



Town of Gray Open Space Plan

Prepared by the Gray Open Space Committee

1/24/22

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Gray Open Space Plan Introduction

We, the members of the Open Space Committee, love Gray. We love its people, its community, and most importantly, the rural character of our neighborhoods.

Like all communities, Gray will continue to grow. Houses will be built, new businesses will come and expand, and our population will increase. By careful planning and cooperation with landowners, developers, and our Town government, we can manage that growth to preserve the character we love. We want to ensure our children's children can enjoy the outdoors the way we do, and that our natural resources flourish as we grow. We hope all interested stakeholders join us to design this future for Gray.

Executive Summary

On November 3rd, 2020, the Town of Gray formally adopted its 2020 Comprehensive Plan. The Comprehensive Plan Steering Committee was created in 2019 to update the Town's Comprehensive Plan from 2003. This major effort involved a sustained focus on reaching out to the public to update the Town's vision for what Gray could be in the future, to identify the priorities, challenges and opportunities Gray could be facing over the next 10-15 years, and to articulate the closely held values of the people who live and work in Gray.

In November 2020, almost 80 percent of Gray voters approved our new Comprehensive Plan, which lists three priorities that have guided the development of this Open Space Plan. The concerns the citizens communicated to the 2020 Comprehensive Plan Committee were clear. Preservation of open space is identified among the top three priorities of the comprehensive Plan:

- Focus on moving people safely through Gray and getting around town via walking, biking, car, or public transportation;
- Protect Gray’s rural character and natural resources;
- Invest in the Village and community program.

Even prior to the formal adoption of the Comprehensive Plan, residents and Town staff had been planning and building bike-pedestrian trails and improvements, keeping and maintaining ATV and snowmobile trails, and strengthening and expanding the Libby Hill trails. These people began to see a need for a plan for doing this more systematically, while respecting landowners' needs and wishes. This led the Gray Town Council to establish the Open Space Committee in 2019 to develop Gray's first-ever Open Space Plan, and (once adopted) to help implement it going forward.



Our Vision

The Open Space Committee formalized a vision statement to capture the sentiment identified in the Comprehensive Plan:

The Town of Gray will develop a system of parks, trails, and open space that contribute to Gray retaining its rural and natural resources by protecting natural habitats, outdoor recreational areas and trails, scenic landscapes, historic places, agricultural land, and clean air and water. Our slogan is “Protect and Connect!”

At the heart of this vision is the preservation of open space to protect habitat for animals, particularly endangered species, as well as for the ongoing enjoyment of current and future residents. Without a conscious effort to preserve access, the open space many of us enjoy today will surely disappear. Gray’s land area is about 46 square miles, about the same size as the Town of Windham. However, our population per square mile (~191 people per square mile) is significantly below Windham’s (~337 pp/sq mile), highlighting the rural character of Gray.

Since the 2010 census, according to the U.S. Census Bureau, Gray has grown about 6.5 percent and there has been significant new housing construction, leading to the loss of open space and trails. With careful planning, and by working cooperatively with landowners, we can slow the ongoing erosion of open space and protect some to be available for generations to come. We do not seek to stop the development of new housing and infrastructure, but to ensure our growth is managed in a way that is consistent with the stated goals of our Comprehensive Plan – to protect Gray’s rural character and our natural resources.

Purpose of the Open Space Plan

The purpose of this Open Space Plan (OSP) is to focus and align the work of the Gray Town Council, boards, committees, staff, clubs, and residents in the areas of land access and preservation for all kinds of recreation. It supports implementation of Gray’s 2020 Comprehensive Plan, particularly regarding preserving the town’s rural character and residents’ quality of life. It outlines specific actions that can be taken by the Town to manage, protect and improve Gray’s natural resources and open space, and provides a framework for decision-making by Gray’s residents, Town officials, and Town staff.



The plan also includes a realistic look at the town's assets, and strategies for obtaining resources needed to help implement this plan. These strategies include partnering with local landowners, regional land trusts, funding sources, and other stakeholders. The OSP will be a tool that can be used during permit reviews, long-term land use planning, grant writing, and open space project planning. Finally, it includes practical proposals for maintaining existing and future recreational open space.

Open Space, Defined

The term “open space” can mean different things to different people. We have chosen to simply define open space as:

“Public and private lands that provide recreational, environmental, and social value to Gray.”

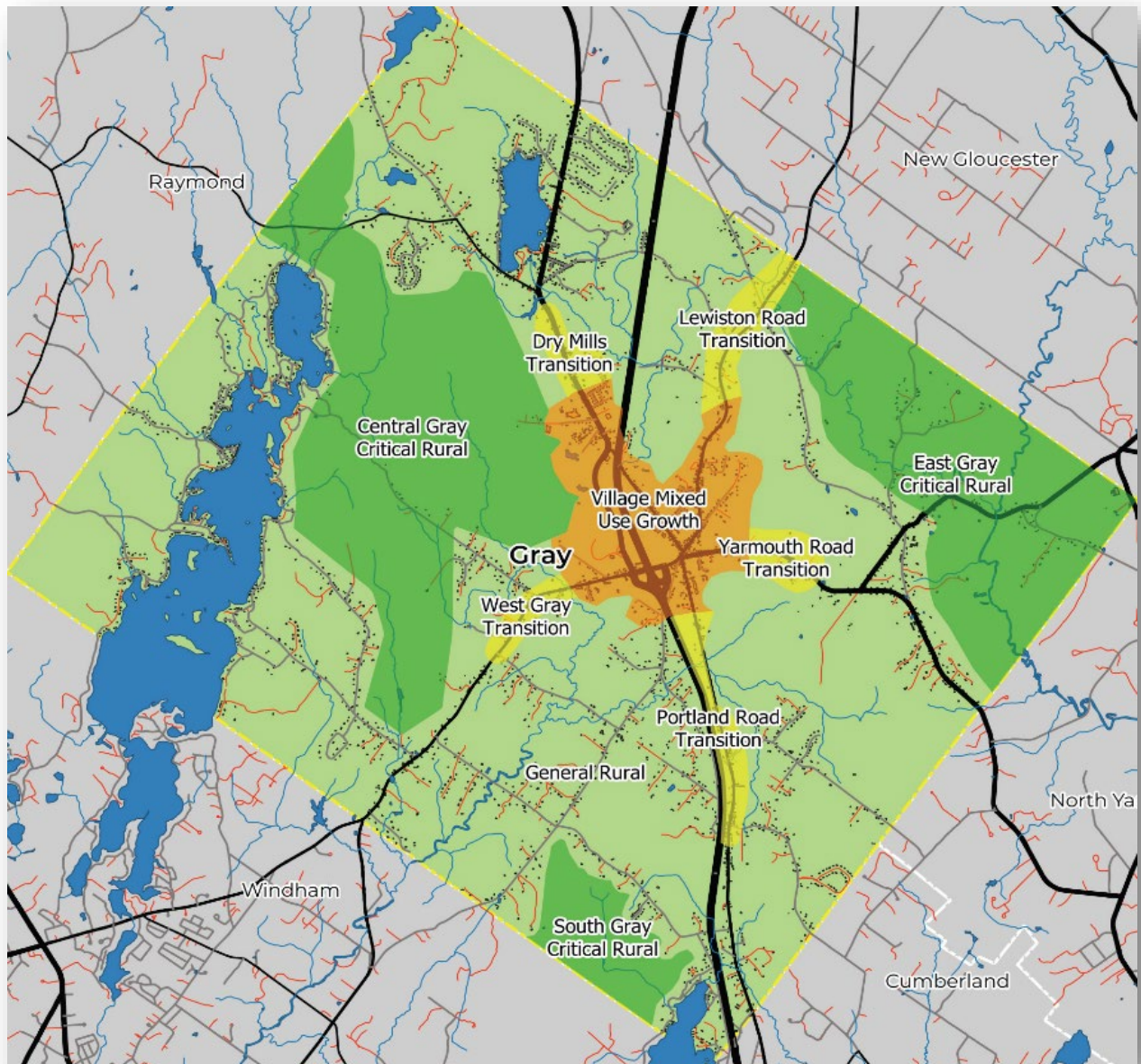
Open space would, for example, include the following types of areas:

- Publicly owned parks, playgrounds, and ballfields
- Land or water set aside for habitat protection
- Rivers, lakes and ponds, and the related public access thereto
- Agricultural land, working farmland, orchards and timberland
- Land not developed for residential, commercial, industrial, or institutional use
- Trails that connect areas of the town
- Land preserved for cultural and/or historic purposes

The Future Land Use map below, taken from the 2020 Comprehensive Plan, provides an overview of where growth should be directed - or limited - in various parts of the town. This map will serve to guide future decisions with respect to the preservation of open space. Definitions from the Comprehensive Plan for the terms on the map are as follows:

Growth Areas: Places that are “suitable for orderly residential, commercial or industrial development” and where “most development projected over ten years is directed.”





Rural Areas (light green): Places “deserving of some level of regulatory protection from unrestricted development” and are the places “away from which most development projects over ten years are diverted.”

Critical Rural Areas (dark green): Places that deserve “the maximum protection from development to preserve natural resources and related economic activities.”



Transition Areas (yellow): Places that are “suitable for a share of projected residential, commercial, or industrial development but that is neither intended to accept the amount or density of development appropriate for a growth area nor intended to provide the level of protection for rural resources afforded in a rural area or critical rural area.”

Village Mixed Use Growth Area (orange): The Village Core Growth Area encompasses the Village and the surrounding area. The Village Core is centered on the intersection of Route 26/Shaker Road, Route 202/Lewiston Road, Route 115/Yarmouth Road, and Route 100/Portland Road. This area is envisioned as easily walkable, and home to a diversity of small, local businesses, services, and restaurants, accompanied by higher density residential development.

While using the 2020 Comprehensive Plan as its foundation, the Open Space Plan will align with, and complements the implementation of, several other existing and future plans, such as the Bike-Ped plan and the Gray Village Master Plan. The existing plans are listed in Appendix A.

Existing Open Space Inventory

Gray is relatively open compared to many communities, especially those to our south in Cumberland County. However, while Gray has preserved *some* open space, we have far less Town-owned open space than many communities (for example, the Town of Cumberland-owned Rines Forest is nearly twice the size of all the land owned by the Town of Gray). The most accessible and most preserved open space is land that is owned by the Town and made available for public use. In total, the Town owns approximately 174 acres of land, though only some of that is accessible for public recreation. In addition, the State of Maine owns over 400 acres of primarily open space land in Gray. Below is a list of land owned by Gray and land owned by the State of Maine, some of which is accessible for public use:

Town of Gray Owned Properties

| Name | Location | Map/Lot | Acreage |
|-------------------------------|---------------|-----------------|---------|
| Dry Mills Fire Barn | 249 Shaker Rd | 013-015-018-000 | 0.50 |
| Wilkie's Beach | Mayberry Rd | 013-107-013-000 | 0.89 |
| Wilkie's Beach Parking Lot | Mayberry Rd | 013-107-014-000 | 2.76 |
| Libby Hill Land | Libby Hill Rd | 026-015-003-000 | 73.00 |
| Recycling Ctr / Garage / Fire | 125 Shaker Rd | 027-020-010-000 | 26.51 |
| Little League Field | 1 Main St | 035-402-047-001 | 1.50 |
| Village Gateway | 33 Main St | 035-403-027-000 | 4.70 |



| Name | Location | Map/Lot | Acreage |
|-------------------------|------------------|-----------------|---------------|
| Village Gateway | Lewiston Rd | 035-403-028-000 | 0.68 |
| Village Gateway | 5 Lewiston Rd | 035-403-029-000 | 1.70 |
| Town Hall | 24 Main St | 035-405-001-000 | 0.95 |
| Lab Building | 20 Main St | 035-405-002-000 | 6.50 |
| Ridgeview Land | Tamarack Ln | 042-013-191-000 | 15.00 |
| Cemetery Association | 1 Main St | 043-402-001-001 | 27.69 |
| Veterans Memorial Park | 9 Main St | 043-402-051-000 | 0.12 |
| Fire Station | 2 Turnpike Acres | 043-404-001-004 | 0.90 |
| Newbegin Center | 22 Main St | 043-405-002-001 | 0.33 |
| Parking Lot | 5 Yarmouth Rd | 043-405-023-000 | 0.51 |
| Library | 5 Hancock St | 043-405-046-000 | 1.60 |
| Manahan Wildlife Refuge | 96 Portland Rd | 051-031-002-000 | 8.00 |
| Retained For Public Use | 90 Whitney Rd | 069-041-038-000 | 0.43 |
| Central Fire Barn | 1 Main St | 700-402-000-000 | 0.10 |
| | | Total: | 174.37 |

State of Maine Owned Properties

| Name | Location | Map/Lot | Acreage |
|-------------------------|-------------------|-----------------|---------------|
| Maine Wildlife Park | 160 Weymouth Road | 009-016-002-000 | 148.00 |
| Fish Hatchery | 155 Weymouth Road | 014-016-003-000 | 52.00 |
| Pineland Public Reserve | 193 Depot Road | 038-044-008-000 | 86.60 |
| Pineland Public Reserve | Depot Road | 038-044-009-000 | 153.56 |
| | | Total: | 440.16 |

In addition to land owned by the Town and the state, per the Gray Town Assessor's office, there are several parcels of land in Gray totaling nearly 215 acres that have been explicitly set aside as Open Space. While not necessarily *permanently* protected as open space, and while not necessarily *permanently* publicly accessible, these parcels nonetheless contribute a significant amount of open space to our community. Though we may not be able to hike across a large wetland, or ride our ATV across a remote woodlot, that open space land does still offer a benefit to our community. There is an environmental and aesthetic value to all open space, regardless of our direct use of it. Landowners who choose to protect open space should be applauded,



especially in the face of increasing economic pressure to develop their land and diminish our community's open space. The parcels of land categorized in Gray as open space include the following:

Town of Gray Open Space Properties

| Location | Map/Lot | Acreage | Public Access |
|-------------------|-----------------|--------------|---------------|
| Campbell Shore Rd | 048-012-092-000 | 7 | Yes |
| Campbell Shore Rd | 056-017-051-000 | 34 | Yes |
| Depot Rd | 037-039-203-000 | 21.8 | No |
| Lewiston Road | 021-026-042-000 | 78 | Yes |
| Libby Hill Rd | 026-015-002-000 | 29 | Yes |
| Ramsdell Rd | 034-014-009-000 | 19 | Yes |
| Ramsdell Rd | 026-014-010-000 | 26 | Yes |
| | Total | 214.8 | |

Finally, for many years the Town of Gray has encouraged or required new subdivisions to set aside open space consistent with our subdivision ordinances. Below is a list of open space set aside during the evolution of our subdivisions:

Town of Gray Subdivision Open Space Properties

| Owner Name | Location | Map/Lot | Acreage |
|--------------------------------|------------------|-----------------|---------|
| Long Hill Estates Inc | Arlington Court | 065-042-006-000 | 22.71 |
| Forest Ridge Homeowners Assoc. | Cottage Rd | 072-040-018-000 | 7 |
| Cumberland-York | Depot Rd | 037-039-014-000 | 23 |
| Wedgewood Development Corp. | Doughty Farm Rd | 059-037-052-000 | 15.54 |
| Eagles Ridge Homeowners Assoc | Eagles Nest Rd | 063-035-027-000 | 49.72 |
| Eastfield Estates | Eastfield Dr | 053-043-001-026 | 25.23 |
| Ledgewood Farms | Fox Run Rd | 062-027-001-002 | 19.52 |
| Graystone Settlements | Graystone Rd | 068-029-002-000 | 25.93 |
| May Meadow Inc | May Meadow Drive | 012-010-010-000 | 3.2 |
| May Meadow Inc | May Meadow Drive | 007-010-010-000 | 5.58 |
| May Meadow Inc | May Meadow Rd | 012-010-010-082 | 87.4 |
| May Meadow Builders, Inc | Mayall Rd | 036-025-421-000 | 10.7 |



| Owner Name | Location | Map/Lot | Acreage |
|------------------------------|-------------------|-----------------|---------------|
| Long Hill Acres | Milliken Rd | 064-036-032-000 | 2.64 |
| Wayfarer Village, Inc | Mountain View Rd | 041-303-284-000 | 36.07 |
| Northbrook Association | Northbrook Dr | 043-019-002-000 | 11 |
| M-36 Associates | Northbrook Dr | 035-019-002-000 | 7.2 |
| Gorham Acres, Inc | Partridge Ln | 044-032-074-000 | 7.01 |
| Stave Mill Development | Stave Mill Rd | 009-016-004-000 | 39.5 |
| Lavoie Building & Remodeling | Straightline Road | 063-030-008-200 | 15.87 |
| Sunset View Condominiums | Sunset View | 035-402-024-000 | 0.62 |
| Chase Custom Homes, Inc | Taylor Lane | 070-041-040-000 | 24.75 |
| Chase Custom Homes, Inc | Taylor Lane | 069-041-040-000 | 5.56 |
| <Private> | West Gray Rd | 067-022-017-000 | 15.98 |
| Tz Properties, LLC | Whitney Rd | 069-041-044-000 | 7.05 |
| Birchpoint Properties LLC | Woodcock Drive | 044-032-112-014 | 6.45 |
| <Private> | Whitney Road | 064-041-044-003 | 7.59 |
| | | Total: | 482.82 |

Currently, open space set aside during the creation or expansion of a subdivision is generally privately held by the homeowners' association managing that subdivision. While this open space may benefit the residents of that subdivision, it is typically not publicly accessible. In addition, too often the space set aside to satisfy the requirements of our subdivision ordinances is not the most desirable from the perspective of its recreational value. While it may provide excellent wildlife habitat, a significant value, it may not offer any outdoor recreational value for even the residents of that subdivision.

To these points, this Open Space Plan recommends that going forward, when open space is set aside during the creation or expansion of a subdivision, the following guidelines be considered:

- Require that the open space be available for public use, not only for the residents of that subdivision;
- Encourage the open space be designed and built to support outdoor recreational activities, such as the creation of a trail for hiking, biking, snowmobiling, etc.; and
- Locate and define the open space to facilitate the connectivity to existing trails, or perhaps even trails that might be created in the future.



In addition, we should review any open space previously set aside when subdivisions were created in the past. Where there are opportunities to connect privately held open space to other trail networks or destinations, we should invite the homeowner's associations to grant access to the public.

The goal here is to multiply the value of our open space without significantly increasing the costs to landowners and developers. If we can connect *even some* of our existing publicly accessible open spaces into larger trail networks, we would add significant recreational opportunities to our community. It has been a longstanding goal to protect open space, as reflected in our subdivision ordinances. We hope to now add the goal of *connecting* those open spaces. *Protect and Connect!*

Trail Networks

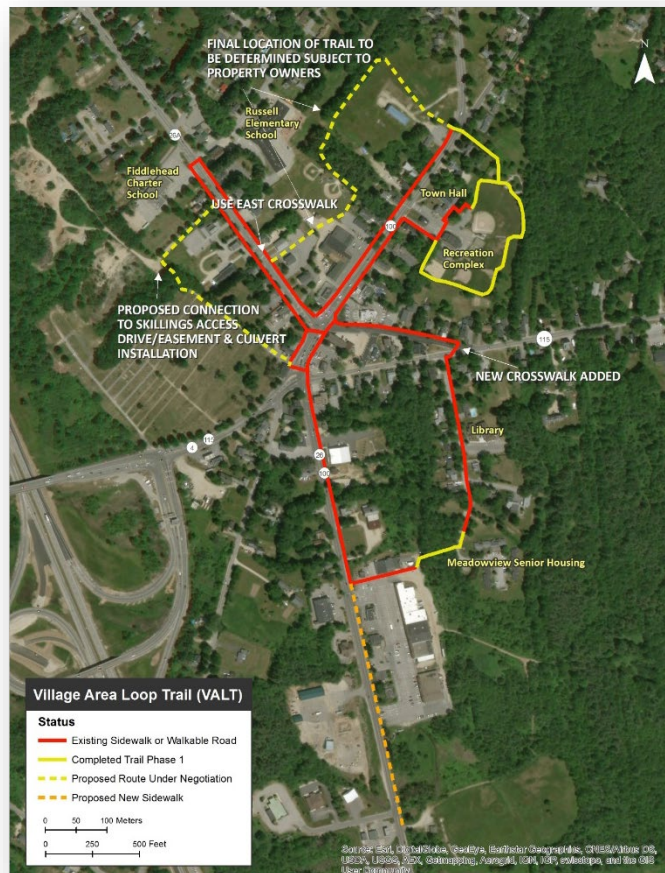
The Village Area Loop Trail:



One segment of the VALT. The "Hancock Link" connects Hancock Street with the Gray Plaza. The trail was reconstructed with funding from Maine's Recreational Trail Program with assistance from the Town of Gray and volunteers.

The Village Area Loop Trail (VALT) was envisioned in the original Bike-Ped Plan (2014), and was designed to move people around Gray Village off-road as much as possible. Parts of this plan have already been implemented; other parts have had to wait for landowner approval. The VALT has been popular with residents and business owners alike. Real estate professionals routinely include statements such as "near the VALT" on houses they are listing for sale in the village, indicative that such trail networks are seen as desirable to buyers and improve property values. Trails run over private land (with property owner written permission) as well as Town-owned property.





The Gray Trail Network



The 2018 Bike-Ped Plan approved by the Gray Town Council envisioned creating the Gray Trail Network, a multi-use, town-wide network of trails that would allow residents to move around off-road and enjoy outdoor recreation. This concept was also endorsed by the 2020 Comprehensive Plan. The Town Council created the Open Space Committee in 2019, partly out of recognition that more tools, resources, and expertise were needed for the Gray Trail Network. The OSP helps create the foundation on which the Gray Trail Network can be built and maintained. The image at left, developed by the Bike-Ped Committee, could be used in directional signage throughout the trail system.



Summary of Recommendations

The Open Space Committee has identified four priority areas as the pillars of our Open Space Plan. Those include:

1. Develop new trails and facilities;
2. Preserve critical open space;
3. Develop and nurture relationships with private landowners;
4. Fund and support (through volunteer recruitment, coordination, and oversight) ongoing trail and open space maintenance.

For each of these priority areas, we developed goals the Town of Gray should pursue. Some are longer-term goals which could take many years, while others are more easily accomplished.

Priority 1 – Develop New Trails & Facilities

Gray is committed to strengthening residents' ability to move around the town safely. As described above, the VALT and the Gray Trail Network are two examples of this. While off-road trails are important and valuable, improving the safety of our streets and sidewalks is also vital. Our goals include:

Goal 1.1: Implement a three-way management agreement for the Libby Hill Forest with the Town of Gray, MSAD 15, and Gray Community Endowment.

Goal 1.2: Expand the Libby Hill Forest and trail network.

Goal 1.3: Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses.

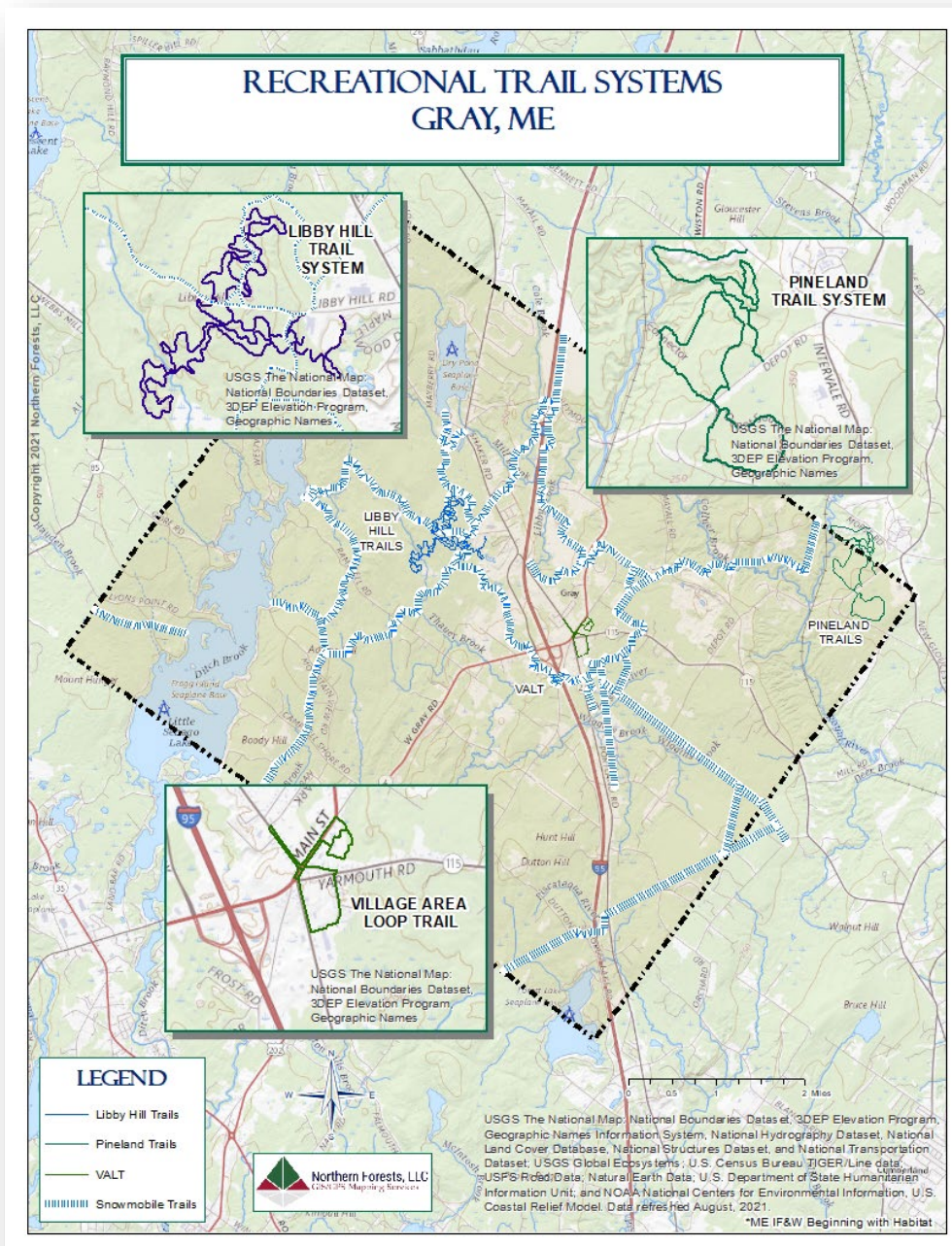
Goal 1.4: Create, expand, and maintain walking and bicycle connections from the Village to other destinations in Gray, like the schools, local trails, and the library.

Goal 1.5: Strengthen and expand regional trail connections.

Goal 1.6: Identify and pursue funding for new sidewalk construction where appropriate, such as in the Village, on Libby Hill Rd., on North Raymond Rd., and in other high use, high traffic areas to protect pedestrian safety.

Goal 1.7: Implement the Gray Trail Network as envisioned by the 2018 Gray Bike-Ped Plan to support the ongoing development and maintenance of public-use trails in Gray.





Priority 2 - Protect Critical Open Space

The Comprehensive Plan directs us to protect Gray's rural character and natural resources, including critical rural and waterfront areas, agricultural and forestry lands, wellheads, and aquifers. Open space can be preserved using a variety of strategies, including agreements with private landowners (especially those willing to allow public access to their property), easements, and land acquisition (see Strategies and Resources for Land Preservation, below.) The Comprehensive Plan identified sections of Gray as Critical Rural, Mixed-Use Growth and General Rural and Transition Areas (see pages 22-26 of the Comprehensive Plan Summary for a discussion of this). The Mixed-Use area has our greatest population density. Density is an opportunity to build wealth, stability, and lower tax burdens in the town, while sprawl has the opposite effect. Simply put, it is more expensive for taxpayers to provide infrastructure and services to sparsely developed areas. Through zoning and other measures, Town policy should direct development to growth areas and protect land in rural areas. Recommended goals related to protecting critical open space include:

Goal 2.1: Update Town ordinances that encourage or even require:

- Concentration of development in growth areas;
- Denser development near the center of town and other areas where infrastructure exists, and away from aquifers;
- Preservation of open space in subdivisions, and ensure it is available for use by the public, not only subdivision residents;
- Allocation of open space in subdivisions that maximizes outdoor recreational activities, and that supports connectivity to other publicly accessible open space.

Goal 2.2: Protect critical natural resources through acquisition, easements, and other strategies.

Goal 2.3: Work with existing land trusts or other conservation organizations to pursue opportunities to protect important open space or recreational land, particularly 'Undeveloped Blocks' of natural habitat as shown on the map below.

Goal 2.4: Initiate and/or participate in interlocal and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources.



Priority 3 – Landowner Partnerships for a Better Gray

We recognize that the cooperation of private landowners is critical to realizing the vision outlined in this Open Space Plan. They help provide access to parks, trails, outdoor recreational spaces, scenic landscapes, and historical places. Landowners help Gray retain its rural character and protect its natural resources and habitats. The land they own is contributing to clean water and clean air. We must acknowledge and support our landowners, as is expressed in Principles of Cooperation with Private Landowners, approved by the Town Council on December 15, 2020 (see Appendix B).

The Town of Gray is committed to working cooperatively and respectfully with private landowners to preserve open space, whether for recreation, habitat preservation, farmland protection, or related purposes. Strategies for open space preservation are described in more detail in the Strategies and Resources for Land Preservation section below, and include such methods as donated easements, the purchase of development rights, buying land outright, and trail use agreements.

The one goal in this area, capturing many others, is as follows:

Goal 3.1: Incorporate the Landowner Principles of Cooperation approved by the Town Council on December 15, 2020, into Town practice and culture by:

- Cooperating with other outdoor-related organizations, such as the ATV club, Snowmobile Club, and Bike-Ped Committee, and regularly acknowledge and honor landowners who are making a significant contribution to the mission and vision described in our Open Space Plan.
- Regularly engaging with landowners to learn about their questions, issues, and concerns about how their land can support implementation of the Open Space Plan.
- Create a Landowner Recognition Award to be given each year in conjunction with Gray's annual volunteer recognition awards, to a landowner who has made a significant contribution to the goals stated in this Open Space Plan.

Priority 4 – Open Space Maintenance / Stewardship

Trails need maintenance, such as tree and branch removal or erosion control and repair. Open spaces such as parks and ballfields need occasional work to keep them serviceable, such as grass mowing, reseeding, trash removal, and so on. Sidewalks need plowing in the winter, and



occasional repairing. Volunteers already contribute substantial labor, materials, and funding to maintain and improve Gray's open space resources, but this work often falls on a handful of people. The more groups able to use conserved open space, the more public support there will be for acquiring and maintaining it. Allies in open space maintenance include organizations that have goals consistent with Gray's OSP, such as the Gray Community Endowment, Gray Snowolves, G-NG ATV Club, and local sports leagues. Statewide groups, such as the Maine Mountain Bike Association, can also be involved.

The Town has recently finalized an agreement with MSAD 15 and the Gray Community Endowment to manage the Libby Hill Trails. The Town of Gray's Building and Grounds director will oversee trail maintenance, MSAD 15 will contribute annual funding and help recruit volunteers, and the Gray Community Endowment will coordinate ski trail grooming. Volunteers will be asked to help with four workdays annually on Libby Hill to cut brush, pick up branches, and do other maintenance. This is an excellent example of a public-private partnership.

We will need to continue to cultivate a culture and practice of hands-on volunteer involvement in open space maintenance. However, there may be instances in which the involvement of the Town is needed to handle discrete tasks, such as applying for and disbursing grants, or providing staff expertise or heavy equipment. Over time, the Town may need to consider adding funding to the Buildings and Grounds budget to accommodate this additional workload.

There is one goal for open space maintenance and stewardship:

Goal 4.1: Form a committee to encourage broader participation from all open space users and to coordinate and oversee their work. Members should include Town staff, representatives from local clubs and organizations, and individuals. This work could be assigned to the Open Space Committee.

Prioritization of Open Space Projects

There is a cost to acquiring, developing, and maintaining Open Space. While Gray residents clearly value open space, as demonstrated by the sentiment captured in the 2020 Comprehensive Plan, we must balance the costs of that preservation with our fiscal reality. There will always be a greater demand to acquire and/or enhance open space than the Town budget can support. Open space-related projects require an investment of both funding and human resource to accomplish them. When considering projects, especially those requiring significant funding, we recommend the Town consider both the direct and indirect benefits of any endeavor, as described below:



Direct Benefits:

- Provides publicly accessible open space that all can actively enjoy
- Has significant scenic, historical, or natural beauty
- Encourages outdoor activities, especially for families and youth
- Provides, enhances, or protects access to other open space
- Provides economic value by drawing people to the Town of Gray

Indirect Benefits:

- Protects, enhances, or restores significant or endangered plants, wildlife, and aquatic life
- Protects natural resources important to the Town (e.g., groundwater)
- Protects or expands large tracts of unfragmented land
- Protects or expands agrarian activities in Gray such as farming, timber production, etc.

The feasibility of a project is another important factor that should be considered when determining how a project should be prioritized against other open space projects. The following things should be considered to help assess feasibility:

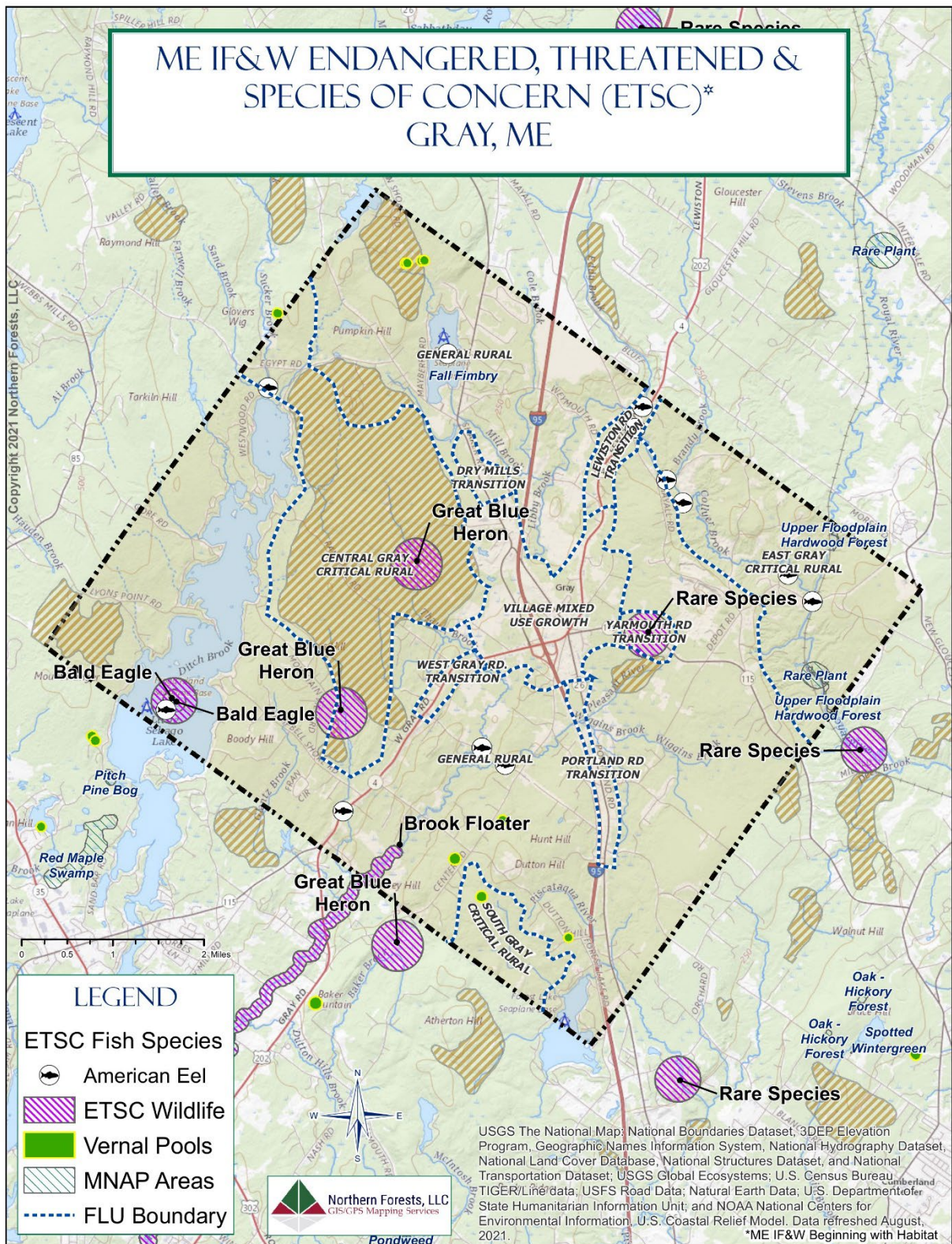
- The short- and long-term costs, including considerations such as the acquisition expense for the Town of Gray, long-term maintenance costs, and potential loss of property tax revenue, are consistent with the project's benefits
- There is significant public support for the project(s)
- The benefits of the associated project(s) are sustainable and will benefit Gray's citizens for future generations

See Appendix D for other ways of numerically scoring potential open space acquisitions or projects that require an investment of financial and/or in-kind resources from the Town of Gray. This form was adapted from one in use by the *Royal River Conservation Trust*. The Town may choose to edit this form as we gain more experience with its use. It is meant to serve as a template for analyzing the relative benefits of open space projects.

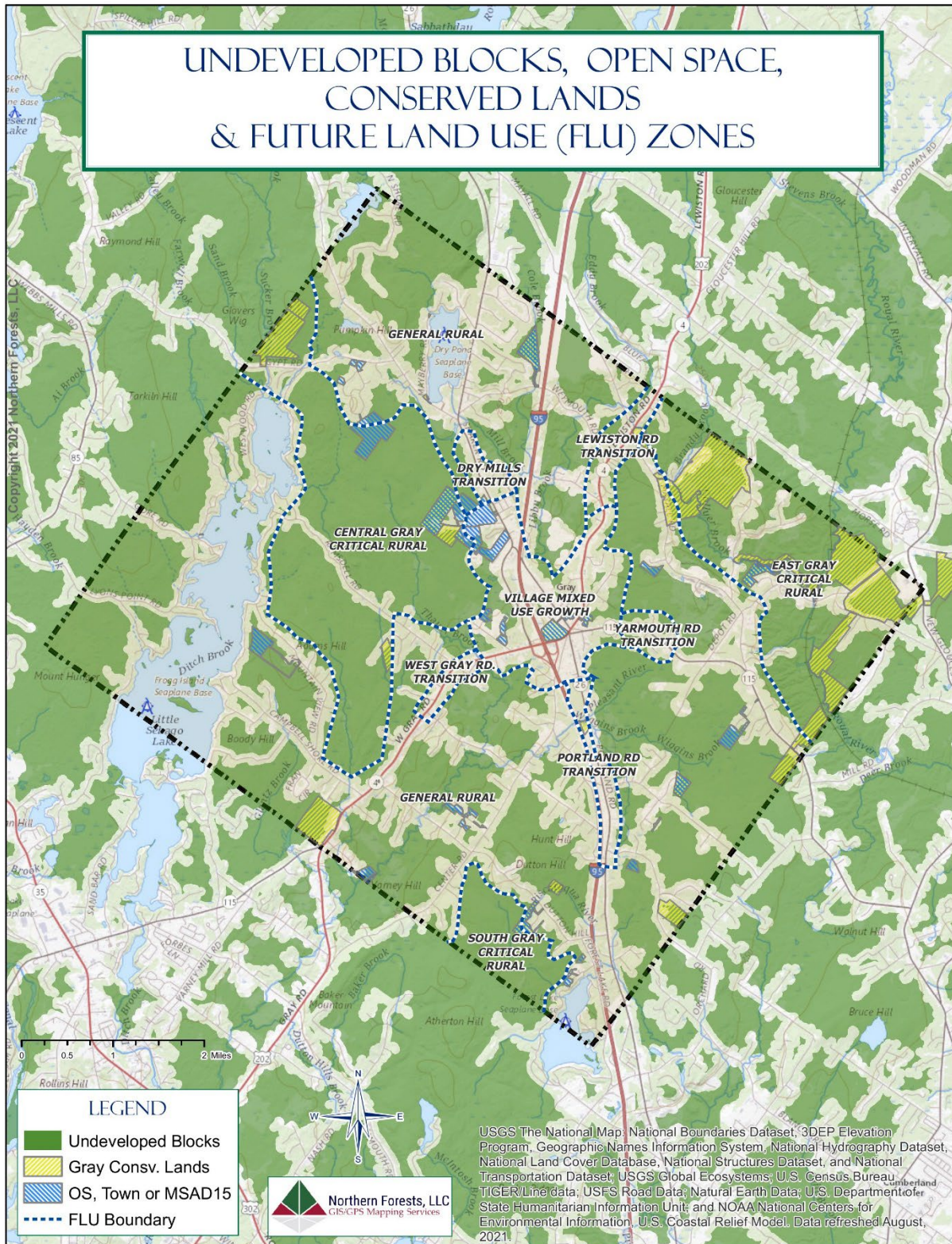
The three maps shown below help delineate the important environmental considerations when selecting open space projects to pursue.



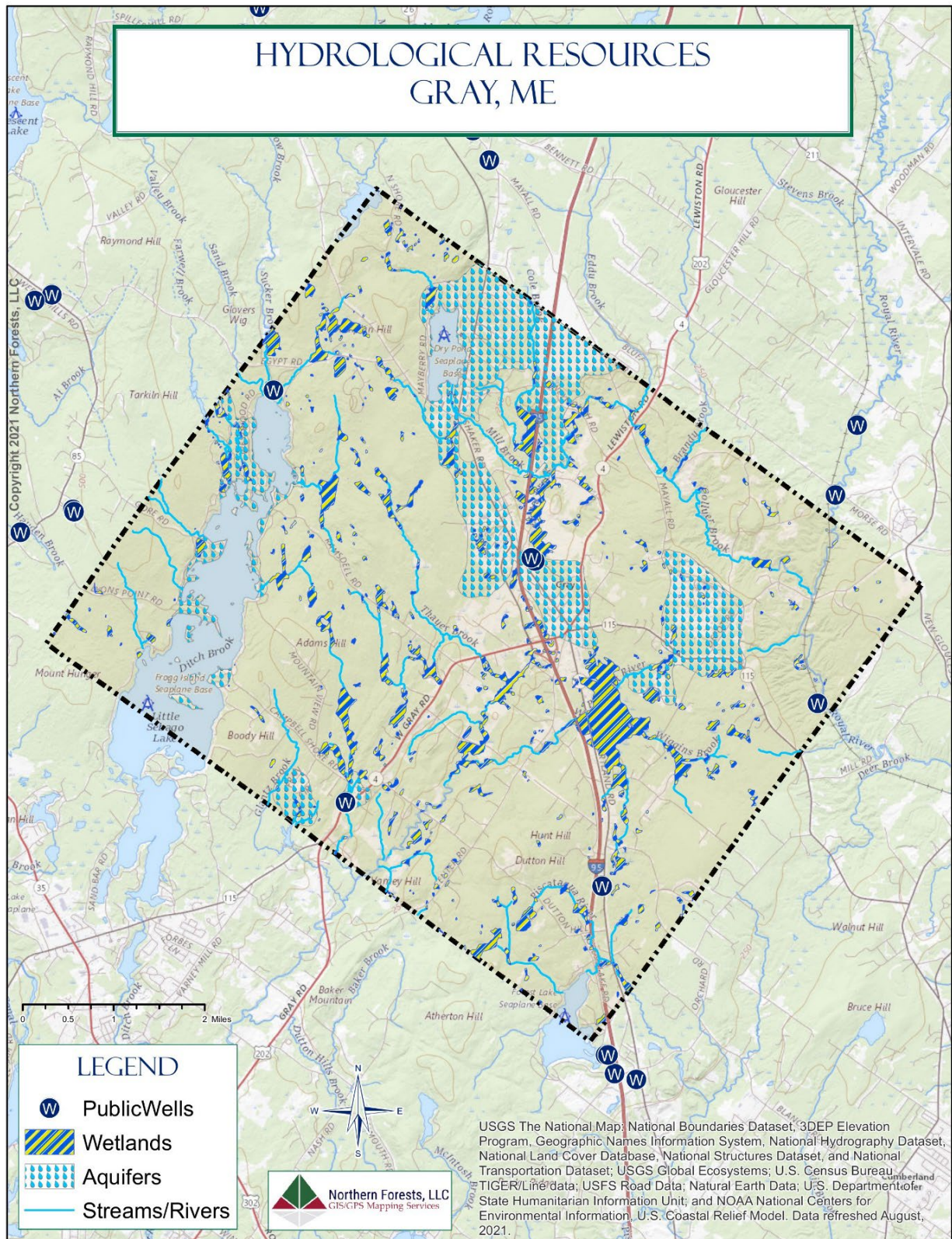
ME IF&W ENDANGERED, THREATENED & SPECIES OF CONCERN (ETSC)* GRAY, ME



UNDEVELOPED BLOCKS, OPEN SPACE, CONSERVED LANDS & FUTURE LAND USE (FLU) ZONES



HYDROLOGICAL RESOURCES GRAY, ME



Open Space Focus Areas

The Open Space Committee is committed to working in partnership with landowners on open space access and conservation. Listed below are areas of interest to the Town. In identifying these, we are simply aligning the OSP and the Comprehensive Plan, with slightly more focus. This doesn't preclude pursuing open space opportunities in other areas of town should they arise, and should they meet the benefit criteria listed above. Any further exploration of conservation work in the focus areas would take place in consultation with property owners and the land trusts.

South Gray - Preservation of open space and viewsheds; creation of public open space in an underserved area of town. Establish off-road trail corridors to other parts of town.

Libby Hill - Sections of the existing Libby Hill Forest are owned by the Town of Gray, MSAD 15, and Gray Community Endowment (a 501c3 nonprofit). We recommend seeking additional land conservation to expand recreational opportunities and to protect wildlife habitats, as well as to preserve existing and establish new multi-use trail corridors that connect Libby Hill to other areas of town.

East Gray - We recommend seeking additional land conservation to expand recreational opportunities and to protect environmental and wildlife habitat, and to establish public access to existing trails along the Royal River corridor in Gray. This area was identified in the Comprehensive Plan as a Critical Rural Area, and we agree it should be protected and enjoyed.

Wilkie's Beach - As Gray continues to grow, the Town beach and associated infrastructure (parking, sanitation) will need to expand, as well. Crystal Lake sees heavy use in the summer. This, along with the residential housing lining the lake shores, boat traffic from residents and visitors via the public boat launch, and a growing Canada Goose population, threatens the water quality and health of the lake. Ultimately, the Town should consider establishing a public swimming beach at one of Gray's other lakes to expand capacity and to improve access for residents in other areas of town. In the meantime, the Town should pursue strategies to improve public safety in the Wilkie's Beach parking area.

Village Gateway Property – In June 2021, Gray voters approved the purchase of an eight-acre parcel across Main Street from the Town Hall. The ultimate disposition of this land will be determined with the input of Gray residents. In addition to other business or residential development, it presents an opportunity to add needed ballfields, as well as an extension of the Village Area Loop Trail. Adding walking paths to higher density areas allows people to move around town off-road, reducing vehicle traffic, and improving opportunities for outdoor recreation.



Strategies and Resources for Land Preservation

Land trusts will be important partners as Gray seeks to implement this Open Space Plan. Land trusts are 501c3 nonprofit conservation organizations that achieve their missions by working with willing property owners. Land trusts steward the properties in their care according to the highest standards, and in furtherance of public values such as water quality, sustainable forests, healthy ecosystems, productive farmlands, and welcoming nature trails. Gray is fortunate to have two land trusts available to partner with: the Yarmouth-based Royal River Conservation Trust, responsible for the eastern half of Gray; and the Presumpscot Regional Land Trust, which handles the western half of Gray (with Libby Hill as the rough dividing line). Both land trusts have indicated strong interest in working in Gray.

Some of the strategies described below will be best pursued with the help of the land trusts because of their extensive experience working with landowners.

Strategies¹

Land Use Agreements (see Appendix C). Where possible, the Town should seek to create permanent solutions to open space preservation; however, in some cases an interim measure such as a land use agreement may be the right solution. Such agreements can provide an opportunity to test public use of private land for a defined period, until a landowner is comfortable with a more permanent agreement, or can buy time while necessary fundraising for land purchase or an easement can be assembled. Land use agreements can be defined for a period of months or years, are renewable, and can be terminated by either party for cause with a 30-day notice. Such agreements may be signed with the Town, another local organization such as the Gray-New Gloucester ATV Club or the Snowolves (snowmobile club), or even a land trust.

Conservation Easement. Land ownership can be thought of as a bundle of rights. Easements are typically a permanent agreement whereby property owners grant right of access to their land for defined purposes, such as recreational use, while retaining ownership. Easements typically “run with the land,” meaning they are recorded in the Registry of Deeds and can be continued even if the property is sold to a new owner. In developing the easement, landowners are in the driver's seat; they can define what uses of their property they will allow, and what rights they wish to retain. A land trust would work with the landowners to develop the language of the agreement, a process that can take several months. This process includes helping landowners identify their land conservation goals, the family's needs and wishes, their properties' special features, and

¹ We are indebted for help in this section to Maine Coast Heritage Trust's guidebook “Conservation Options: A Guide for Maine Landowners,” (2021). The guidebook goes into greater detail and can be found on their website, www.mcht.org.



their financial needs. One benefit to granting an easement may be a reduction of property taxes, as a permanent easement can reduce the value of the property. The easement holder (the land trust) assumes responsibility for managing the easement over time.

Land Donation. Landowners may also choose to donate their land outright to a land trust or to the Town of Gray. Landowners may be moved to do this because they want to make a gift of land they love to the community, to see that it is properly managed over time, and either do not require compensation, or would realize tax benefits from the donation. Again, the land trust staff have the capacity to work with the property owner to explore their unique financial circumstances. There are a variety of ways this can work, such as donations that allow landowners to continue living on their property through the end of their lives.

Land Sale. When a property is desirable enough to purchase, and the property owner desires to sell it, a sale price can be negotiated. This can be a “bargain sale” at below market rate (perhaps providing a tax advantage to the landowner), or a sale at full market value. Payments can be structured in one lump sum or installments over time. The sale price is established by an appraisal of fair market value, and is highly unlikely to be exceeded (often, if public funds are involved in a land conservation purchase, the appraisal cannot be exceeded). Again, a land trust would work with landowners to understand their unique financial situation and how best to proceed.

Right of First Refusal/Option. When property owners are not ready to commit to a sale, but are inclined toward conservation, the Town and/or land trusts may negotiate a right of first refusal, or an option to purchase within a specified amount of time. The latter provides time for supporters of the purchase to find the funding. If they are unable to, they are under no obligation to proceed with the purchase and the owner is free to sell the property to another buyer.



Funding Resources

Any large land conservation project is unlikely to be funded by a single source. Instead, supporters create a “layer cake” of many sources, which together add up to the purchase price. For example, in 2010, when the Gray Community Endowment purchased land on Libby Hill from Hancock Lumber for \$160,000, funding sources included private donations, a grant from the state’s Land for Maine’s Future, a contribution from the Town of Gray, and several smaller foundation grants.



Listed below are sources of funding for land conservation, as well as trail building and maintenance.

Private Donations: These can come from individuals, local groups, or businesses. Local support is key to any large fundraising effort; larger donors will expect to see financial support from the people who live in or near the land to be conserved.

Town of Gray Open Space Fund: In 2019, Gray voters approved the creation of an Open Space Fund with an initial contribution of \$50,000 and have approved annual allocations since. These are critical funds for matching grants from other funding sources. Voters must approve distributions of funds from this account.

Town of Gray “Sub-D” Recreation Account: Funded by a fee charged to new housing development, the Sub-D account can be used for a variety of purposes, from ballfield improvements to trail maintenance and land conservation. The Council has the authority to approve distribution of funds from this account.

Land for Maine’s Future (LMF)²: The Land for Maine’s Future Program is the State of Maine’s primary funding vehicle for conserving land for its natural and recreational value. It is funded by bonds that are authorized periodically by Maine voters. LMF funding comes with an obligation to preserve the land as open space in perpetuity, and requires recipients to file an annual report. Projects submitted to LMF must have a “high degree of readiness.” This could

² Administered by the Maine Department of Agriculture, Conservation, and Forestry, <https://www.maine.gov/dacf/lmf/>



mean, for example, that they have a signed purchase and sale agreement, and that other fundraising has been completed. Application deadlines are typically once or twice a year.

Land and Water Conservation Fund (LWCF).³ The Land and Water Conservation Fund was established to assist federal, state, and local governments in the acquisition and/or development of public outdoor recreation facilities. Administered at the federal level by the National Park Service and at the state level by the Bureau of Parks and Lands in the Maine Department of Agriculture, Conservation, and Forestry, LWCF grants can provide up to 50 percent of the allowable costs for approved acquisition or development projects for public outdoor recreation. These grants put the land into public recreational use in perpetuity, regardless of future land use in the area or deterioration of any built facilities.

Recreational Trails Program (RTP)⁴: The RTP program has an annual application cycle. It is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The RTP provides funds to the States to develop and maintain recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses. (The Town of Gray received an RTP grant in 2015 to help build sections of the Village Area Loop Trail). The funds can be used to maintain/improve existing trails, build new ones, create trailhead facilities such as parking, or to acquire easements or fee simple title. The federal share can be no more than 80 percent of the total project cost, but the local share can be cash or in-kind (donated) labor/materials.

Municipal ATV Grant: This is a grant available to municipalities for sharing the cost of ATV trail development and maintenance. It differs from a club grant in that a town, city or county must submit the request; a local cash or in-kind match is also required. Funds can be used to build new trails or to maintain existing ones. In 2021, the Town of Gray was awarded \$64,350 from this fund to rehabilitate a trail along Long Hill Road which is used by both ATV riders and others. The state funding paid for 90 percent of the project cost. This is an annual grant round, typically in the spring.

Foundations: Foundations can be from Maine or other states; some give nationally. Maine examples include the Davis Conservation Foundation and the Margaret Burnham Charitable Trust. Out-of-state examples include the Fields Pond Foundation and the American Hiking Society: National Trails Fund. Depending on the size and importance of the project, foundation grants tend to be smaller (less than \$10,000) but they can be an important source nonetheless. As

³ Administered by the National Park Service and Maine Bureau of Parks & Lands
https://www.maine.gov/dacf/parks/grants/land_water_conservation_fund.html

⁴ Administered by the Maine Bureau of Parks and Land
https://www.maine.gov/dacf/parks/grants/recreational_trails_program.shtml



with any grant, the project must meet their guidelines. Their deadlines vary, and can be anywhere from rolling (apply anytime) to only once a year.

Corporations: Businesses can also be a source of cash or in-kind donations. The benefits of the project must tie to whatever initiatives they are currently supporting, or to their customer base. Application deadlines vary.

State of Maine Tax Incentive Programs: Maine offers property owners a reduction in assessed value for Farmland, Open Space, Tree Growth, and Working Waterfront. The programs establish valuation of property at its current use, rather than at fair market value. Property must meet certain criteria to qualify for each program and any future change in the use of the land will cause disqualification resulting in a penalty. The three categories relevant to Gray are described below:⁵

Farmland: Requires at least five contiguous acres in their parcel of land. The land must be used for farming, agriculture or horticulture and can include woodland and wasteland. Additionally, the parcel must contribute at least \$2,000 gross income from farming activities each year.

Open Space: There is no minimum acreage requirement with this program. However, minimum areas and setbacks must be excluded from classification. The parcel must be preserved or restricted in use to provide a public benefit. Benefits recognized include public recreation, scenic resources, game management, and wildlife habitat.

Tree Growth: This program provides a benefit for owners of at least ten acres of forested land used for commercial harvesting. A forest management and harvest plan must be prepared and a sworn statement to that effect submitted with the application. Applications must include a map of the parcel indicating the forest type breakdown, as well as all other areas to be excluded from the tree growth program.

Conclusion

Open space is important to our community. This Open Space Plan intends to help our town preserve and expand open space, a goal that will take many years to realize. The town may not immediately taste the fruits of the recommendations described herein, but many years from now, the evidence of our work to preserve open space will be obvious. If we want our children and grandchildren to benefit from these changes, implementation of this plan should start today.

“The present time has one advantage over every other – it is our own.”

- Charles Caleb Colton (1777-1832), English writer

⁵ This is excerpted from the Maine Revenue Services/Property Tax Relief Programs/Current Land Use Programs, at <https://www.maine.gov/revenue/taxes/tax-relief-credits-programs/property-tax-relief-programs/land-use-programs>



Appendix A

Other Related Town of Gray Plans

The following plans and policies also support the use and preservation of Open Space:

2006 Gray Village Master Plan (GPCOG)⁶

In 2006, the Town of Gray conducted a master planning process for its Village that included a detailed set of challenges, goals, and objectives. The plan focused on pedestrian improvements in five focus areas in the Village, including Route 100 (north and south), Gray Plaza, Route 115 east, and Route 202/4 west. Specific locations cited for sidewalk upgrades were:

- Route 100 through Gray Plaza
- Both sides of Route 100 to the Pennell Institute
- Both sides of Route 26 to Gray Park, and
- Both sides of Route 115 East from the Village to Brown Street.

The plan also noted the need for an inventory of all the trails throughout town and the need to establish connections from existing trails to the Village. Finally, it cited the need for striped bike lanes on both sides of all roads in the Village.

2010 HUD Regional Sustain Southern Maine Pilot Project- (GPCOG, USM, SMRPC)

A Department of Housing and Urban Development Sustainable Communities Grant was awarded to the Greater Portland Council of Governments (GPCOG) and its partners in 2010. This initiative, called Sustain Southern Maine, selected nine towns in York and Cumberland Counties to serve as pilot planning projects. Gray is one of the communities that volunteered to participate in the process. The Town focused the planning on the Village area; recommendations included increasing residential development in the Village, adding or upgrading sidewalks, and reducing tractor-trailer traffic to create a more bike-ped friendly environment.

2018 Gray Bike-Ped Plan⁷

This plan was developed and written by the Bike-Ped Committee, a private citizen's committee, but adopted by the Town Council in 2019. Among other things, the Bike-Ped Plan envisioned the creation of the Village Area Loop Trail to strengthen and expand off-road trail connectivity within Gray Village, and the town-wide, multi-use Gray Trail Network. The Bike-Ped Plan also

⁶ <http://www.pactspan.org/documents/GrayVillageReport.Nov06.pdf>

⁷ Gray Bike-Ped Plan - <https://www.graymaine.org/bike-ped-plan>



encourages improvement of deteriorated sidewalks to enhance pedestrian safety, and the construction of new sidewalks in higher density, high traffic areas of Gray.

2019 Complete Streets Policy⁸

The Gray Complete Streets Policy was also developed by the Bike-Ped Committee, and adopted by the Gray Town Council in 2019. The Complete Streets Policy advocates for the fundamental concept that all streets and roadways should be designed and operated to be safe and accessible for current and future users. This includes pedestrians, bicyclists, motorists, or transit riders, regardless of age or ability.

Complete Streets principles contribute to the safety, health, economic vitality, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation, and commercial centers. Ultimately, our vision for Gray is to have a well-connected network of streets, bike-pedestrian trails, and other transportation facilities that balance the needs of all users and appropriately relate to the existing built environment in capacity and scale.

⁸ Town of Gray Complete Streets Policy can be found at <https://www.graymaine.org/documents/pages/policiesguidelines>



Appendix B

Principles of Cooperation with Private Landowners

1. **We Thank You** - We acknowledge and appreciate the contributions of private landowners to the public's stated goal of maintaining and even increasing the amount of open space available to the public. Landowners have made an investment in land ownership; they pay taxes; and contribute to the community through providing open space often enjoyed by many. We will take every opportunity to publicly acknowledge these contributions to the community.
2. **We Respect Your Wishes** - We recognize that what is important to landowners can vary greatly. Some value privacy, some value recreational activities, some value capital appreciation through timber values or land valuations. We respect these values. We vow to not treat all landowners the same, but to work with each individually to ensure proposed public uses are consistent with their wishes.
3. **We Will Support You** - We recognize the rights of private landowners to determine what, if any, public access to allow on their land, and we will endeavor to never advertise or encourage the public's entrance to or use of land where the landowner has not expressly given permission for such use. Where necessary or prudent – and if in accordance with the landowner's wishes – we will endeavor to document and publicize all such granted permissions. Likewise, where significant or repeated public intrusion onto private property is incongruent with the landowner's wishes, we will encourage the public to comply with the landowner's requests. We will appoint and support a Town official to act as a liaison to landowners, and to help landowners who have provided public access to their land.
4. **We Make No Assumptions** - We acknowledge that many private landowners may not wish to grant permanent easements to allow public access to their property. In such instances, we will endeavor to work with landowners to create arrangements that respect their wishes. We will not assume a grant of public use is perpetual, unless and until an easement has been granted. We will endeavor to communicate annually with landowners to ensure their wishes are being met with respect to the public's use of their private land.
5. **We Change With You** - We understand that the wishes of a landowner may change over time. Moreover, we recognize and accept the reality that when land ownership changes, the preferences of the new landowner may not be consistent with those of the previous owner. We will work with new landowners to ensure any previously agreed-to public uses of private land are consistent with the wishes of the new owner. When necessary, we will publicize any changes to ensure the public is always aware of the landowner's wishes.



6. **We Endeavor to Compensate** - Where significant, ongoing access to private property is desired (for example, for a permanent public hiking trail), we will attempt to obtain an easement to document the landowner's provision of access to the public. While we readily acknowledge that funding is extremely limited, we will nonetheless endeavor to compensate landowners for the significant contributions they make to the community when they allow public access to their private land.

7. **We Inform The Public** - We will endeavor to work with landowners to ensure the public is fully aware of the allowed uses on their land. We recognize that situations may arise (perhaps, a timber harvest operation) whereby previously granted access may need to be temporarily or permanently suspended. We respect those situations. For parcels where significant public access has been granted, we will work to maintain a Town-sponsored website which will clearly identify what access is allowed and what activities are prohibited. In addition, we will endeavor to work with landowners to further inform the public of changes in access, or convey other landowner issues via public announcements in local media, significant signage at all access points, etc.

8. **We Will Support You** - We will work cooperatively with landowners to help reinforce their rights, thereby encouraging other and future landowners to allow public access on their private property knowing they have the full support of the community helping to protect their rights.



Appendix C

Land Use Agreement Template

TRAIL USE AND MAINTENANCE AGREEMENT

Permission is hereby granted to [identify entity- Town of Gray or other organization]
_____ to create and maintain a public recreational trail across my property at
_____ for the purposes of:

Choose 1: ☐ 3 Season (Warm Weather) Use ☐ Winter Use ☐ Year-round Use

Check all that apply:

☐ walking & hiking, on foot ☐ bicycling ☐ horseback riding ☐ snowmobiling

☐ cross-country skiing and snowshoeing ☐ motorbiking ☐ Off-Highway Recreational Vehicle
(OHRV) use ☐ other _____

I understand that the use of this right of way for said purpose in no way holds me liable or responsible for accidents that may occur as a result of others using my property as provided in Maine Law §159-A. There shall be no fee paid for this Trail, and the above-named organization will charge no fee for use of the Trail on my property. The above-named organization further agrees to mark and maintain this right of way in a proper and safe manner, post the allowed uses at the beginning and end of the Trail on my property, and notify me of any known unusual circumstances or conditions. The [insert entity name] may produce an official map of the Trail and post and publicize this Trail map. An approximate location of the Trail is provided on the attached Exhibit for reference purposes.

This right of way trails use and maintenance agreement shall have a term of:

Choose 1: ☐ Indefinite ☐ 1 year from date of signing ☐ 5 years from date of signing

This agreement may be terminated for any cause by either party upon 30-day written notification.

Dated this _____ day of _____, 20____.

[Landowner Signature]

[Entity Signature]



Appendix D

Draft Property Evaluation Form

This evaluation form is a tool to help guide decision making about the value of land proposed for conservation. The Town Council and the voters retain discretion over land acquisition or preservation using Town funds.

| Categories | | Score | Comments |
|---|----|-------|----------|
| Large Undeveloped Area (select one) | | | |
| 10-19 acres | 3 | | |
| 20-39 acres | 5 | | |
| 40-99 acres | 8 | | |
| 100+ acres | 10 | | |
| Connectivity to Existing Protected Lands (select one) | | | |
| Within ¼ mile of currently conserved land | 2 | | |
| Abutting existing conserved land | 5 | | |
| Connecting parcel between 2 conserved properties | 8 | | |
| Identified within Gray Open Space Plan (OSP) (select one) | | | |
| The property is within the focus areas as identified in the OSP | 6 | | |



| | | | |
|---|---|--|--|
| The property is similar in character to OSP focus areas but is not in a focus area. | 4 | | |
| Natural Resource Values (select all that apply): | | | |
| Protection of freshwater resource (pond, lake, stream) | 4 | | |
| Protection of groundwater resource/aquifer | 3 | | |
| Prime agricultural soils | 3 | | |
| Inland wading bird and/or waterfowl habitat | 3 | | |
| Protection of significant forests | 1 | | |
| Working farmland | 5 | | |
| Protection of wetlands and vernal pools | 3 | | |
| Edge habitat (fields/forest or upland/shoreline) | 3 | | |
| Public Access values (select all that apply) | | | |
| Continue/restore multi-purpose recreational uses | 5 | | |
| Add new multi-purpose recreational uses | 4 | | |
| Scenic values (select all that apply) | | | |
| Open fields | 5 | | |



| | | | |
|--|---|--|--|
| High elevation vista | 3 | | |
| Scenic views | 3 | | |
| Historic view | 3 | | |
| Visible from public road or water | 3 | | |
| Historic/Cultural values (select all that apply) | | | |
| Protection within Gray Village | 1 | | |
| Archaeological feature | 2 | | |
| Historic building/place | 2 | | |
| Total Score: | | | |

