



Maine Association of Conservation Commissions

Topsham Natural Areas Plan

Topsham, Maine

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The Topsham Natural Areas Plan is a public document that describes how the Town of Topsham wishes to go about protecting and maintaining its natural resources. By act of Town Meeting, the legislative body of the community, this document was adopted in May of 2010 as part of the Town's Comprehensive Plan.

Like all natural resource plans, including what are usually called open space plans, the Topsham Natural Areas Plan includes an inventory of natural resources, an evaluation of their relative importance or value, a vision statement about what town residents want to see in the future, goals for protection and stewardship of natural resources, and implementation strategies for achieving those goals.

The plan was developed over a four-year period by a seven-member group appointed by the Board of Selectmen. The plan has a certain legal status. Elected officials, town staff, and the members of the town's appointed boards and commissions have an obligation to follow the recommendations of the NAP until it is amended or repealed by another Town Meeting.

What is perhaps most noteworthy about the plan is how long it took to develop it, a process that can be said to have taken fifteen years, if earlier attempts at open space planning are taken into account.

This long process parallels a gradual change in public attitudes in Topsham about the role of local government in conservation – from outright hostility fifteen years ago to general acceptance, even respectability, today. How this sea-change occurred is the real story behind the NAP, aside from its other merits, which are substantial.

The key issue is Maine's small town political culture. In this system of thought and values, individual freedom and property rights are paramount — so long as the individual is honest and his work supports community welfare. It is, at heart, an honor system based on reciprocity and mutual aid. If the struggle between conservation and the property rights movement is viewed in this light, it might offer a more successful and less difficult approach to conservation than has sometimes been the case in the past.

It would be wishful thinking to report that conservation supporters in Topsham knew all this fifteen years ago. It is true that long-term residents understood the political culture in which Topsham



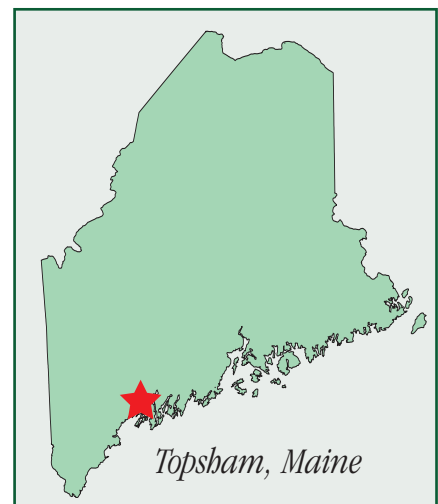
The Lower Cathance River as seen from the top of the 15 ft. waterfall.

residents lived and worked, but there was no grand plan on how to integrate Maine's traditional values into public policy. There was the precedent of philanthropy – Governor Baxter's bequest of Baxter State Park comes to mind – as well as the support of the nascent land trust movement, of which the Brunswick-Topsham Land Trust was a recent example. What wasn't known was how to translate these principles of private initiative and philanthropy into a public-private partnership of mutual aid that would be acceptable both financially and politically to the general public.

The result was that conservation supporters in Topsham had to improvise as best they could in a generally consistent direction, while frequently stumbling along the way. If there was, however, one thing they did do right from the beginning, it was to be patient, flexible and respectful in its work.

Starting in 1995, burdened by the group's own inexperience and facing a hostile political climate, it was perhaps natural that the first attempts at public open space planning were a disaster. Some small changes proposed to the subdivision ordinance with the support of the Planning Board were crushed vehemently at Town Meeting. A year later, an appropriation for open space planning in the Town Budget was obtained, but then the Board of Selectmen refused to spend the money for this purpose on the grounds that any open space plan would curtail landowner's rights.

It became clear that any real change would have to occur outside Town Meeting. This occurred fortuitously and quite unexpectedly, when one of the Town's major developers agreed to set aside 230 acres of conservation land for free as part of a planned retirement community, called Highlands Green. The developer was willing to do this because research indicated that his residents preferred the environmental, recreational and educational values of a nature preserve more than a golf course, his original idea for the project.



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Out of the nature preserve at Highland Greens there emerged a new organization in Topsham called the Cathance River Education Alliance (CREA). Since its founding ten years ago, it has become a vital environmental education center that teaches field biology and the principles of stewardship to children and adults throughout the MidCoast region. Although CREA emerged from essentially a private deal between residents and a developer, it set the stage for additional public-private partnerships in Topsham because of the role played by the developer. The Highland Greens project was very popular among Topsham voters and was strongly supported by Town government through a tax-increment financing district. The consequence is that CREA propelled Topsham into the forefront of environmental planning because it helped to establish once and for all in the public mind that the conservation of open space and natural resources can have financial benefit for private landowners as well as the community.

The success of CREA paved the way for the creation of a conservation commission, whose mission in spirit was to carry out in a systematic way the public-private partnership model that had been pioneered at Highlands Green. It also led to the idea that a public policy plan was needed to guide the work of the town on conservation matters. The result was that conservation supporters were able to obtain support for both ideas in the 2005 rewrite of the Town's Comprehensive Plan.

The 2005 Comprehensive Plan was major step forward, but its recommendations would have remained unfulfilled unless money, staff and good volunteers were available to see that its recommendations were implemented. Just at this critical moment, when the future of conservation in Topsham hung in the balance, two events changed everything.

The first was that Topsham hired an excellent Town Planner who understood and had the ability to implement the public policy recommendations of the Comprehensive Plan. The other was that, ironically, as a result of the closure of the Brunswick Naval Air Station, our new planner spent much of his time supporting the work of the Navy Annex Redevelopment Authority, the group appointed to oversee the development of a reuse plan for Navy property in Topsham. This extra work created the need for an additional planning position in town government. Through respectful advocacy, conservation supporters managed to have this position filled with an assistant planner, whose job description included staff support for the newly fledged conservation commission and natural resource planning.

Thus, in a matter of a few months, the intellectual foundation laid for public-private partnerships in conservation by the Highlands Green project was buttressed by professional level staff support for conservation programs at town hall. It was a pivotal moment in the history of Topsham's conservation movement. The process of formalizing conservation policy in Topsham finally matured when the Board of

Selectmen appointed the best leaders it could find to the newly established Topsham Conservation Commission.

Fortunately, long years of quiet advocacy and patient private conservation work in the area had created a small but competent corps of experienced conservation supporters to serve on public boards and committees. Thus, the first five members appointed by the Selectmen had expertise in conservation, development, real estate, and local government. These individuals quickly established a precedent for collaborative planning between the private and public sectors that has continued to this day.

A brief description of three early projects completed by the Commission shows this pattern.

The conservation of the Odell Property was achieved by trading a town-owned property with no real conservation value for a privately owned parcel located on the Cathance River. The Town got a strategic piece of property with excellent wildlife and outdoor recreation potential, while the private property owner got a developable parcel with frontage on a public road.

The permanent protection of the Rodgers Property, which was owned by the Town and located on the Cathance River like the Odell parcel, was achieved by granting a conservation easement to the Maine Department of Inland Fisheries and Wildlife. By doing so, the Town satisfied the mitigation requirements for impacts to wetlands at the new Town Hall site, while keeping the Rodgers Property available to the public for outdoor recreation and its many other natural resource values.

In the third case, the Town acquired its first waterfront park when Topsham Development Incorporated (TDI) purchased this spectacular site on the Cathance River when it was suddenly put up for sale, on condition that an ad hoc group organized by the Conservation Commission pay TDI back from other private and public funds within one year. This was achieved on schedule with the able assistance of the Brunswick Topsham Land Trust, who acted as fiscal agent for the hastily organized Head of Tide Park Committee. To date, this one project has brought together 35 sponsors from both the private and public sectors, each of which has contributed money or in-kind services, or both, to purchase and redevelop this remarkable property.

It was this history of collaboration that provided the conservation model for Topsham's Natural Areas Plan. In essence, all the Committee had to do was put this history into words in order to enshrine the idea as public policy. Unfortunately, this did not happen, at least initially.

For three years, the Committee and its consultants labored over data gathering, mapping, and evaluation of natural resource data. This was excellent and

much needed work, because good conservation policy requires good scientific data. On the other hand, the seemingly endless meetings and workshops attended by the committee, its consultants, and the public eventually wore people out. The result was that by the time it became necessary to draft recommendations to implement the goals of the Natural Areas Plan, the Committee had run out of new ideas.

Without enthusiasm, the Committee dutifully submitted its ten pages of recommendations to various boards and committees for review. The feedback was decisive. The recommendations of the Natural Areas Plan, people said, were vivid. The Committee was stunned. After three years of effort, they seemed to have lost their way, with no real idea of what strategies might be useful in conserving the rich natural heritage they had so painstakingly documented with the help of their consultants.

The next step by the Committee was one of pure grit. With members starting to grumble and threatening to fall away, the Committee decided to rewrite the recommendations over and over again, until they could please every board, committee and community group that would listen to them. It was a process that added another year to the long history of the NAP, but the result was a good one. The hard work of the Committee and its willingness to hear people out and respond to their concerns strengthened the Plan greatly in the eyes of the public. As a result, in May of 2010, the Plan was finally adopted at Town Meeting without a single dissenting voice.

Today, the Topsham Natural Areas Plan enshrines the private-public partnership as public policy after fifteen years of effort. The Conservation Commission carefully implements the plan according to the strategies laid out in its recommendations, because the Commission values the special bond of trust it has with the community, a type of trust based on old-fashioned Maine ideas about reciprocity and mutual aid.

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