



Tidings of the Turtle



Captain Sandy's mark from the collections of the Maine Historical Society

Francis Small Heritage Trust Newsletter – December 2008

Protecting Sawyer Mountain's future with the help of the Green Mountain Conservation Group

Important permanent protection for the Sawyer Mountain Highlands is coming soon. The Trust is excited to be collaborating with the Green Mountain Conservation Group. By the end of March 2009, GMCG will hold a conservation easement on 1100 acres of Trust land in the Sawyer Mountain Highlands.

It is wise for every land trust to have another organization hold an easement on its land to protect the holdings forever. The easement prevents a future land trust board from making changes that are environmentally unsound. This is similar to the protection that private landowners put on their land when they grant a conservation easement to the Francis Small Heritage Trust.

The Green Mountain Conservation Group is a near neighbor in New Hampshire, named for Green Mountain in Effingham. FSHT directors have long admired their work, which is based on a four-pronged mission of Research, Education, Advocacy, and Land conservation (REAL). Their mission statement: "Since 1997, the Green Mountain Conservation Group, a non-profit charitable organization, has dedicated its efforts to natural resource conservation in the Ossipee Watershed. Through education, research, and advocacy, and land conservation, we strive to create an awareness and appreciation of our watershed's natural resources and encourage a commitment to protect them. Our guiding principle is to present objective information in a non-confrontational format enabling the public to make informed natural resource decisions."

Being in the Little Ossipee Watershed, and thus in the larger Saco River Watershed, connects the Sawyer Mountain Highlands to the Ossipee Watershed that GMCG is committed to protecting. Discussions with GMCG have made us especially conscious of the water



The cascading waterfall shown above is emblematic of the protection of watersheds that is a primary focus of the Green Mountain Conservation Group. (See page 4.)

resources we are protecting and the wildlife they make possible.

Monitoring of the land in the Sawyer Mountain Highlands easement will be done annually by GMCG to supplement our own oversight of the land. In preparation for that, FSHT is refreshing boundary markings, with the help of trained volunteers. In addition, we are increasing our efforts to document the wonderful natural resources we have on the land.

This will be a "forever wild" easement so that, as much as possible, the land will return to a natural state, with no timber harvest permitted. Old roads will be allowed to grow back in favor of foot trails for pedestrians, except for roads on

which neighboring landowners have right-of-ways to access their properties.

Sweet Water Trust, a major early funder of FSHT, has been urging us to take this step and will fund substantial costs to enable us to do it, matching contributions from other foundations. These include the Morton-Kelly Charitable Trust, the Davis Conservation Fund, the Fields Pond Foundation, the Clark Charitable Trust, and the William P. Wharton Trust. We are very grateful for the support of these funders, as well as that of many individual contributors, to our ongoing effort to expand protection of this land. We continue to seek donations to enable us to place remaining parcels in a conservation easement.



Presentation to the Hiram Conservation Commission - January 6, 1992

In this talk given sixteen years ago, Lorraine Libby, a Trust director, eloquently explains why the Trust needs to exist.

Thank you very much for the opportunity to visit with you and talk about one of my favorite subjects – conservation of natural lands and wildlife habitat. I am here, as you know, on behalf of the Francis Small Heritage Trust, which is an organization formed to help land-owners protect the natural character of their lands.

If I recall correctly, the Conservation Commissions came about in the early 1970s as part of an organized voluntary effort to encourage towns to give some thought to what was happening to important natural areas when development took place. Conservation is an activity still considered unimportant by many towns and totally ignored in other towns. I am pleased that your group is actively working in the community to protect natural resources.

I well recall the abundance of open space when I was growing up. Farming was still an economically viable way of life. Tourists were coming up to visit, but development eating up the countryside was hardly a topic of the day. As a youngster I had my choice of recreation, all of which occurred on someone else's land and I was blissfully unaware that such activities would be jeopardized in years to come. I, along with neighboring friends, walked anywhere and everywhere enjoying all that Maine had to offer. I went swimming in Sebago Lake, fished for salmon and cusk, and wandered fields and woods in the summertime. In the winter there was sliding on nearby hayfields and skating on both the lake and local ponds. In the fall we went hunting in our backyard, and in the spring we dipped smelts in nearby waterways to put into spring boxes for the upcoming fishing season. It was a never ending round of both work and fun, mostly fun it seems, as I look back.

How it has changed! Swimming is restricted to a few beaches where there is public access and the expected crush of people; fishing is no longer a quiet, solitary search for a lunker fish but a noisy

competition for your piece of the lake; the open fields and woods are now filled with houses, and hayfields suffer the same fate. The ponds where we skated are now closed to public access and there isn't a stretch of woods big enough to support wildlife in my former backyard. The seemingly endless supply of smelts is so meager the spring dipping is carefully regulated to stretch the resource for both the appetite of man and fish in the lake. Somehow, it doesn't seem possible that things could change so drastically in a few short years, but it has and there is a crying need for protection of both open space and wildlife habitat.



The Francis Small Heritage Trust fills a particular niche with respect to protection of natural resources. One of the reasons the Trust was organized was the recognition that no other organizations were available in our area that were both willing and able to accept land and/or conservation easements. A land trust can do both.

Let me provide a few details about the history of the Francis Small Heritage Trust. It was formed in 1990 by a group of people from a wide area of York and Cumberland counties. The founders were concerned about the loss of natural resources and they were aware that land-owners in this area had nowhere to turn for help in the protection of these resources if it involved land donations or conservation easements. ...

Conservation of land and protection of natural resources benefit all. Landowners may save taxes, communities may save service costs, and the public may gain open space for recreational opportunities allowed by a generous landowner. Open

space enhances the community environment. Because the Trust is a tax-exempt charitable organization, a landowner may be able to claim tax deductions for land or conservation easements donated to the Trust. Arrangements would be something a landowner would discuss with a lawyer of his own choosing but the Trust is available to discuss possible actions and future goals for the care of the land.

... Obviously, the Trust is not and cannot be an answer to all land use problems but we fill a niche. In addition to accepting land and conservation easements, we will be seeking future ways to protect the natural character of the land and in appropriate areas, encouraging use of renewable resources by such activities as logging and farming. We will also encourage protection of an invaluable resource – clean water. Personally, I also hope there is a landowner out there who will want to preserve an old growth forest, as this would be unique in our area.

I think that in years to come the Trust will care for a variety of natural lands and with that in mind, I can assure you that the Trust will welcome any landowner discussions about future use of land.

... The Trust will endure beyond our lifetimes. Sometimes I wonder how much thought is given to those who will be here long after we are gone, and there is a favorite saying of mine:

It is always difficult to think 100 years into the future. In 100 years, those of us who have to worry about next week, next month, next year will be dead. We will be names on a stone, ashes in an urn, entries in a book that nobody reads. What will survive are the long-term consequences of the decisions we made.

When Lorraine gave this talk in 1992, she also told of the Trust's activities, which included educating the public about our existence and goals. We were getting IRS recognition of our status as a 501(c)(3) nonprofit organization so that a donor can get a tax deduction for a contribution. In 1992 the Trust had not yet acquired any land or conservation easements, but 16 years later, as she predicted, the Trust cares for a variety of natural lands. Please see page 4 for a list of the properties that the Trust currently protects.





Please accept my donation of _____ to help protect the Sawyer Mountain Highlands as well as aid in other conservation activities of the Trust.

Name: _____

Address: _____

Phone: _____ E-mail: _____

Contributions & memberships are tax-deductible under IRS code 501 (C)(3).
Francis Small Heritage Trust, Inc. PO Box 414 Limerick, ME 04048
(207) 637-3510 www.FSHT.org

This winter, the Trust will be refreshing all boundary markings in preparation for the GMCG easement. Would you like to help in this effort?

Other non-financial ways I would like to help the Trust:

Please send me a free hiking map.

Amicable resolution of legal defense of Trust properties

The Trust is pleased to report that both of the legal issues concerning Trust properties have been resolved. The Trust is both legally and morally required to protect its holdings against development. Private, state, and federal funds have been donated to the Trust expressly for the protection of the land. And because the Trust holds its land for the benefit of the public, donors are eligible for tax deductions as a result of their gifts. The price of this public obligation is that the directors of FSHT must take their responsibilities to protect the land seriously. Two years ago, for the first time in the history of the Trust, we were required to take legal action to protect the properties. And to top matters off, there were two separate issues arising at the same time.

In one of the issues, a subdivision was proposed adjacent to and uphill from Trust land. The Trust did not feel that the standards that protect abutters were being followed and appealed the Town's subdivision approval to the Court. However, before a judge heard the case, the developer and some of the directors of the Trust sat down and came to a mutual agreement. The Trust agreed to purchase, at a mutually agreeable price, the most environmentally sensitive lot as a buffer zone between the rest of the subdivision and the Trust holdings. In addition, the developer agreed to arrange the septic systems on the remaining lots so that they would meet the Town's minimum pollution standards. With the land protected,

the appeal was withdrawn and the Trust finalized the purchase last September.

The second case concerned road maintenance activities on Trust land, portions of which are part of a deeded right-of-way used by other landowners. The Maine Department of Environmental Protection (DEP) had previously informed the Trust that, as the landowner, the Trust was responsible for the effects of any erosion caused by work on the road, even if other right-of-way owners performed the work. Early attempts at formal mediation failed and the case headed for court. The Town of Limington was peripherally involved in that some of the issues concerned the Town's ordinances and governing boards. The only issue that was actually decided by a judge involved such laws. While the judge did not make a final decision, he did rule in favor of the Trust and remanded the issue back to the Town for further action consistent with his instructions.

In the meantime, informal discussions between the Trust and the other landowners continued, including a joint examination of the road as well as discussions on how best to prevent or arrest erosion. As part of the process, the Trust shared the cost of an independent professional survey of the right-of-way so that all parties would know exactly where the boundaries are. In the end, both the Trust and the other parties were able to come to a mutual agreement. The settlement calls for cooperation between the landowners

and the Trust whenever road maintenance is to be done so that all can agree on the erosion prevention methods to employ. Monitoring of any work performed is an important part of the agreement and special care must be taken near the historic stone culverts where the streams cross the roads. The settlement allows the landowners revocable permission to use a small section of the Trust's land on the current road for access to an existing camp and for timbering activities. Allowing this use avoids the additional environmental damage that would occur if the road within the right-of-way were to be widened. The judge approved the full consent agreement, and it is recorded in the York County Registry of Deeds in book 15483, pages 66-75.



The most satisfying result of both of the settlements is that the Trust was able to sit down with its neighbors and work out agreements without having to resort to expensive, continuing litigation. The resultant legal costs were still very high, but that is one of the responsibilities that come with land ownership. In the end the Trust lands have been and will remain protected, the roads will be protected from erosion, and our neighbors can still enjoy access to their properties.





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All part of a larger watershed

The Sawyer Mountain Highlands rise above the floodplains of the Saco, Ossipee, and Little Ossipee rivers to form an island of forested peaks, among the highest elevations in Southern Maine south of the Ossipee River. The scenic resources are many: a limestone gorge with steep sides textured with ferns and wildflowers and a stream with pools at its base; the summit, with extensive views west to the mountains of New Hampshire, east to Sebago Lake and Portland, and south to Mount Agamenticus; and the wetlands below the south slopes, where the woods open to marshes.

The Highlands lie in the transition from the plains to foothills, which creates a

unique area which is home to many rare and endangered plants. The varied terrain includes forests, exposed ledges, cold spring brooks, sand bank eskers, vernal pools, a hemlock wetland, and shrub wetlands. It provides habitat for a wide range of birds, small animals, reptiles, and amphibians, such as four species of owl, black duck, great blue heron, black racers, and wood frogs. Wood thrush, hermit thrush, veery, and winter wren make music on the mountain, as do many species of warbler. In addition, the protection of the Sawyer Mountain Highlands benefits mammalian species that require large tracts of unbroken forest for habitat, including black bear,



moose, bobcat, fisher, and mink. Lynx have been seen in the area. The Highlands also form the headwaters of two important Atlantic salmon nursery streams, as well as trout streams.

Tick Talk and elections at the Annual Meeting

At the 17th Annual Meeting of the Trust on November 2 at the Porter Town Hall, Dr. Beatrice Szantyr told about the increasing presence of Lyme disease and deer ticks as vectors for it in Maine, especially as ecological changes favor deer ticks. She described the stages of tick development, the stages of the disease, and the treatments. She discussed methods to prevent attachment of ticks and to remove them cleanly. Questions and answers followed, and there was an opportu-

nity for all to study and take home materials Dr. Szantyr had on display. The Trust also described a tick study on Trust land being performed by the Maine Medical Center.

During the business portion of the meeting, President Marlene Livonia thanked Robert "Bos" Savage for his ten years as a Director, active especially in stewardship and developing collaborative relationships with other organizations. The following Trust officers were re-elected: President, Marlene Livonia; 2nd Vice President, Dan Kidd; Treasurer, Dick Jarrett; Secretary, Hilary Wallis. Dylan Alden was elected 1st Vice President.



The Trust protects:

Through ownership:

- 1,394 acres of woodland and wetlands in the Sawyer Mountain Highlands in Limington and Limerick
- 4 acres on the Saco River in Cornish
- 18 acres of woodland in Limerick

Through easements:

- 20 acre Jagolinzer Preserve on the Saco River in Limington
- 60 acres of combined farmland and woodland in South Hiram
- 75 acres of combined farmland and woodland in Waterboro
- 110 acres of combined farmland and woodland in Parsonsfield