

**Comprehensive Plan Committee
Town of Cumberland
Council Chambers
April 15, 2009 - 6:30 p.m.
Minutes**

I. Call to Order: The meeting was called to order at 6:35 p.m.

II. Roll Call:

Present: Bob Vail, Chair, Peter Bingham, Vice-Chair, Dan Nuzzi, Eileen Wyatt, Jo-Ann Smith, Bill Follett, (Randy Copp *arrived late*), Jeff Porter, Council Liaison, George Turner, Council Liaison

Absent: Mark Lapping, Patrick Skahan, Peter Hayes, Ruth Frydman, Brita Bonechi, Sam York, Shirley Storey-King, Council Liaison Steve Moriarty, Town Council

Staff: Carla Nixon, Town Planner, Bill Shane, Town Manager, Pam Bosarge, Administrative Assistant

III. Minutes of March 12, 2009

Mr. Bingham moved to approve the minutes of March 12, 2009.

Ms. Smith seconded.

VOTE: Unanimous

IV. Review: Additional Language re: Historic & Archeological Resources Chapter

Ms. Nixon stated the history that Hugh wrote ended in 1958 and the Committee asked last month that she add to that. She passed out a sheet with additional information beyond 1958. This information was taken in large part from Phyllis Sweetser's book *Cumberland, Maine in Four Centuries*.

Changes occurred in local government and education during this period also. After World War I automobiles brought greater mobility to rural townspeople and the radio further expanded their spheres of interest. Citizens began to expect more from their town government than education for their children and suitably kept roads. In 1923 the town voted to "constitute and appoint a budget committee of eight members" The budget committee grew in authority and political power until it became a major part of town government. In 1949 the number of selectmen was increased from three to five and the selectmen were elected by the town's four geographical districts (Chebeague, Foreside, Center and West Cumberland) and for two "at-large" seats. In addition, the town voted to pay for an elected town clerk/treasurer. Then in 1965, town meeting voters approved appointment of a Charter Committee. This committee drafted a town charter which transferred the powers of the traditional town meeting a council of seven members to be elected at large from the town; the council would hire a professional town manager. After being voted down in 1967, the charter finally passed in 1972. During this same general time period the school system was also going through changes. In 1958, there was discussion with various towns regarding combining into a district. In 1966, Maine School Administrative District 51 (MSAD 51) was established to include the towns of Cumberland and North Yarmouth. On the planning front, the population increase that occurred between 1940 and 1960 and the associated housing development led the town to elect a Zoning Committee in lieu of a Planning Board and charged it with writing a zoning ordinance. A true Planning Board was appointed in 1955 along with membership in the regional planning commission. In 1957 the town voted to adopt a comprehensive planning program to be conducted by the regional planning commission. By 1959 the official map of the town, the subdivision ordinance, a revised zoning

ordinance, a building code, and a trailer ordinance were adopted by the town. In 1961 the town adopted its first 10 year Comprehensive Plan.

2009 Comprehensive Plan Goals and Recommended Actions:

GOALS:

1. **To encourage protection of the historic character of certain residential neighborhoods.**
2. **To encourage protection of historic and pre-historic archaeological sites as identified by the Cumberland Historic Society and the Maine Historic Preservation Commission.**

RECOMMENDED ACTIONS:

1. **Consider developing guidelines to protect the historic character of certain neighborhoods.**
2. **Request the Historical Society to develop an historic marker/plaque program.**
3. **Encourage the Historical Society to establish a fund to help provide resources to owners of historic properties to keep them from falling into disrepair.**
4. **Increase residents' awareness of historic and archaeological resources by displaying a large mounted map of historic buildings and features in the Town Office.**
5. **Inform residents of any available State tax programs that provide tax programs that provide tax benefits for preservation of scenic lands and historic properties.**
6. **Consider establishing an historic district.**
7. **Consider establishing a fund to help provide resources to owners of historic properties to keep them from falling into disrepair.**
8. **Explore possible incentives to protect or enhance existing historic and archaeological resources.**
9. **Establish a program to identify and care for historic markers within the Town's right-of-ways.**
10. **Document locations of historic stone walls and provide protection of the walls when the parcel(s) on which they are located are proposed for development.**

Ms. Smith asked what year the Zoning Committee was established.

Ms. Nixon stated she would have to look it up in the book.

Mr. Bingham stated in 1972 Herbie Foster who had been the Town Clerk decided to retire and that was the genesis for the Town Charter.

Mr. Porter asked if there is somewhere else where the history of the Town doesn't stop in 1961.

Mr. Shane stated the re-write of the book includes the secession of Chebeague Island. He is hoping by next year an updated book will go to 2007.

Ms. Nixon stated the Chapter goes from there to the Police, Fire Department, and how they grew; this is the founding fathers' part of the chapter stating how government was set up.

Mr. Bingham moved to approve the language in the Historic and Archaeological Resources Chapter.

Mr. Follett seconded.

Discussion on the motion

Ms. Smith stated the wording is difficult to follow it needs a time line, or paragraphing etc.

Ms. Nixon stated she would be happy to work more on the language and send it out by e-mail. The important items are the goals and recommended actions.

Ms. Nixon stated the thing to remember is the Comprehensive Plan is not an historical source for the Town; the attempt is to lay out how the current government was formed. She will take another crack at it, and suggested we focus on goals and actions.

Mr. Porter asked a point of order, do we have a quorum. We have seven voting members, how many do we need for a quorum.

This item was tabled due to lack of quorum.

V. Review (#2) and Approval of Housing Chapter

Ms. Nixon stated the Committee had asked her to draft a synopsis of what the Town has accomplished in the area of providing affordable housing..

The Committee was given an opportunity to review the handout.

Town Efforts to Provide Affordable Housing:

In 1990, the Town participated in a public-private partnership to develop 49 single family affordable homes. The town reduced the minimum lot size and the setback requirements in order to increase density and reduce infrastructure costs. The town also participated in lowering the purchase cost by holding a \$20,000 silent second mortgage on each of the homes. The project was a success, perhaps too successful because the homes appreciated so quickly and to such an extent that sellers were choosing to sell their homes to "non-affordable" purchasers even though this meant that the \$20,000 silent second mortgage would have to be paid back to the town.....with interest. Several of the homes are now "out of the program" and are no longer benefitting from the reduced price from the silent second mortgage. Other homes have had improvements done (e.g., garages and additions) which has greatly increased their value to the point where the homes are no longer affordable.

In 1991, the town purchased the development rights to 30 unfinished condominium units. It completed the units and began renting them to seniors age 55 and older. Since then, Cumberland Meadows Senior Housing has been at full occupancy with lengthy waiting lists. The units are a mix of one and two bedroom units with a one-story floor plan and attached garages. The Cumberland Housing Authority, which owns and operates the units, offers 7 subsidized units to those current tenants who meet eligibility requirements.

In 2006-07, the Cumberland Town Council granted two separate contract zoning agreements to private developers who agreed to develop 10% of their new units for affordable buyers in exchange for a density bonus. These are a mix of one and two story units with garages. Both developments are located in the center of town, as is the Cumberland Meadows Senior Housing development.

Ms. Wyatt asked if the projected housing vacancy between 2010 and 2015 was due to the state of the economy, and she wondered if it would be possible to modify the statistics and graphs without Chebeague. That information was provided to the Committee in 2007.

Ms. Nixon stated she will check to see if the graphs could be redone to reflect data without Chebeague.

Mr. Vail asked about our lengthy waiting list for Cumberland Meadows.

Ms. Bosarge stated we just counted up the numbers and there are 100 on the 1-bedroom; and 140 on the 2-bedroom; several of those names are on both lists.

Ms. Wyatt stated in the description of housing we have single family and duplex but it doesn't list the 55+ age condos on Route One.

Mr. Bingham agreed and wondered where the information on the housing on Route 1 should be.

The Committee discussed the need for senior rental housing verses senior housing to purchase.

Ms. Nixon stated under actions for housing that we add a 5th Action.

2009 Comprehensive Plan Housing Goal:

GOAL: To continue to encourage the development of housing which provides for a mix of people from all income strata, ages, long term residents, trades and professions.

ACTIONS:

- 1) Consider providing incentives to developers who create a portion of the lots for buyers who meet affordable income guidelines.
- 2) Provide incentives for the construction of smaller, single family homes.
- 3) Exempt homes under 1500 sq. ft. from the Growth Management and Impact Fee Ordinances.
- 4) Develop a Request for Proposals (RFP) for the build-out of the Doane property that would include construction of affordable housing units for all age groups and income levels. Explore feasibility of creating units for handicapped residents. Include both ownership and rental units.
- 5) *To consider utilizing federal funds (HUD) for the development of affordable housing when feasible.*

Ms. Nixon stated the Town had an opportunity to apply for a HUD Section 202 housing grant to build 1 bedroom senior affordable rentals on the Doane property. The Town Council decided to not to pursue the project at this time because:

1. *The land had to be given to the developer, (they were looking for about 3 acres).*
2. *The property would not be taxable however; you could use PILOT which is Payment in lieu of taxes.*

It wouldn't be comparable to taxable property.

One of the points she made when meeting with the Council last week is the Town has tried several times to re-create Cumberland Meadows housing, however even with free land, we haven't been able to make the numbers work.

Mr. Shane agreed the construction costs would still be \$100.00 a sq. ft. when we were doing analysis the rents would have to be \$1,300 a month. What was difficult with the HUD scenario was the non-taxable piece. This type of use would add a demand on services, the project would have been for 62 years and older.

The Committee discussed affordable housing guidelines.

Mr. Bingham stated it couldn't do harm to put the provision in, if all things came together and it worked it would be fine.

Mr. Bingham moved that we pass the Housing Chapter for a vote when there is a quorum.

VIII. Review / Approval of Public Facilities Chapter

Ms. Nixon stated she is waiting for some outstanding items; but it is worth reviewing. She suggested starting on page 14 it reviews the 1998 Comp Plan Goals.

1998 Comprehensive Plan Public Facilities Goals:

1. To continue the sewer system as a user paid system.
2. To limit higher density growth to areas which are served by the public sewer.
3. To manage growth so that public services can be effectively and efficiently provided.
4. To provide community facilities sufficient to meet the needs of Town government and citizens.
5. To protect the water quality of the community wells.

Ms. Nixon reviewed the proposed 2009 Goals as follows:

2009 DRAFT GOALS AND ACTIONS:

GOAL: To continue to provide high quality municipal services to town residents in the most cost efficient way.

Ms. Nixon stated she thinks extension of water and sewer should be in general terms The sewer and water might be extended to Corey Road for economic development for businesses etc.

ACTIONS:

- 1. To continue to explore further regional opportunities for consolidation.**

GOAL: To provide community facilities sufficient to meet the needs of the town government and its citizens. These facilities include town buildings, Val Halla Golf and Recreation Center, Twin Brook Recreation Center, the Rines Forest, and the schools????should we include schools in this plan?

Ms. Nixon asked if the schools should be included; they didn't provide any data when asked by Hugh. This is a municipal plan; the Town doesn't have any control over the schools.

Mr. Bingham stated maybe we could have something general; his understanding is the school is taking a serious look at total facilities with reference to declining enrollment. It is very possible the Drowne Road School would revert back to the Town.

Mr. Vail stated the school district is looking at two entities that might lease the Drowne Road School.

Mr. Bingham stated the schools are tied into the town and the schools and facilities should be included.

Mr. Porter stated to bring them up in innocuous terms.

Mr. Bingham stated back to 1998 the historical thought was that there were a limited number of sewer units available; and this was during a time of hyper development; and any expansion on the sewer system might have had an impact on the schools.

Ms. Nixon stated today she spoke with a consultant about possibly updating the report on the fiscal impacts of residential development. One of the things that came out of that study was that the tax revenue of every new house was less than the cost of educating the children. She would like to know if that is still true, given decreasing enrollment and potential space in classrooms. Ms. Nixon stated that any time data is more than 10 years old it should be updated. She gave the consultant a copy of the study to review, and they will meet in about a week. She would feel better coming out of this whole process knowing that we looked at current data the same as we did with the groundwater study.

Mr. Bingham stated that information was something that drove the Growth Ordinance.

Mr. Porter stated he would prefer a consultant to do the research and tell us the results, without us giving him a direction on the wanted results.

Mr. Shane stated there is a Councilor who would like to suspend the Growth Ordinance due to the economic times; the Council can't suspend an Ordinance, we can abolish the Ordinance, and the timing would be good, because you have to have an impact study. Mr. Shane agreed with Mr. Bingham let's get through the process and put updating the impact study as a front burner issue after we finish the Plan. In six years we have never capped any of the permits we allow.

Mr. Porter stated he would like to have some factual information

Ms. Nixon stated in talking with the consultant today she showed him the population figures, the school has done extensive work for school enrollment so she had asked for an abbreviated report of cost in this current climate.

Mr. Shane stated there isn't funding for a study.

Mr. Turner stated we are in an economic time where an impact study would be questioned, more than at any other time.

Mr. Follett asked if there is a basic cost for adding sewer and water.

Mr. Shane stated those are the easy things, he thinks the study wasn't bad, and Ms. Nixon's point is a good point the data is 10-years old. He is cautious of doing a new impact study because of the policy level decisions and he doesn't want to do it twice.

Ms. Nixon continued to review the Goals.

GOAL: To consider expansion of the public water and sewer system so that environmentally sensitive areas are protected; to stimulate or provide for economic development; and to provide safe drinking water to areas that have had water quality problems in the past.

Mr. Bingham asked if the Portland Water District owned the nine acres on Greely Road, so if Poland Spring wanted to drill some wells there is it Portland Water District's property, do we need to address that situation, based on our large aquifer?

Ms. Nixon stated also she addresses that in Fiscal Capacity for alternative revenue source.

The Committee discussed removal of water sources from a company such as Poland Spring.

Mr. Shane stated from the updated water report we have enough water to supply the Town of Cumberland.

The Committee re-visited the Housing and Archaeological Resources Chapters because Committee member Randy Copp arrived at the meeting to create a quorum.

Ms. Nixon provided a brief overview of the minimal changes to those chapters from the last meeting.

Mr. Bingham moved to approve both the Housing and Archaeological Resources Chapters.

Ms. Smith seconded.

VOTE: Unanimous

Ms. Nixon re-directed the Committee back to the Public Facilities Chapter. Ms. Nixon reviewed the remaining GOALS. We are not at a point where our public facilities are stretched to the breaking point.

ACTIONS:

GOAL: To limit higher density development to areas which are served by public water and sewer.

ACTIONS:

GOAL: To manage growth so that public services can be effectively and efficiently provided.

ACTIONS:

Mr. Bingham asked about the Town Garage.

Mr. Shane stated it is centrally located in the community; we have adequate staffing, it has a brand new roof.

Mr. Bingham stated the major issue on facilities is roads.

Ms. Shane agreed.

Ms. Nixon stated that could be in the transportation chapter; there is a statement on page 12 regarding the Town's ability to plow the roads.

Mr. Shane stated the State aid roads will not have adequate funding for maintenance; we have been proactive with State funding. Tuttle Road is an expensive road to fix. It would be well over a million dollars a mile to repair. The Public Services department is adequate and utilizes resources to get the jobs done. The public services department is a maintenance organization not a construction company.

Ms. Nixon asked if there was a need for additional goals.

Mr. Vail stated a lot of these goals are similar in structure to other chapters and we are building a unified theme. There is a reoccurring theme throughout the plan.

Mr. Shane stated we have expanded the public water, it is currently in West Cumberland along Route 100, and will be expanded along Range Road. These expansions are great for fire protection and economic development.

GOAL: To limit higher density development to areas which are served by public water and sewer.

The Committee discussed sewer and water locations and the possibilities of developing in water and sewer locations; and the current number of users and cost.

Mr. Shane stated this is a good goal, but there might be an area in West Cumberland where a 40-unit subdivision could be located based on new septic designs and conservation subdivision.

Mr. Vail stated we are trying to encourage growth in the center of our services; we may not want to encourage a 40 unit development in West Cumberland.

Ms. Wyatt asked if # 8 of the issues and implications stating the Sewer Use Ordinance prohibits discharge into the sewer system refers to chemicals. Does it specify pollutants?

Mr. Shane stated the sewer ordinance is very specific regarding what can and can't go into the sewer.

Mr. Shane stated grease is a very large problem in the sewer system. We track very closely with the water district.

The Committee discussed pollutants in the sewer system. Supposedly natural organic types of cleaners are the worse for creating grease in the sewer.

Mr. Hayes stated phosphates are the ones that break down grease, but the grease coagulates in other places.

Ms. Nixon asked if we want to put that as a goal in the public facilities chapter.

Mr. Hayes stated there are new developments that are utilizing green house alternative designs to reduce effluent pollutants.

Mr. Bingham stated these ideas dovetail with the Sevee & Maher water report.

Mr. Copp stated this would be a good fit with the conservation subdivision.

Mr. Vail stated the lack of good soils will drive this type of technology.

Mr. Shane stated as a goal we could have to encourage alternative designs for underground waste water systems.

Mr. Porter asked how this becomes a goal level.

Mr. Copp stated maybe this should be mandated if building is in the aquifer recharge area, you must have this type of system.

Mr. Bingham asked what kind of legal incentives we could give to encourage these types of systems.

Mr. Copp stated a density bonus.

Ms. Wyatt asked if people with garbage disposals were assessed more for sewer.

Mr. Shane stated no.

Ms. Nixon stated she would mull it over, she thinks there are other chapters where this will make more sense. On page 4 there is a statement about the Community Well; her question is this is not our well to protect. The Committee agreed it does not have any impact on public facilities.

Community Well

~~The PWD managed the community well and water tank on Greely Road in Cumberland Center until 1997 when it abandoned the well. The land that contained the tank was sold as a house lot but after September 11, 2001, the PWD decided to retain the nine acres around the well as an emergency water source.~~

Ms. Nixon stated she needs to make sure the Goals are not actions and to come up with actions.

1. **GOAL: To continue to provide high quality municipal services to town residents in the most cost efficient way.**

ACTION: To consider exploring opportunities for regional consolidation for services.

2. GOAL: To provide community facilities sufficient to meet the needs of town government and its citizens. These facilities include town buildings, Val Halla Golf and Recreation Center, Twin Brook Recreation Center, the Rines Forest, and the schools ??? should be include schools in this plan?

Ms. Nixon stated for example the Doane Committee discussed do we want to have a community center, outdoor pool etc. Do we want to go there?

Mr. Bingham stated in the 80's and 90s plan we spent a lot of time talking about creating open space and recreational stuff, forest land etc. basically we have done it. He was not sure how much public support exists to support this type of stuff

Mr. Vail stated he would like to add explore opportunities for ocean front access as an action for # 2.

Ms. Nixon stated we also have a chapter on recreation and open space; she was asking if we have sufficient resources for this.

Mr. Shane stated we have resources but we are at the capacity of the tax payers. I would be very cautious of adding bonding capacity for recreational items, when we are in a time when necessity will drive financing.

Mr. Porter stated the Drowne Road School used to be a teen center; which may come back to the Town. We want to have somewhere in this plan an allowance for such facilities.

Mr. Shane stated you put this as an action in a comp plan and people are going to be concerned about spending; he didn't know why it has to be in the comp plan to go out for bonding capacity.

Ms. Smith stated we can't let current financial situations cloud our vision for a 10-year plan.

Ms. Nixon stated Mr. Vail suggested an Action of: Explore Opportunities for Ocean Front Access.

2. GOAL: To provide community facilities sufficient to meet the needs of town government and its citizens. Examples include town buildings, Val Halla Golf and Recreation Center, Twin Brook Recreation Center, the Rines Forest.

Actions:

- 1. Explore opportunities for ocean front access.**
- 2. To consider assisting in the development of a community center for use by all age groups in the Town.**

3. GOAL: To consider expansion of the public water and sewer system so that environmentally sensitive areas are protected; to stimulate or provide for economic development; and to provide safe drinking water to areas that have had water quality problems in the past.

Actions:

- 1. To expand public water along Blackstrap Road and along Route 100 to the Gray Town line.**
- 2. To expand public water to Corey Road Business Park.**

Ms. Smith stated Range Road is not in the text, or for expansion.

Mr. Copp stated the map shows Range Road.

Mr. Shane stated Range Road will be done prior to the completion of the plan.

The Committee discussed public water locations and potential expansions.

4. GOAL: To encourage higher density development to areas which are served by public water and sewer.

Actions:

1. To consider providing density bonus for developments that agree to extend or connect to public water and sewer.

2. Review Growth Management Ordinance.

5. GOAL: To manage growth so that public services can be effectively and efficiently provided.

The Committee discussed road paving and new subdivision roads; public easements for plowing etc., verses public roads.

Mr. Shane stated we may want to look at Planning Board standards for roads; subdivision roads are over \$600.00 a foot with water and sewer.

Action:

1. To not continue to accept new subdivision roads as public roads.

Ms. Nixon asked about the possibility of the following second action. The Committee agreed to not add second action.

~~**2. To consider expanding impact fees to cover other areas such as public safety and schools.**~~

Mr. Follett moved to accept the Pubic Facilities chapter.

Mr. Nuzzi seconded.

VOTE: Unanimous

Ms. Nixon stated that we will review the Fiscal Capacity Chapter next month

Ms. Nixon stated the Cool Cities Committee had drafted a Comprehensive Plan Energy Chapter; as a committee we have discussed whether to have our green energy elements as a stand alone chapter or be integrated through-out the Plan. She is now thinking we should have a stand alone chapter. This is very detailed; we would call it the Chapter on Sustainability. Please review and make notes on the Chapter, when we finish the last two chapters Open Space and Recreation and Population; we will review Sustainability.

VIII. Next Meeting: May 7, 2009 - 6:30 p.m.

IX. Adjournment: 8:40 p.m.

Respectfully submitted,

Pam Bosarge
Administrative Assistant