td>
</tr>
<tr>
<td>Salt-hay Saltmarsh</td>
<td></td>
<td>S3</td>
<td>G5</td>
<td>n/a</td>
<td>BC</td>
</tr>
</tbody>
</table>
**Significant Natural Features of the York River Headwaters Focus Area**
*EO Rank: A = Excellent, B = Good, C = Fair, D = Poor, E = not enough data to assign rank

**Mapped Coastal Habitats and Features:**
Tidal Waterfowl / Wading Bird Habitat
Shorebird Feeding and Roosting Area
Diadromous Fish

**Conservation Considerations:**
- An increase in shoreline development can have adverse impacts on estuarine habitat through increased nutrient loads, siltation, and loss of a habitat buffer.
- Adjacent property owners should be encouraged to re-established forested buffer along marsh edges where it has been historically removed.
- Seawalls and other shoreline stabilization techniques (e.g. riprap) can disrupt sediment inputs from natural erosion processes resulting in alterations to the sediment structure. This can adversely affect species composition and the productivity of mudflats.
- Physical barriers such as dams, culverts, and bridges can change tidal flows, alter salinity, modify drainage, prevent sediment movement, and impede animal movements.
- Barriers to diadromous fish passage threaten productive fisheries and in turn may have impacts on other species like bald eagles that feed on them. Dam removal or the installation of man-made fishways can help to alleviate this threat.
- Widespread loss, degradation, and fragmentation of coastal saltmarshes along the eastern seaboard are the biggest threats to the saltmarsh sharp-tailed sparrow. Habitat preservation and restoration are the most important factors for conserving this species.
- Water quality changes such as changes in salinity, temperature, turbidity, or physical properties of the water can negatively affect habitat for species.
- Point and non-point sources of pollution can change faunal communities in tidal communities. Oil spills can destroy or significantly disrupt functioning systems.
- Direct alteration of habitat through filling, dredging, dragging, or other major human disturbances can alter floral and faunal communities and disrupt complex food webs.

**Protection Status:**
Relatively little of this focus area is currently protected despite its high conservation values. The partners of the Mount Agamenticus to the Sea Conservation Initiative have also identified this area as a conservation priority and are working on protecting the resources within this focus area.
## Appendix C

### Spreadsheet for Focus Area Points

<table>
<thead>
<tr>
<th>Point value</th>
<th>Max survey points 500</th>
<th>Survey data</th>
<th>Identified by committee</th>
<th>Identified in town survey</th>
<th>Statistical data</th>
<th>Unfragmented forest land</th>
<th>Recreational trails</th>
<th>Farmland</th>
<th>Wetlands</th>
<th>Close to lakes streams</th>
</tr>
</thead>
<tbody>
<tr>
<td>York pond Area</td>
<td>1865</td>
<td>500</td>
<td>500</td>
<td>220</td>
<td>120</td>
<td>0</td>
<td>120</td>
<td>180</td>
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<tr>
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<td>700</td>
<td>220</td>
<td>120</td>
<td>105</td>
<td>120</td>
<td>180</td>
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<tr>
<td>Town Forest Area Near (Johnson Ln.)</td>
<td>1455</td>
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<td>350</td>
<td>220</td>
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<tr>
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<td>220</td>
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</tr>
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<td>Frankfurt Island and Adjacent Shore Areas</td>
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<tr>
<td></td>
<td>Historic</td>
<td>Forest land</td>
<td>Public water access</td>
<td>Rare animal habitats</td>
<td>Floodplains</td>
<td>Aquifer recharge</td>
<td>Waterfowl habitat</td>
<td>Deer wintering areas</td>
<td>Rare plant locations</td>
<td>Scenic views</td>
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<td>0</td>
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<tr>
<td>York River Area</td>
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Appendix D

Model Ordinances

Impact Fees

Section 140-67.1 General Provisions for Impact Fees

A. PURPOSE

The purpose of these impact fee provisions is to ensure that new development in Eliot will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

B. AUTHORITY

These impact fee provisions are adopted by the town of Eliot under the authority of M.R.S.A. Title 30A § 4354 and its statutory and constitutional home rule provisions.

C. PAYMENT OF IMPACT FEES

The impact fees provided for under this article shall be paid to the town of Eliot in care of the Code Enforcement Department.

D. IMPACT FEE ACCOUNTS

All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.

(1) Open Space Facilities Impact Fee Account
(2) Recreation Facilities Impact fee Account
(3) Reserved for other accounts

E. USE OF IMPACT FEES
Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities.

The following costs may be included in the capital cost of the infrastructure improvement:

1. acquisition of land or easements including conservation easements,
2. engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. mitigation costs,
4. legal and administrative costs associated with the improvement including any borrowing necessary to finance the project,
5. debt service costs including interest if the town borrows for the acquisition of the improvement,
6. similar costs that are directly related to the project.

F. REFUND OF IMPACT FEES
Impact fees shall be refunded in the following cases:

1. If a building permit is surrendered without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Code Enforcement Officer and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.

2. Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

G. MODIFICATION OF IMPACT FEES
The Selectman may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:
(1). The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the Selectman, or

(2). The developer or property owner is required, as part of a development approval by the town or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee.

H. REVIEW AND REVISION

The Selectman shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

Section 140-67.2 Open Space Impact Fee

A. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

The open space facilities portion of this impact fee may be used for the following improvements:

(1). The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space for:

a. Focus areas defined in the 2010 Eliot Open Space Plan
b. Lands that have value to long term water quality in Eliot
c. Lands that fall within the priority resource values listed in the 2010 Eliot Open Space Plan
d. Passive recreational lands
B. NEED FOR THE IMPROVEMENTS

The need for open space is a function of the size of the community’s population. As the community grows, it needs more natural areas, and open spaces. The adopted Comprehensive Plan identifies the need to expand the supply of open space to serve a growing population. The need for the specific improvements is set out in the Open Space Impact Fee Methodology.

C. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:

1. The open space portion of the impact fee shall not be paid if:
   a. the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the Town’s Subdivision Regulations and/or the provisions of the Towns Planned Residential Development/Cluster Development standards, and;
   b. such open space can be accessed by the public, and;
   c. The Planning Board makes a finding that such open space meets the intention of this section as described in Section ________ above.

2. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

3. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.

4. Elderly housing

D. CALCULATION OF THE FEE

The open space impact fee is a per capita fee and is based upon the town’s Impact Fee Calculation Methodology. The per capita fee consists of an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The following occupancy ratios shall be used in determining the fee unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels:
E. IMPACT FEE

Fees shall be determined by Selectman after a public hearing and are provided at the end of this Article.

F. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection ___ above.

G. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article.
Conservation Subdivisions

Purpose. The purpose of these provisions is to encourage the preservation of the rural character of ( ) by preserving lands listed as Focus areas within the 2010 Eliot Open Space Plan, undeveloped lands, including farmland, forest land, , and other undeveloped lands. This is done by allowing an innovative type of development which permits homes to be built on lots which are smaller than normally allowed, but requires undeveloped land to be preserved. The overall density of a cluster development is no greater than an unclustered development. In a cluster development streets and utility lines are usually shorter, thus allowing development at a lower construction cost initially and lower maintenance costs in the future.

B. Subdivisions may be designed as cluster developments in the __________ Districts, in accordance with these provisions. In the Rural Residential and Critical Rural Districts, all subdivision projects involving five lots or more within any ten-year period shall be designed as cluster developments in accordance with these provisions.

C. Application procedure. In order for the applicant and the Planning Board to determine that the proposed cluster development will not allow more dwelling units than a conventional development the applicant must either:

(1) Submit two plans for the proposed development, one layout as a conventional development and the second as cluster development. Each lot in the conventional development must meet the minimum lot size and lot width requirements of Chapter , have an area suitable for subsurface wastewater disposal according to the State of Maine Subsurface Wastewater Disposal Rules, and must exclude land which is undevelopable according to Chapter or Chapter . The number of lots in the cluster development may in no case exceed the number of lots in the standard development; or

(2) Calculate the allowable number of lots by dividing the net residential acreage of the parcel of land by the minimum lot size of the district in which the development is located. The net residential acreage is calculated by taking the total area of the lot and subtracting, in order, the following:

(a) Fifteen percent of the area of the parcel to account for roads and parking.

(b) Portions of the lot which, because of existing land uses or lack of access, are isolated and undevelopable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.

(c) Portions of the lot shown to be in the floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.

(d) Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage, or subsoil conditions such as, but not limited to:
Slopes greater than 20%.

Organic soils.

Wetland soils.

Fifty percent of the poorly drained soils.

Portions of the parcel subject to a right-of-way.

Portions of the parcel located in the Resource Protection District.

Portions of the parcel covered by surface waters.

Portions of the parcel utilized for stormwater management facilities.

The Planning Board shall seek examine the plans relationship to the 2010 Eliot Open Space Plan and seek comments from the Eliot Open Space Committee regarding the proposed project and the focus areas defined in that plan.

D.

Basic requirements for cluster developments.

1. Cluster developments must meet all requirements for a subdivision, the street acceptance requirements, and all other applicable Town ordinances, including the applicable performance standards of Chapter ___.

2. Each building must be an element of an overall plan for site development. The developer must specify the placement of buildings and the treatment of spaces, paths, roads, utility service, and parking, and in so doing must take into consideration all requirements of this section and of other relevant sections of Chapter ___.

3. A high-intensity soil survey must be submitted. No building may be constructed on soil classified as being very poorly drained.

4. Except for in-ground homes, no building may be located or constructed on slopes steeper than 15%.

5. No building may be located or constructed within 100 feet of any water body or wetland.

6. No lot (or area of occupation, in the case of a condominium project) may be smaller in area than 20,000 square feet.

7.


The total area of undeveloped land within the development must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the district.

(8) In the _________District, the minimum area of the undeveloped common land, outside of lots or areas reserved for housing, and outside of roads, shall be equal to at least 50% of the net residential acreage, as defined and calculated above. In the Critical Rural District, the minimum area of the undeveloped common land, outside of the lots or areas reserved for housing, and outside of roads, shall be equal to at least 60% of the net residential acreage, as defined and calculated above.

(9) The setback standards of the district in which the buildings are located apply.

(10) No individual lot or dwelling unit may have direct vehicular access onto a public road existing at the time of development.

(11) Shore frontage may not be reduced below the minimum normally required in the Shoreland District.

(12) Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as access to it, must be a part of the undeveloped land.

(13) Buildings must be oriented with respect to scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas, in accordance with an overall plan for site development.

(14) The applicant must demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells must be shown on the plan.

(15) The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems must be shown on the plan. The reserve areas must be restricted so as not to be built upon. The report of a licensed site evaluator must accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering, must be obtained prior to Planning Board approval.

(16) Utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters must be located so as not to be unsightly or hazardous to the public.

E. Dedication and maintenance of the undeveloped land and any common facilities.

(1) The undeveloped land is that area which is not included in the residential lots, which equals at least the total area by which all of the lots in the cluster development are reduced below the normal minimum lot size in the district. There may be no further subdivision of the undeveloped land. This undeveloped land may be used only for agriculture, forestry, conservation, or noncommercial recreation. However, easements for public utilities, or structures accessory to noncommercial recreation, agriculture, or conservation, may be approved by the Planning Board.
The undeveloped land must be shown on the development plan and with appropriate notation on the face thereof to indicate:

(a) That the undeveloped land may not be used for future building lots; and

(b) The final disposition of the undeveloped land, which may be:

[1] Dedicated to the Town for acceptance;
[2] Deeded to a land trust;
[3] Retained by the applicant; or
[4] Reserved for ownership by a homeowners' association made up of the owners of the lots in the cluster development.

(c) If any or all of the undeveloped land is to be reserved for use by the residents as in Subsection above:

[1] A homeowners' association must be formed and the bylaws of the homeowners' association must specify maintenance responsibilities. The bylaws must be submitted to the Planning Board for its approval prior to approval of the development plan.

[2] Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the undeveloped land, must be reviewed by the Planning Board and included in the deed for each lot.

[3] The homeowners' association has the responsibility of maintaining the undeveloped land and any common facilities until accepted by the Town.

[4] The association must levy annual charges against all property owners to defray the expenses connected with the maintenance of the undeveloped land, other common and recreational facilities, and Town assessments.

[5] The developer must maintain control of the undeveloped land and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination is made by the Planning Board upon request of the homeowners' association or the developer.

(3) If the undeveloped land is retained by the applicant, as in Subsection above:

(a) The land may only be used for active agriculture or active forestry. The conditions of this use must be approved by the Planning Board and indicated on the development plan.

(b)
The development rights of the undeveloped land must be deeded to either the Town or other entity approved by the Planning Board and may not be deeded back to the owner of the undeveloped land.

(c) An area suitable for the noncommercial recreational use of the owners of the lots in the cluster development must be reserved. This area must be either dedicated to the Town or reserved for a homeowners' association as in Subsection E(3) above. This area must be equal in size to 2,500 square feet per lot in the cluster development.

(4) If the undeveloped land is deeded to a land trust as in Subsection E(2)(b)[2] above, the Planning Board must approve the land trust and the conditions of the deed.

(5) If the undeveloped land is dedicated to the Town as in Subsection E(2)(b)[1] above, the Planning Board, in consultation with the Conservation Committee, must approve the language of the dedication and the uses allowed in the undeveloped land.

F. Buffering.

(1) That portion of the cluster development which abuts a street not in the cluster development and along the exterior boundaries of the cluster development must be designed as a continuous landscaped buffer area not less than 50 feet in width. This buffer area may contain no structures or streets other than the streets providing access to the cluster development. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the development, must contain natural vegetation.

(2) Along those boundaries of the cluster development abutting an agriculture forestry or mining use, as listed in the Land Use Table in § of this ordinance, the continuous landscaped buffer shall be not less than 150 feet in width. This buffer area may contain no structures or streets other than the streets providing access to the cluster development. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the development, must contain natural vegetation.