

Tidewater Farm

History of Council discussion

Highlighted areas discussion property history

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20180709-council-agenda-item-06>

https://www.falmouthme.org/sites/falmouthme/files/minutes/07092018_minutes.pdf

Item 6 Presentation and discussion about a proposal for the Town to purchase remaining undeveloped land that is part of the Tidewater Master Development Plan.

Michael Vance, President of the Falmouth Land Trust, gave a presentation on the Tidewater Master Plan which was first approved in 2005 and has had several amendments. The proposal is for the Town to purchase the remaining parcels of Tidewater from Bateman Partners, LLC, at the request of the property owners to expedite the process. The Town would then convey parcels to the Trust. He reviewed each of the parcels and what the original development intent was for each. He said this opportunity would allow the Trust to grow and mature. The proposal includes several phases: 1. The Town would purchase TF2, TF3 and TV5, and Town Council Minutes July 9, 2018 Page 5 of 5 Bateman would convey TF1; 2. The Town would raze the structures on TF2; 3. The Town would sell TF2 to the Trust and transfer TF1; 4. The Town would sell TF3 to the Trust; and 5. The Trust would engage in a capital campaign for the purchases as well as construction of their headquarters. The parcels would be purchased at a discount, and should the Trust fail to repay the land would revert to the Town. It is likely the Town could see a profit from such a sale. Mr. Poore said staff support the proposal. This is a good long-term strategy to manage all the open space in town, with minimal risk. Mr. Vance said the Trust has requested the Town put forward funds in the past, for the Hurricane Valley Farm property for example. This is a different model, where the Trust is assuming more responsibility and risk for purchasing this property. Councilor Svedlow asked how much money they would be looking to raise; Mr. Vance wasn't sure, but it would likely be a 7-figure goal. Councilor Kuhn asked if they have done a fundraising feasibility study. Mr. Vance said not yet; they have spoken with several consultants but haven't engaged any yet. Mr. Poore said the next step is to draft the agreement documents with the Town Attorney, and for an appraisal of the parcels. He would bring this back to the Council for a vote once those reviews were complete. There would be an opportunity for public comment at the time of the order; the Council could add public hearings if they wish. Councilors Svedlow, Asherman, Hemphill and Cahan voiced their support for the proposal. Councilor Kuhn supported moving to the next step and getting the appraisal.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20181010-council-agenda-item-07>

https://www.falmouthme.org/sites/falmouthme/files/minutes/10102018_minutes.pdf

Item 7 Order to authorize the Town Manager to execute a purchase and sale agreement to purchase certain land referred to as TF1, TF2, TF3, and TV5 within the Tidewater Master Planned Development District.

Town Manager Nathan Poore said there has been some work to clarify the boundaries between the parcels of land. He said TF2 and TF3 are actually one lot, and not two. There may be a possibility to use portions of TV-5 for wetlands mitigation in the future. He clarified that TF-2 and TF-3 would be sold to the Trust immediately with a payment plan arrangement put into place, instead of giving them an option agreement. This would allow the Trust to take over management right away. Councilor Kuhn asked if there would be a MOU drafted between the Town and the Trust to outline all these agreements. Mr. Poore said there would be. He said the TF-2 and TF-3 agreement is more like a mortgage. Councilor King asked about the view easement on one portion of the land and what the goal would be of modifying that. Ethan Croce, Community Development Director, said the survey plan shows the two separate view easements. The smaller easement is already recorded at the registry of deeds and benefits one of the property owners in the development. It allows that owner to clear vegetation in that area to preserve the view of the marsh, as well as the ability to veto any construction in the easement area. Both the Town and the Trust have an interest in making sure that the prohibition on erecting structures doesn't impact things such as building or maintaining trail bridges, trail structures, or trail signs. There is a trail there currently. This is all within the shoreland zone, so any clearing or construction would be regulated by the limitations of the shoreland zoning. Chair Hemphill opened a public comment period. Michael Vance of Blackstrap Road, president of the Falmouth Land Trust, said the Trust is excited about the project and would like to see it move forward. Chair Hemphill closed the public comment period. Mr. Poore said this order authorizes the purchase and sale agreement; it will come back to the Council for appropriation of funds once the appraisal is complete. He said the goal is to break even on this purchase and it is a great opportunity. Councilor Asherman moved the order; Councilor Cahan seconded. Motion carried 6-0.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20181210-council-agenda-item-05>

https://www.falmouthme.org/sites/falmouthme/files/minutes/12102018_minutes.pdf

Item 5 Discussion about required documents that will need future action by the Town Council, which are associated with the transfer of certain land referred to as TF1, TF2, TF3 within the Tidewater Master Planned Development District to the Falmouth Land Trust.

Mr. Poore said the Council discussed the draft of these documents at their last meeting. The Town Council will hold a special meeting on December 20 at 7:30 am to vote on the final documents. In response to Councilor King, Mr. Poore explained that the Town would purchase the properties known as TF1, TF2, TF3, and TV5. The Town will transfer TF1, TF2, and TF3 to the Land Trust and retain TV5. TV5 will be further subdivided at a later date to provide the opportunity to buffer and/or expand the wastewater treatment plant and the remaining land would be held for possible wetland mitigation in the future. Chair Hemphill opened a public comment period; there was no public comment. Councilor Asherman moved to move forward on this item; Councilor Kuhn seconded. Motion carried 7-0.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20181220-council-agenda-item-01>

https://www.falmouthme.org/sites/falmouthme/files/minutes/12202018_minutes.pdf

Item 1 Orders to execute all documentation and approve a supplemental appropriation and transfer of \$575,000 from unassigned fund balance to be used for the costs associated with the purchase of land known as Tidewater Village #5 and Tidewater Farms #1, #2, and #3.

Mr. Poore explained that the first order authorizes the purchase of the property, the second allows the sale of portions of the property to the Land Trust, and the third is the supplemental appropriation which includes the sale price, the stewardship fee, and some soft costs, including legal fees. The appraisals for the property have come in: TV-5 appraised at \$750,000, and the lot that includes TF-1, TF-2 and TF-3 came in at \$710,000 for a total of \$1.46 million. The goal is to go to closing today; if not, by the end of the calendar year. Chair Hemphill opened a public comment period Michael Vance of Blackstrap Road, President of the Land Trust, thanked the Council and staff for all their work on this project. Chair Hemphill closed the public comment period. Councilor Asherman moved order 62-2019; Councilor Kuhn seconded. Motion carried 6-0. Councilor Asherman moved order 63-2019; Councilor King seconded. Motion carried 6-0. Councilor Asherman moved order 64-2019; Councilor Kuhn seconded. Motion carried 6-0.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20190311-council-agenda-item-tdw>

https://www.falmouthme.org/sites/falmouthme/files/minutes/03112019_minutes.pdf

Item 2 Update from the Town Manager and resolution regarding the purchase and sale agreement to purchase certain land referred to as TF1, TF2, TF3, and TV5 within the Tidewater Master Planned Development District.

Chair Hemphill explained that the Town has entered into a purchase and sale agreement with Tidewater, LLC and Falmouth Land Trust was included as a party in the agreement. Following a request from the Historical Society to review the house and barn for historical value, it was discovered that the buildings may have historical significance. Nathan Poore, Town Manager, said the original intent was for TV5 to be made available for future expansion of the wastewater treatment plant as well as provide a buffer to the abutting houses. TF1 is already under conservation; TF-2 and -3 are next to each other and are developable. TF2 includes the farm buildings, and the plan was to demolish them. The Trust planned to purchase the property from the Town and construct a headquarters and learning center. The final amount of that purchase was determined to be \$243,000 based on the appraisal; the Town would also pay the Trust \$50,000 for stewardship of the land. Now that the Town's due diligence has uncovered potential historical value in the buildings, the question is how the Council wishes to proceed: they could stay with the original plan or ask staff to try and find a partner to preserve the buildings. Mr. Poore said either option would cost essentially the same amount. Councilor Ferrante arrived at the meeting. Ford Reiche, former resident of Falmouth, has done extensive research on the history of the Presumpscot River corridor and has reviewed the building a couple times now. He discussed some of the history of the mouth of the river and the location of the home. The property originally belonged to Silas Merrill. He thinks the home was built before 1800. The

house is in bad shape, and if it wasn't for its beautiful location, it would likely not be salvageable. There are a couple of interesting features in the home, including a couple ship's knees built into the structure of the home and an addition on the house that is made of sawn lumber with marks that indicate the boards were cut at a water-driven saw mill, typically used for ships. Miraculously, the roof is in pretty good shape. He presented several photos of the property to the Council. Greg Paxton, executive director of Maine Preservation, spoke about his non-profit which seeks to preserve historic places, buildings, downtowns and neighborhoods throughout Maine. Last year they helped 150 projects across the state of Maine. They visited the Tidewater buildings last week. They are 1% partners with Bateman Partners (the developers behind Tidewater) on three other historic preservation projects. There are not a lot of pre-1800 Georgian style homes in Maine. Many of the features in the house appear to be from that period, including raised panels above the fireplaces. There are some overlaps with the Federal style as well, including Federal moldings around windows and doors, and a fan shutter over the door. Unfortunately, the house has trash and vandalism all over it. The foundation was surprisingly sound except for an 8-foot section, which could be rebuilt. The roof is in failing condition, but most of the beams they saw were excellent, and they could only observe two holes. Most of the woodwork and wood framing around the windows and doors are sound. The windows are not original. It would need all new plumbing, heating, wiring, etc. They think the building could be rehabilitated for contemporary use, but not without a subsidy. Sarah Hansen, director of preservation services for Maine Preservation, discussed some of the programs they have. The preservation easement program preserves historic property while allowing modern uses. It would run with the deed. With the protect and sell program they take an option to buy a property and then market the property, taking a preservation easement once the sale goes through. She discussed several projects they have done in the last few years. Mr. Paxton said almost all their projects had been abandoned for a period of time. There is a market for people who are interested in purchasing historic homes for rehabilitation. Given the early date, the current condition, and the location of the Tidewater property, the conservation value of this property is significant. They support the partnership with the Land Trust for conservation of the land. He felt that, since the Town is purchasing it for below market price, there is opportunity for a subsidy. He felt it was worth the test to see if there is a buyer interested in the property. Councilor King was curious about possible partners. The property has value, both historic and to the Town. She said they have wanted this area to be a public, community place, with trails. She wondered about maintaining that public value with this suggestion. Mr. Paxton said a preservation easement can work with a conservation easement. Most easements require some public access. Interior easements can require it to be open to the public on occasion, perhaps 1 or 2 days a year, or photos can be displayed. Mr. Reiche clarified that he is not interested in purchasing the property. He felt this house would have the most value as a residence. A competitive process allows the Town to pick the bid that has the best opportunity. It is going to be very expensive to restore this house. Mr. Paxton said there isn't a lot of money in their field; they mostly rely on the private sector for preservation funds. Historic buildings have to be maintained, and the owners must be willing to take that on. Non-profits don't hold maintenance as their mission and can't maintain it as it needs. Chair Hemphill said he toured the house in 2005 and it was in bad shape, but it was better then it is now. There has been no effort by the current non-profit owner to pay more attention to the building before now. He felt it was a tragedy. He supported preserving old buildings but had a hard time considering this in context with the proposal they have from the Land Trust. He was concerned about taking this property away from public use, especially the tip of the point, which is controlled by this property. If the building is so valuable, he wondered if it could be moved to a new location. Councilor Asherman

was troubled with losing the public access piece. Private ownership of this piece of the land would prevent public use of the point. The value of the property is the site and the view. He felt the value of this is the public value. He lives in a 200-year-old home and has worked on restoring it his whole life; he loves old buildings. But they have worked hard on the agreement with the Land Trust, and if not for a glitch in the easement, it would have been settled back in December. No one has come forward in the 15 years the LLC has owned the farm. Councilor Kuhn asked what the impact would be to the Land Trust if they put out an RFP with a 90-day timeframe. Michael Vance, president of the Land Trust and a resident of Blackstrap Road, agreed that the Trust is in a difficult position. They support the value of old homes, but they have been planning a capital campaign around the project as proposed. He wasn't sure what effect a 90-day delay would have. Councilor Cahan wondered if there would be a proposal to move the building; she thought that might be a win-win solution. She was also concerned with losing the public access. She thought that had greater public benefit than keeping a historic home that would be in private ownership. Councilor Asherman responded to the idea of moving it. He felt the house was marginal at best, and the value of it was really in its location. He didn't think it had much value to a potential buyer if they wanted it moved. Councilor Ferrante agreed, but would want to hear from someone with more experience on that. She wanted to honor the work and the process they have conducted with the Land Trust on this project. Chair Hemphill opened a public comment period. Chris Considine said not every pre-1800 structure is worthy of preservation. Any historic structure that has a significant and important history is worthy of preservation. There is always regret when one of these important properties are destroyed. He said these types of post-and-beam homes are fairly easy to move, if the frame is not rotten. He has been discouraged by the lack of historic preservation in Falmouth. Having these historic homes helps people retain their sense of place. He hated to see it destroyed. John Winslow of Gray Road was in the home 45 years ago when Dr. Finks owned it, and it wasn't in good shape then. He thought the home got moved to that location and isn't original to that site. He could see the Land Trust doing some kind of monument, with photos, to provide people a sense of the history and that would achieve the same goal. The house would never make a bed and breakfast; the rooms are too small. Mr. Reiche said he appreciated that the Council had plans in place, but the reason this came up last minute was because no one knew about it. This all started when the Historical Society called him to view the home seven days ago. Chair Hemphill closed public comment. Councilor Ferrante wondered if they could find out if someone was interested in the home if they required it to be moved from the site. Councilor King felt the site had great historic value, with or without the house. She agreed that they could have a kiosk on the site discussing the house and pointing out that the house was moved. She felt if someone was interested in moving the house, they could then keep the site. Councilor Asherman felt the value of the property was the location. He said if they sell the property to the Land Trust, the trust isn't going to tear the building down tomorrow. If someone is interested in buying it from the Land Trust and moving it, they could negotiate that with the Trust. Councilor Kuhn supported the Trust and the agreement they had but couldn't vote to demolish a historic house without giving it a chance. She would like to open it to proposals. The Council was interested in proposals for the home to be a private residence if the building was moved. If it was intended to stay in place, the proposal should show public value and access. The Council discussed the proposed resolution. No action was taken on the resolution. The Council supported the purchase of the property, asked Mr. Poore to hold off on the agreement on the Land Trust and to draft an RFP for preservation of the buildings and bring it back to the Council for review.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20190325-council-agenda-item-14>

https://www.falmouthme.org/sites/falmouthme/files/minutes/03252019_minutes.pdf

Item 14 Order to authorize the Town Manager to execute an amendment to the Tidewater Conservation Easement.

Mr. Poore said the Atty General is responsible for approving all changes to conservation easements. They have now approved this one. This amendment will also add the new boundary survey that was recently done, which more clearly delineates the boundaries of each of these lots. The closing on this property is scheduled for Thursday morning. Chair Hemphill opened a public comment period; there was no public comment. Councilor Asherman moved the order; Councilor Svedlow seconded. Motion carried 5-0

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20190422-council-agenda-item-20-0>

https://www.falmouthme.org/sites/falmouthme/files/minutes/04222019_minutes.pdf

Item 20 Order to authorize the Town Manager to issue a Request for Qualifications (RFQ) for a person or team of persons to perform a feasibility study for building moving, renovation, and/or redevelopment or adaptive reuse services for the Tidewater Farmhouse and Barn structures located in the Tidewater Master Planned Development District.

Mr. Poore said the RFQ is for someone to partner with the Town on this project. The Council has expressed that they want TF-2 to be accessible for public use and so they had previously expressed the desire for the buildings to be moved, possibly to TF-3. They wanted to leave open the possibility for creative ideas and proposals. They may find that no one is interested and go back to the original plan. This proposal was sent to Maine Preservation; they have suggested adding a phrase that states that any rehabilitation should be done in accordance with Secretary of Interior standards for rehabilitation. He would add that phrase as a preference and not a mandate. Chair Hemphill opened a public comment period; there was no public comment. Councilor Ferrante asked who would evaluate any proposals that come in. Mr. Poore said he would review them along with staff and send them to Council for final approval. Councilor Asherman moved the order; Councilor Ferrante seconded. Motion carried 7-0.

<https://www.falmouthme.org/town-council-town-manager/agenda-items/20190923-council-agenda-item-tidewater-farm-0>