

Memo

To: Town of Cape Elizabeth Conservation Commission

From Cindy Krum, Cape Elizabeth Land Trust

For: May 31, 2016 meeting

Re: Discussion of request to Town Council to provide funds to assist with purchase of 22.8-acre property currently owned by Barry Glew near Great Pond.

Date: May 25, 2016

CELT would like to do a brief presentation on their land acquisition criteria. As background we have attached the following documents:

- CELT Policy 11.3 – Land Acquisition Criteria
- CELT Policy 11.4 - Evaluation of Public Benefit
- CELT Policy 11.10 – Sample Documents
- Land Trust Standards & Practices 2004 – Land Trust Alliance document followed by CELT

For the Conservation Commission discussion on their recommended criteria for the Town Council meeting we provide a few details/attachment references below:

- Pre-closing costs for the property to date have included a survey and environmental site assessment valued at \$6,550. These documents are attached for reference.
- The current town Greenbelt trail already crosses this property near Great Pond and the *Town of Cape Elizabeth 2013 Greenbelt Plan* has additional *potential* trails depicted on this property.
- In exchange for financial support, CELT recommends that the Town of Cape Elizabeth be the holder of a public access easement. As part of this public access easement they would work closely with the Conservation Commission on all trails.
- CELT would also prepare and sign a declaration of trust to deed restrict the land for public access and conservation use in perpetuity.



St.Germain • Collins



PHASE I ENVIRONMENTAL SITE ASSESSMENT

**Undeveloped Land
Ocean House Road
Cape Elizabeth, Maine**

Prepared For:

**Cape Elizabeth Land Trust
330 Ocean House Road
Cape Elizabeth, Maine 04107**

**March 30, 2016
St.Germain Collins File No.: 3898**

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

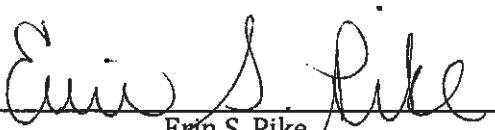


ENVIRONMENTAL PROFESSIONAL STATEMENT

I have prepared and/or reviewed this report for accuracy, content, and quality of presentation.

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312 (Appendix F, Environmental Professional Qualifications).

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Site. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.


Erin S. Pike
Environmental Scientist

March 30, 2016

Date

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EXECUTIVE SUMMARY

St.Germain Collins was retained by Cape Elizabeth Land Trust to conduct a Phase I Environmental Site Assessment (ESA) for the 20-acre property (Site) located off Ocean House Road in Cape Elizabeth, Maine (see Figure 1, Site Location Map). This Phase I ESA was conducted in conformance with ASTM International Standard Practice E1527-13.

The Site is located on the western side of Ocean House Road, approximately 0.6 miles south of the intersection of Fowler Road, Old Ocean House Road, and Ocean House Road in a residential area. The Site is a historically undeveloped wooded parcel of land with walking paths throughout (Figure 2).

Based on our findings provided herein, St.Germain Collins did not identify any recognized environmental conditions or controlled recognized environmental conditions.

1.0 INTRODUCTION

St.Germain Collins was retained by Cape Elizabeth Land Trust to conduct a Phase I Environmental Site Assessment (ESA) for the 20-acre property (Site) located off Ocean House Road in Cape Elizabeth, Maine (see Figure 1, Site Location Map).

The Site is located on the western side of Ocean House Road, approximately 0.6 miles south of the intersection of Fowler Road, Old Ocean House Road, and Ocean House Road in a residential area. The Site is a wooded parcel of land with walking paths throughout (Figure 2). The Site has historically been undeveloped (wooded) land.

1.1 Purpose

The purpose of this Phase I ESA was to identify recognized environmental conditions (RECs), defined in ASTM International Standard Practice E1527-13 (ASTM E1527-13) as:

The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

The ASTM E1527-13 defines a de minimis condition as:

A condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

The ASTM E1527-13 also requires the identification of controlled recognized environmental conditions (CRECs) if present. A CREC is defined as:

A recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

The ASTM E1527-13 defines a historical recognized environmental condition (HREC) as:

A past release of any hazardous substances or petroleum products that has

occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

As clarified in ASTM E1527-13, a “release” includes vapor from hazardous substance or petroleum product releases to the soil and/or groundwater that could enter existing or planned buildings.

For the purposes of this assessment, a potential environmental concern (PEC) is defined as:

The possible presence of any hazardous substances or petroleum products on a property under conditions that indicate a possibility of an existing release, past release, or threat of a future release to the environment.

1.2 Scope of Work

The Scope of Work for this ESA included (where available) a review of information provided by the party seeking this ESA (User), a regulatory records database review (federal, State, tribal, and local), historical records review, interviews, and a visual noninvasive reconnaissance of the Site and abutting properties to document conditions related to:

- Petroleum products and/or hazardous substances (PPHS) storage and handling
- Underground storage tanks (USTs) and above-ground storage tanks (ASTs)
- Spills and releases of PPHS
- Polychlorinated biphenyl (PCB)-containing equipment
- Solid and universal waste

1.3 Limitations, Significant Data Gaps, and Additions

This ESA does not include a records search for environmental liens or activity and use limitations (AULs), which is required under ASTM E1527-13 to be the responsibility of the User (i.e., Cape Elizabeth Land Trust). No significant Data Gaps were identified as part of the ESA. No addition work beyond the ASTM E1527-13 standard was performed as part of this ESA.

1.4 Reliance

This assessment has been performed for Cape Elizabeth Land Trust. This entity is permitted to rely upon this assessment and the conclusions presented. The conclusions are based on the scope of work described herein, and are in turn limited by this work scope and the conditions of the Site. No other warranty, expressed or implied, is indicated. The

findings noted in the report are based upon information available at the time of this submittal. Should information not included in this report be obtained, St.Germain Collins reserves the right to amend its findings appropriately.

2.0 SITE DESCRIPTION

2.1 Ownership, Location, and Physical Characteristics

OWNERSHIP, LOCATION AND PHYSICAL CHARACTERISTICS	
Site Address	Ocean House Road, Cape Elizabeth, Maine
Site Owner	Barry Glew
Site Occupant(s)	Unoccupied
Date Current Ownership Began	November 2009
Previous Owner(s)	Helen Glew
Assessor's Map/Lot	R03-1/001
Latitude/Longitude	43.579767° N, -70.227533° W
Lot Size in Acres	20 acres
Site Use	Undeveloped (wooded) land
Surrounding Area Use	Residential
Public or Private Water	Not connected
Sewer or Septic	Not connected

2.2 Site Reconnaissance

St.Germain Collins conducted a reconnaissance of the Site to identify PECs and RECs. The reconnaissance was performed by Brian Bachmann, Geologist. Mr. Bachman was unaccompanied during the Site reconnaissance. Observations are detailed in the tables below and documented in the Photographs section of this report.

EXTERIOR OBSERVATIONS		
Date of Site Visit: March 15, 2016		
Item	Description	PEC*
Description of Site	The Site is a wooded parcel of land with walking trails throughout (Photograph #1).	---
Obstructions Limiting Observations	None observed	---
Odors	None observed	No
Pools of Liquids	None observed	No
Drums, Buckets or Tanks	Three empty and broken 55-gallon polyethylene drums were observed. No PPHS staining, evidence of a release, or evidence that the drums were used to store PPHS was observed associated with the drums.	No

EXTERIOR OBSERVATIONS		
Date of Site Visit: March 15, 2016		
Item	Description	PEC*
Unidentified Substances	None observed	No
PCB Containing Equipment	None observed	No
Stained Soil or Pavement	None observed	No
Stressed Vegetation	None observed	No
Pits, Ponds or Lagoons	None observed	No
Waste Water	None observed	No
Wells	None observed	No
Septic System/Leach Field	None observed	No
Drains	None observed	No
Sumps	None observed	No
Uncontrolled Solid Waste	An old tree stand, a tarp, and an empty garbage bag were observed. No PPHS staining or evidence of a release was observed associated with this waste.	No
Vent/Fill Pipes	None observed	No
Catch Basins	None observed	No

* If yes, see Section 7.0, Findings & Opinions for detailed information.

INTERIOR OBSERVATIONS		
Date of Site Visit: March 15, 2016		
Item	Description	PEC*
	No buildings or structures were observed during the Site reconnaissance.	No

* If yes, see Section 7.0, Findings & Opinions for detailed information.

2.3 Abutting Property Reconnaissance

St.Germain Collins conducted a visual inspection of the abutting properties to determine the presence of conditions that would contribute to an on-Site PEC or REC. The inspection was conducted from the Site boundaries and abutting public right-of-ways (where available). Observations are detailed in the table below.

ABUTTING PROPERTY OBSERVATIONS		
Date of Site Visit: March 15, 2016		
Direction	Use/Description	PEC*
North	Undeveloped (wooded)/Residential. No evidence of a condition that would contribute to an on-Site PEC or REC.	No
South	Undeveloped (wooded)/No evidence of a condition that would contribute to an on-Site PEC or REC.	No
East	Vacant, gravel lot/vacant field/No evidence of a condition that would contribute to an on-Site PEC or REC.	No
West	Undeveloped (wooded)/No evidence of a condition that would contribute to an on-Site PEC or REC.	No

* If yes, see Section 7.0, Findings & Opinions for detailed information

2.4 Topography, Geology, and Hydrogeology

TOPOGRAPHY, GEOLOGY, AND HYDROGEOLOGY		
Map	Description	Reference
Site and Area Topography	Topography of the Site and surrounding area slopes to the south and west. Based on local topography, groundwater beneath the Site is estimated to flow south towards Great Pond and towards Alwife Brook.	Cape Elizabeth Topographic 7.5 Minute Quadrangle
Sand and Gravel Aquifer	The Site is not located within a significant sand and gravel aquifer.	Prouts Neck Significant Sand & Gravel Aquifers Map (Maine Geological Survey Open File Map No. 99-12)
Surficial Geology	The surficial geology consists of till overlying bedrock with Presumpscot Formation silty clays in depressions.	Surficial Geologic Map of Cape Elizabeth Quadrangle (Maine Geological Survey Open File Map No. 99-80)
Bedrock Geology	The Site is underlain by the Scarborough Formation, which consists of fine grained muscovite-biotite-chlorite-garnet-quartz phyllite.	Bedrock Geology Map of Cape Elizabeth Quadrangle (Maine Geological Survey Open File Map No. 12-32)

3.0 SITE AND ABUTTING PROPERTIES HISTORY

St.Germain Collins reviewed and/or relied on the information (where available) listed below in assessing Site history.

- Sanborn Fire Insurance Maps from Environmental Risk Information Services (ERIS)
- Historical topographic maps and aerial photography
- Interview with Benjamin McDougal, Cape Elizabeth Code Enforcement Officer

Sanborn Fire Insurance Maps were not available for the Site. According to topographic maps, aerial photographs, and interviews the Site has never been developed.

For the abutting properties, St.Germain Collins limited its research to information already available during completion of the Phase I ESA (e.g., historical air photos, interviews, etc.).

ABUTTING HISTORICAL SUMMARY			
Direction	Use	Reference(s)	PEC*
North	In 2013, 2011, 2007, 2003 and 1998, properties are shown as residential or undeveloped.	Aerials	No
East	In 2013, 2011, 2007, 2003 and 1998, properties are shown as undeveloped.	Aerials	No
South	In 2013, 2011, 2007, 2003 and 1998, properties are shown as undeveloped.	Aerials	No
West	In 2013, 2011, 2007, 2003 and 1998, properties are shown as undeveloped.	Aerials	No

* If yes, see Section 7.0, Findings & Opinions for detailed information

4.0 ENVIRONMENTAL RECORDS AND INTERVIEWS

4.1 Federal and State Environmental Records

Federal and State databases were reviewed by utilizing a database search provided by Environmental Risk Information Services (ERIS). The Database Report is included as Appendix B. Supplemental Environmental Documentation as available is provided as Appendix C. The ERIS report includes, information compiled from, but not limited to the following Federal databases:

- National Priority List (NPL or Superfund) and Delisted NPL
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS), CERCLIS No Further Response Action Planned (NFRAP), and CERCLIS LIENS

- Resource Conservation and Recovery Act (RCRA) CORRACTS (facilities subject to Corrective Action under RCRA), RCRA Transportation, Storage, and Disposal (TSD) facilities for hazardous waste, and RCRA non-generators (RCRA NON GEN) of hazardous waste
- Federal Engineering Controls (FED ENG) and Federal Institutional Controls (FED INST) for contaminated sites
- Emergency Response Notification System (ERNS)
- Federal brownfields sites (FED BROWNFIELDS)

State & Tribal databases included:

- Hazardous waste sites (SHWS)
- Solid Waste Disposal or Landfills (SWF/LF) and Closed Landfills (LF CLOSURE)
- Leaking petroleum storage tanks (LTANKS)
- Delisted leaking petroleum storage tanks (DELISTED LEAKS)
- Underground storage tanks (USTs)
- Aboveground storage tanks (ASTs)
- Delisted Tanks (DELISTED TANK)
- Voluntary Remediation Program (VRP) and sites with institutional or engineering controls (INST/ENG)
- State brownfield sites (BROWNFIELDS) Spill sites

Based on information provided by the User and/or information available online and/or St.Germain Collins involvement with Site a file review was not performed.

ENVIRONMENTAL RECORDS SUMMARY	
On-Site Records	PEC*
The ERIS report does not identify the Site within any of the databases searched.	No

* If yes, see Section 7.0, Findings & Opinions for detailed information

ENVIRONMENTAL RECORDS SUMMARY	
Off-Site Records	PEC*
Nine off-Site listings are identified. None of the listings about the Site or are considered PECs because of one or more of the following: distance from the Site, regulatory involvement, topographic gradient, groundwater flow, and/or remedial action completed.	No

* If yes, see Section 7.0, Findings & Opinions for detailed information

4.2 Local Environmental Records

St.Germain Collins did not identify any environmental records in the Cape Elizabeth assessing or code enforcement offices.

4.3 Previous Environmental Assessments

St.Germain Collins is not aware of any previous environmental assessments for the Site.

4.4 Environmental Interviews

An Environmental Questionnaire completed by the Site owner or similar representative is included as Appendix D. Summaries of all interviews are provided below.

INTERVIEW PROVIDED INFORMATION		
Who	Comments	PEC*
Barry Glew/Owner	According to Mr. Glew, the Site has never been developed and he has no knowledge of PPHS storage at the Site.	No
Benjamin McDougal/Cape Elizabeth Code Enforcement Officer	Mr. McDougal is unaware of any development or environmental issues regarding PPHS storage or releases at the Site.	No

* If yes, see Section 7.0, Findings & Opinions for detailed information

5.0 USER PROVIDED INFORMATION

A User Questionnaire was completed by Cindy Crum of the Cape Elizabeth Land Trust. A summary of the User information is provided in the table below. The User Questionnaire is provided as Appendix E.

USER PROVIDED INFORMATION			
Information	Description	Response	PEC*
Environmental Liens	Is the User aware of any environmental liens on the Site?	No	No
Activity Use Limitations	Is the User aware of any activity use limitations on the Site?	No	No
Specialized Knowledge	Does the User have specialized knowledge of the business or property such as conducting similar business in the past?	No	No
Valuation Reduction for Environmental Issues	Does the User believe that the purchase price is below fair market value possibly due to environmental issues?	No	No

USER PROVIDED INFORMATION			
Information	Description	Response	PEC*
Commonly Known or Reasonably Ascertainable Information	Is the User aware of the type of chemicals used at the Site, existing environmental contamination, or environmental cleanups that have occurred in the past?	No	No
Degree of Obviousness of Contamination	Is the User aware of any obvious indicators that point to the presence or likely presence of contamination at the Site?	No	No

* If yes, see Section 7.0, Findings & Opinions for detailed information.

6.0 ENVIRONMENTAL CONDITIONS

6.1 Petroleum Products

UNDERGROUND STORAGE TANKS					
# of Tanks	Container Size (gal)	Product Stored	Date Installed	Date Removed	PEC*
St.Germain Collins did not observe evidence of or identify records of USTs presently or historically registered at the Site.					

* If yes, see Section 7.0, Findings & Opinions for detailed information.

ABOVE GROUND STORAGE TANKS					
# of Tanks	Container Size (gal)	Product Stored	Location	Condition	PEC*
St.Germain Collins did not observe evidence of or identify records of ASTs presently or historically registered at the Site.					

* If yes, see Section 7.0, Findings & Opinions for detailed information.

OTHER PETROLEUM PRODUCTS					
# of Containers	Container Size (gal)	Product Stored	Location	Condition	PEC*
St.Germain Collins did not observe evidence of petroleum products presently or historically located at the Site.					

* If yes, see Section 7.0, Findings & Opinions for detailed information.

6.2 Hazardous Substances

HAZARDOUS SUBSTANCES					
# of Containers	Container Size (gal)	Product Stored	Location	Condition	PEC*
St.Germain Collins did not observe evidence of hazardous substances presently or historically located at the Site.					

* If yes, see Section 7.0, Findings & Opinions for detailed information.

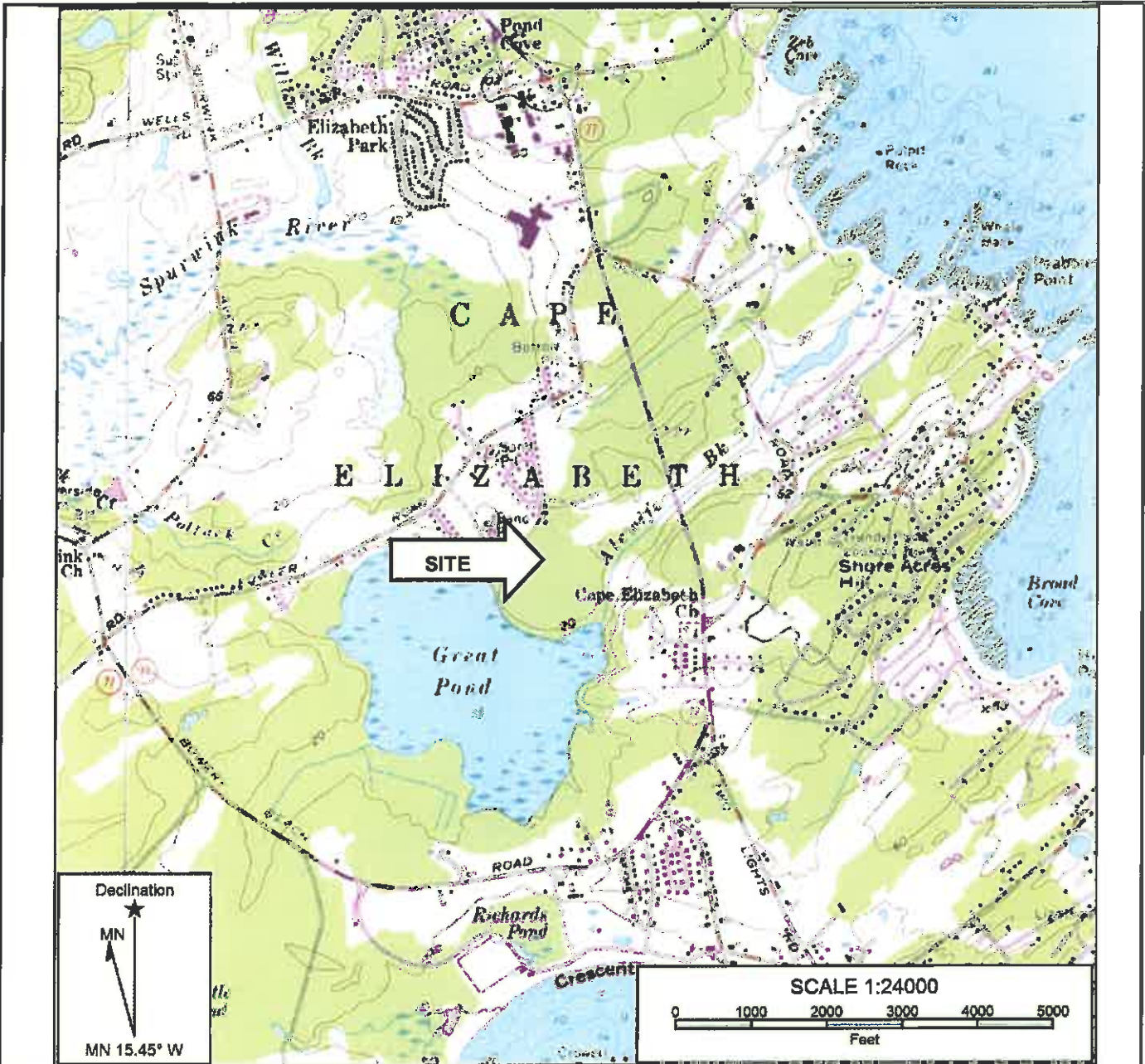
7.0 FINDINGS AND OPINIONS

St.Germain Collins has performed a Phase I ESA in conformance with the scope and limitations of ASTM International Standard Practice E1527-13 for the Site located off Ocean House Road in Cape Elizabeth, Maine. Based on our findings and opinions provided herein, St.Germain Collins did not identify any PECs.

8.0 CONCLUSIONS

St.Germain Collins performed a Phase I ESA in conformance with the scope and limitations of ASTM International Standard Practice E1527-13 for the Site located off Ocean House Road in Cape Elizabeth, Maine. Any significant exceptions to, or deletions from, this practice are described in Section 1.3 of this report. Based on our findings and opinions provided herein, St.Germain Collins did not identify any RECs or CRECs.

FIGURES



SOURCE: USGS CAPE ELIZABETH
TOPOGRAPHIC MAP, 1975

SITE LOCATION MAP
OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE

CAPE ELIZABETH LAND TRUST
330 OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE

St.Germain & Collins

FIGURE
1



REFERENCE:
GOOGLE EARTH 2016

----- PROPERTY BOUNDARY

PROPERTY BOUNDARY IS APPROXIMATE

SITE PLAN
OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE

CAPE ELIZABETH LAND TRUST
330 OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE

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FIGURE
2

PHOTOGRAPHS



Photograph #1: Along Southern Site Boundary

APPENDIX A

Municipal and Historical Records



PROPERTY MAPS
TOWN OF CAPE ELIZABETH, MAINE



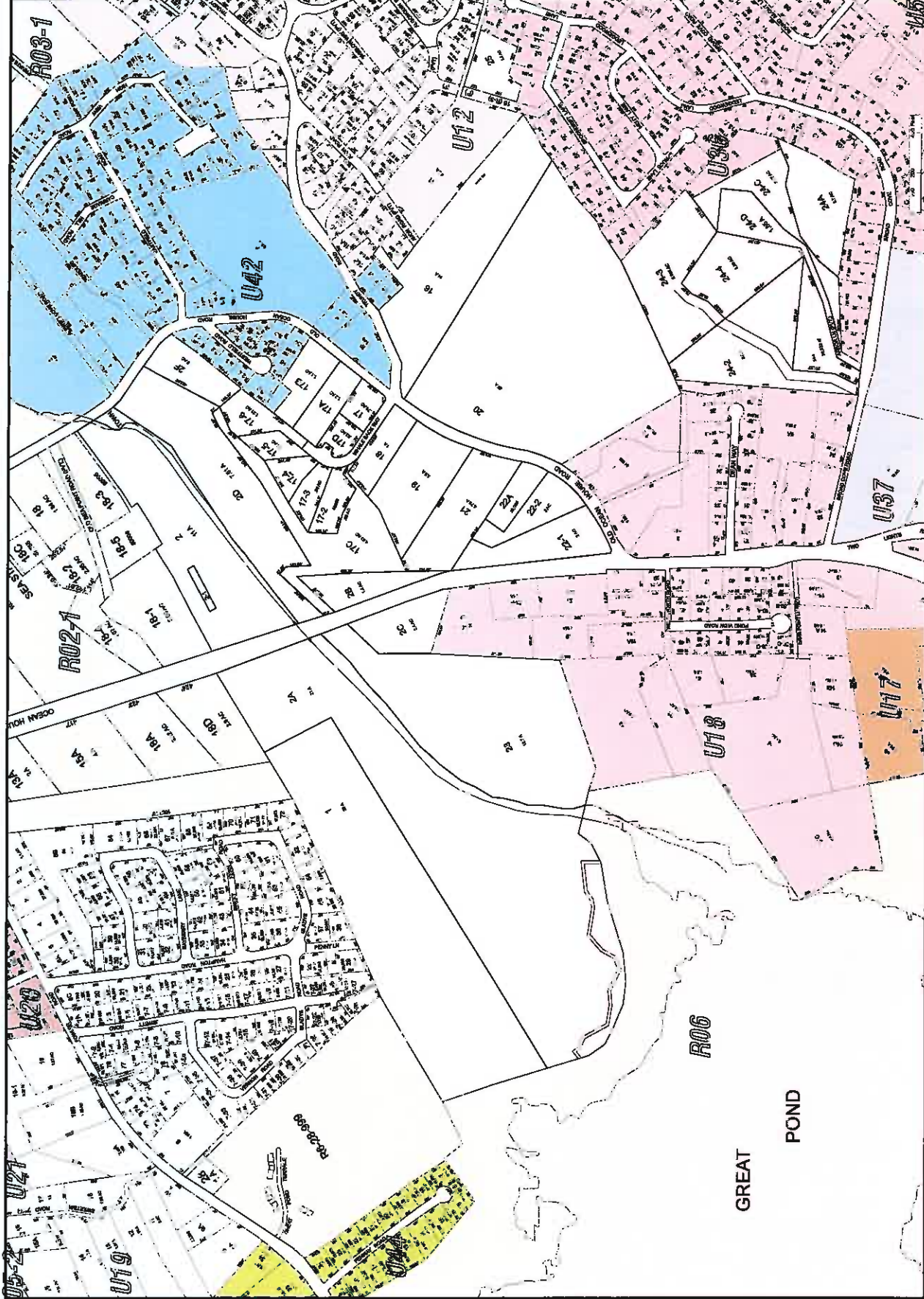
James H. Thomas
gisSolutions of Maine
Cumberland, Maine
jht@maine.r.com

These maps are intended to
be used for the purpose of Property
Tax Assessments and should not be
used for conveyances.
Revised to April 1

Scale: 1 inch = 200'



2015
MAP: R03-2



0000 OCEAN HOUSE ROAD
GLEW HELEN B (Dependable)

19147

PROPERTY ASSESSMENT RECORD

RESIDENTIAL PROPERTY

20.00 10 01

RECORD OF OWNERSHIP

GLEW, BARRY A.

DATE 11/06/09

BOOK 27378

PAGE 314

SALE PRICE -0-

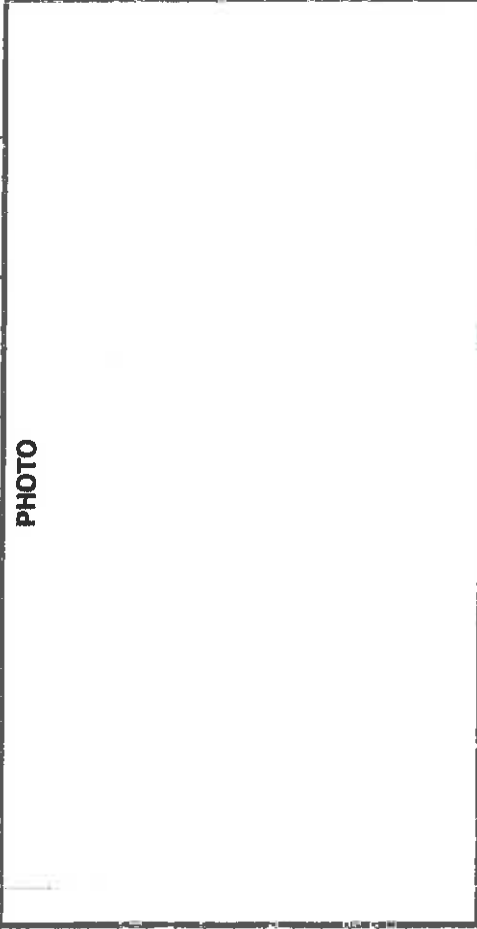
REMARKS:

1/07 Assessed and noted
Property has had a
by State Street and R...

ASSESSMENT RECORD

LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	
LAND	
BLDGS	
TOTAL	

PHOTO



PROPERTY FACTORS	
TOPOGRAPHY	IMPROVEMENTS
LEVEL	WATER
HIGH	SEWER
LOW	GAS
ROLLING	ELECTRICITY
SWAMPY	ALL UTILITIES
STREET	TREND OF DISTRICT
PAVED	IMPROVING
SEMI-IMPROV	STATIC
DIRT	DECLINING
SIDEWALK	

INSPECTION WITNESSED BY:

LAND VALUE COMPUTATIONS AND SUMMARY

CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	TOTAL	TOTAL	PURPOSE	NUMBER	DATE	AMOUNT
TILLABLE									
PASTURE									
WOODLAND									
WASTE LAND									
HOMESITE									
TOTAL ACREAGE									
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE					
TOPO	% XF	% UND	% GROSS	%					
CI									
TOTAL LAND VALUE									

AIR PHOTO #

TOWN OF CAPE ELIZABETH, MAINE

BUILDING COLOR:

BUILDING RECORD

SKETCH

OCCUPANCY		MISCELLANEOUS - SPECIAL EQUIPMENT		REMODELING DATA		DWELLING COMPUTATIONS		SUMMARY OF BUILDINGS		DESCRIPTION OF OBSOLESCENCE	
SINGLE FAMILY	MOBILE HOME	PART MASONRY WALLS	ESMT GARAGE	1	2						
TWO FAMILY	ROOMING HOUSE	FIREPLACE STK									
APARTMENTS #	COTTAGE	BASEMENT RR	APT								
STORE & DWELLING	FARM	PLUMBING	ADDITIONS	SHED							
OFFICE & DWELLING	VACANT LAND	HEATING	PORCH	BARN							
COMM. GARAGE & DWELLING		BASEMENT	GARAGE	OTHER							
CONSTRUCTION		FLOORS		STORY		F		M			
CONCRETE		B	1	2	3						
CONCRETE BLOCK	CONCRETE										
BRICK OR STONE	EARTH										
PIERS	SOFTWOOD										
	ASPH. TILE/VINYL										
	HARDWOOD										
	CARPET										
AREA FULL											
% 1/4											
NO BASEMENT											
HEAD ROOM	INTERIOR FINISH										
	B	1	2	3							
	WALLS										
	PINE										
	HARDWOOD										
	PLASTER										
	DRY WALL										
	WOOD SHINGLES										
	UNFINISHED										
	PANELING										
	ASPHALT SHINGLES										
	ASBESTOS SHINGLES										
	STUCCO ON FRAME										
	1	2	3	4							
	STUCCO ON MASONRY										
	NONE	UNFIN	HALF	FULL							
	FLOOR FURNACE										
	HOT AIR FURNACE										
	STEAM										
	HOT WATER OR VAPOR										
	AIR CONDITIONING										
	ELECTRIC HEAT										
	UNIT HEATERS										
	NO HEATING										
	BATHROOM 3 PC										
	TOILET ROOM 2 PC										
	WATER CLOSET										
	LAVATORY										
	KITCHEN SINK										
	NO PLUMBING										
	TILE BATH FLR & WSC										
	TILE TOILET FLR & WSC										
	LIGHTING										
	NO LIGHTING										
	SERVICE AMPS #										
	NO. OF ROOMS										
	1ST	2ND	3RD								
	DATE LISTED	LISTED	MEAS	AREA	PRICED	REVD	CHECKED	TOTAL VALUE BUILDINGS			

TOWN OF CAPE ELIZABETH, MAINE

INSPECTION NOTE:

APPENDIX B
Database Report



DATABASE REPORT



Project Property: *Ocean House Rd, Cape Elizabeth, ME
Ocean Street
Cape Elizabeth ME 04107
3898*

Project No: *3898*

Report Type: *Database Report*

Order No: *20160310025*

Requested by: *St. Germain Collins*

Date Completed: *March 10, 2016*

Ecolog ERIS Ltd.
Environmental Risk Information
Service Ltd. (ERIS)
A division of Glacier Media Inc.
P: 1.866.517.5204
E: info@erisinfo.com
www.erisinfo.com

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Notice: IMPORTANT LIMITATIONS and YOUR LIABILITY

Reliance on information in Report: This report DOES NOT replace a full Phase I Environmental Site Assessment but is solely intended to be used as database review of environmental records.

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Executive Summary

Property Information:

Project Property: *Ocean House Rd, Cape Elizabeth, ME
Ocean Street Cape Elizabeth ME 04107*

Project No: *3898*

Coordinates:

Latitude: *43.579742*
Longitude: *-70.22763*
UTM Northing: *4,825,929.52*
UTM Easting: *400,883.38*
UTM Zone: *UTM Zone 19T*

Elevation: *22 FT*

Order Information:

Order No: *20160310025*
Date Requested: *March 10, 2016*
Requested by: *St. Germain Collins*
Report Type: *Database Report*

Ancillary Products:

Executive Summary: Report Summary

<i>Database</i>	<i>Searched</i>	<i>Search Radius</i>	<i>Project Property</i>	<i>Within 0.12mi</i>	<i>0.12mi to 0.25mi</i>	<i>0.25mi to 0.50mi</i>	<i>0.50mi to 1.00mi</i>	<i>Total</i>
Standard Environmental Records								
Federal								
NPL	Y	1	0	0	0	0	0	0
PROPOSED NPL	Y	1	0	0	0	0	0	0
DELETED NPL	Y	.5	0	0	0	0	-	0
SEMS	Y	.5	0	0	0	0	-	0
SEMS ARCHIVE	Y	.5	0	0	0	0	-	0
CERCLIS	Y	.5	0	0	0	0	-	0
CERCLIS NFRAP	Y	.5	0	0	0	0	-	0
CERCLIS LIENS	Y	PO	0	0	0	0	-	0
RCRA CORRACTS	Y	1	0	0	0	0	0	0
RCRA TSD	Y	.5	0	0	0	0	-	0
RCRA GEN	Y	.25	0	0	0	0	-	0
RCRA NON GEN	Y	.25	0	0	0	0	-	0
FED ENG	Y	.5	0	0	0	0	-	0
FED INST	Y	.5	0	0	0	0	-	0
ERNS 1982 TO 1986	Y	PO	0	0	0	0	0	0
ERNS 1987 TO 1989	Y	PO	0	0	0	-	-	0
ERNS	Y	PO	0	0	0	0	0	0
FED BROWNFIELDS	Y	.5	0	0	0	0	-	0
MLTS	Y	PO	0	-	-	0	-	0
State								
SHWS	Y	1	0	0	0	0	0	0
DEL SHWS	Y	1	0	0	0	0	2	2
SWF/LF	Y	.5	0	0	0	0	-	0
LF CLOSURE	Y	.5	0	0	0	0	-	0
LUST	Y	.5	0	0	0	0	-	0
LAST	Y	.5	0	0	3	2	-	5
DELISTED LST	Y	.5	0	0	0	0	-	0
UST	Y	.25	0	1	1	0	-	2

Database	Searched	Search Radius	Project Property	Within 0.12mi	0.12mi to 0.25mi	0.25mi to 0.50mi	0.50mi to 1.00mi	Total
AST	Y	.25	0	0	0	0	0	0
MEMA TANKS	Y	.25	0	0	0	-	0	0
INST	Y	.5	0	0	0	0	0	0
VCP	Y	.5	0	0	0	0	-	0
BROWNFIELDS	Y	.5	0	0	0	0	0	0

Tribal

INDIAN LUST	Y	.5	0	0	0	0	-	0
IUST	Y	.25	0	0	0	0	0	0

County

No County standard environmental record sources available for this State.

Additional Environmental Records

Federal

FINDS/FRS	Y	PO	0	0	-	0	0	0
TRIS	Y	PO	0	0	0	0	0	0
HMIRS	Y	.125	0	0	0	0	0	0
NCDL	Y	PO	0	0	0	0	0	0
ODI	Y	.5	0	0	0	0	0	0
IODI	Y	.5	0	0	0	0	-	0
TSCA	Y	.125	0	0	0	0	0	0
HIST TSCA	Y	.125	0	0	0	0	0	0
FTTS ADMIN	Y	PO	0	0	0	0	0	0
FTTS INSP	Y	PO	0	0	-	0	0	0
PRP	Y	PO	0	0	0	0	-	0
SCRD DRYCLEANER	Y	.5	0	0	0	0	0	0
ICIS	Y	PO	0	0	0	0	0	0

State

ME SITES	Y	.5	0	0	0	0	-	0
LIENS	Y	PO	0	-	-	0	0	0
SPILLS	Y	.125	0	0	0	-	0	0
DRYCLEANERS	Y	.25	0	0	0	0	0	0

Tribal

No Tribal additional environmental record sources available for this State.

County

No County additional environmental record sources available for this State.

Total: 0 1 4 2 2 9

* PO – Property Only

* 'Property and adjoining properties' database search radii are set at 0.25 miles.

Executive Summary: Site Report Summary - Project Property

<i>Map Key</i>	<i>DB</i>	<i>Company/Site Name</i>	<i>Address</i>	<i>Dir/Dist mi</i>	<i>Elev diff ft</i>	<i>Page Number</i>
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No records found in the selected databases for the project property.

Executive Summary: Site Report Summary - Surrounding Properties

Map Key	DB	Company/Site Name	Address	Dir/Dist mi	Elev Diff ft	Page Number
<u>1</u>	LAST	DAVID FISHER	14 JEWETT ROAD CAPE ELIZABETH ME	NNW/0.14	17	<u>13</u>
<u>2</u>	UST	FOWLER, MARJORIE S	468 OLD OCEAN HOUSE RD CAPE ELIZABETH ME	ENE/0.09	12	<u>13</u>
<u>3</u>	LAST	ADAM ZAJAC	7 FENWAY RD CAPE ELIZABETH ME	W/0.14	8	<u>13</u>
<u>4</u>	LAST	JULIE HERR	175 FOWLER RD CAPE ELIZABETH ME	WNW/0.21	22	<u>13</u>
<u>5</u>	UST	TINKHAM, JOHN C	419 OCEAN HOUSE RD CAPE ELIZABETH ME	NE/0.15	20	<u>13</u>
<u>6</u>	LAST		2 Pond View Road. CAPE ELIZABETH ME	SE/0.33	62	<u>13</u>
<u>7</u>	LAST		18 Grover Rd CAPE ELIZABETH ME	N/0.36	15	<u>13</u>
<u>8</u>	DEL SHWS	POND COVE SHOPPING CENTER	327-329 OCEAN HOUSE RO CAPE ELIZABETH ME	N/0.87	65	<u>13</u>
<u>9</u>	DEL SHWS	POND COVE SERVICE CENTER	314 OCEANHOUSE ROAD CAPE ELIZABETH ME	N/0.97	78	<u>13</u>

Executive Summary: Summary by Data Source

Standard

State

DEL SHWS - Sites Removed from the Uncontrolled Sites List

A search of the DEL SHWS database, dated Feb 02, 2015 has found that there are 2 DEL SHWS site(s) within approximately 1.00 miles of the project property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
POND COVE SHOPPING CENTER	327-329 OCEAN HOUSE RO CAPE ELIZABETH ME	N	0.87	<u>8</u>
POND COVE SERVICE CENTER	314 OCEANHOUSE ROAD CAPE ELIZABETH ME	N	0.97	<u>9</u>

<u>Lower Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
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LAST - Leaking Aboveground Storage Tanks

A search of the LAST database, dated Nov 07, 2015 has found that there are 5 LAST site(s) within approximately 0.50 miles of the project property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
DAVID FISHER	14 JEWETT ROAD CAPE ELIZABETH ME	NNW	0.14	<u>1</u>
ADAM ZAJAC	7 FENWAY RD CAPE ELIZABETH ME	W	0.14	<u>3</u>
JULIE HERR	175 FOWLER RD CAPE ELIZABETH ME	WNW	0.21	<u>4</u>
	2 Pond View Road. CAPE ELIZABETH ME	SE	0.33	<u>6</u>
	18 Grover Rd CAPE ELIZABETH ME	N	0.36	<u>7</u>

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
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<u>Lower Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
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UST - Underground Storage Tanks

A search of the UST database, dated Jan 8, 2016 has found that there are 2 UST site(s) within approximately 0.25 miles of the project property.

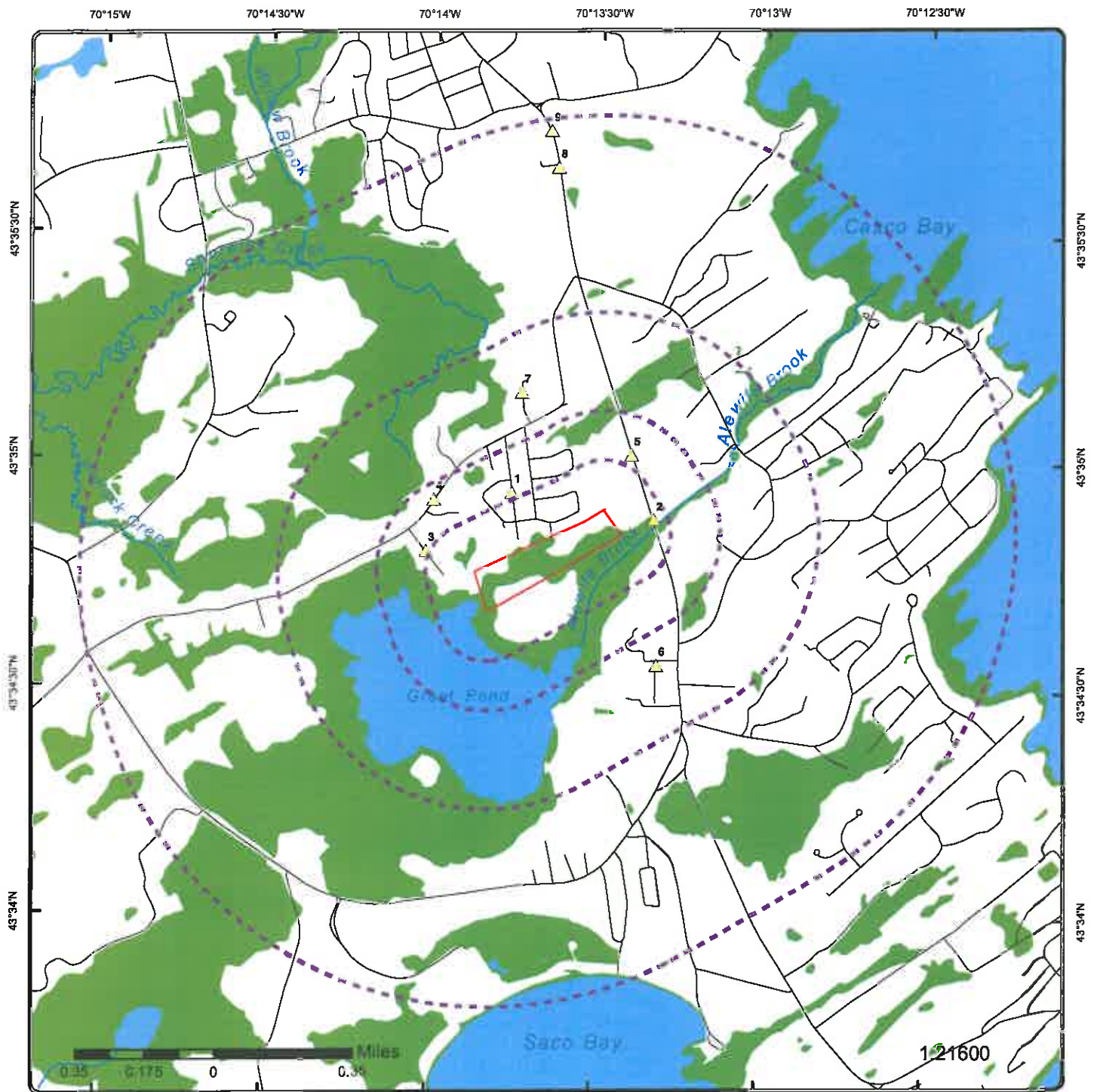
<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
-------------------------------	----------------	------------------	--------------------	----------------

FOWLER, MARJORIE S	468 OLD OCEAN HOUSE RD CAPE ELIZABETH ME	ENE	0.09	<u>2</u>
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TINKHAM, JOHN C	419 OCEAN HOUSE RD CAPE ELIZABETH ME	NE	0.15	<u>5</u>
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<u>Lower Elevation</u>	<u>Address</u>	<u>Direction</u>	<u>Distance mi</u>	<u>Map Key</u>
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This is an Express Preview Report - Details will be provided in the Final ERIS Report.



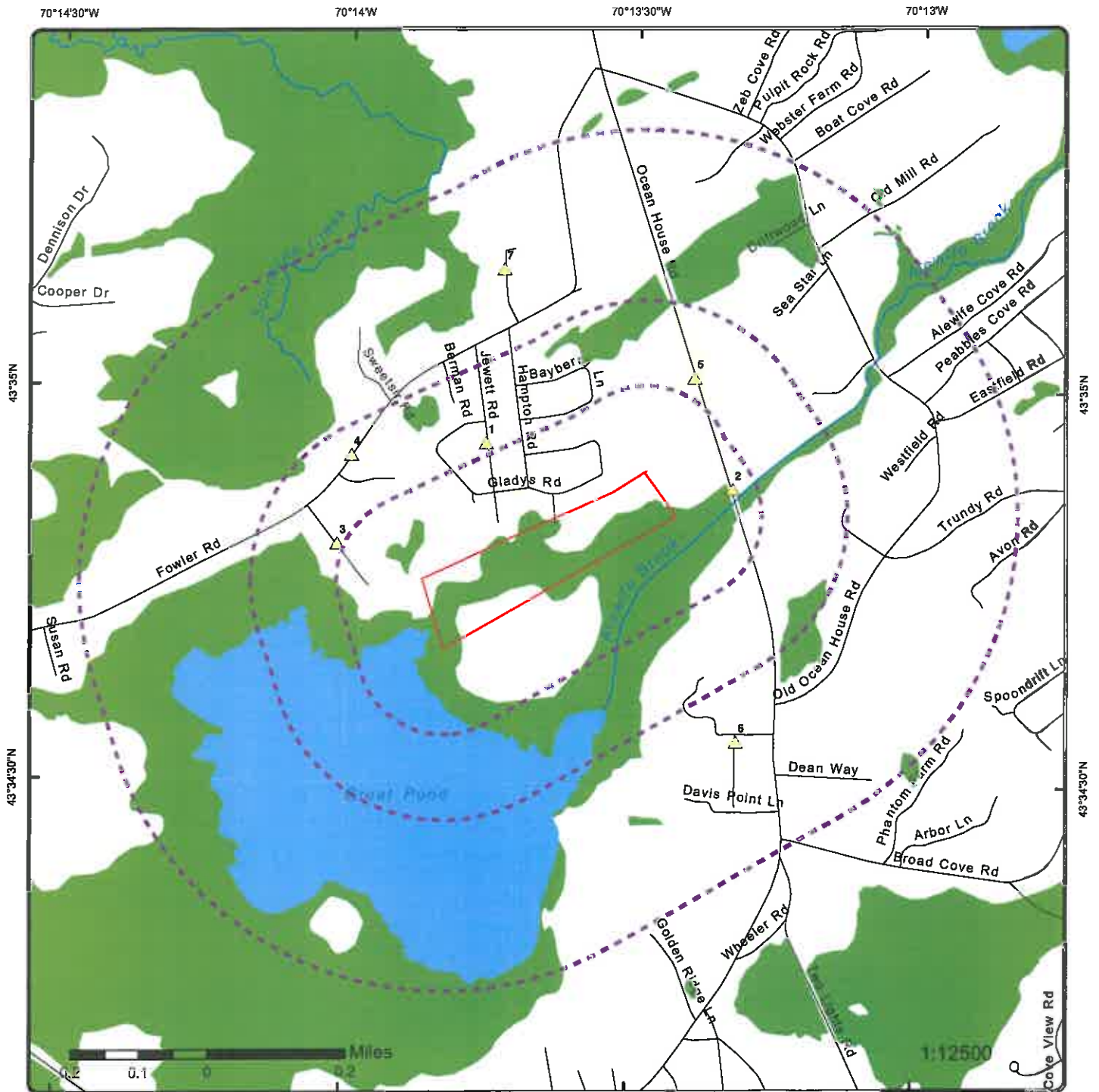
Map : 1 Mile Radius

Order No: 20160310025

Address: Ocean Street, Cape Elizabeth, ME 04107 US



Project Property	Major Highways	County Boundary	Indian Reserve Land
Buffer Outline	Major Highways Ramps	State Boundary	Historic Fill
Eris Sites with Higher Elevation	Major Roads	500 Year Flood Zone	State Brownfield Sites
Eris Sites with Same Elevation	Major Roads Ramps	100 Year Flood Zone	State Brownfield Areas
Eris Sites with Lower Elevation	Secondary Roads	National Priority List Sites	State Superfund Areas:Dept. of Defense
Eris Sites with Unknown Elevation	Secondary Roads Ramps	National Wetland	State Superfund Areas:NPL
Rails	Local Roads and Ramps	FWS Special Designation Areas	WQARF Areas



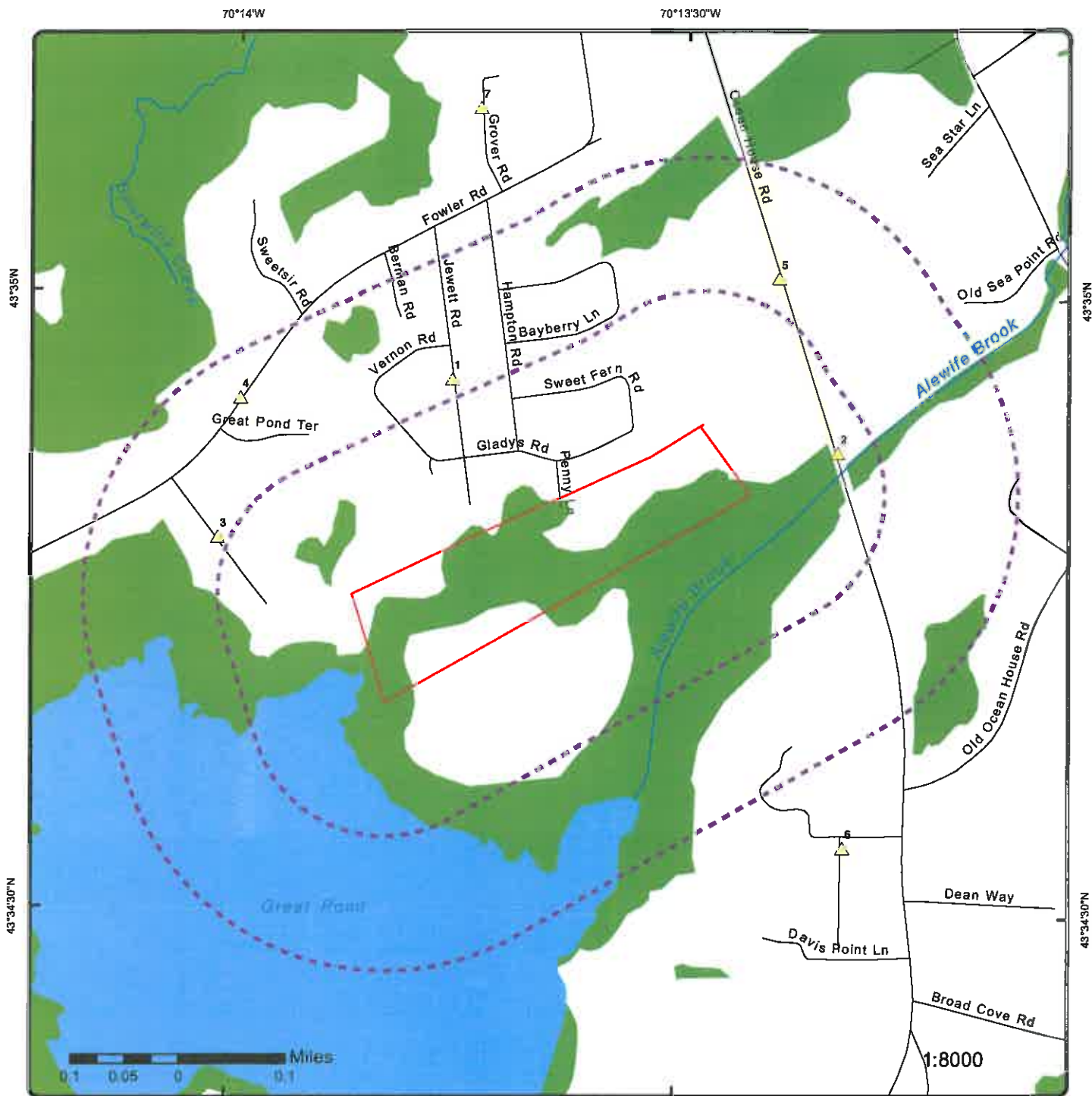
Map : 0.5 Mile Radius

Order No: 20160310025

Address: Ocean Street, Cape Elizabeth, ME 04107 US



Project Property	Major Highways	County Boundary	Indian Reserve Land
Buffer Outline	Major Highways Ramps	State Boundary	Historic Fill
Eris Sites with Higher Elevation	Major Roads	500 Year Flood Zone	State Brownfield Sites
Eris Sites with Same Elevation	Major Roads Ramps	100 Year Flood Zone	State Brownfield Areas
Eris Sites with Lower Elevation	Secondary Roads	National Priority List Sites	State Superfund Areas:Dept. of Defense
Eris Sites with Unknown Elevation	Secondary Roads Ramps	National Wetland	State Superfund Areas:NPL
Rails	Local Roads and Ramps	FWS Special Designation Areas	WQARF Areas



Map : 0.25 Mile Radius

Order No: 20160310025

Address: Ocean Street, Cape Elizabeth, ME 04107 US



Project Property	Major Highways	County Boundary	Indian Reserve Land
Buffer Outline	Major Highways Ramps	State Boundary	Historic Fill
Eris Sites with Higher Elevation	Major Roads	500 Year Flood Zone	State Brownfield Sites
Eris Sites with Same Elevation	Major Roads Ramps	100 Year Flood Zone	State Brownfield Areas
Eris Sites with Lower Elevation	Secondary Roads	National Priority List Sites	State Superfund Areas:Dept. of Defense
Eris Sites with Unknown Elevation	Secondary Roads Ramps	National Wetland	State Superfund Areas:NPL
Rails	Local Roads and Ramps	FWS Special Designation Areas	WQARF Areas

70°14'W

70°13'30"W

43°35'N

43°35'N

43°34'30"N

43°34'30"N



Aerial

Order No: 20160310025

Address: Ocean Street, Cape Elizabeth, ME 04107 US

Source: ESRI World Imagery, Updated October 2014

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Detail Report

Map Key	Number of Records	Direction/ Distance mi	Elevation ft	Site	DB
<u>1</u>	1 of 1	NNW/0.14	38.22	DAVID FISHER 14 JEWETT ROAD CAPE ELIZABETH ME	LAST
<u>2</u>	1 of 1	ENE/0.09	33.40	FOWLER, MARJORIE S 468 OLD OCEAN HOUSE RD CAPE ELIZABETH ME	UST
<u>3</u>	1 of 1	W/0.14	29.29	ADAM ZAJAC 7 FENWAY RD CAPE ELIZABETH ME	LAST
<u>4</u>	1 of 1	WNW/0.21	43.05	JULIE HERR 175 FOWLER RD CAPE ELIZABETH ME	LAST
<u>5</u>	1 of 1	NE/0.15	41.17	TINKHAM, JOHN C 419 OCEAN HOUSE RD CAPE ELIZABETH ME	UST
<u>6</u>	1 of 1	SE/0.33	83.79	2 Pond View Road. CAPE ELIZABETH ME	LAST
<u>7</u>	1 of 1	N/0.36	36.19	18 Grover Rd CAPE ELIZABETH ME	LAST
<u>8</u>	1 of 1	N/0.87	86.46	POND COVE SHOPPING CENTER 327-329 OCEAN HOUSE RO CAPE ELIZABETH ME	DEL SHWS
<u>9</u>	1 of 1	N/0.97	99.26	POND COVE SERVICE CENTER 314 OCEANHOUSE ROAD	DEL SHWS

<i>Map Key</i>	<i>Number of Records</i>	<i>Direction/ Distance mi</i>	<i>Elevation ft</i>	<i>Site</i>	<i>DB</i>
CAPE ELIZABETH ME					

This is an Express Preview Report - Details will be provided in the Final ERIS Report.

Unplottable Summary

Total: 0 Unplottable sites

DB	Company Name/Site Name	Address	City	Zip	ERIS ID
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This is an Express Preview Report - Unplottables will be provided in the Final ERIS Report.

Unplottable Report

This is an Express Preview Report - Unplottables will be provided in the Final ERIS Report.

Appendix: Database Descriptions

Ecolog Environmental Risk Information Services Ltd (ERIS) can search the following databases. The extent of historical information varies with each database and current information is determined by what is publicly available to ERIS at the time of update. ERIS updates databases as set out in ASTM Standard E1527-13, Section 8.1.8 Sources of Standard Source Information:

"Government information from nongovernmental sources may be considered current if the source updates the information at least every 90 days, or, for information that is updated less frequently than quarterly by the government agency, within 90 days of the date the government agency makes the information available to the public."

Standard Environmental Record Sources

Federal

National Priority List:

NPL

National Priorities List (Superfund)-NPL: EPA's (United States Environmental Protection Agency) list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund program. The NPL, which EPA is required to update at least once a year, is based primarily on the score a site receives from EPA's Hazard Ranking System. A site must be on the NPL to receive money from the Superfund Trust Fund for remedial action.

Government Publication Date: Feb 11, 2016

National Priority List - Proposed:

PROPOSED NPL

Includes sites proposed (by the EPA, the state, or concerned citizens) for addition to the NPL due to contamination by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.

Government Publication Date: Feb 11, 2016

Deleted NPL:

DELETED NPL

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Government Publication Date: Feb 11, 2016

SEMS List 8R Active Site Inventory:

SEMS

The Superfund Program has deployed the Superfund Enterprise Management System (SEMS), which integrates multiple legacy systems into a comprehensive tracking and reporting tool. This inventory contains active sites evaluated by the Superfund program that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The Active Site Inventory Report displays site and location information at active SEMS sites. An active site is one at which site assessment, removal, remedial, enforcement, cost recovery, or oversight activities are being planned or conducted.

Government Publication Date: Jan 11, 2016

SEMS List 8R Archive Sites:

SEMS ARCHIVE

The Superfund Enterprise Management System (SEMS) Archived Site Inventory displays site and location information at sites archived from SEMS. An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time.

Comprehensive Environmental Response, Compensation and Liability Information System - CERCLIS:

CERCLIS

Superfund is a program administered by the United States Environmental Protection Agency (EPA) to locate, investigate, and clean up the worst hazardous waste sites throughout the United States. CERCLIS is a database of potential and confirmed hazardous waste sites at which the EPA Superfund program has some involvement. It contains sites that are either proposed to be or are on the National Priorities List (NPL) as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The EPA administers the Superfund program in cooperation with individual states and tribal governments; this database is made available by the EPA.

Government Publication Date: Oct 25, 2013

CERCLIS - No Further Remedial Action Planned:

CERCLIS NFRAP

An archived site is one at which EPA has determined that assessment has been completed and no further remedial action is planned under the Superfund program at this time. The Archive designation means that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Government Publication Date: Oct 25, 2013

CERCLIS Liens:

CERCLIS LIENS

A Federal Superfund lien exists at any property where EPA has incurred Superfund costs to address contamination ("Superfund site") and has provided notice of liability to the property owner. A Federal CERCLA ("Superfund") lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Jan 30, 2014

RCRA CORRACTS-Corrective Action:

RCRA CORRACTS

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. At these sites, the Corrective Action Program ensures that cleanups occur. EPA and state regulators work with facilities and communities to design remedies based on the contamination, geology, and anticipated use unique to each site.

Government Publication Date: Oct 13, 2015

RCRA non-CORRACTS TSD Facilities:

RCRA TSD

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. This database includes Non-Corrective Action sites listed as treatment, storage and/or disposal facilities of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).

Government Publication Date: Oct 13, 2015

RCRA Generator List:

RCRA GEN

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10).

Government Publication Date: Oct 13, 2015

RCRA Non-Generators:

RCRA NON GEN

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA Info replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS) and the Biennial Reporting System (BRS). A hazardous waste generator is any person or site whose processes and actions create hazardous waste (see 40 CFR 260.10). Non-Generators do not presently generate hazardous waste.

Government Publication Date: Oct 13, 2015

Federal Engineering Controls-ECs:

FED ENG

Engineering controls (ECs) encompass a variety of engineered and constructed physical barriers (e.g., soil capping, sub-surface venting systems, mitigation barriers, fences) to contain and/or prevent exposure to contamination on a property. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Jul 30, 2014

Federal Institutional Controls- ICs:

FED INST

Institutional controls are non-engineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy. Although it is EPA's (United States Environmental Protection Agency) expectation that treatment or engineering controls will be used to address principal threat wastes and that groundwater will be returned to its beneficial use whenever practicable, ICs play an important role in site remedies because they reduce exposure to contamination by limiting land or resource use and guide human behavior at a site.

Government Publication Date: Jul 30, 2014

Emergency Response Notification System:

ERNS 1982 TO 1986

Database of oil and hazardous substances spill reports controlled by the The National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

Government Publication Date: 1982-1986

Emergency Response Notification System:

ERNS 1987 TO 1989

Database of oil and hazardous substances spill reports controlled by the The National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.

Government Publication Date: 1987-1989

Emergency Response Notification System:

ERNS

Database of oil and hazardous substances spill reports controlled by the The National Response Center. The primary function of the National Response Center is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Oct 7, 2015

The Assessment, Cleanup and Redevelopment Exchange System (ACRES)

FED BROWNFIELDS

Brownfield Database:

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. This database is made available by the United States Environmental Protection Agency (EPA).

Government Publication Date: Jul 20, 2015

Material Licensing Tracking System (MLTS):

MLTS

A list of sites that store radioactive material subject to the Nuclear Regulatory Commission (NRC) licensing requirements. This list is maintained by the NRC.

Government Publication Date: Oct 7, 2014

State

Uncontrolled Sites included in the Remediation Sites List:

SHWS

This list represents the past and current sites located in Maine that are in the Uncontrolled Sites Program. This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management in the Department of Environmental Protection (DEP). This database is state equivalent CERCLIS.

Government Publication Date: Jan 19, 2016

Sites Removed from the Uncontrolled Sites List:

DEL SHWS

Sites which have been removed from the Uncontrolled Sites Program. This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management. This list is maintained by the Department of Environmental Protection (DEP).

Government Publication Date: Feb 02, 2015

Active Landfills:

SWF/LF

List of active solid waste facilities and landfills in the state maintained by The Department of Environmental Protection (DEP). Active landfills include municipal and regional landfills, as well as private and commercial landfills.

Government Publication Date: Dec 04, 2015

Landfill Closure Program:

LF CLOSURE

This list represents the past and current sites located in Maine that are in the Landfill Closure Program. This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management in the Department of Environmental Protection (DEP).

Government Publication Date: Jan 19, 2016

Leaking Underground Storage Tanks:

LUST

List of Leaking Underground Storage Tanks, This list is maintained by Bureau of Remediation & Waste Management Hazardous & Oil Spill System (HOSS) in Maine Department of Environmental Protection (DEP).

Government Publication Date: Nov 7, 2015

Leaking Aboveground Storage Tanks:

LAST

List of Leaking Aboveground Storage Tanks, This list is maintained by Bureau of Remediation & Waste Management Hazardous & Oil Spill System (HOSS) in Maine Department of Environmental Protection (DEP).

Government Publication Date: Nov 07, 2015

Delisted Leaking Storage Tank:

DELISTED LST

This database contains a list of closed leaking storage tank sites that were removed from the Bureau of Remediation & Waste Management Hazardous & Oil Spill System (HOSS) in Maine Department of Environmental Protection (DEP).

Government Publication Date: Nov 07, 2015

Underground Storage Tanks:

UST

There are over 5,000 registered USTs located at approximately 3,000 underground oil storage facilities in the State of Maine. The Department of Environmental Protection's (DEP) underground oil storage tank program is responsible for protecting public health and the environment, in particular groundwater, by preventing oil discharges to the greatest extent possible.

Government Publication Date: Jan 8, 2016

Aboveground Storage Tanks:

AST

A listing of registered aboveground storage tanks maintained by the Department of Environmental Protection (DEP).

Government Publication Date: Jan 8, 2016

MEMA (Maine Emergency Management Agency) Tanks:

MEMA TANKS

A list of tanks tracked by the The Maine Emergency Management Agency (MEMA).

Government Publication Date: Dec 31, 2014

Remediation Sites with an Institutional Control:

INST

This list represents the past and current sites located in Maine which are Remediation Sites with an Institutional Control. This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management in the Department of Environmental Protection (DEP).

Government Publication Date: Jan 19, 2016

Remediation Sites with a Voluntary Response Action Program (VRAP):

VCP

This list represents the past and current sites located in Maine that are in the Voluntary Response Action Program (VRAP). This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management in the Department of Environmental Protection (DEP).

Government Publication Date: Jan 19, 2016

Brownfields found in the Remediation Sites List:

BROWNFIELDS

This list represents the past and current sites located in Maine that are in the Brownfields Program. This database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management in the Department of Environmental Protection (DEP).

Government Publication Date: Jan 19, 2016

Tribal

Leaking Underground Storage Tanks (LUSTs) on Tribal/Indian Lands:

INDIAN LUST

Leaking Underground Storage Tanks (LUSTs) in EPA Region 1, which includes Maine. There are no LUST records in Maine at this time.

Government Publication Date: Aug 13, 2013

Underground Storage Tanks (USTs) on Indian Lands:

IUST

USTs on Tribal/Indian Lands in Region 1, which includes Maine.

Government Publication Date: Feb 26, 2015

County

No County standard environmental record sources available for this State.

Additional Environmental Record Sources

Federal

Facility Registry Service/Facility Index:

FINDS/FRS

The US Environmental Protection Agency (EPA)'s Facility Registry System (FRS) is a centrally managed database that identifies facilities, sites or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, data collected from EPA's Central Data Exchange registrations and data management personnel.

Government Publication Date: Sep 24, 2015

Toxics Release Inventory (TRI) Program:

TRIS

The EPA's Toxics Release Inventory (TRI) is a database containing data on disposal or other releases of over 650 toxic chemicals from thousands of U.S. facilities and information about how facilities manage those chemicals through recycling, energy recovery, and treatment. One of TRI's primary purposes is to inform communities about toxic chemical releases to the environment.

Government Publication Date: 1987-2013

Hazardous Materials Information Reporting System:

HMIRS

US DOT - Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Incidents Reports Database taken from Hazmat Intelligence Portal, U.S. Department of Transportation.

Government Publication Date: Dec 8, 2015

National Clandestine Drug Labs:

NCDL

The U.S. Department of Justice ("the Department") provides this data as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy.

Government Publication Date: Sep 5, 2015

Inventory of Open Dumps, June 1985:

ODI

The Resource Conservation and Recovery Act (RCRA of the Act) provides for publication of an inventory of open dumps. The Act defines "open dumps" as facilities which do not comply with EPA's "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR 257).

Government Publication Date: Jun 1985

EPA Report on the Status of Open Dumps on Indian Lands:

IODI

Public Law 103-399, The Indian Lands Open Dump Cleanup Act of 1994, enacted October 22, 1994, identified congressional concerns that solid waste open dump sites located on American Indian or Alaska Native (AI/AN) lands threaten the health and safety of residents of those lands and contiguous areas. The purpose of the Act is to identify the location of open dumps on Indian lands, assess the relative health and environment hazards posed by those sites, and provide financial and technical assistance to Indian tribal governments to close such dumps in compliance with Federal standards and regulations or standards promulgated by Indian Tribal governments or Alaska Native entities.

Government Publication Date: Dec 31, 1998

Toxic Substances Control Act:

TSCA

The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.

The CDR enables EPA to collect and publish information on the manufacturing, processing, and use of commercial chemical substances and mixtures (referred to hereafter as chemical substances) on the TSCA Chemical Substance Inventory (TSCA Inventory). This includes current information on chemical substance production volumes, manufacturing sites, and how the chemical substances are used. This information helps the Agency determine whether people or the environment are potentially exposed to reported chemical substances. EPA publishes submitted CDR data that is not Confidential Business Information (CBI).

Government Publication Date: Jun 30, 2014

Hist TSCA:

HIST TSCA

The Environmental Protection Agency (EPA) is amending the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule.

The 2006 IUR data summary report includes information about chemicals manufactured or imported in quantities of 25,000 pounds or more at a single site during calendar year 2005. In addition to the basic manufacturing information collected in previous reporting cycles, the 2006 cycle is the first time EPA collected information to characterize exposure during manufacturing, processing and use of organic chemicals. The 2006 cycle also is the first time manufacturers of inorganic chemicals were required to report basic manufacturing information.

Government Publication Date: 2006

FTTS Administrative Case Listing:

[FTTS ADMIN](#)

An administrative case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.

Government Publication Date: Jan 19, 2007

FTTS Inspection Case Listing:

[FTTS INSP](#)

An inspection case listing from the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA) and Toxic Substances Control Act (TSCA), together known as FTTS. This database was obtained from the Environmental Protection Agency's (EPA) National Compliance Database (NCDB). The FTTS and NCDB was shut down in 2006.

Government Publication Date: Jan 19, 2007

Potentially Responsible Parties List:

[PRP](#)

Early in the cleanup process, the Environmental Protection Agency (EPA) conducts a search to find all of the potentially responsible parties (PRPs). EPA looks for evidence to determine liability by matching wastes found at the site with parties that may have contributed wastes to the site.

Government Publication Date: Nov 12, 2013

State Coalition for Remediation of Drycleaners Listing:

[SCRD DRYCLEANER](#)

The State Coalition for Remediation of Drycleaners (SCRD) was established in 1998, with support from the U.S. Environmental Protection Agency (EPA) Office of Superfund Remediation and Technology Innovation. It is comprised of states with established drycleaner remediation programs. Coalition members are states with mandated programs and funding for drycleaner site remediation. Coalition members are states with mandated programs and funding for drycleaner site remediation. Current members are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Government Publication Date: Jan 1, 2016

Integrated Compliance Information System (ICIS):

[ICIS](#)

The Integrated Compliance Information System (ICIS) is a system that provides information for the Federal Enforcement and Compliance (FE&C) and the National Pollutant Discharge Elimination System (NPDES) programs. The FE&C component supports the Environmental Protection Agency's (EPA) Civil Enforcement and Compliance program activities. These activities include Compliance Assistance, Compliance Monitoring and Enforcement. The NPDES program supports tracking of NPDES permits, limits, discharge monitoring data and other program reports.

Government Publication Date: Dec 17, 2015

State

Remediation Sites List:

[ME SITES](#)

The Sites List Database is the public record of information regarding properties that have been, are now, or are planned to be addressed by the Division of Remediation of the Bureau of Remediation and Waste Management. This database is not intended to be a comprehensive, all-inclusive source of information regarding the properties listed therein. This list is maintained by the Department of Environmental Protection (DEP).

Government Publication Date: Jan 19, 2016

Environmental Liens for sites in Maine:

[LIENS](#)

A listing of Environmental Liens maintained by The Department of Environmental Protection (DEP). Environmental lien is a charge, security, or encumbrance on a property's title to secure payment of cost or debt arising from response actions, cleanup, or other remediation of hazardous substances or petroleum products.

Government Publication Date: Nov 09, 2015

Hazardous & Oil Spill System:

[SPILLS](#)

The Bureau of Remediation & Waste Management in the Department of Environmental Protection (DEP) maintains the Hazardous & Oil Spill System reports (HOSS).

Government Publication Date: Nov 07, 2015

Dry Cleaning Facilities:

DRYCLEANERS

A listing of dry cleaning facilities registered with the Hazardous Air Pollutants Program in the Department of Environmental Protection (DEP) of Maine.

Government Publication Date: Dec 31, 2014

Tribal

No Tribal additional environmental record sources available for this State.

County

No County additional environmental record sources available for this State.

Definitions

Database Descriptions: This section provides a detailed explanation for each database including: source, information available, time coverage, and acronyms used. They are listed in alphabetic order.

Detail Report: This is the section of the report which provides the most detail for each individual record. Records are summarized by location, starting with the project property followed by records in closest proximity.

Distance: The distance value is the distance between plotted points, not necessarily the distance between the sites' boundaries". All values are an approximation.

Direction: The direction value is the compass direction of the site in respect to the project property and/or center point of the report.

Elevation: The elevation value is taken from the location at which the records for the site address have been plotted. All values are an approximation. Source: Google Elevation API.

Executive Summary: This portion of the report is divided into 3 sections:

'Report Summary'- Displays a chart indicating how many records fall on the project property and, within the report search radii.

'Site Report Summary'-Project Property'- This section lists all the records which fall on the project property. For more details, see the 'Detail Report' section.

'Site Report Summary-Surrounding Properties'- This section summarizes all records on adjacent properties, listing them in order of proximity from the project property. For more details, see the 'Detail Report' section.

Map Key: The map key number is assigned according to closest proximity from the project property. Map Key numbers always start at #1. The project property will always have a map key of '1' if records are available. If there is a number in brackets beside the main number, this will indicate the number of records on that specific property. If there is no number in brackets, there is only one record for that property.

The symbol and colour used indicates 'elevation': the red inverted triangle will dictate 'ERIS Sites with Lower Elevation', the yellow triangle will dictate 'ERIS Sites with Higher Elevation' and the orange square will dictate 'ERIS Sites with Same Elevation.'

Unplottables: These are records that could not be mapped due to various reasons, including limited geographic information. These records may or may not be in your study area, and were included as reference.

APPENDIX C

Supplemental Environmental Documentation

No Supplemental Environmental Documentation Available

APPENDIX D

Environmental Questionnaire

ENVIRONMENTAL QUESTIONNAIRE (To be completed by a property representative)

All questions should be answered to the best of your knowledge. If unknown, please enter UNK..

1.0 CURRENT AND PAST LAND USES

1.1 What is the current and past use(s) of the subject property?

<u>Current</u>		<u>Past</u>	
Residential - Single Family	()	Residential - Single Family	()
Residential-Multi Family	()	Residential-Multi Family	()
Commercial	()	Commercial	()
Industrial/Manufacturing	()	Industrial/Manufacturing	()
Unimproved/Raw Land	(x)	Unimproved/Raw Land	(x)
Agriculture	()	Agriculture	()
Other _____		Other _____	

1.2 What are the current and past uses of the adjoining properties?

Adjoining Property	Current		Past	
	Owner	Use	Owner	Use
North:	UNK	UNK	UNK	UNK
South:	UNK	UNK	UNK	UNK
East:	UNK	UNK	UNK	UNK
West:	UNK	UNK	UNK	UNK

2.0 HAZARDOUS SUBSTANCES

2.1. What hazardous substances are currently used/stored on the property? Please list all non-petroleum chemicals, solutions, powders, etc. on the property other than household quantities (bathroom cleaners, paint cans, etc. do not need to be listed).

Type of Hazardous Substance	Location	Quantity (gallons or lbs)	Container Type
UNK	UNK	UNK	UNK
UNK	UNK	UNK	UNK

Type of Hazardous Substance	Location	Quantity (gallons or lbs)	Container Type
UNK	UNK	UNK	UNK
UNK	UNK	UNK	UNK
UNK	UNK	UNK	UNK
UNK	UNK	UNK	UNK

2.2 Are you aware of any hazardous substances used/stored on the property in the past, other than those listed in Question 2.1?

Type of Hazardous Substance	Location	Quantity (gallons or lbs)	Container Type
UNK	UNK	UNK	UNK

3.0 PETROLEUM PRODUCTS

3.1 What petroleum products are currently used/stored on the property in quantities greater than 1 gallon?

Type of Petroleum Product	Location	Quantity (gallons)	Container Type
UNK	UNK	UNK	UNK

3.2 Are you aware of any petroleum products used/stored on the property in the past, other than those listed in Question 3.1?

Type of Petroleum Product	Location	Quantity (gallons or lbs)	Container Type
UNK	UNK	UNK	UNK

Type of Petroleum Product	Location	Quantity (gallons or lbs)	Container Type

4.0 OTHER SITE CONDITIONS

4.1 Which of the following items/conditions are present on the property? Please include comments for clarification as appropriate.

Type	Location	Comments
Storage Tanks (if already listed above, please provide the question number)		UNK
Odors		UNK
Pools of Liquid		UNK
Drums		UNK
Electrical Transformers		UNK
Pits, Ponds, or Lagoons		UNK
Stained Soil or Pavement		UNK
Stressed Vegetation		UNK
Solid Waste		UNK
Universal Waste (spent CRTs, fluorescent light bulbs, heavy metal batteries)		UNK

4.2 Which of the following items apply to the property?

Type	Location	In Use?	Comments
Private Well			NO
Private Septic System			NO
Type	Supplier	Connection Date?	Comments
Public Water			UNK

Type	Location	In Use?	Comments
Public Sewer			UNK
Waste water discharges other than to a sewer system?			UNK

5.0 HELPFUL DOCUMENTS AND RECORDS

Do you have any helpful documents such as environmental site assessments, audits, geotechnical studies, or documentation of environmental violations or administrative proceedings? _____ Site work by Albert Frick Associates.

Already provided to Frank Strout

If so, please provide them.

Site Representative:

This questionnaire was completed by the following Owner Representative:

Name: Barry Glew

Signature: Barry Glew

Title: Owner

Firm: _____

Relationship to Site: Owner

The statements and facts provided herein are true and correct and, to the best of my actual knowledge, no material facts have been suppressed or misstated.

Signature: Barry Glew

Date: 3/11/16

APPENDIX E

User Provided Information

User Questionnaire ASTM E 1527-13 Phase I Environmental Site Assessment

In order to qualify for one of Landowner Liability Protections (LLP) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user of the Phase I Environmental Site Assessment must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

Site Name: Cape Elisabeth Land Trust

Site Address: Ocean House Road, Cape Elizabeth, ME

St.Germain Collins File No.: 3898

St.Germain Collins Rep: Erin Pike

1. **Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25)**
Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law?

Yes _____ No (if Yes, provide additional information on attachment)

2. **Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26)**

Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the property and/or have been filed or recorded in a registry under federal, tribal, state or local law?

Yes _____ No (if Yes, provide additional information on attachment)

3. **Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28)**

As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?

Yes _____ No

(if Yes, provide additional information on attachment)

Note: We do know that abutting property is a farm and there is a small rubbish pile near the property boundary.

4. **Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29)**

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

Yes No _____ (if No, provide additional information on attachment)

5. Commonly known or reasonably ascertainable information about the property (40 CFR 312.30)

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, as a user,

a) Do you know the past uses of the property?

Yes _____ No

b) Do you know of specific chemicals that are present or once were present at the property?

Yes _____ No

c) Do you know of spills or other chemical releases that have taken place at the property?

Yes _____ No

d) Do you know of any environmental cleanups that have taken place at the property?

Yes _____ No

(If Yes for any of these questions, provide additional information on attachment)

6. The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31)

As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property?

Yes _____ No (if Yes, provide additional information on attachment)

Except as mentioned above there is a small refuse pile near border of property nearest to Route.

77. Does not look like hazardous waste, but needs to be checked.

User:

The following user completed this questionnaire:

Name: Cynthia Krum

Signature: 

Title: Executive Director

Firm: Cape Elizabeth Land Trust

Relationship to Site: Have contract to buy
the Real Estate

APPENDIX F
Environmental Professional Qualifications

Erin Pike is an Environmental Scientist on the St.Germain Collins team. Since 2005, her experience includes groundwater monitoring and reporting, tank removals, soil removal supervision, installation of monitoring wells, and project management. Ms. Pike also manages the Lender Services and is experienced in conducting desktop reviews, Transaction Screens, and Phase I and II environmental site assessments in accordance with ASTM standards at both commercial and rural, forested parcels.

Prior to joining the St.Germain Collins team, Erin worked as an Environmental Scientist with an environmental consulting firm in Portland, Maine, where she provided support on environmental investigations and petroleum remediation sites.

REPRESENTATIVE PROJECT EXPERIENCE

Stormwater Monitoring Program, Various Sites in Maine

Manage compliance with Multi-Sector General Permit Stormwater regulations at petroleum bulk plants and terminals, marinas, and waste transfer and processing facilities throughout Maine and New Hampshire. Conduct compliance evaluations and collect observation and laboratory samples in accordance with the site SWPPP.

Lender Services, Various Site in New England

Records Search with Risk Assessments, Environmental Records Review, Transaction Screens, and conduct Phase I and II Environmental Site Assessments in accordance with ASTM Standards at both commercial and rural parcels.

The Nature Conservancy, Maine *Conduct environmental due diligence for large forested parcels.*

Long Term Groundwater Monitoring Projects throughout Maine and New Hampshire

Experienced in supervising the installation of groundwater monitoring wells and sampling groundwater in accordance with state guidelines. Proficient in interpreting long term analytical trends in groundwater quality and compiling the data in annual reports.

Soil Removal Oversight throughout New England *Managed field activities during large scale soil removal projects. Responsible for monitoring soil quality and directing subcontractors involved in the excavations.*

UST Removal and Closure Assessments, New England

Responsible for performing and managing Underground Storage Tank (UST) Closure Assessments and supervising UST removals at multiple gasoline stations throughout New England.

EDUCATION

- Bachelor of Science Degree, Environmental Studies, University of Maine, Machias, 2002

PROFESSIONAL CERTIFICATIONS

- OSHA 40 Hour HAZWOPER

PRINCIPAL AREAS OF PRACTICE

- Project Management
- Desktop Reviews
- Phase I and II Environmental Site Assessments
- Environmental Sampling
- Soil Removal Supervision
- Underground Storage Tank Removals
- Field Supervision of Subcontractors
- Installation of Monitoring Wells

EXPERIENCE YOU CAN RELY ON

WHEN IT COUNTS

Adopted: August 27, 2012

Amended: _____

Amended: _____

Amended: _____

11.3. Land Acquisition Criteria

As a non-profit 501(c)(3) corporation, CELT is recognized as a qualified holder of conservation lands. To ensure that our land protection projects provide demonstrable public benefit (as required by law), we have developed the following guidelines and criteria for the acquisition of conservation easements or fee interests in land parcels.

Projects for consideration must meet at least one of the following criteria:

- Protection of scenic natural vistas
- Public access
- Suitability for passive recreation
- Ecological importance
- Relation to Town of Cape Elizabeth Greenbelt Trails
- Preservation of working farms

Adopted: August 27, 2012

Amended: _____

Amended: _____

Amended: _____

11.4. Evaluation and Documentation of Public Benefit

CELT must demonstrate that our land acquisitions provide a demonstrable public benefit, in order to maintain our status as a non-profit 501(c)(3) corporation. Prior to negotiating the acquisition of a fee property or easement, CELT's Lands Committee will evaluate the public benefit of a project by considering the factors established by federal regulation, IRS Regs. §1.170A-14(d)(4)(iv)(A), and outlined in CELT's Public Benefit Worksheet. *See Appendix 2, Public Benefit Worksheet.* The Lands Committee will indicate the availability of, and attach to the Public Benefit Worksheet, documentation supporting the public benefit of a project.

Adopted: August 27, 2012
Amended: _____
Amended: _____
Amended: _____

11.10. Appendix: Sample Documents

- Appendix 1. Project Evaluation Checklist
- Appendix 2. Public Benefit Worksheet
- Appendix 3. Required Language for Landowner Letters Concerning IRC Requirements For Donation
- Appendix 4. Land Acquisition Checklist

11.10.1 Appendix 1

PROJECT EVALUATION CHECKLIST

Property Name: _____
Location: _____
Map/Lot #: _____ Acreage: _____
Interest in Parcel would be:
_____ Full _____ Partial _____ Unknown
Property would be:
_____ Fee Owned _____ Conservation Easement _____ Unknown
Owner Contact: _____
Initial Contact Date: _____
Date of Visit: _____
Reviewer's Name: _____

PROPERTY EVALUATION

Public Benefit: Indicate which public benefit(s) meet or may meet IRS standards:

_____ Public access/recreation
_____ Protection of natural resources (water quality, habitat)
_____ Scenic values
_____ Historically important

Notes:

11.10.1 Appendix 1- Cont'd

Focus Area: The property falls within one or more of CELT focus areas. Please refer to CELT Focus Area Maps

_____	Habitat Focus Area
(_____)	
_____	Farmland Focus Area
(_____)	
_____	Recreation Focus Area
(_____)	

Connectivity: The property is adjacent to or provides linkage to existing conservation lands.

Property Abuts CELT Holding(s)	YES	or	NO
Property Abuts Other Conservation Lands	YES	or	NO
Property Currently Provides Trail Connectivity	YES	or	NO
Property Would Provide New Trail Connectivity	YES	or	NO
Property Provides Connectivity for Cross Town Trail	YES	or	NO

Conservation Values: The property contains recognized conservation values.

Rare/Threatened/Endangered Species	YES	or	NO
Significant or Unique Conservation Values	YES	or	NO
River/Stream Corridor			
Within wetland setback	YES	or	NO
Beyond wetland setbacks	YES	or	NO
Vernal Pools	YES	or	NO

11.10.1 Appendix 1- Cont'd

Community Values: The property preserves community character and/or traditional uses.

Water Access	YES	or	NO
Agricultural Lands	YES	or	NO
Working	YES	or	NO
Prime Farmland Soils	YES	or	NO
Scenic Views	YES	or	NO
Historic Site	YES	or	NO
Working Waterfront	YES	or	NO

OTHER CONSIDERATIONS

Landowner Willingness: _____ Strong _____ Likely _____
Unlikely

Alignment With Comprehensive Plan/Municipal Goals YES or NO
Clear Funding Source/Partnership YES or NO
Development Threat YES or NO

11.10.1 Appendix 1- Cont'd

FIELD OBSERVATIONS

Property Features: Describe the natural features of the property using rough estimates for acreage; note existing uses.

General Description:

Fields:

Forest:

Wetlands:

Water Body/Watercourse:

Exemplary Features:

Property currently used for public access: YES or NO

Notes:

Currently used for agriculture: YES or NO

Notes:

11.10.2 Appendix 2

PUBLIC BENEFIT WORKSHEET

Public Benefit	Y/N	Supporting Documentation
1) Uniqueness of property to the area, Regs §1.170A-14(d)(4)(iv)(A)(1)		
2) The intensity of existing and planned development in the area, Regs §1.170A-14(d)(4)(iv)(A)(2)		
3) The consistency of proposed open space with public conservation programs in the region, Regs §1.170A-14(d)(4)(iv)(A)(3), including: <ul style="list-style-type: none">• Outdoor recreation• Irrigation or water supply protection		
c) Water quality maintenance or enhancement <ul style="list-style-type: none">• Flood prevention and control• Erosion control• Shoreline protection		
g) Protection of land areas included in or related to a government master plan or land management area		

4) The consistency of proposed open space with existing private conservation programs in the area, as evidenced by other land protected by easement or fee ownership in close proximity to the property. Regs §1.170A-14(d)(4)(iv)(A)(4)

5) The likelihood that development of the property would lead to degradation of scenic, natural or historic character of area. Regs §1.170A-14(d)(4)(iv)(A)(5)

11.10.2 Appendix 2 – Cont'd

Public Benefit	Y/N	Supporting Documentation
6) The opportunity of the public to use property or enjoy its scenic values. Regs §1.170A-14(d)(4)(iv)(A)(6)		
7) The importance of the property in preserving a local or regional landscape or resource that attracts tourism or commerce in the area. Regs §1.170A-14(d)(4)(iv)(A)(7)		
8) The likelihood that the donee organization will acquire equally desirable and valuable property or property rights. Regs §1.170A-14(d)(4)(iv)(A)(8)		
9) The cost to donee of enforcing the easement. Regs §1.170A-14(d)(4)(iv)(A)(9)		
10) The population density in the area of property. Regs §1.170A-14(d)(4)(iv)(A)(10)		

11) The consistency of the proposed open space with a legislatively mandated program identifying specific parcels for future protection. Regs §1.170A-14(d)(4)(iv)(A)(11).

11.10.3 Appendix 3

REQUIRED LANGUAGE FOR LANDOWNER LETTERS CONCERNING IRC REQUIREMENTS FOR DONATION

Fee Gift:

As you know, the Cape Elizabeth Land Trust did not provide you with any goods or services in consideration, in whole or in part, for your gift to CELT of fee title to the _____ acres of property in the Town of Cape Elizabeth, Cumberland County and State of Maine, by a deed recorded at Book _____, Page _____, in conformance with Internal Revenue Code Section 170(f)(8). Cape Elizabeth Land Trust is a charitable tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, with Tax I.D. #23-7099105. As we have discussed, if you intend to claim a charitable deduction for this gift, greater than \$5,000.00, an independent real estate appraisal that you have commissioned will be necessary to support your claim. You will also need to complete IRS Form 8283 as part of your tax return, which must be signed by both CELT and your appraiser. Before CELT is able to sign any Form 8283, we must receive a copy of the associated appraisal work to review. If the value of the gift is greater than \$500,000, a copy of the full appraisal and a copy of this thank-you letter should be attached to Form 8283 when it is submitted.

Bargain Sale:

Should you choose to claim the sale to the Cape Elizabeth Land Trust of _____ acres of property in the Town of Cape Elizabeth, Cumberland County and State of Maine, by a deed recorded at Book _____, Page _____, as a charitable "bargain sale" on your federal income tax return, this letter will confirm that CELT did not provide you with any goods or services in consideration, in whole or in part, for your gift to CELT, in conformance with Internal Revenue Code Section 170(f)(8), other than the bargain purchase price of \$ _____. Cape Elizabeth Land Trust is a charitable tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, with Tax I.D. #23-7099105. As you likely are aware, if you intend to claim a charitable gift deduction greater than \$5,000.00, the independent real estate appraisal that you commissioned will be necessary to support your claim. You should also discuss with your legal and financial advisors the careful completion of

IRS Form 8283 as part of your tax return. You should keep this letter as part of your tax records, and you may attach a copy of this to the IRS Form 8283 as well. Before CELT is able to sign any IRS Form 8283, we must receive a copy of the associated appraisal work to review. Note that IRS Form 8283 needs to be signed by CELT and by your appraiser in the event that the claimed gift exceeds \$5,000.

11.10.3 Appendix 3 – Cont'd

Conservation Easement Gift:

As you know, Cape Elizabeth Land Trust did not provide you with any goods or services in consideration, in whole or in part, for your gift to CELT of a conservation easement on your property at _____, Town of Cape Elizabeth, Cumberland County, Maine, recorded at Book _____, Page _____, in conformance with Internal Revenue Code Section 170(f)(8). Cape Elizabeth Land Trust is a charitable tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, with Tax I.D. #23-7099105. If you intend to claim a charitable gift deduction greater than \$5,000.00, an independent real estate appraisal that you have commissioned will be necessary to support your claim. You will also want to complete IRS Form 8283 as part of your tax return, which form needs to be signed by both CELT and your appraiser. Before CELT is able to sign any IRS Form 8283, we must receive a copy of the associated appraisal work to review. You will also need to complete and attach to Form 8283 an informational attachment about the value and conservation purposes of the easement, which we have begun to fill out on your behalf. The attached document needs to be completed by you as to value and other questions. If the value of the gift is greater than \$500,000, a copy of the full appraisal and a copy of this thank-you letter should be attached to your IRS Form 8283 when it is submitted.

11.10.4 Appendix 4

LAND ACQUISITION CHECKLIST

Property:

Contact Information:

Property Information:

SOUND TRANSACTION

DATE

Project Assessment Checklist and Worksheet
Land Acquisition Criteria Satisfied
Documentation of Public Benefit
Stewardship Expenses Estimated
Legal Review and Technical Expertise
Easement/Trust Review by Qualified Attorney

Independent Legal Advice Communication
With Landowner

IRC Letter to Donor, If Applicable

PURCHASE REQUIREMENTS:

Due Diligence for Hazardous Materials

Determine Property Boundaries and Inspect

Documentation of Purposes and

Responsibilities

Documentation of Correspondence and

Approval

Baseline Documentation Report

(Conservation Easements)

Title Investigation and Subordination

Legal Recording of All Transactions

Offsite Storage of Essential Documents

Land Trust Standards and Practices



Acknowledgements

The Land Trust Alliance extends its sincere appreciation to the members of the 2004 Land Trust Standards and Practices Revisions Advisory Team and to the hundreds of land conservationists across the country who participated in the development of the 2004 revisions. The Land Trust Alliance also gratefully acknowledges the individuals involved in establishing *Land Trust Standards and Practices* in 1989 and revising them in 1993 and 2001.

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Introduction

Land Trust Standards and Practices are the ethical and technical guidelines for the responsible operation of a land trust. The Land Trust Alliance developed *Land Trust Standards and Practices* in 1989 at the urging of land trusts who believe a strong land trust community depends on the credibility and effectiveness of all its members and who understand that employing best practices is the surest way to secure lasting conservation. This is a living document and was revised in 1993, 2001 and 2004 to reflect changes in land trust practices and regulations governing nonprofit organizations. The 2004 revisions were prepared by a team of land trust leaders and reviewed by hundreds of conservationists to capture and share the experience of land trusts from throughout the country.

The nation's more than 1,500 nonprofit land trusts have conserved millions of acres of wildlife habitat, farms, ranches, forests, watersheds, recreation areas and other important lands. The continued success of land trusts depends both on public confidence in, and support of, the conservation efforts of these organizations, and on building conservation programs that stand the test of time. It is every land trust's responsibility to uphold this public trust and to ensure the permanence of its conservation efforts.

Implementing *Land Trust Standards and Practices* helps land trusts uphold the public trust and build strong and effective land conservation programs. The Land Trust Alliance requires that member land trusts adopt *Land Trust Standards and Practices* as the guiding principles for their operations, indicating their commitment to upholding the public trust and the credibility of the land trust community as a whole. (See the sample adoption resolution on the next page.) The Land Trust Alliance encourages all land trusts to implement *Land Trust Standards and Practices* at a pace appropriate for the size of the organization and scope of its conservation activities.

Land Trust Standards and Practices are organized into 12 standards and supporting practices to advance the standards. The practices are guidelines; there are many ways for a land trust to implement the practices, depending on the size and scope of the organization. The Land Trust Alliance provides resources to assist land trusts in the implementation of *Land Trust Standards and Practices*. General information on *Land Trust Standards and Practices* and on Alliance publications and training programs related to the standards and practices can be found at www.lta.org. Land Trust Alliance member land trusts and partners can find additional technical information and sample documents at www.LTAnet.org.

While *Land Trust Standards and Practices* are designed primarily for nonprofit, tax-exempt land trusts, they also provide important guidance for any organization or government agency that holds land or easements for the benefit of the public.

Land trusts are a respected and integral part of the nation's land conservation work. With this recognition comes responsibility to ensure that all land trusts operate effectively and that their conservation efforts are lasting. *Land Trust Standards and Practices* are a critical tool in meeting these challenges.

Sample Board Adoption Resolution

The Land Trust Alliance requires that all land trust members of the Alliance adopt *Land Trust Standards and Practices* as their guiding principles. Some public or private funders also ask for such a statement. Below is a sample resolution.

WHEREAS, the [organization] has reviewed *Land Trust Standards and Practices* published by the Land Trust Alliance in 2004; and,

WHEREAS, the [organization] agrees that *Land Trust Standards and Practices* are the ethical and technical guidelines for the responsible operation of a land trust;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the [organization], hereby adopts *Land Trust Standards and Practices* as guidelines for the organization's operations and commits to making continual progress toward implementation of these standards and practices.

_____ date adopted

Standard I: Mission

The land trust has a clear mission that serves a public interest, and all programs support that mission.

Practices

- A. Mission. The board adopts, and periodically reviews, a mission statement that specifies the public interest(s) served by the organization.
- B. Planning and Evaluation. The land trust regularly establishes strategic goals for implementing its mission and routinely evaluates programs, goals and activities to be sure they are consistent with the mission.
- C. Outreach. The land trust communicates its mission, goals and/or programs to members, donors, landowners, the general public, community leaders, conservation organizations and others in its service area as appropriate to carry out its mission.
- D. Ethics. The land trust upholds high standards of ethics in implementing its mission and in its governance and operations.

Part I: Organizational Strength

Standard 2: Compliance with Laws

The land trust fulfills its legal requirements as a nonprofit tax-exempt organization and complies with all laws.

Practices

- A. Compliance with Laws. The land trust complies with all applicable federal, state and local laws.
- B. Nonprofit Incorporation and Bylaws. The land trust has incorporated according to the requirements of state law and maintains its corporate status. It operates under bylaws based on its corporate charter or articles of incorporation. The board periodically reviews the bylaws.
- C. Tax Exemption. The land trust has qualified for federal tax-exempt status and complies with requirements for retaining this status, including prohibitions on private inurement and political campaign activity, and limitations and reporting on lobbying and unrelated business income. If the land trust holds, or intends to hold, conservation easements, it also meets the Internal Revenue Code's (IRC) public support test for public charities. Where applicable, state tax-exemption requirements are met.
- D. Records Policy. The land trust has adopted a written records policy that governs how organization and transaction records are created, collected, retained, stored and disposed. (See 9G.)
- E. Public Policy. The land trust may engage in public policy at the federal, state and/or local level (such as supporting or opposing legislation, advocating for sound land use policy, and/or endorsing public funding of conservation) provided that it complies with federal and state lobbying limitations and reporting requirements. Land trusts may not engage in political campaigns or endorse candidates for public office.

Standard 3: Board Accountability

The land trust board acts ethically in conducting the affairs of the organization and carries out the board's legal and financial responsibilities as required by law.

Practices

- A. Board Responsibility. The board is responsible for establishing the organization's mission, determining strategic direction and setting policies to carry out the mission, and, as required by law, the oversight of the organization's finances and operations.
- B. Board Composition. The board is of sufficient size to conduct its work effectively. The board is composed of members with diverse skills, backgrounds and experiences who are committed to board service. There is a systematic process for recruiting, training and evaluating board members.
- C. Board Governance. The land trust provides board members with clear expectations for their service and informs them about the board's legal and fiduciary responsibilities. The board meets regularly enough to conduct its business and fulfill its duties, with a minimum of three meetings per year. Board members are provided with adequate information to make good decisions. Board members attend a majority of meetings and stay informed about the land trust's mission, goals, programs and achievements.
- D. Preventing Minority Rule. The land trust's governing documents contain policies and procedures (such as provisions for a quorum and adequate meeting notices) that prevent a minority of board members from acting for the organization without proper delegation of authority.
- E. Delegation of Decision-Making Authority. The board may delegate decision-making and management functions to committees, provided that committees have clearly defined roles and report to the board or staff. If the land trust has staff, the board defines the job of, oversees and periodically evaluates the executive director (or chief staff person). (See 3F and 7E.)
- F. Board Approval of Land Transactions. The board reviews and approves every land and easement transaction, and the land trust provides the board with timely and adequate information prior to final approval. However, the board may delegate decision-making authority on transactions if it establishes policies defining the limits to that authority, the criteria for transactions, the procedures for managing conflicts of interest, and the timely notification of the full board of any completed transactions, and if the board periodically evaluates the effectiveness of these policies.

Standard 4: Conflicts of Interest

The land trust has policies and procedures to avoid or manage real or perceived conflicts of interest.

Practices

- A. Dealing with Conflicts of Interest. The land trust has a written conflict of interest policy to ensure that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recusal or other means. The conflict of interest policy applies to insiders (see definitions), including board and staff members, substantial contributors, parties related to the above, those who have an ability to influence decisions of the organization and those with access to information not available to the general public. Federal and state conflict disclosure laws are followed.
- B. Board Compensation. Board members do not serve for personal financial interest and are not compensated except for reimbursement of expenses and, in limited circumstances, for professional services that would otherwise be contracted out. Any compensation must be in compliance with charitable trust laws. The board's presiding officer and treasurer are never compensated for professional services.
- C. Transactions with Insiders. When engaging in land and easement transactions with insiders (see definitions), the land trust: follows its conflict of interest policy; documents that the project meets the land trust's mission; follows all transaction policies and procedures; and ensures that there is no private inurement or impermissible private benefit. For purchases and sales of property to insiders, the land trust obtains a qualified independent appraisal prepared in compliance with the Uniform Standards of Professional Appraisal Practice by a state-licensed or state-certified appraiser who has verifiable conservation easement or conservation real estate experience. When selling property to insiders, the land trust widely markets the property in a manner sufficient to ensure that the property is sold at or above fair market value and to avoid the reality or perception that the sale inappropriately benefited an insider.

Standard 5: Fundraising

The land trust conducts fundraising activities in an ethical and responsible manner.

Practices

- A. Legal and Ethical Practices. The land trust complies with all charitable solicitation laws, does not engage in commission-based fundraising, and limits fundraising costs to a reasonable percentage of overall expenses.
- B. Accountability to Donors. The land trust is accountable to its donors and provides written acknowledgement of gifts as required by law, ensures that donor funds are used as specified, keeps accurate records, honors donor privacy concerns and advises donors to seek independent legal and financial advice for substantial gifts.
- C. Accurate Representations. All representations made in promotional, fundraising, and other public information materials are accurate and not misleading with respect to the organization's accomplishments, activities and intended use of funds. All funds are spent for the purpose(s) identified in the solicitation or as directed in writing by the donor.
- D. Marketing Agreements. Prior to entering into an agreement to allow commercial entities to use the land trust's logo, name or properties, the land trust determines that these agreements will not impair the credibility of the land trust. The land trust and commercial entity publicly disclose how the land trust benefits from the sale of the commercial entity's products or services.

Standard 6: Financial and Asset Management

The land trust manages its finances and assets in a responsible and accountable way.

Practices

- A. Annual Budget. The land trust prepares an annual budget that is reviewed and approved by the board, or is consistent with board policy. The budget is based on programs planned for the year. Annual revenue is greater than or equal to expenses, unless reserves are deliberately drawn upon.
- B. Financial Records. The land trust keeps accurate financial records, in a form appropriate to its scale of operations and in accordance with Generally Accepted Accounting Principles (GAAP) or alternative reporting method acceptable to a qualified financial advisor.
- C. Financial Reports and Statements. The board receives and reviews financial reports and statements in a form and with a frequency appropriate for the scale of the land trust's financial activity.
- D. Financial Review or Audit. The land trust has an annual financial review or audit, by a qualified financial advisor, in a manner appropriate for the scale of the organization and consistent with state law.
- E. Internal System for Handling Money. The land trust has established a sound system of internal controls and procedures for handling money, in a form appropriate for the scale of the organization.
- F. Investment and Management of Financial Assets and Dedicated Funds. The land trust has a system for the responsible and prudent investment and management of its financial assets, and has established policies on allowable uses of dedicated funds and investment of funds.
- G. Funds for Stewardship and Enforcement. The land trust has a secure and lasting source of dedicated or operating funds sufficient to cover the costs of stewarding its land and easements over the long term and enforcing its easements, tracks stewardship and enforcement costs, and periodically evaluates the adequacy of its funds. In the event that full funding for these costs is not secure, the board has adopted a policy committing the organization to raising the necessary funds. (See 6F, 11A and 12A.)
- H. Sale or Transfer of Assets (Including Land and Easements). The land trust has established policies or procedures on the transfer or sale of assets, including real property. (See 4C, 9K and 9L.)
- I. Risk Management and Insurance. The land trust assesses and manages its risks and carries liability, property, and other insurance appropriate to its risk exposure and state law. The land trust exercises caution before using its land to secure debt and in these circumstances takes into account any legal or implied donor restrictions on the land, the land trust's mission and protection criteria, and public relations impact.

Standard 7: Volunteers, Staff and Consultants

The land trust has volunteers, staff and/or consultants with appropriate skills and in sufficient numbers to carry out its programs.

Practices

- A. Capacity. The land trust regularly evaluates its programs, activities and long-term responsibilities and has sufficient volunteers, staff and/or consultants to carry out its work, particularly when managing an active program of easements.
- B. Volunteers. If the land trust uses volunteers, it has a program to attract, screen, train, supervise and recognize its volunteers.
- C. Staff. If the land trust uses staff, each staff member has written goals or job descriptions and periodic performance reviews. Job duties or work procedures for key positions are documented to help provide continuity in the event of staff turnover.
- D. Availability of Training and Expertise. Volunteers and staff have appropriate training and experience for their responsibilities and/or opportunities to gain the necessary knowledge and skills.
- E. Board/Staff Lines of Authority. If the land trust has staff, the lines of authority, communication and responsibility between board and staff are clearly understood and documented. If the board hires an executive director (or chief staff person), the board delegates supervisory authority over all other staff to the executive director. (See 3E.)
- F. Personnel Policies. If the land trust has staff, it has written personnel policies that conform to federal and state law and has appropriate accompanying procedures or guidelines.
- G. Compensation and Benefits. If the land trust has staff, it provides fair and equitable compensation and benefits, appropriate to the scale of the organization.
- H. Working with Consultants. Consultant and contractor relationships are clearly defined, are consistent with federal and state law, and, if appropriate, are documented in a written contract. Consultants and contractors are familiar with sections of *Land Trust Standards and Practices* that are relevant to their work.

Standard 8: Evaluating and Selecting Conservation Projects

The land trust carefully evaluates and selects its conservation projects.

Practices

- A. Identifying Focus Areas. The land trust has identified specific natural resources or geographic areas where it will focus its work.
- B. Project Selection and Criteria. The land trust has a defined process for selecting land and easement projects, including written selection criteria that are consistent with its mission. For each project, the land trust evaluates its capacity to perform any perpetual stewardship responsibilities.
- C. Federal and State Requirements. For land and easement projects that may involve federal or state tax incentives, the land trust determines that the project meets the applicable federal or state requirements, especially the conservation purposes test of IRC §170(h).
- D. Public Benefit of Transactions. The land trust evaluates and clearly documents the public benefit of every land and easement transaction and how the benefits are consistent with the mission of the organization. All projects conform to applicable federal and state charitable trust laws. If the transaction involves public purchase or tax incentive programs, the land trust satisfies any federal, state or local requirements for public benefit.
- E. Site Inspection. The land trust inspects properties before buying or accepting donations of land or easements to be sure they meet the organization's criteria, to identify the important conservation values on the property and to reveal any potential threats to those values.
- F. Documenting Conservation Values. The land trust documents the condition of the important conservation values and public benefit of each property, in a manner appropriate to the individual property and the method of protection.
- G. Project Planning. All land and easement projects are individually planned so that the property's important conservation values are identified and protected, the project furthers the land trust's mission and goals, and the project reflects the capacity of the organization to meet future stewardship obligations.
- H. Evaluating the Best Conservation Tool. The land trust works with the landowner to evaluate and select the best conservation tool for the property and takes care that the chosen method can reasonably protect the property's important conservation values over time. This evaluation may include informing the landowner of appropriate conservation tools and partnership opportunities, even those that may not involve the land trust.
- I. Evaluating Partnerships. The land trust evaluates whether it has the skills and resources to protect the important conservation values on the property effectively, or whether it should refer the project to, or engage in a partnership with, another qualified conservation organization.

- J. Partnership Documentation. If engaging in a partnership on a joint acquisition or long-term stewardship project, agreements are documented in writing to clarify, as appropriate, the goals of the project, roles and responsibilities of each party, legal and financial arrangements, communications to the public and between parties, and public acknowledgement of each partner's role in the project.
- K. Evaluating Risks. The land trust examines the project for risks to the protection of important conservation values (such as surrounding land uses, extraction leases or other encumbrances, water rights, potential credibility issues or other threats) and evaluates whether it can reduce the risks. The land trust modifies the project or turns it down if the risks outweigh the benefits.
- L. Nonconservation Lands. A land trust may receive land that does not meet its project selection criteria (see 8B) with the intent of using the proceeds from the sale of the property to advance its mission. If the land trust intends to sell the land, it provides clear documentation to the donor of its intent before accepting the property. Practices 4C, 9K and 9L are followed.
- M. Public Issues. A land trust engaging in projects beyond direct land protection (such as public policy, regulatory matters or education programs) has criteria or other standard evaluation methods to guide its selection of and engagement in these projects. The criteria or evaluation methods consider mission, capacity and credibility.

Standard 9: Ensuring Sound Transactions

The land trust works diligently to see that every land and easement transaction is legally, ethically and technically sound.

Practices

- A. Legal Review and Technical Expertise. The land trust obtains a legal review of every land and easement transaction, appropriate to its complexity, by an attorney experienced with real estate law. As dictated by the project, the land trust secures appropriate expertise in financial, real estate, tax, scientific, and land and water management matters.
- B. Independent Legal Advice. The land trust refrains from giving specific legal, financial and tax advice and recommends in writing that each party to a land or easement transaction obtain independent legal advice.
- C. Environmental Due Diligence for Hazardous Materials. The land trust takes steps, as appropriate to the project, to identify and document whether there are hazardous or toxic materials on or near the property that could create future liabilities for the land trust.
- D. Determining Property Boundaries. The land trust determines the boundaries of every protected property through legal property descriptions, accurately marked boundary corners or, if appropriate, a survey. If an easement contains restrictions that are specific to certain zones or areas within the property, the locations of these areas are clearly described in the easement and supporting materials and can be identified in the field.
- E. Easement Drafting. Every easement is tailored for the property according to project planning (see 8G) and: identifies the important conservation values protected and public benefit served; allows only permitted uses and/or reserved rights that will not significantly impair the important conservation values; contains only restrictions that the land trust is capable of monitoring; and is enforceable.
- F. Documentation of Purposes and Responsibilities. The land trust documents the intended purposes of each land and easement transaction, the intended uses of the property and the roles, rights and responsibilities of all parties involved in the acquisition and future management of the land or easement.
- G. Recordkeeping. Pursuant to its records policy (see 2D), the land trust keeps originals of all irreplaceable documents essential to the defense of each transaction (such as legal agreements, critical correspondence and appraisals) in one location, and copies in a separate location. Original documents are protected from daily use and are secure from fire, floods and other damage.
- H. Title Investigation and Subordination. The land trust investigates title to each property for which it intends to acquire title or an easement to be sure that it is negotiating with the legal owner(s) and to uncover liens, mortgages, mineral or other leases, water rights and/or other encumbrances or matters of record that may affect the transaction. Mortgages, liens and other encumbrances that could result in extinguishment of the easement or significantly undermine the important conservation values on the property are discharged or properly subordinated to the easement.

- I. Recording. All land and easement transactions are legally recorded at the appropriate records office according to local and state law.
- J. Purchasing Land. If the land trust buys land, easements or other real property, it obtains a qualified independent appraisal to justify the purchase price. However, the land trust may choose to obtain a letter of opinion (see definitions) from a qualified real estate professional in the limited circumstances when a property has a very low economic value or a full appraisal is not feasible before a public auction. In limited circumstances where acquiring above the appraised value is warranted, the land trust documents the justification for the purchase price and that there is no private inurement or impermissible private benefit. If negotiating for a purchase below the appraised value, the land trust ensures that its communications with the landowner are honest and forthright.
- K. Selling Land or Easements. If the land trust sells land or easements, it first documents the important conservation values, plans the project according to practice 8G, and drafts protection agreements as appropriate to the property. The land trust obtains a qualified independent appraisal that reflects the plans for the project and protection agreements and justifies the selling price. (The land trust may choose to obtain a letter of opinion from a qualified real estate professional in the limited circumstance when a property has a very low economic value.) The land trust markets the property and selects buyers in a manner that avoids any appearance of impropriety and preserves the public's confidence in the land trust, and in the case of selling to an insider (see definitions) follows practice 4C. (See 6H for sales of other assets.)
- L. Transfers and Exchanges of Land. If the land trust transfers or exchanges conservation land or easements, the land trust considers whether the new holder can fulfill the long-term stewardship and enforcement responsibilities, ensures that the transaction does not result in a net loss of important conservation values and, for donated properties, ensures that the transfer is in keeping with the donor's intent. If transferring to a party other than another nonprofit organization or public agency, the consideration is based on a qualified independent appraisal (or letter of opinion when the property has a very low economic value) in order to prevent private inurement or impermissible private benefit.

Standard IO: Tax Benefits

The land trust works diligently to see that every charitable gift of land or easements meets federal and state tax law requirements.

Practices

- A. Tax Code Requirements. The land trust notifies (preferably in writing) potential land or easement donors who may claim a federal or state income tax deduction, or state tax credit, that the project must meet the requirements of IRC §170 and the accompanying Treasury Department regulations and/or any other federal or state requirements. The land trust on its own behalf reviews each transaction for consistency with these requirements.
- B. Appraisals. The land trust informs potential land or easement donors (preferably in writing) of the following: IRC appraisal requirements for a qualified appraisal prepared by a qualified appraiser for gifts of property valued at more than \$5,000, including information on the timing of the appraisal; that the donor is responsible for any determination of the value of the donation; that the donor should use a qualified appraiser who follows Uniform Standards of Professional Appraisal Practice; that the land trust will request a copy of the completed appraisal; and that the land trust will not knowingly participate in projects where it has significant concerns about the tax deduction.
- C. No Assurances on Deductibility or Tax Benefits. The land trust does not make assurances as to whether a particular land or easement donation will be deductible, what monetary value of the gift the Internal Revenue Service (IRS) and/or state will accept, what the resulting tax benefits of the deduction will be, or whether the donor's appraisal is accurate.
- D. Donee Responsibilities — IRS Forms 8282 and 8283. The land trust understands and complies with its responsibilities to sign the donor's Appraisal Summary Form 8283 and to file Form 8282 regarding resale of donated property when applicable. The land trust signs Form 8283 only if the information in Section B, Part 1, "Information on Donated Property," and Part 3, "Declaration of Appraiser," is complete. If the land trust believes no gift has been made or the property has not been accurately described, it refuses to sign the form. If the land trust has significant reservations about the value of the gift, particularly as it may impact the credibility of the land trust, it may seek additional substantiation of value or may disclose its reservations to the donor. (See 5B for other gift substantiation requirements.)

Standard II: Conservation Easement Stewardship

The land trust has a program of responsible stewardship for its easements.

Practices

- A. **Funding Easement Stewardship.** The land trust determines the long-term stewardship and enforcement expenses of each easement transaction and secures the dedicated or operating funds to cover current and future expenses. If funds are not secured at or before the completion of the transaction, the land trust has a plan to secure these funds and has a policy committing the funds to this purpose. (See 6G.)
- B. **Baseline Documentation Report.** For every easement, the land trust has a baseline documentation report (that includes a baseline map) prepared prior to closing and signed by the landowner at closing. The report documents the important conservation values protected by the easement and the relevant conditions of the property as necessary to monitor and enforce the easement. In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, a schedule for finalizing the full report and an acknowledgement of interim data [that for donations and bargain sales meets Treasury Regulations §1.170A-14(g)(5)(i)] are signed by the landowner at closing.
- C. **Easement Monitoring.** The land trust monitors its easement properties regularly, at least annually, in a manner appropriate to the size and restrictions of each property, and keeps documentation (such as reports, updated photographs and maps) of each monitoring activity.
- D. **Landowner Relationships.** The land trust maintains regular contact with owners of easement properties. When possible, it provides landowners with information on property management and/or referrals to resource managers. The land trust strives to promptly build a positive working relationship with new owners of easement property and informs them about the easement's existence and restrictions and the land trust's stewardship policies and procedures. The land trust establishes and implements systems to track changes in land ownership.
- E. **Enforcement of Easements.** The land trust has a written policy and/or procedure detailing how it will respond to a potential violation of an easement, including the role of all parties involved (such as board members, volunteers, staff and partners) in any enforcement action. The land trust takes necessary and consistent steps to see that violations are resolved and has available, or has a strategy to secure, the financial and legal resources for enforcement and defense. (See 6G and 11A.)
- F. **Reserved and Permitted Rights and Approvals.** The land trust has an established procedure for responding to landowner required notices or requests for approvals in a timely and consistent manner, and has a system to track notices, approvals and the exercise of any significant reserved or permitted rights.

- G. Contingency Plans/Backups. The land trust has a contingency plan for all of its easements in the event the land trust ceases to exist or can no longer steward and administer them. If a backup grantee is listed in the easement, the land trust secures prior consent of the backup grantee to accept the easement. To ensure that a backup or contingency holder will accept an easement, the land trust has complete and accurate files and stewardship and enforcement funds available for transfer. (See 11H.)
- H. Contingency Plans for Backup Holder. If a land trust regularly consents to being named as a backup or contingency holder, it has a policy or procedure for accepting easements from other land trusts and has a plan for how it will obtain the financial resources and organizational capacity for easements it may receive at a future date. (See 11G.)
- I. Amendments. The land trust recognizes that amendments are not routine, but can serve to strengthen an easement or improve its enforceability. The land trust has a written policy or procedure guiding amendment requests that: includes a prohibition against private inurement and impermissible private benefit; requires compliance with the land trust's conflict of interest policy; requires compliance with any funding requirements; addresses the role of the board; and contains a requirement that all amendments result in either a positive or not less than neutral conservation outcome and are consistent with the organization's mission.
- J. Condemnation. The land trust is aware of the potential for condemnation, understands its rights and obligations under condemnation and the IRC, and has appropriate documentation of the important conservation values and of the percentage of the full value of the property represented by the easement. The land trust works diligently to prevent a net loss of conservation values.
- K. Extinguishment. In rare cases, it may be necessary to extinguish, or a court may order the extinguishment of, an easement in whole or in part. In these cases, the land trust notifies any project partners and works diligently to see that the extinguishment will not result in private inurement or impermissible private benefit and to prevent a net loss of important conservation values or impairment of public confidence in the land trust or in easements.

Standard I2: Fee Land Stewardship

The land trust has a program of responsible stewardship for the land it holds in fee for conservation purposes.

Practices

- A. **Funding Land Stewardship.** The land trust determines the immediate and long-term financial and management implications of each land transaction and secures the dedicated and/or operating funds needed to manage the property, including funds for liability insurance, maintenance, improvements, monitoring, enforcement and other costs. If funds are not secured at or before the completion of the transaction, the land trust has a plan to secure these funds and has a policy committing the funds to this purpose. (See 6G.)
- B. **Stewardship Principles.** The land trust establishes general principles to guide the stewardship of its fee-owned properties, including determining what uses are and are not appropriate on its properties, the types of improvements it might make and any land management practices it will follow.
- C. **Land Management.** The land trust inventories the natural and cultural features of each property prior to developing a management plan that identifies its conservation goals for the property and how it plans to achieve them. Permitted activities are compatible with the conservation goals, stewardship principles and public benefit mission of the organization. Permitted activities occur only when the activity poses no significant threat to the important conservation values, reduces threats or restores ecological processes, and/or advances learning and demonstration opportunities.
- D. **Monitoring Land Trust Properties.** The land trust marks its boundaries and regularly monitors its properties for potential management problems (such as trespass, misuse or overuse, vandalism or safety hazards) and takes action to rectify such problems.
- E. **Land Stewardship Administration.** The land trust performs administrative duties in a timely and responsible manner. This includes establishing policies and procedures, keeping essential records, filing forms, paying insurance, paying any taxes and/or securing appropriate tax exemptions, budgeting, and maintaining files.
- F. **Community Outreach.** The land trust keeps neighbors and community leaders informed about its ownership and management of conservation properties.
- G. **Contingency Backup.** The land trust has a contingency plan for all of its conservation land in the event the land trust ceases to exist or can no longer manage the property. To ensure that a contingency holder will accept the land, the land trust has complete and accurate files and stewardship funds available for transfer.
- H. **Nonpermanent Holdings.** When a land trust holds fee land with the intention to sell or transfer the land, the land trust is open about its plans with the public and manages and maintains the property in a manner that retains the land trust's public credibility. (See 8L.)
- I. **Condemnation.** The land trust is aware of the potential for condemnation, understands its rights and obligations under condemnation, and works diligently to prevent a net loss in conservation values.

Definitions of Key Terms

Capacity: the ability to perform all the actions required to acquire and manage conservation land and easements and manage other programs by having adequate human and financial resources and organizational systems in place.

Conflict of Interest: a conflict of interest arises when "insiders" are in a position, or perceived to be in a position, to benefit financially (or create a benefit to a family member or other organization with which they are associated) by virtue of their position within the nonprofit organization.

GAAP: the Federal Accounting Standards Board (FASB) issues Generally Accepted Accounting Principles (GAAP). FASB's Statement of Account Standards 116 and 117 provide standards for Financial Statements for Not-for-Profit Organizations.

Important Conservation Values: these are the key values on a site that are the focus of protection efforts. Important conservation values are determined during property evaluation and project planning.

Insiders: board and staff members, substantial contributors, parties related to the above, those who have an ability to influence decisions of the organization and those with access to information not available to the general public.

The IRS generally considers "insiders" or disqualified persons under IRC §4598 to be persons who, at anytime during the five-year period ending on the date of the transaction in question, were *in a position to exercise substantial influence over the affairs of the organization*. "Insiders" generally include: *board members, key staff, substantial contributors [see IRC §507(d)(2)], parties related to the above and 35-percent controlled entities*. While these are strict definitions within the tax code, land trusts are advised to take an even more proactive approach to the potential damage that conflicts of interest may cause an organization and also include in the definition of "insiders" *all staff members and those with access to information not available to the general public* (such as certain volunteers).

Related parties is defined by the IRS to include spouse, brothers and sisters, spouses of brothers and sisters, ancestors, children, grandchildren, great-grandchildren and spouses of children, grandchildren and great-grandchildren.

IRC: Internal Revenue Code

Land Trust: a nonprofit organization that, as all or part of its mission, actively works to conserve land by undertaking or assisting in land or easement acquisitions, or by engaging in the stewardship of such land or easements.

Letter of Opinion: a written estimation of a property's value, most often prepared by a qualified appraiser and occasionally prepared by a highly experienced real estate professional.

A letter of opinion may be used instead of a qualified independent appraisal when the economic value of the property is so low as to negate concerns about private inurement or private benefit or when a full appraisal is not feasible before a public auction. (A letter of opinion is not sufficient in the case of transactions with insiders.) An appraiser may call this document a Restricted Use Appraisal Report.

Private Inurement: when the net earnings of a tax-exempt organization come to the benefit of any private shareholder or individual.

Federal tax-exempt law requires that "no part of ... [a tax-exempt organization's] net earnings [may] inure to the benefit of any private shareholder or individual." Generally this means that the financial assets of the organization may not be transferred to a private individual (without the organization receiving adequate compensation) solely by virtue of the individual's relationship with the organization. The IRS prohibition on inurement is absolute. The IRS also imposes penalties on directors, officers, key employees and other disqualified persons who engage in excess benefit transactions.

Qualified Independent Appraisal: an independent appraisal prepared in compliance with the Uniform Standards of Professional Appraisal Practice by a state-licensed or state-certified appraiser who has verifiable conservation easement or conservation real estate experience.

Widely Marketed: announcing the availability of a property for sale to lists of prospective buyers, through Web pages, mailings, and listings in newsletters and other publications or media. "Widely marketed" does not require public listing with a real estate agent.

Notes

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The Land Trust Alliance leads and serves a national network of community-based, nonprofit land conservation organizations working to protect land for present and future generations by accelerating the pace, improving the quality and ensuring the permanence of conserved land across America through advocacy, training, communications, and legal defense programs.

The Land Trust Alliance provides resources to assist land trusts in the implementation of *Land Trust Standards and Practices*. General information on *Land Trust Standards and Practices*, Alliance publications and training programs related to the standards and practices can be found at www.lta.org. Alliance member land trusts and partners can find additional technical information and sample documents at www.LTAnet.org.



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Memo

To: Town of Cape Elizabeth Conservation Commission

From Cindy Krum, Cape Elizabeth Land Trust

For: May 31, 2016 meeting

Re: Discussion of request to City Council to provide funds to assist with purchase of 22.8-acre property currently owned by Barry Glew near Great Pond.

Date: May 25, 2016

CELT would like to do a brief presentation on their land acquisition criteria. As background we have attached the following documents:

- CELT Policy 11.3 – Land Acquisition Criteria
- CELT Policy 11.4 - Evaluation of Public Benefit
- CELT Policy 11.10 – Sample Documents
- Land Trust Standards & Practices 2004 – Land Trust Alliance document followed by CELT

For the Conservation Commission discussion on their recommended criteria for the City Council meeting we provide a few details/attachment references below:

- Pre-closing costs for the property to date have included a survey and environmental site assessment valued at \$6,550. These documents are attached for reference.
- The current town Greenbelt trail already crosses this property near Great Pond and the *Town of Cape Elizabeth 2013 Greenbelt Plan* has additional *potential* trails depicted on this property.
- In exchange for financial support, CELT recommends that the Town of Cape Elizabeth be the holder of a public access easement. As part of this public access easement they would work closely with the Conservation Commission on all trails.
- CELT would also prepare and sign a declaration of trust to deed restrict the land for public access and conservation use in perpetuity.