

**Land Use Committee  
Town of Cumberland  
Training Room – Town Office  
March 19, 2015  
Minutes**

**I. Call to Order:** The meeting was called to order at 6:00 p.m. by Chair Steve Moriarty.

**II. Roll Call:**

**Present:** Steve Moriarty, Chair, Bob Waterhouse, Vice Chair, Adrienne Brown, Tom Foley, Chris Franklin, Lynda Jensen, Bob Maloney, James Orser, Sally Pierce, Jeff Porter, Sally Stockwell, Peter Bingham, Town Council, Peter Sherr, Planning Board

**Absent:** Beth Fitzgerald, Chris Neagle, Planning Board, Shirley Storey-King, Town Council

**Staff:** Carla Nixon, Town Planner; Pam Bosarge, Administrative Assistant

**III. Minutes of Previous Meeting:** March 12, 2015

Mr. Foley moved to approve the minutes of March 12, 2015.

Mr. Orser seconded.

VOTE: 9 in favor

1 abstain – Franklin

Ms. Stockwell, Mr. Sherr and Mr. Franklin arrived after roll call.

**1. Discussion of Framework of Conservation Subdivision Ordinance**

The Committee reviewed the Conservation Subdivision Ordinance Goals and Issues with Ms. Stockwell's suggestions with the following comments:

- Definition of rural character: The State Planning Office defined rural as places like farming, forestry, wildlife habitats things dependent on natural resources.
- Conservation subdivisions optional or required?
- The Committee recommended to the Town Council the appointment of another committee / consultant to prepare a Conservation Subdivision ordinance with the assistance of a consultant. This Committee's goal is to set the stage for a Conservation Subdivision to be drafted and implemented by the Planning Board and Town Council.

**Goals and Issues**

**1. Goals**

- A. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- B. To promote interconnected greenways and corridors throughout the community.
- C. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.

- D. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- E. To conserve scenic landscapes, vistas and features ~~and reduce perceived density by maximizing the number of houses with direct access to and view of open space.~~
- F. To preserve important historic and archaeological sites.
- G. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging the use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduces traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- L. To promote contiguous greenspace with adjacent municipalities.

M. To protect rural character and rural activities such as farming and forestry.

N. To protect water quality and aquifers.

## **2. Issues:**

- A. Whether a Conservation Subdivision should be available in all zones or only the RR 1 and RR 2 zones.
- B. Whether the Conservation Subdivision should be mandatory in all zones or just the RR 1 and RR 2 zones, and if so whether there should be waiver language to address unique hardships or situations in which the goals are not likely to be satisfied.
- C. Determination of minimum and maximum lot size requirements.

C.2 Whether and where to require maximum density and what that density should be.

- D. Whether and where density bonuses or options designed to make the Conservation Subdivision more appealing to landowners and developers should be provided.
- E. Whether the Conservation Subdivision should be required only for parcels of an established minimum size.

- E.2. Whether and where maximum road lengths and/or widths should be required, and if and where road designs should incorporate wildlife crossing fencing and/or other structures.
- F. Determination of the minimum percentage of the gross land and buildable land area to be preserved as open space.
- G. Whether the open space would be publicly owned and accessible or owned by a homeowners' association and not accessible.
- H. Defining ~~primary and secondary~~ natural resources and attributes to be included in conservation areas.
- I. Impact of availability of public water and/or public sewer upon minimum lot size.
- J. Determining permitted and prohibited uses within reserved open space.
- K. Preparation of Site Analysis Map as part of subdivision approval process.
- L. Development of open space management plan.

Mr. Sherr moved to adopt the Cumberland Conservation Subdivision Ordinance "Goals and Issues" summary with amended revisions.

Mr. Orser seconded.

VOTE: Unanimous 12-0

## **2. Route One Design Standards**

This item was continued from the last meeting on March 12, 2015.

Ms. Jensen left the meeting at 6:40 p.m.

The Committee reviewed the proposed Route One Design Standards stating the language has been modified to reflect Ordinance standards and findings. The standards mirror the previous guidelines that were not enforceable. The Route 100 Standards are enforceable.

Committee comments:

- Is there a waiver provision? – *Page 2 has a waiver provision.*
- Have these guidelines been appropriate from the Planning Board's opinion; just not enforceable.  
*Yes*
- The Committee discussed how successful the guidelines have been in the development of the Route One Corridor.
- An appendix with photos will be added to the Route One Design Standards. The appendix will be given to developers for additional guidance.

Mr. Waterhouse moved to adopt the Route One Design Standards with revisions and the addition of an appendix.

Mr. Porter seconded.

VOTE: Unanimous 11-0

Ms. Nixon will conduct a final word search to change shall to should and e-mail a final copy to the Committee.

### **3. Other Business**

Mr. Orser asked about changing the zoning to RR2 at the end of Bruce Hill Road to be consistent on both sides of the road and to connect with the other RR2 as shown on the map.

The Committee discussed the proposal with the following comments:

- This area of Bruce Hill Road is an incredible animal wildlife corridor and an extreme natural habitat.
- This change would be consistent with the change near the Wilson property and Route 100.
- In terms of equity the area to the north is still RR1.
- The expanded Town Center Growth Area has a portion of RR1 and will have smaller proposed lots.
- The Committee discussed whether to re-open the discussion of the Rural Residential One and Rural Residential Two districts.
- The Committee discussed Roberts Rules of Order and the ability to re-visit the RR1 and RR2 issue.
- The Committee voted on February 5, 2015 to keep the RR1 and RR2 zones as they are currently shown on the Official Zoning Map. The vote was 9 in favor and 3 opposed.
- The survey clearly showed the same results as the committee vote.

**The Committee agreed to not re-open the discussion of the RR1 and RR2 zones.**

### **IV. Upcoming Meetings: April 23, 2015**

- Review Goals and Issues
- Final review of Route One Standards
- Authorize draft presentation and Final Report to the Town Council – to include survey, survey results binder with summary report

### **V. Adjournment:**

Mr. Waterhouse moved to adjourn.

Ms. Brown seconded.

VOTE: Unanimous 11-0

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Pam Bosarge  
Administrative Assistant