# I. Acknowledgement of Property Condition

In compliance with Section 1:170A-14 (g) (5) of the federal tax regulations, the undersigned accept and acknowledge that this Baseline Documentation Report is an accurate representation of the North Yarmouth Knight's Pond & Blueberry subparcel acquired in 2015 ("The North Yarmouth Knight's Pond subparcel") at the time the Conservation Easement was transferred to the grantee (to the holder).

(OWNERS)	(HOLDER)	
By Rasimary & Rug	By:	
Printed Name: ROSEMARY E. Roy	Alan Stearns	
Title: TOWN MANAGER	Exec. Director, Royal River Conservation Trust	
Date: 10-19-15	October 2015	
STATE OF MAINE COUNTY OF CUMBERLAND		
The foregoing instrument was acknowledged before me this 19 day of October, 2015, by Rosemany E. Ray Town of North Yarmouth.		
	My Commission Expires: DEBORAH A. GROVER Notary Public - Maine	
STATE OF MAINE COUNTY OF CUMBERLAND	My Commission Expires January 13, 2022	
The foregoing instrument was acknowledge Stearns, Executive Director, Royal River Con	d before me this day of October, 2015, by Alan servation Trust.	
	Notary Public	
	My Commission Expires:	
	DEBORAH A. GROVER Notary Public - Maine	

My Commission Expires January 13, 2022 **II. Purpose of the Conservation Easement:** The purpose of this conservation easement is described in the primary document. Generally, the purpose is to preserve in perpetuity the unique and undeveloped character of the Protected Property ("The North Yarmouth Knight's Pond subparcel") and to protect the high quality habitat of the forest, pond and associated ecosystems, while also providing a variety of opportunities for outdoor recreation and scenic enjoyment for the general public.

## **III.** Property Background Information:

- a) Landowner (Grantor) contact information: Town Manager, Town of North Yarmouth
- b) **Conservation Easement Holder contact information**: Stewardship Director, Royal River Conservation Trust, P.O. Box 90, Yarmouth, ME 04096

c)	e) <b>Legal Description</b> : Knight's Pond & Blueberry Hill Conservation Easement, North	
	Yarmouth subparcel, Recorded in the Cumberland County Registry of Deeds, Book,	
	Page on October, 2015. Acreage: 48.8 acres in North Yarmouth including	
	several acres of submerged pond bottom. The conservation easement deed includes or	
	references related recorded surveys and boundary line agreements. See Cumberland County	
	Registry of Deeds Plan Book 196 Page 395.	

This baseline does not cover companion properties in the Town of Cumberland acquired on the same day with a companion conservation easement held by the Chebeague & Cumberland Land Trust.

- d) **Photos and observed conditions prior to closing**. There is no indication of observed conditions at or before closing that contradict the terms of the conservation easement. A Phase I Environmental Site Assessment conducted on July 20, 2013 by Abenaki Environmental Services raised no issues regarding the North Yarmouth subparcel. Exhibit B provides photos and captions of the property at the date of closing.
- e) **Tract Location and Access.** The North Yarmouth Knight's Pond subparcel is located off Greely Road Extension in Cumberland, ME, by crossing the Cumberland subparcels. The subparcel is also off Tree Lane (aka Tower Lane, off Henry Road) in North Yarmouth, ME, and abutting CMP powerlines in North Yarmouth. Legal access for monitoring the North Yarmouth subparcel is guaranteed across Cumberland subparcels, from Greely Road Extension. Legal access for monitoring or for the public, from North Yarmouth, is not legally guaranteed in perpetuity, but arguably exists during the duration of the FAA conservation easement discussed below, within the scope of that conservation easement's terms.
- f) **Summary Tract Description**. The 48.8 acre North Yarmouth Knight's Pond subparcel includes a large area consisting of forested uplands and a portion of the shoreline and a portion of the submerged bottom of a man-made 46 acre pond.

- g) Abutting conserved lands. The Knight's Pond and Blueberry Hill 2015 acquisition project conserved 165 acres located in and owned by the Town of Cumberland (conservation easement held by the Chebeague & Cumberland Land Trust), and this 48.8 acre subparcel located in and owned by the Town of North Yarmouth (conservation easement held by Royal River Conservation Trust). The 2015 acquisitions abut combined 76 acres in two abutting parcels owned by the Federal Aviation Administration (FAA) crossing into both towns, with conservation easements on the FAA properties held by the Chebeague and Cumberland Land Trust and the Royal River Conservation Trust. In total, roughly 290 acres is contiguously conserved.
- h) Watershed and impoundment. Knight's Pond flows through a spillway on a dam in the Town of Cumberland to a second small impoundment and continues to flow into Mill Brook and the East Branch of the Piscataqua River, a priority subwatershed to the Presumpscot River and Casco Bay for water quality and fish habitat. Conserved parcels adjacent to the North Yarmouth subparcel form the rise of land that separates the Royal River Watershed from the Presumpscot River Watershed. The North Yarmouth Knight's Pond subparcel has no stream frontage, but includes an inlet swale that attracts beavers and makes trail crossings wet. In the late 1950's, Richard Knight built the dams to create the pond for wildlife habitat and recreational purposes. Water levels were intentionally lowered in 2015 by a few inches, prior to conservation acquisition.
- i) Current and Past Uses of Property, trails and trail conditions. Prior to 2015 the entire property was privately owned and undeveloped. The property has been logged periodically. Stone walls at various locations but especially along an old range road along one boundary indicate agricultural use in past centuries. At the date of acquisition in 2015, snowmobile clubs maintain a trail meandering crossing along the boundary with FAA of the North Yarmouth sub-parcel, along the center or various sides of the old range road. Some trail connectivity on the North Yarmouth sub-parcel was disrupted by CMP acquisition of a strip of land in 2010 and subsequent powerline expansion on or about 2012. All trails have been maintained informally if at all, and include wet spots, swales and pools, and erosion.
- j) **Existing Structures**. Existing structures on the property in North Yarmouth include stone walls, boundary markers, and one temporary deer stand.
- k) **Natural Features:** Aquatic and Terrestrial Resources Values
  - Inland Wading Bird and Waterfowl Habitat

The Maine Department of Inland Fisheries and Wildlife has designated Knight's Pond as high value Inland Wading Bird Habitat. It stands out as one of the very few Wading Bird and Waterfowl Habitats in the Presumpscot River Watershed. This habitat type protects

many types of ducks, geese, herons, egrets, ibis and bitterns and also serves as an important migratory stop for many other kids of birds and waterfowl.

• Rare and Declining Species of Birds and Fish and other Wildlife

U.S. Fish and Wildlife Service ranks Knight's Pond and Blueberry Hill as high value habitat (within the top 25%) for rare and declining species of birds and fish. The parcel not only provides Inland Wading Bird and Waterfowl Habitat, but also habitat for 33 U.S. F&W Service priority trust species. According to U.S. F&W Service, Knight's Pond and Blueberry Hill has particularly high value habitat in comparison to the rest of the Gulf of Maine watershed for 13 of those priority species – including American Bittern, Blue Heron, Pied-billed Grebe, Wood Ducks, Northern Goshawk, Red-Shouldered Hawk, Solitary Sandpiper, and many song birds.

• Bird List from May 17, 2015 Inventory by Carl Tubbesing and Roger Monthey:

## Knight's Pond vicinity

**Tufted Titmouse** 

Yellow-rumped Warbler

Black and White Warbler

White-breasted Nuthatch

Canada Geese (in flight and on the pond)

Purple Finch

Great-crested Flycatcher

American Robin

Song Sparrow

Common Grackle

Red-winged Blackbird

Northern Cardinal

## Blueberry Hill

Hermit Thrush, Wood Thrush, Black-capped Chickadee, Ovenbird, Morning Dove, Red-eyed Vireo

Other wildlife using the pond include: beaver (there are several beaver lodges on Knight's Pond), muskrat, fisher cats, deer, turtles, frogs and fish.

• Wetland of Special Significance

The Maine Department of Inland Fisheries and Wildlife has designated Knight's Pond as a Wetland of Special Significance. The high ranking is due to its size, undeveloped shoreline, quality of wetlands, habitat values and uniqueness in Southern Maine. The natural area is known as Leatherleaf Bog and the soils are Sebago Mucky Peat. The floating bog and peat island not located on the North Yarmouth subparcel.

### • Vernal Pools

The Town of Cumberland worked with the University of Maine in 2009-2010 to map and inventory vernal pools. The Maine Natural Areas Program reviewed both North Yarmouth and Cumberland Subparcels for vernal pools. No vernal pools of notable significance have been identified on the North Yarmouth Knight's Pond subparcel, while the Cumberland subparcel has notable findings, including at least one near the North Yarmouth town line.

### • Vascular Plant Inventory

## **Knight's Pond Vascular Plant Inventory**

July 2, 2015

Matt Arsenault, Stantec Consulting

With assistance from Eugenie Francine

#### Notes

Field survey was limited to shoreline and shallow water habitats of Knight's pond; inventory was not limited to Knight's Pond North Yarmouth subparcel

Species names follow *Flora Novae Angliae* (Haines 2011)

### **Species Name**

Acer rubrum

Anthoxanthum odoratum

Bidens frondosus Brasenia schreberi

Calamagrostis canadensis

Carex atlantica Carex canescens Carex comosa Carex debilis

Carex echinata

Carex folliculata
Carex gynandra

Carex lasiocarpa

Carex lurida Carex rosea

Carex scoparia
Carex utriculata

Chamaedaphne calyculata

Dichanthelium acuminatum Dichanthelium boreale Drosera intermedia Drosera rotundifolia Dulichium arundinaceum

### **Common Name**

red maple

sweet vernalgrass Devil's beggar-ticks

water-shield bluejoint

prickly bog sedge hoary sedge bearded sedge white edged sedge

star sedge

northern long sedge nodding sedge

woolly-fruited sedge

Sallow sedge rosy sedge

pointed broom sedge swollen-beak sedge

leatherleaf

hairy rosette-panicgrass northern rosette-panicgrass spatulate-leaved sundew round-leaved sundew three-way sedge

glossy buckthorn

little club-spru bog-orchid

Eleocharis robbinsiiRobbins' spikesedgeErigeron annuusannual fleabaneEupatorium perfoliatumboneset thoroughwortEuthamia graminifoliaflat-top goldenrodFragaria virginianacommon strawberry

Galium tinctorium stiff three-petaled bedstraw
Galium trifidum three-petaled bedstraw
Gaylussacia baccata black huckleberry

Glyceria canadensis rattlesnake manna grass
Hieracium caespitosum yellow hawkweed

Hieracium caespitosum yellow hawkweed
Hieracium pilosella mouse-ear hawkweed
Hypericum mutilum dwarf St. John's-wort
Ilex mucronata mountain holly

*Ilex verticillata* common winterberry

Iris versicolorblue irisJuncus canadensisCanada rushJuncus effusussoft rush

Juniperus communis common juniper Kalmia angustifolia sheep-laurel Leersia oryzoides rice cut grass

Lycopus americanusAmerican water-horehoundLycopus uniflorusnorthern water-horehoundLysimachia terrestrisswmap yellow-loosestrife

Melampyrum linearecow-wheatMorella caroliniensissmall bayberryNymphaea odoratawhite water lilyOnoclea sensibilissensitive fernOsmundastrum cinnamomeumcinnamon fernParatheylpteris noveboracensisNew York fern

Phalaris arundinacea reed canary grass

Pogonia ophioglossoidesrose pogoniaPotamogeton natansfloating pondweedRhynchospora albawhite beaksedgeRhynchospora capitellatabrownish beaksedgeRubus alleghaniensiscommon blackberryRubus hispidusbristly blackberrySagittaria latifoliacommon arrowhead

Sarracenia purpurea purple pitcherplant Schoenoplectus subterminalis water bulrush

Scirpus atrocinctus black-girdled woolsedge

Platanthera clavellata

Frangula alnus

Scirpus cyperinus woolgrass

Scirpus microcarpusbarber-pole bulrushSolidago canadensisCanada goldenrod

Solidago rugosa common wrinkle-leaved goldenrod

Sparganium emersum Simple-stemmed bur-reed

Spiraea alba white meadowsweet

Spiraea tomentosa steeplebush

Symphyotrichum lateriflorum calico American-aster

Tussilago farfara coltsfoot

Typha latifolia broad-leaved cat-tail

Utriculara intermedia flat-leaved bladderwort

Utricularia cornuta horned bladderwort

Utricularia geminiscapa mixed bladderwort

Utricularia vulgaris common bladderwort

Vaccinium corybosum large cranberry

Vaccinium macrocarponlarge cranberryVallisneria americanatape-grass

Viola lanceolatalance-leaved violetViola pallenssmooth white violetXyris sp.yellow-eyed-grass

• Beginning with Habitat – Large Forest Block

The State of Maine Beginning with Habitat Program has mapped Knight's Pond and Blueberry Hill as part of a larger 1600-acre block of forest habitat. Large blocks of forest provide core habitat blocks and habitat connections that facilitate species movements between blocks. Habitat connections provide necessary opportunities for wildlife travel in search of food, water and mates. The large forest block also provides rich species diversity.

• Forest Type – Hemlock-Beech-Oak Pine Forest

The North Yarmouth sub-parcel includes forested upland of Red Oak-Northern Hardwoods-White Pine Forest. This is a very common, broadly defined community. According to the Maine Natural Areas Program report, Hemlock and White Pine are codominant along with a mix of hardwoods such as Red Oak, Red Maple and White Oak. Beech is also found. The understory consists of wintergreen, Indian cucumber root, sessile-leaved bellwort, wild sarsaparilla and witch hazel.

• *Rare Community Type – Oak-Hickory (S1):* The Maine Natural Areas Program (MNAP) walked the subparcel on June 20, 2013, and again in 2014 to specifically review the North Yarmouth subparcel's Oak-Hickory Forest. The 2014 Site Visit Summary excerpts: "There (is a larger example) of Oak-Hickory forest within the (North Yarmouth subparcel).

Oak-Hickory forest is a rare natural community type in Maine (S1) that is restricted to the southern part of the state and is characterized by a strong component of shagbark hickory mixed with oak. Only five examples of this community type have been documented in the state. While other examples occur on land managed by water districts or owned by land trusts, it is likely that much of the natural extent of this forest type has been converted to other land uses such as development or agriculture due to the small patch size, dry soils, and geographic distribution within areas that are subject to greater land use pressures....Other species typical of this community type found here include high bush blueberry, white ash, striped maple, hop-hornbeam, lowbush blueberry, bracken fern, woodland sedge, cow-wheat, and other species typical of well-drained soils...The larger occurrence of Oak-Hickory forest in the North Yarmouth portion of the project area is more mature, diverse, and approximately 10 acres in size. It is part of a hardwood forest on southeast facing slopes dominated by red oak, with a strong (though variable) component of shagbark hickory ranging from 10-30% cover, as well as sugar maple. Hemlock is sparse in the canopy. The understory is fairly dense with striped maple, hop-hornbeam, beech, and witch hazel, as well as seedling and sapling oak, hickory, and white ash – all typical of this natural community type. This example is one of the northern-most examples that have been documented in Maine, which is significant due to the southern affinity of shagbark hickory. Although it is likely that this example has regenerated post-agriculture (as many of them have), the tree cover contains mature trees, lack of invasive plant species, and otherwise does not have indicators of recent human disturbance. The condition, size, and landscape context of this Oak-Hickory forest meet the criteria for a good-fair (BCranked) example."

- Endangered Plants. None observed or noted.
- Archeological and Historical Features. None observed or noted.
- IV. Land Use Restrictions, Required Reporting, and Reserved Rights: The Conservation Easement deed provides reference to a funder's grant agreement with the United States Fish & Wildlife Service (USFWS), as well as a possible grant agreement with the Land for Maine's Future (LMF) program, pending availability of funds. The USFWS agreement is passive (no required reporting, unless sale or change of use. The LMF agreement (if LMF funds arrive) would be active, requiring both a management plan submission in Year One and also annual reporting to LMF by the landowner (The Town of North Yarmouth.) A summary of all possible annual reports thus might include (or might be consolidated by expected new agreements or multi-town joint coordination):
  - i. Knight's: Town of North Yarmouth management plan submission to LMF (Year one)
  - ii. Knight's: Town of Cumberland management plan submission to LMF (Year one)

- iii. Knight's: Town of North Yarmouth annual LMF monitoring report.
- iv. Knight's: Town of Cumberland annual LMF monitoring report.
- v. Knight's: RRCT annual conservation easement monitoring registration-report (State of Maine Conservation Easement Registry)
- vi. Knight's: CCLT annual conservation easement monitoring registration-report (State of Maine Conservation Easement Registry)

## V. Public Access, Monitoring Access, Adjoining Landowners, with notes:

See Cumberland County Registry of Deeds Plan Book 196 Page 395. See also **Exhibit B**, for illustration:

- a. **Town of Cumberland**: At the same time that the Town of North Yarmouth acquired the North Yarmouth Knight's Pond sub-parcel in 2015, the Town of Cumberland acquired abutting land (two boundary segments abutting North Yarmouth's subparcel), subject to a conservation easement held by the Chebeague and Cumberland Land Trust (CCLT). The CCLT Knight's Pond conservation easement addresses public access and monitoring access across the Cumberland parcel to the North Yarmouth parcel, and other issues. The Cumberland abutting parcels host the dams; all issues of water levels and dams relate to Town of Cumberland ownership, not to Town of North Yarmouth ownership.
- b. **Michael and Barbara Frost (Cumberland)**, P.O. Box 207, Cumberland, ME 04021, Cumberland Map R06 Lot 36. The town line forms the boundary between Frost and the Knight's Pond North Yarmouth subparcel.
- c. Federal Aviation Administration (FAA) (North Yarmouth Map 10 Lot 103 + Cumberland Map R08 Lot 19): The 76 acres of abutting FAA land crossing the town lines is burdened by a conservation easement held jointly by the two land trusts: Chebeague & Cumberland Land Trust (CCLT), and the Royal River Conservation Trust (RRCT). Cumberland County registry, Book 12041, Page 179 et seq. The North Yarmouth Knight's Pond subparcel shares a boundary with both FAA subparcels (both FAA lots one in each municipality); Note that the "Cumberland" FAA subparcel apparently includes a strip of land within the Town of North Yarmouth comprised of the strip of range road centerline reversion. The FAA abuts the North Yarmouth Knight's Pond subparcel in both towns; the FAA owns to the centerline of the Old Range Road also known as the Snowmobile Trail. The FAA conservation easement gives important recreational value and access to the new Knight's Pond parcels, but importantly the FAA conservation easement is not permanent, and may be revoked by FAA per its express terms. FAA access rights and deed provisions arising from residential subdivision also require analysis, and appurtenance analysis, even though the conservation easement provides for public access on FAA property and does not

restrict parking on or vehicular access to the FAA property. The FAA conservation easement expressly prohibits parking on the access road (FAA's road access easement now known as Tree Lane) east of CMP, but not west of CMP. The FAA easement gives RRCT and CCLT the right of trail construction and public rulemaking on the FAA parcels. The FAA easement expressly prohibits hunting with firearms on FAA land.

- d. Central Maine Power (CMP) corridor (North Yarmouth). Since 1997, CMP has provided an automatically renewing year-to-year snowmobile trail license on the powerline corridor held by the Maine Bureau of Parks & Lands, Off-Road Vehicle (ORV) division, Maine Department of Agriculture, Conservation & Forestry. ORV works with the co-licensee: the Royal River Snowmobile Club. The license only authorizes motorized recreation (snowmobiles); other similar CMP licenses (but not this one in 2015) expressly allow non-motorized recreation. CMP requires that ORV and others maintain good relations with neighbors and connecting trails, with limitations or termination by CMP if there are problematic relationships. ORV contacts (Augusta) in 2015 include <a href="Lana.LaPlant-Ellis@maine.gov">Lana.LaPlant-Ellis@maine.gov</a> and <a href="Joe.Higgins@maine.gov">Joe.Higgins@maine.gov</a> Contacts for the Royal River Snowmobile Club are typically published on websites of the Maine Snowmobile Association <a href="https://www.mesnow.com">www.mesnow.com</a>
- e. Smith et al (North Yarmouth Map 7 Lot 34): The boundary between Smith and the North Yarmouth subparcel benefits from a recent recorded boundary line agreement, referenced in all recent deeds. This boundary agreement resolves boundary or flowage issues from past history, relating to the dams. See Cumberland County Book 32211, Page 144.
- f. Richard M. Baston (North Yarmouth Map 7 Lot 1) and John Paynter (Cumberland Map R06 Lot 27): The submerged portion of the subparcel abuts lands of Baston and Paynter.

Exhibit A: Map

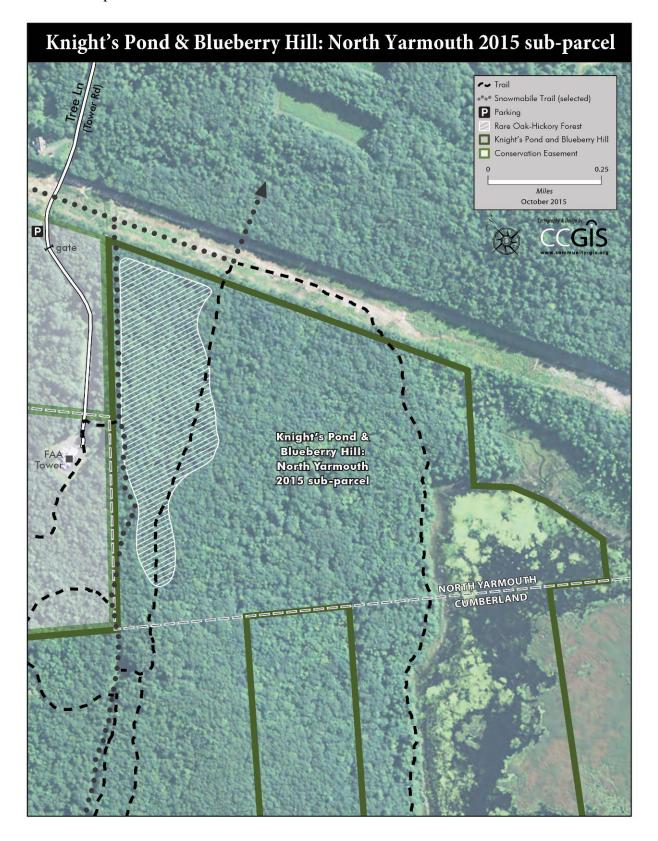


Exhibit B: Map showing abutters (described above p 9 and 10) of North Yarmouth subparcel

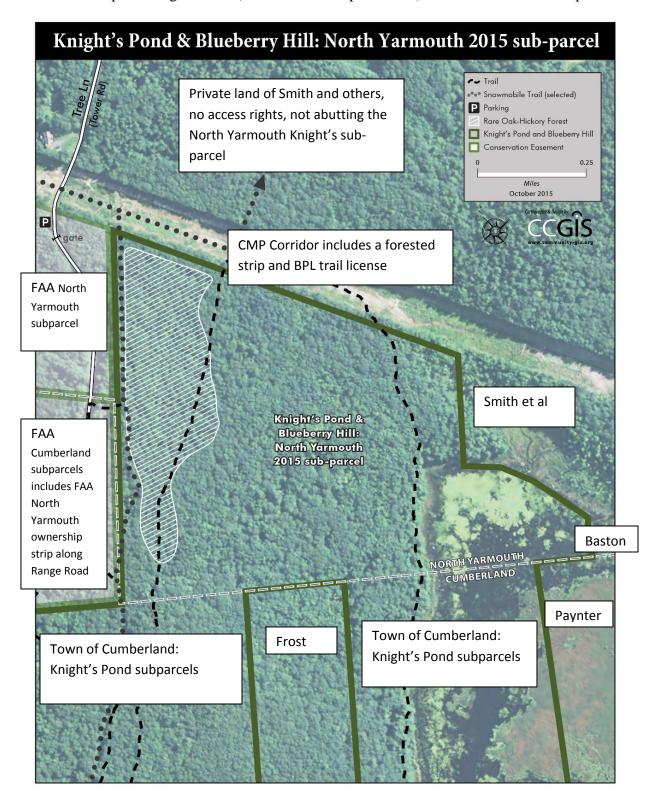


Exhibit C: Locations of photos shown and narrated in Exhibit D

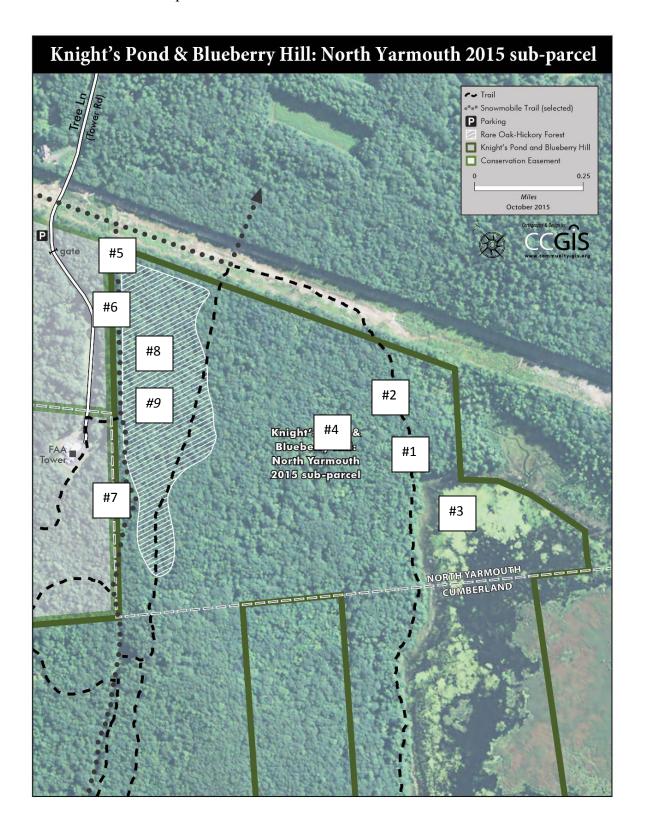


Exhibit D (Several pages): Nine photos and captions of the North Yarmouth Knight's Pond subparcel at or before October 2015 closing.



Photo #1: The northern-most location near the Pond of the hiking trail along the pond must cross a swale which sometimes attracts beavers. This photo illustrates the wettest part of the swale, which can be avoided by staying to the upland side.



Photo #2: The trail between the northern edge of the pond and the powerline is eroded and wet.

Exhibit B (Page 2 of 2): Photos and captions of the North Yarmouth Knight's Pond subparcel at or before October 2015 closing.



Photo #3: The shoreline of the pond (foreground) on the subject parcel, and submerged portions of the subject parcel. The far shoreline view is not on the subject parcel.



Photo #4: A temporary deer stand located in the center of the North Yarmouth subparcel



Photo: #5: The red-capped rebar pin in this photo is the center of the Range Road (snowmobile trail) and marks the corner between the North Yarmouth subparcel (left of photo), and the FAA (right of photo), and the CMP corridor (behind the photographer.) This is the smaller of two standing pools on the trail along the North Yarmouth section of the range road; walking paths navigate around the pools.



Photo #6: Most of the Range Road snowmobile trail is dry. Here note the stone wall showing that the trail here hugs the Range Road boundary thus trail here all on Knight's Pond North Yarmouth subparcel ownership.



Photo #7: This largest standing pool on the Range Road is on both FAA and Knight's property. Hikers have created a trail around this pool on Knight's property.

Knight's Pond & Blueberry Hill North Yarmouth 2015 Subparcel Baseline Documentation Report Town of North Yarmouth & Royal River Conservation Trust



Photo #8: Stone walls line both sides of the Range Road, portions of some town line locations, and other locations.

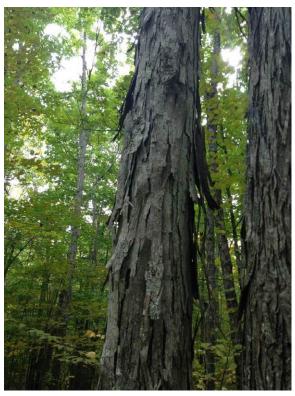


Photo #9: Shagbark hickory on the subject parcel.