

Summary of Goals and Recommended Actions

The Economy

Goals

1. To diversify the tax base by encouraging economic development within existing commercial districts.
2. To develop commercial property so that it is compatible with adjacent and nearby residential neighborhoods.
3. To continue to protect environmentally sensitive lands, such as aquifers, by restricting the types of land uses which are permitted.
4. To continue to encourage home occupations.

Recommended Actions

1. Have the Planning Board review and revise the permitted and special exception uses in commercial districts in the Zoning Ordinance. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*
2. Encourage the town to facilitate compatible and fiscally responsible economic development in existing commercial districts. *(Ongoing)*
3. Have the Planning Board revise the Site Plan Review section of the Zoning Ordinance to include reviews for major and minor projects, and include standards to more closely match the impact of a particular project. *(Recommendation from Planning Board to Town Council within 4 months of the Plan's adoption)*
4. Have the Planning Board review the permitted uses in the West Cumberland Industrial district to determine those which are compatible with the environmentally sensitive nature of the district. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*
5. Have the Planning Board review and revise the ordinance in regard to day care homes and centers which would be located in residential zones. *(Recommendation from Planning Board to Town Council within 2 months of the Plan's adoption)*

Water, Topography and Soil Resources

Goals

1. To protect the quality of water resources including lakes, aquifers, great ponds, estuaries, rivers and coastal areas.

Recommended Actions

1. Have the town staff continue to work with the Forest Lake Association to improve the water quality of Forest Lake. *(Ongoing)*
2. Have the town staff cooperate with the Portland Water District by participating in the State voluntary Wellhead Protection Program in regard to the community wells on Greely Road. *(Recommendation to Town Council within 12 months of the Plan's adoption)*
3. Have the Planning Board review the uses currently permitted under the Zoning Ordinance in the West Cumberland Industrial District to assure that the uses will not contaminate the aquifer. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*

4. Continue to enforce the recommendations of the "Community Groundwater Study, Cumberland, Maine". *(Ongoing)*
5. To further define the environmental constraints of Chebeague Island to determine its carrying capacity.

Other Significant or Critical Natural Resources

Goals

1. To protect critical natural resources, including, but not limited to: wetlands, wildlife and fisheries habitat, shorelands, and unique natural areas.

Recommended Actions

1. Have the Long Range Planning Committee determine whether Cumberland has any critical natural areas identified as part of the State of Maine's Critical Areas Program (administered by the Department of Economic and Community Development). *(Complete by December 1998)*
2. Encourage the Conservation Commission to protect critical areas by obtaining land dedications, easements, or other forms of permanent protection, either by the Town or the Land Trust. *(Ongoing)*

Agriculture and Forestry

Goals

1. To preserve Cumberland's forest land and encourage sound forest management practices.
2. To preserve and encourage agricultural activity in Cumberland.

Recommended Actions

1. Include timber harvesting as a permitted use in all districts, not just residential districts. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
2. Eliminate the local timber harvesting permit, provided the Town is notified by the State of all harvesting. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
3. Have the Town Council develop management plans for town owned forest land. *(Complete by October 1997)*
4. Encourage zoning regulations which allow farmers to sell their products, and agricultural products grown or produced elsewhere, on their property. *(Ongoing)*
5. Have the Forest Board review the State of Maine Forest Practices Act and determine if state standards are appropriate for the Town of Cumberland or whether different standards should be adopted. *(Recommendation to Town Council within 6 months of the Plan's adoption)*
6. Promote public education of forest management and agriculture. *(Ongoing)*
7. Allow zoning regulations that add value to timber.
8. Support legislative efforts to enable towns to waive penalties for withdrawal from state current use tax programs.

Marine Resources

Goals

1. To protect the marine resources industry and promote access to the shore.
2. To continue to protect all clam flats.
3. To explore options to improve access to the shore for the fishing and shellfishing industries on Chebeague Island.

Recommended Actions

1. Encourage the Shellfish Conservation Commission to continue their work in water monitoring, shoreline surveys and clam assessment surveys to keep clam flats open and to open flats which are currently closed by the State. *(Ongoing)*

Historical and Natural Resources

Goals

1. To broaden the community's awareness of historic sites and buildings of architectural and historic significance.
2. To encourage protection of historic sites, and historic and pre-historic archaeological sites, as identified by the Cumberland Historic Society.

Recommended Actions

1. Town staff to assist the Cumberland Historical Society and the Chebeague Island Historical Society to identify and inventory buildings of historical and architectural significance. *(Completed within 12 months of the plan's adoption)*
2. Have the Long Range Planning Committee offer assistance to both historical societies in preparing educational materials. Such education materials to include a notice to owners of places or structures of historic significance as to the exact nature of their significance and what can be done to protect its historic integrity. Materials may also include information on how to have a structure or place added to the National Register. *(Completed within 18 months of the plan's adoption)*
3. Include a standard in the revised Site Plan Review Ordinance to protect historic and archaeological sites when major site plans are being reviewed. *(Recommendation by Planning Board to Town Council within 4 months of the Plan's adoption)*
4. Town staff to explore ways to complete the survey for historic and pre-historic archaeological sites. *(start immediately after adoption)*
5. In appropriate circumstances have the Town Planner request comments from the Maine Historic Preservation Commission, the university, and the local historical societies regarding the presence of historic buildings or sites and historic or pre-historic archaeological sites during the review of major and minor subdivisions and major site plan reviews. *(Ongoing)*
6. Explore other options to protect historic and archaeological resources.

Land Use Patterns

Goals

1. The principal goal of the land use pattern of the town is to preserve its rural character.

2. To have the setback requirements of the Zoning Ordinance more closely match the existing setbacks of the neighborhood.
3. To develop a land use pattern that alleviates traffic congestion whenever possible.
4. To promote a land use pattern that will allow for the efficient and effective delivery of public services.

Recommended Actions

1. As part of the Long-Range Planning Committee's tasks, inventory farm and forest lands in the community and identify those areas which, because of their high grade soils, agricultural, forestry or other important resource, warrants the most attention for preservation efforts under the limited development outreach program. *(include recommendations as part of Open Space Plan to be completed within 10 months of the Plan's adoption)*
2. Encourage the retention of farmland and forest land by the creative use of clustering and other open space preservation techniques; ensure that adjacent open spaces are contiguous to maximize open space. *(Ongoing)*
3. The Town Planner to continue to develop and update a property inventory and maps that point out community interests. *(Ongoing)*
4. The Planning Board to continue to explore methods of projecting long term development patterns within the community and to develop strategies for managing long term growth. *(Ongoing)*
5. Have the Planning Board evaluate the setback requirements in high density neighborhoods and on Chebeague Island, and adjust them to better fit existing conditions. *(Recommendation from Planning Board to Town Council within 6 months of the Plan's adoption)*
6. Have the Planning Board research under what conditions it would be appropriate to require maintaining a right-of-way for a future road connections, and recommend to the Town Council that they adopt these standards into the Subdivision Ordinance. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
7. Direct growth to occur in areas where public facilities currently exist. *(Ongoing)*

Housing

Goals

1. To encourage housing which provides for a mix of people from all income strata, ages, long term residents, trades and professions.
2. Encourage development mechanisms to meet the requirements of the State Growth Management legislation.

Recommended Actions

1. Have the town staff investigate options for providing housing for the elderly on Chebeague Island and the mainland to accommodate all income strata. *(Ongoing)*
2. Have the Planning Board review the requirements of accessory apartments in attached and detached structures. *(Recommendation from Planning Board complete)*
3. Continue to guide residential development toward land which has the capacity (i.e. appropriate soils, and water, or which has existing water and sewer lines) to absorb that development, but away from areas which are inappropriate because of a resource, or

scenic or open space value. *(Ongoing)*

4. Continue to maintain residential minimum lot sizes as necessary to protect the Town's groundwater resource according to the recommendations of the "Community Groundwater Study, Cumberland, Maine, 1988". *(Ongoing)*
5. Explore options to provide affordable housing.

Transportation

Goals

1. To develop road standards which match the use they will service, to continue a standard of high quality roads which need minimal maintenance on the mainland and Chebeague Island.
2. To ensure that all private roads are built to a standard that will allow the town to provide public services.
3. To provide safe roads in good conditions.
4. To strive for safe roads for bicycles and pedestrians.
5. To take steps to encourage residents to use alternate forms of transportation.
6. To encourage a trail system throughout the town.
7. To manage and control through traffic so as to minimize adverse impacts and assure safety for residential neighborhoods.
8. To encourage adequate, affordable, and uninterrupted transportation to and from Chebeague Island.

Recommended Actions

1. Have the Planning Board develop standards which are based on the level of use the road is expected to have on the mainland and on Chebeague Island. *(Recommendation from Planning Board at the time the plan is adopted)*
2. Have the Planning Board develop standards for private roads that ensure such roads will be built to a standard which will allow town vehicles to safely use them. *(Recommendation from Planning Board to Town Council at the time the plan is adopted)*
3. Have the town staff research areas with high accident rates, determine why the accidents occur and develop a schedule to correct the problems. *(Complete within 10 months of the Plan's adoption)*
4. Using the Tuttle Road byway as an example, have the Long Range Planning Committee re-evaluate the Byways Plan. *(Complete within 10 months of the Plan's adoption)*
5. Have the Long Range Planning Committee explore the possibility of developing a park and ride lot to encourage car-pooling, or future rail or bus service. *(Complete by December 1998)*
6. Encourage the Town Council to continue discussions on the state and local level to ensure that adequate parking and transportation is provided to Chebeague Island residents. *(Ongoing)*
7. Have the Islands Committee make recommendations regarding parking to serve island wharves.

8. Town staff to recommend and coordinate town actions relative to wharves on Chebeague Island.

Recreation and Open Space

Goals

1. To continue to provide a wide variety of educational and recreational programs for the community.
2. To manage town owned land for its best use.
3. To continue to accept parcels of land for town use that have proven high value for public use.
4. To encourage a trail system throughout the Town for bicycles and pedestrians.
5. To continue to pursue access to the shore.

Recommended Actions

1. Have the Town Council develop a management plan for town owned land.
(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)
2. Have the Town Council develop a system to evaluate parcels of land being offered to the town for their value to the public. *(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)*
3. Have the Long Range Planning Committee develop an Open Space Plan for the Town which considers where and how open spaces are used, and what open space requirements will be needed in the future. *(Completed within 10 months of the Plan's adoption)*
4. Have the Long Range Planning Committee consider a variety of land acquisition methods for preserving open space and providing public access. *(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)*
5. Have the Conservation Commission encourage the preservation of trails and access points traditionally used by the public. *(Ongoing)*

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.

Recommended Actions

1. Continue to require developers to pay the full cost of extending sewer lines. *(Ongoing)*

2. Encourage the Town Council and the Town Manager to pursue opportunities to share public services with adjacent communities. *(Ongoing)*
3. Have the town staff cooperate with the Portland Water District in developing a wellhead protection area around the wells on Greely Road. *(Recommendation to Town Council within 12 months of the Plan's adoption)*
4. Encourage continued cooperation between the School Board and the Town Council. *(Ongoing)*
5. Implement the recommendations of the Community Development Block Grant.

Fiscal Capacity

Goals

1. To continue to work with MSAD #51 to discourage large increases in the school budget.
2. To encourage the town to explore alternative revenue sources, other than property taxes.

Recommended actions

1. Encourage the Town Council to adopt an annual fee schedule which fairly reflects the cost for the town to administer the subject regulated. *(Complete within two months of the Plan's adoption)*

Population and Demographics

Cumberland has long been regarded as a premier community to live in because of its excellent school system, its open spaces of fields and forest, and its proximity to work centers such as Portland and Brunswick. This desirability has resulted in a population increase of 187% from 1950 to 1990; 10% of that population growth occurred in the 1980's.

As the overall population has increased, the number of persons per household¹ has dropped from 3.44 persons per household in 1970, to 2.89 in 1990; or 16% decrease. The decrease in household size can be attributed to young adults leaving home and setting up one and two person households, an increasing rate of divorce, families having fewer children, and longer life expectancy. Based on 1990 U.S. Census data, the total YEAR-ROUND population for Chebeague Island is 295, with 130 occupied housing units or 2.27 persons per household. The average number of persons per household for Cumberland County was 2.74 in 1980, and 2.57 in 1990.

To illustrate the impact of the decrease in household size, if the 1970 persons per household figure was applied to the 1990 population, the total number of occupied housing units would be 1,696, rather than the actual figure of 2,021; or an additional 325 housing units.

By comparison to the town's 10% increase, the population of Cumberland County increased by 12.7% between 1980 and 1990. The urban communities' population increased 29%; suburban communities (like Cumberland) grew by 46%; and rural communities by 25%. Cumberland's population increase represents 2% of the total population increase for the county. To compare, Cape Elizabeth had a 13% population increase in the period 1980 - 1990, (or 3.7% of the county total); Yarmouth saw a 19% increase (4.7% of the total).

The distribution of the town's population by age is also important. The median age of Cumberland's population is 39. The concentrations in population in the 30 - 45 age range and again in the 1 - 15 ages suggests a large number of families with school age children, which in turn correlates to an increasing demand for educational and recreational services.

The dip in the town's population in the 18-to-30 age category suggests that many young adults leave Cumberland after high school, and either choose not to come back or are unable to do so. This may suggest that home prices are too high and rental units are few. The population curve also drops considerably between the ages 45 and 50 and then steadily declines after that.

Based on 1990 U.S. Census data, 7.4% of the total population was pre-school age, 19.9% was school age and 10.3% of the population was over the age of 65. On Chebeague Island the population distribution is 6.7% pre-school age, 7.1% school age and 41% over the age of 65. An informal survey completed by the Chebeague Historical Society each year, estimates the 1997 year-round population to be 324, and approximately one-third of the population is over the age of 65.

Other Population Statistics

The U.S. Census asked persons over the age of 5 if in 1985 they lived in the same house as in 1990. Sixty four percent of Cumberland resident did live in the same house. Of the other 36%, 19% lived in Cumberland County, 5% lived in a different county and 13% lived in a different state, therefore the greatest number of newcomers to Cumberland live in the general area, or have moved to a different house in town. On Chebeague Island, 71% lived in the same house in 1990 as in 1985, 3% lived in a different house in Cumberland County and 26%, lived in a different state.

The median family income in 1989 in Cumberland was \$54,944. This compares to the median family income of \$39,900, for the greater Portland Statistical Area, in the same time period. While the median income in Cumberland is 38% higher than that for the region, it is important to remember that at least 22% of the households are below the median income for the Portland area, and 4% of the total population lives below the poverty level. All income statistics are based on 1990 U.S. Census data.

Fifty one percent of the total population was reported as being over the age of 16 and employed, based on 1990 U.S. Census data. The types of occupations vary; 23% reported being professionals, 18% were in executive, administrative and managerial positions, 17% were in administrative support, and 16% in sales.

The 1990 Census shows that there are 2,129 males, and 2,318 females 16 years of age and older. Of those 16 and older: 82% of the males are in the work force, compared to 57% of the females. Fifty-nine percent of women with children under the age of 6, and 75% of the women with children ages 6 to 17 are in the labor force. With close to 1,600 children under the age of 17, in 1990, these statistics demonstrate the need for full-time day care and probably an even greater need for before-and-after school care. Of the total 2,021 households in Cumberland 1,701 or 84% are considered "family" households (the Census Bureau defines a family as related individuals by blood, marriage, or adoption). Of the family households 75% are married couples, 8.2% are female-headed households and 2.7% are male-headed households. Other households are persons living alone 12%; 6.6% of heads of households are over the age of 65.

Population Projections

The U.S. Census Bureau estimates the Cumberland population to be 6,384 as of July 1, 1996. This represents an increase of 548, or a 9% change since the 1990 Census was taken.

Population increases are categorized according to natural growth, births and deaths; and net migration, or people moving into Cumberland from other places. Of the total increase 1990-1995, there were more births than deaths, resulting in a net migration of 557. In the years 1980 - 1989, on average, 63 children were born each year; between 1990 - 1993 the average increased to 76 children per year. Deaths, on the other hand have remained more constant.

All of the population trends point to a growing population. Social and economic conditions can affect the projection. Anticipating growth is critical for calculating the need for school space, transportation networks, and public facilities. The primary tool that the town uses to manage growth is local land use regulation, consisting of zoning, subdivision and site plan review standards. While many Cumberland residents would probably prefer a slower rate of growth, most understand that change is inevitable, and therefore, the town's most appropriate role is to manage growth by minimizing its impacts and by preserving the community character of the town.

The Economy

Commercial activity is limited in Cumberland. In 1996, commercial property, including industrial, office, retail, and other business, was valued at \$16,182,110, or 3.8% of the total valuation. Included in the commercial property valuation is \$6,075,170 of vacant land zoned for commercial use, or 1.4% of the total valuation. As a comparison, vacant land in residential districts is valued at \$13,328,930 or 3.1% of the total valuation.

Commercial activities are allowed in the Limited Business district (LB), along a section of Route 100; the Highway Commercial districts (HC), along a section of Route 100, and a section of Route 9; the Office Commercial district (OC), along U.S. Route One; the Rural Industrial (RI) district, along a section of Middle Road; the Industrial district (I), in West Cumberland; and the Island Business district (IB) on Chebeague Island.

Although the assessed value of vacant commercial land represents a small percentage of the total valuation, the amount of land which is available for economic development is significant. The existing land use map (available at the Town Hall) shows that the vacant commercial land is dispersed throughout the community, and in many cases it is adjacent to residential properties.

The two commercial districts along Route 100 are the home to one fast food restaurant, two variety stores, two specialty shops, a greenhouse, an audio equipment store, an animal hospital, a surveyors office, a hardware store, two used car sales, an auto repair shop, a restaurant, two furniture refinishing and repair shops, a communications office, a fishing tackle shop, and two

gasoline stations. The businesses in the Highway Commercial district along Route 9 include: an auto body shop, a used car sales lot, a redemption center, a contractor's storage building, a gas station, a marine contractor and an accountant's office. The Office Commercial district along Route One is currently undeveloped, although a proposed 16-lot commercial subdivision in the northern section of the district has been reviewed and approved by the Planning Board.

Until the adoption of the current Zoning Ordinance in 1984, a limited group of commercial uses was allowed as special exception uses in the Medium Density Residential district of Cumberland Center. The elimination of these uses from the Ordinance left the existing businesses in the Center with a legal non-conforming status. Such status means that any changes of use first must receive the approval of the Board of Adjustment and Appeals.

The residential predominance of Cumberland's land use leads to demand for day care facilities. Day care homes, for 3 to 12 children, are permitted as a home occupation in all districts. Day care centers, for 13 or more children, are also permitted in all districts. The number of children allowed in a day care center is based on the size of the lot; 1,000 ft. sq. is required for each child. Theoretically, 43 children could be allowed in a day care center on a 1 acre lot. Residents have objected to large day care centers proposed in residential neighborhoods because of anticipated traffic and noise.

As the population continues to grow, the demand for day care facilities will also increase. Day care facilities in residential districts are permitted, however, the impact of associated traffic, parking, and noise, at the current standards, may not be compatible with the surrounding neighborhood.

Home occupations fill some of the goods and services needs of the community, while also providing income to residents. Many home occupations such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of the home as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant or similar uses may be approved as a special exception by the Board of Adjustment and Appeals. Approval for a home occupation goes to the owner, rather than the property.

Rapid changes in telecommunications will allow more people to work at home, either independently, or for a company in another location. Work that is done, via phone lines only, solely by residents of the house, with no customer or client traffic to the house, and with no changes to the outward appearance of the house will have no negative impact on the community. In fact, such uses should have a positive impact as the use of home offices increases, commuter traffic should decrease.

Home occupations contribute to the community's economy. The types of occupations classified as home occupations continue to be appropriate. The impact of persons having a home office using only modern telecommunications to reach their customer or office will not adversely affect residential neighborhoods, suggesting that these types of occupations not be classified as a "home occupation" for zoning purposes.

In the community survey circulated for this plan, residents were asked to comment on the appropriateness of certain land uses. The uses offered were those that are currently allowed in the various commercial districts. Respondents ranked office buildings, banks and research complexes as highly desirable on U.S. Route One. To encourage the development of this area with these types of uses, the town established a tax increment financing (TIF) district in the northern Office Commercial district. In the TIF district, business owners can be eligible for a property tax reduction, the terms of which are established by the town.

In Cumberland, businesses with a capital expense greater than one million dollars may be eligible to participate. If selected, the annual property tax burden can be reduced 25% for twenty years. Fifty percent of the property taxes paid goes to the town's general fund, and 25% are used to pay for recreational facilities at Twin Brook Recreation Area

Along Route 100, restaurants, small retail, office buildings, personal services, banks, and gasoline stations were found to be the preferred use for the land. No uses offered were found to be highly desirable in the commercial district at Cumberland Junction, along Route 9.

The responses for appropriateness of the uses offered in the Industrial district on Blackstrap Road in West Cumberland were mostly negative, with the exception of higher density residential uses and day care facilities. West Cumberland is completely dependent on the underlying sand and gravel aquifer for its water supply. The majority of the land available in this district is exhausted gravel pits; therefore, the ground level is typically within a few feet of the water table, causing concern for water contamination. Currently, the permitted uses in the Industrial district are light manufacturing, warehouse and wholesale distribution, road and rail facilities (the nearest entrance to the Turnpike is over 5 miles away, and there is no active rail line in the vicinity), research facilities, municipal uses and buildings, private heliports for personal use, sewer pumping stations (the closest sewer line is in Cumberland Center, approximately 5 miles away), and uses and buildings accessory to those listed above. The special exception uses, requiring approval from the Board of Adjustment and Appeals include: primary buildings of a public utility, temporary sawmills, junk yards, gasoline stations, above-ground utility lines not located within public ways, other manufacturing, agriculture and animal husbandry, home occupations, day care centers and nursery schools, and uses accessory to those above.

The uses thought to be appropriate by the respondents of the survey, are generally consistent with uses that are currently permitted in the commercial districts, with the exception of the Industrial district in West Cumberland. The presence of the sand and gravel aquifer and nearby residences suggests the need to re-examine the permitted uses in this district and research what uses may be more appropriate.

While the amount of vacant commercial land in Cumberland is small compared to the total land area, it is ripe for development, particularly along U.S. Route One and Route 100. The commercial districts along U.S. Route One are completely forested, and there are still growth opportunities along Route 100. The Town has an opportunity to guide the development in an environmentally and aesthetically sound manner. The Cumberland Zoning Ordinance includes Site Plan Review requirements and standards for reviewing commercial projects proposed in the town. To get Site Plan Review approval by the Planning Board a positive finding must be made in the areas of circulation, access, building and parking area design and layout, lighting, buffering and environmental considerations. The same standards apply to any project, regardless of size or anticipated impact.

Goals

1. To diversify the tax base by encouraging economic development within existing commercial districts.
2. To develop commercial property so that it is compatible with adjacent and nearby residential neighborhoods.
3. To continue to protect environmentally sensitive lands, such as aquifers, by restricting the types of land uses which are permitted.
4. To continue to encourage home occupations.

Recommended Actions

1. Have the Planning Board review and revise the permitted and special exception uses in commercial districts in the Zoning Ordinance. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*
2. Encourage the town to facilitate compatible, and fiscally responsible economic development in existing commercial districts. *(Ongoing)*

3. Have the Planning Board revise the Site Plan Review section of the Zoning Ordinance to include reviews for major and minor projects, and include standards to more closely match the impact of a particular project. *(Recommendation from Planning Board to Town Council within 4 months of the Plan's adoption)*
4. Have the Planning Board review the permitted uses in the West Cumberland Industrial district to determine those which are compatible with the environmentally sensitive nature of the district. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*
5. Have the Planning Board review and revise the ordinance in regard to day care homes and centers which would be located in residential zones. *(Recommendation from Planning Board to Town Council within 2 months of the Plan's adoption)*

Water, Topography and Soil Resources

Cumberland has extensive areas: of woodlands and fields, wildlife, and coastline, as well as abundant groundwater and surface water; all of which contribute to the rural character and in many ways Cumberland's enviable way of life. The degree to which Cumberland succeeds in maintaining its character in the face of growth and development will depend in large measure upon its ability to conserve and enhance its natural resources.

Soils

The character of soil — its texture, the mix of sand, silt and clay; depth, drainage, and consistency — are major determinants in how land is used. For example, if a soil is wet, or if the land has steep slopes, the appropriate uses will be limited, especially if an individual subsurface waste disposal system is required.

Soils are classified and named according to a nationwide, uniform procedure based on characteristics such as, the steepness, length and shape of slopes; the level of seasonal high water, the kind of native plants or crops; and the kind of rock below the soil layers. In a local survey, the soil series and soil phase are the most common soil classifications used. Soils that have similar profiles make up a soil series. A soil profile is the sequence of natural layers, or horizons, in a soil that extends from the surface down into the parent material that has not been changed by leaching or by the action of plants. All soils in the United States having the same series name are essentially alike.

Soil series can vary in some characteristics such as slope and stoniness; therefore soil series are further divided into phases which more exactly define the nature of the soil. Within any soil series there can be many different phases.

Cumberland soils have been classified and mapped based on, the capacity for low density development, slope (>15%, >20%, and >25%), and wetness. Prime farmland and forest land have also been identified. These maps are available to view in the town office.

Water Resources

Cumberland's only lake - Forest Lake - is predominantly in Windham and Gray. Most of the 3 square mile watershed of Forest Lake is also in Windham and Gray, with only a bit being in Cumberland and Falmouth. One of the greatest threats to the water quality of lakes is the nutrient phosphorus.

Phosphorus is a naturally occurring element which is attached to soil particles. In its natural undisturbed state phosphorus poses no threat; however, any time soil is disturbed and left unchecked, the resulting run-off carries soil particles with attached phosphorus directly into the lake. It has also been found that activity at the farthest reaches of a watershed can contribute just as much phosphorus as activities directly adjacent to a lake; thus the importance of sound management practices regardless of proximity to the waterbody. Phosphorus comes from a number of sources, including eroded soil, fertilizer runoff from lawns, and runoff from gravel roads

and road ditches which have not been properly stabilized. The Department of Environmental Protection has stated that erosion on lake roads could be the primary source of phosphorus pollution.

As very little of the watershed of Forest Lake is within Cumberland, action taken by the town will have little effect. Individual homeowners on the lake have the greatest ability to protect the water quality by increasing the natural vegetation along the shoreline, rather than maintaining lawns which extend to the water's edge. Water monitoring by homeowners will also help by signaling any change in water quality.

Malfunctioning septic systems are another threat to water quality. In a survey completed by the Forest Lake Association, it was estimated that several of the septic systems serving the homes and camps around the lake were several decades old. This, coupled with the density of the development around the lake, suggests that the amount of pollutants to Forest Lake from septic systems is probably relatively high.

Most of the lots around the lake were created prior to current zoning and therefore are quite small. As septic systems fail, installing new systems may be difficult due to the small size of the lots, and shoreland zoning which further regulates septic systems. Within the Cumberland boundaries of the Forest Lake watershed, there is very little opportunity for new development; the greater pressure for increased impact is probably from the conversion of a seasonal camp to a year round home.

Within the bounds of Cumberland there is neither any publicly owned land or any feasible opportunity to create public access to Forest Lake. Because of the small lot sizes, multiple parcels would have to be bought, which would considerably complicate any purchase.

Rivers

Cumberland has a number of tributaries to larger rivers and streams. Protection of these resources is predominately through the Maine Natural Resources Protection Act. In addition some rivers are also protected by local Shoreland Zoning, which restricts land uses within 75 feet of the river.

Groundwater

The majority of Cumberland residents obtain their water from individual wells. The remaining residents and businesses get water from the Portland Water District; either from Sebago Lake or from community wells on Greeley Road. Adequate protection of the Town's groundwater is extremely important. Recognizing this need, the Town contracted the firm of Caswell, Eischler & Hill, in 1988, to analyze the groundwater for the entire town. The final report, *Community Groundwater Study - Cumberland, Maine* recommended densities of land use to protect the quantity and quality of groundwater.

Maine's voluntary Wellhead Protection Program suggests delineating a wellhead protection zone around a community well and identifies any threats that may be present in that zone. Adoption of Wellhead Protection regulations by the Town could restrict certain uses if a parcel is found to be in a wellhead protection area.

Chebeague Island gets all of its water from a sole source bedrock aquifer. The landfill on the Island was closed and capped in 1994. Water quality will continue to be monitored around the landfill to ensure no contamination. A transfer station was built in 1993 to accept municipal waste generated on the Island. The trash is barged to Portland and Regional Waste System on an as-needed basis. Other threats to the Island groundwater are: fluids leaking from autos (many of the cars kept on the Island are older and therefore more apt to leak), petroleum products (particularly those stored in old outdoor storage tanks), failing septic systems, and the like.

Of course, salt water intrusion is a threat to any Island community. This occurs when the water table drops to a low point allowing the salt water to enter. Some shorefront properties on Chebeague Island have experienced salt water intrusion in their wells. The groundwater study

done for the 1989 Comprehensive Plan recommended minimum lot sizes taking into consideration the quantity of water available.

Topography

The topography of Cumberland is generally rolling hills. At the coastline, the land rises quickly either with ledge or a steep vegetated bank. The land gradually inclines to a point of rolling hills and valleys interrupted by a series of natural drainage ways. The northeast corner of Cumberland has the most dramatic relief with Bruce Hill, Pleasant Valley and Orchard Hill. From sections of Bruce Hill, one can get a nice vista of Casco Bay, if the weather is clear. The presence of ledge and steep slopes will limit development in this area. The northwest corner is flatter and dominated by extensive deposits of sand and gravel. Much of the area was mined to build the Maine Turnpike, and portions of Interstates 95 and 295. Typical of sand and gravel deposits is the presence of a sand and gravel aquifer. The aquifer serves all of West Cumberland, and therefore its protection is critical.

The coastline of Chebeague Island is a combination of gently sloping beaches and mud flats and bluffs rising 10 to 35 feet. Generally the high point of the Island is a ridge that runs north/south down the middle of the Island.

Goals

1. To protect the quality of water resources including lakes, aquifers, great ponds, estuaries, rivers and coastal areas.

Recommended Actions

1. Have the town staff continue to work with the Forest Lake Association to improve the water quality of Forest Lake. *(Ongoing)*
2. Have the town staff cooperate with the Portland Water District by participating in the State voluntary Wellhead Protection Program in regard to the community wells on Greely Road. *(Recommendation to Town Council within 12 months of the Plan's adoption)*
3. Have the Planning Board review the uses currently permitted under the Zoning Ordinance in the West Cumberland Industrial District to assure that the uses will not contaminate the aquifer. *(Recommendation from Planning Board to Town Council within 10 months of the Plan's adoption)*
4. Continue to enforce the recommendations of the "Community Groundwater Study, Cumberland, Maine". *(Ongoing)*
5. To further define the environmental constraints of Chebeague Island to determine its carrying capacity.

Other Significant or Critical Natural Resources

Critical natural resources are those with unusual or significant geological, biological, or hydrogeological features, such as, waterfalls, plant and animal habitats, wetlands and bogs. All of these features play an intricate role in the ecosystem, and all are constantly threatened by development.

Wetlands

Wetlands control soil erosion, store flood water, recycle nutrients, filter pollutants, and recharge ground water supplies. They are also habitats for fish, wildlife and plants. A wetland is identified by the plants it supports, the presence of a high water table, and specific soil types. Cumberland has both freshwater and saltwater wetlands. Local shoreland zoning protects wetlands rated as moderate and high value by the Maine Department of Inland Wildlife and Fisheries.

The wetlands inventory for Cumberland is based on the U.S. Fish and Wildlife Service, National Wetlands Inventory. The maps include forested and nonforested wetlands of all sizes. While

these maps have recently been revised, they are still based on aerial photographs and actual locations of wetlands can only be identified by a wetlands specialist. The maps are helpful in identifying areas which may need additional research to determine the presence of wetlands.

Cumberland wetlands have been classified into three categories: forest, scrub, and tidal. The maps are available to view at the town office.

Significant Wildlife Habitat

The Department of Inland Fisheries and Wildlife (IF&W) has identified significant wildlife habitats in Cumberland. Deer wintering areas of medium to high value are the predominant habitat. Developments known to occupy deer wintering areas have been designed to protect the habitat. Tree cutting is permitted in these areas only after getting approval from the Department. In one case, the deer wintering portion of the land is proposed to be dedicated to the town. IF&W has recommended that winter sports not be encouraged on that parcel.

Forest Lake is listed as a high value fishery. Also listed as a high value fishery is the Piscataqua River. The East Branch of the Piscataqua River is a medium value fishery, along with many other unnamed streams and brooks. Mill Brook and Chenery Brook are identified as low value fisheries. Seven unnamed streams, scattered throughout the town are categorized as intermediate value fisheries.

The coastline, from Yarmouth to Seacove Road is identified as a high value marine wildlife habitat. From Long Meadows Rd., south to the Falmouth line, and Sturdivant Island, are a low value marine wildlife habitat. On Chebeague Island, Division Point to Stone Pier and Chandlers Cove are state and national value marine wildlife habitats. Johnson Cove and Sunset Landing are locally recognized marine wildlife values. The outer Islands are considered significant habitats for osprey nests, seal haul-outs, and colonial-nesting seabirds.

Unique and Natural Areas

The Natural Areas Program of the Maine Department of Economic and Community Development maintains a database of rare vascular plants, natural communities, registered Critical Areas, and other natural features. The Program issues a list of botanical features and Registered Critical Areas for individual communities. The exact location of rare plants, if known, is not given out to protect the plant from sightseers. More detailed information is available upon request.

The cluster housing provisions included in the Zoning Ordinance have been successful in protecting open spaces, wildlife corridors and other significant features. Shoreland zoning is effective in protecting wetlands which are rated as moderate or high value wildlife habitats, some riparian zones, the coastline and steep slopes. Local shoreland zoning in conjunction with the various state and federal regulations provide a comprehensive protection of a variety of resources. It would appear that the current regulations are adequate to protect the natural resources.

Goals

1. To protect critical natural resources, including, but not limited to, wetlands, wildlife and fisheries habitat, shorelands, and unique natural areas.

Recommended Actions

1. Have the Long Range Planning Committee determine whether Cumberland has any critical natural areas identified as part of the State of Maine's Critical Areas Program (administered by the Department of Economic and Community Development). (*Complete by December 1998*)
2. Encourage the Conservation Commission to protect critical areas by obtaining land dedications, easements, or other forms of permanent protection, either by the Town or the Land Trust. (*Ongoing*)

Agriculture and Forestry

Agriculture has declined in Cumberland, from being the principal industry in years past to having only a residual presence now. Based on a locally produced Farm Products and Services Directory, there are currently three active dairy farms on approximately 196 acres, four apple orchards, four vegetable and animal farms, 1 Christmas tree farm, 5 greenhouses, and 1 game bird farm. In the community survey conducted for this plan, 52% of respondents ranked maintaining working farms as very important, and 32% thought farms were somewhat important. In the same survey undeveloped woods and fields were ranked very important by 67% of the respondents.

The Town Council's response to the survey was to create a task force of local farmers to explore how the town could help to preserve and encourage farming in Cumberland. The Cumberland Farmers' Market resulted. The Market experienced a very successful first year in 1996. A grant of \$5,000, awarded by the Rural Business Development division of the Department of Agriculture, was used in 1997 for marketing and advertising. The Town Council will continue to explore opportunities to preserve farming and agricultural land.

Realizing that Maine's forests, farms, and open spaces are vital natural and economic resources, the state legislature adopted the Tree Growth, Farmland, and Open Space programs as incentives for property owners to keep their land productive but undeveloped. The guidelines for the programs are set by the State and are administered by the municipalities. All three programs allow for an automatic reduction in valuation when a property is accepted by the town. When property is taken out of the program for development, strict penalties are applied; therefore, landowners who take advantage of these programs typically have long-term plans not to develop the land. Municipalities are partially reimbursed by the State for the loss in property taxes.

Forests are valuable in many ways; they protect the soil and water, contribute to a wide variety of recreational and aesthetic experiences, including hunting and fishing, and provide wildlife habitats for both game and non-game species. Healthy and well managed forests are an integral part of the community. In 1991, a total of 1,991 acres were included in the program; by 1995 the number of acres had increased to 2,291. However, in 1997 the number of acres classified as Tree Growth was down to 1,765. Part of the decrease can be attributed to land that was taken out of the program so that it can be developed. Another reason may be changes in state law which requires that parcels enrolled in tree growth must be held as commercial woodlots, and that forest management plans must be submitted. Some property owners may also hesitate to enroll land in the program because of the penalties that have to be paid if the land is developed.

The decrease in the number of parcels enrolled in this program suggests that tax relief for property owners who maintain woodlots for personal use may need an alternate form of tax relief. In addition, landowners may not be aware of the programs available.

Originally the law stated that a parcel must be greater than 10 acres to be classified as tree growth. To promote sound woodlot management which includes periodic harvesting, and to encourage commercial harvesting, the laws were changed last year to include only commercial woodlots.

Cumberland is very fortunate to have over 100 acres of town-owned forest. The Drowne family donated a 100 acre parcel to the town in the early part of this century. Over the years, the parcel was planted by Greely Institute students and became what is now known as the Town Forest. The Town Council recently appointed a Town Forest Board to manage the Town Forest under the auspices of the Conservation Commission. This Board will research the property and will make management recommendations to the Conservation Commission and ultimately the Town Council.

The Cumberland Zoning Ordinance includes provisions for timber harvesting, and requires that a permit be obtained prior to the commencement of any work. With the exception of Shoreland Areas (as defined by the Zoning Ordinance and shown on the Official Zoning Map), tree cutting is not regulated. In effect, the application for a timber harvesting permit is actually a notification of harvesting rather than a permit which specifies how the cutting will be done. The Zoning

Ordinance does require that cutting be done in accordance with provisions of the Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission.

Timber harvesting is listed in the Zoning Ordinance as a permitted use in all residential districts. Timber harvesting, however, is neither a permitted nor special exception use in any of the commercial districts. Forested tracts of land do exist in the various commercial districts.

The State's Open Space program offers reduction in valuation, based on the degree to which a parcel is preserved, and whether the public is allowed to use the parcel. The greater the preservation and public use, the greater the reduction in valuation. The state requires that applications offer a "public benefit", based on a set of prescribed standards. There is no minimum acreage requirement to enroll in this program.

The State Farmland tax program offers reductions in property tax valuation if at least 5 acres of contiguous land are actively used for farming, agriculture, horticulture, or woodland. The land must be able to produce income at a level established by the State. There are currently 12 parcels (a total of 360 acres) in Cumberland included in the Farmland program; 204 acres of the current total of 360 acres have been added since 1989; a percent change of 86%. This suggests a commitment by the newcomers to the program to continue farming, or at least to ensure that their property will remain an active farm.

Goals

1. To preserve Cumberland's forest land and encourage sound forest management practices.
2. To preserve and encourage agricultural activity in Cumberland.

Recommended Actions

1. Include timber harvesting as a permitted use in all districts, not just residential districts. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
2. Eliminate the local timber harvesting permit provided the Town is notified by the State of all harvesting. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
3. Have the Town Council develop management plans for town owned forest land. *(Complete by October 1998)*
4. Encourage zoning regulations which allow farmers to sell their products, and agricultural products grown or produced elsewhere, on their property. *(Ongoing)*
5. Have the Forest Board review the State of Maine Forest Practices Act and determine if state standards are appropriate for the Town of Cumberland or whether different standards should be adopted. *(Recommendation to Town Council within 6 months of the Plan's adoption)*
6. Promote public education of forest management and agriculture. *(Ongoing)*
7. Allow zoning regulations that add value to timber.

Marine Resources

The Cumberland mainland and islands enjoy numerous clam flats. The Town has an active Shellfish Conservation Commission (SCC) whose goal is to maintain and increase the shellfish population. To keep an area open for shellfish harvesting, or to open a closed area, the Town must be able to show the State Department of Marine Resources that, 1) the water is clean, 2) that

land uses in the area are not polluting, and 3) that the resource is able to sustain harvesting. The SCC has been working with the State Department of Marine Resources in all of these areas.

The Town issued 200 recreational licenses in 1996. In 1997 the number of recreational licenses issued was two hundred and fifty three, and (15) recreational licenses will be available for use during June, July and August. This license is only good for the month in which it was purchased. The Conservation Commission decides on an annual basis whether to issue commercial licenses based on the abundance of the clam population.

The State Department of Marine Resources reported that 102 commercial fishing licenses were issued to Cumberland residents in 1994. In 1988, 96 commercial licenses were issued. In both years 67% of the licenses were issued for lobster and crab. The remaining licenses issued were for ground fishing and shrimping, shellfish, mussel dragging, and the harvest of scallops and sea urchins. A person can hold numerous licenses; therefore, it is difficult to track the actual number of people who earn a living from our marine resources.

Town records show 13 commercial fishing boats which are registered with the Coast Guard. Ten of the thirteen owners of these boats list a Chebeague Island address. The boats of the mainland fishermen are not moored in the Town of Cumberland, as there is no publicly-owned area with deep enough water for a pier.

To allow for adequate water depth, 24 hours a day, the landing area at Stone Wharf must be dredged every 10 years. This dredging was last completed in the spring of 1994. Mooring areas on Chebeague Island include Stone Wharf, Coleman Cove, Central Landing, Sunset Landing, Waldo Point, Fenderson's Point, Chandlers Cove, Chebeague Boatyard and Hamilton Beach.

The position of Harbor Master position was created in 1990, with the responsibilities of administering mooring registrations, enforcing docking times, patrolling Cumberland's shellfish flats, enforcing the Shellfish Ordinance, and taking samples for water quality tests. The Harbor Master has devised a system for administering moorings, and enforcement of the shellfish ordinance has increased dramatically. In cooperation with the Casco Bay Keeper, the Harbor Master has consistently supplied water samples to determine temperature, clarity, pH, dissolved oxygen, and salinity. The results of these tests are used in the evaluation of water quality in Casco Bay.

Shore access in mainland Cumberland is limited to Town Landing. Currently Town Landing consists of an 18' wide road that ends at the edge of the ledge leading to the water. Actually getting to the water can be quite treacherous. No actual parking spaces exist at the end of the road and turning around is difficult.

On the Island, the public has access to the water at Stone Wharf and at various other historical routes. The locations of some older rights-of-way are questionable. In the survey done for the Comprehensive Plan 40% of the respondents reported that identifying and preserving access to the shore was very important.

Goals

1. To protect the marine resources industry and promote access to the shore.
2. To continue to protect all clam flats.
3. To explore options to improve access to the shore for the fishing and shellfishing industries on Chebeague Island.

Recommended Actions

1. Encourage the Shellfish Conservation Commission to continue their work in water monitoring, shoreline surveys and clam assessment surveys to keep clam flats open and to open flats which are currently closed by the State. *(Ongoing)*

Historical and Archaeological Resources

Historical

Cumberland has a rich historical heritage including buildings and other structures, sites, landscapes and other landmarks dating back several hundred years. The irreplaceable examples of historical buildings represent much of the Town's cultural past, and can be maintained for future generations only if growth and development are carefully managed.

The Cumberland Historical Society has developed a self-guided "Tour of Historic Cumberland". Complete with a map, the tour lists 50 buildings and sites of historical significance, and points out 5 examples of houses with architectural significance. The tour comes in the form of a pamphlet and is available from the Cumberland Historical Society on Blanchard Road. The Chebeague Island Historical Society has identified houses of architectural significance on the Island, but has not yet categorized or mapped the houses.

The Winn Road School, on the corner of Winn and Range Roads is currently listed in the National Register of Historic Places. Other properties which may be eligible for nomination to the National Register or for local protection, have not been identified.

Cumberland's Subdivision Ordinance includes the requirement that the subdivision "will not have an undue adverse effect on [historic sites], or [rare and irreplaceable natural areas]. During the review process of a subdivision plan, either minor or major, the Maine Historic Preservation Commission should be contacted to assure that the development complies with the above stated standard. A similar provision is not included in the Site Plan Review Ordinance.

The Demolition section (Sec. 602.3) of the Cumberland Zoning Ordinance requires a 10-day waiting period before a structure can be demolished. Owners of homes, or structures determined to be significant by the local Historical Societies may not be aware that their property has such significance.

Archaeological

The Maine Historic Preservation Commission has identified 57 known shell-middens in the shoreland areas of Cumberland as prehistoric archaeological sites. It has been determined by the state that about half of these sites may be eligible for listing in the National Register of Historic Places. Areas of archeological resource potential in Cumberland include: on Chebeague Island, Artist Point to Central Landing, Waldo Point to Johnson Cove, Coleman Cove, Chebeague Point, Division Point, Ricker Head and Bennett Cove. Outer Islands include Sturdivant Island, Bates Island, Ministerial Island, Bangs Island, Stave Island, Stockman Island, Sand Island, and Hope Island. On mainland Cumberland the shore of Spear's Hill to Wildwood Park. Reconnaissance level survey has been completed, but intensive level survey of sites for National Register listing has not been done. All of these areas are along the shore and therefore are protected from development pursuant to local Shoreland Zoning regulations.

No historic archaeological sites have been identified by the Maine Historic Preservation Commission.

Goals

1. To broaden the community's awareness of historic sites and buildings of architectural and historic significance.
2. To encourage protection of historic sites, and historic and pre-historic archaeological sites as identified by the local Historical Societies, the state, and universities.

Recommended Actions

1. Town staff to assist the Cumberland Historical Society and the Chebeague Island Historical Society to identify and inventory buildings of historical and architectural significance. *(Completed within 12 months of the plan's adoption)*

2. Have the Long Range Planning Committee offer assistance to both historical societies in preparing educational materials. Such education materials to include a notice to owners of places or structures of historic significance as to the exact nature of their significance and what can be done to protect its historic integrity. Materials may also include information on how to have a structure or place added to the National Register. *(Completed within 18 months of the plan's adoption)*
3. Include a standard in the revised Site Plan Review Ordinance to protect historic and archaeological sites when major site plans are being reviewed. *(Recommendation by Planning Board to Town Council within 4 months of the Plan's adoption)*
4. Town staff to explore ways to complete the survey for historic and pre-historic archaeological sites. *(start immediately after adoption)*
5. In appropriate circumstances have the Town Planner request comments from the Maine Historic Preservation Commission, the university, and the local historical societies regarding the presence of historic buildings or sites and historic or pre-historic archaeological sites during the review of major and minor subdivisions and major site plan reviews. *(Ongoing)*
6. Explore other options to protect historic and archaeological resources.

Land Use Patterns

Land use that preserves the “rural character” of the community is paramount to the residents of Cumberland. “Rural character” in Cumberland is characterized as including agriculture and forest lands, large areas of contiguous undeveloped land used by wildlife, for resource production, and for outdoor recreation. They may include important natural resources and scenic open spaces and may have low density development interspersed among fields and woodlands.

Since the 1940's, zoning has played an active role in Cumberland's development. Early Zoning Ordinances established districts for commercial activity and residential areas. While the number of zoning districts has grown since its inception, the separation between residential and commercial uses today is very similar to the first zoning districts. Commercial districts continue to be along the arterial roads which connect Cumberland to surrounding communities; Route 100, U.S. Route One and Route 9.

Growth in Cumberland was traditionally along the original roads. In Cumberland Foreside, since the 1940's growth has been predominately along dead-end streets extending from Route 88 to the water, and from Route 88 inland toward U.S. Route 1. The cumulative impact of numerous dead-end streets can result in traffic congestion along the collector road.

In Cumberland Center, interconnecting neighborhoods were built in a grid-like pattern off of Main Street. The lots tended to be smaller, and setback requirements from property lines, much less than is required today, resulting in entire neighborhoods of nonconforming lots. In some neighborhoods, a variance is required in order to make any improvements. This suggests the need to evaluate the current setback requirements in these neighborhoods to determine their effectiveness.

New neighborhoods are being created on dead-end roads radiating off of the existing roads, in part because this is the type of house lot that seems to be in greatest demand, but probably more importantly because logistics prevent any other type of development. The roads of Cumberland run nearly parallel to each other in an east-west direction, with north-south roads bisecting every 5 miles. In very rare occasions would a landowner have the opportunity to develop his or her land, and be able to connect the subdivision road to two existing roads in a traditional grid-like pattern. This pattern of development suggests the need to maintain right-of-ways at the end of dead-end streets when natural land features would allow a road to connect to another street.

From 1989 to February of 1998, 183 subdivision lots have been approved by the Planning Board. Of those, 89 lots (the lots at Small's Brook Crossing, Conifer Ridge, Westridge, and Common at Cumberland Subdivisions) use the public sewer system. One 4-lot subdivision was approved on Chebeague Island (Schoolhouse Road Subdivision). Of the total 183 lots, 70 lots were in the Rural Residential 1 district (RR 1) (49 of those were in Small's Brook Crossing), 61 lots were in the RR 2 district, 43 were in the Medium Density Residential district, and 5 lots were in the Low Density Residential district.

One hundred and thirty three of the total lots approved since 1989 (73%) were developed as clustered subdivisions.

Between 1985 and 1996, 58% of the building permits issued were on lots in approved subdivisions, the remaining 42% of the permits issued were on lots created without Planning Board review. With a significant amount of development happening without any review, growth controls directed at revisions to the subdivision ordinance will only be partially effective.

With the predominance of new lots being created in the RR 1 district, the results of the clustered subdivision regulations will rapidly be seen. The downside of subdivisions in the rural districts is that development is scattered throughout town which increases the cost of public services. Whenever possible growth should be encouraged in areas where public facilities are nearby.

Goals

1. The principal goal of the land use pattern of the town is to preserve its rural character.
2. To have the setback requirements of the Zoning Ordinance more closely match the existing setbacks of the neighborhood.
3. To develop a land use pattern that alleviates traffic congestion whenever possible.
4. To promote a land use pattern that will allow for the efficient and effective delivery of public services.

Recommended Actions

1. As part of the Long-Range Planning Committee's tasks, inventory farm and forest lands in the community and identify those areas which, because of their high grade soils, agricultural, forestry or other important resource, warrant the most attention for preservation efforts under the limited development outreach program. *(Include recommendations as part of Open Space Plan to be completed within 10 months of the Plan's adoption)*
2. Encourage the retention of farmland and forest land by the creative use of clustering and other open space preservation techniques; ensure that adjacent open spaces are contiguous to maximize open space. *(Ongoing)*
3. The Town Planner to continue to develop and update a property inventory and maps that point out community interests. *(Ongoing)*
4. The Planning Board to continue to explore methods of projecting long term development patterns within the community and to develop strategies for managing long term growth. *(Ongoing)*
5. Have the Planning Board evaluate the setback requirements in high density neighborhoods and on Chebeague Island, and adjust them to better fit existing conditions. *(Recommendation from Planning Board to Town Council within 6 months of the Plan's adoption)*

6. Have the Planning Board research under what conditions it would be appropriate to require maintaining a right-of-way for a future road connections, and recommend to the Town Council that they adopt these standards into the Subdivision Ordinance. *(Recommendation from Planning Board to Town Council within 5 months of the Plan's adoption)*
7. Direct growth to occur in areas where public facilities currently exist. *(Ongoing)*
8. Support legislative efforts to enable towns to waive penalties for withdrawal from state current use tax programs.

Housing

Cumberland is an attractive place in which to live, and therefore it continues to experience population and growth and development at a constant rate. While new homes increase the town's property valuation, and thus municipal property tax revenue, they also require additional services, and interrupt the pattern of fields and forest that give the town the rural character which attracted residents and newcomers.

The housing stock in Cumberland is dominated by single family homes. Based on the last five years of data available, and historical patterns of development, there is no indication that the single-family domination is changing or that it will change. To encourage the diversity of the housing stock, the 1989 Comprehensive Plan made recommendations to increase the size of accessory apartments, and to add duplex and multiplex houses as a permitted use in residential districts. As a result the size of an accessory apartment, or in-law apartment, was increased from no more than 25% of the total living area to no more than 40%. On the mainland duplex and multiplex dwellings are now a permitted use in residential districts and were added to the Office Commercial district in 1989. On Chebeague Island duplexes only are permitted in both the residential and business districts.

Between 1990 and 1997, the Board of Adjustment and Appeals has approved 30 accessory apartments. The number of apartments approved each year does not represent any type of trend either increasing or decreasing. Accessory apartments must be in a structure attached to the existing house, meaning that an accessory apartment can be in an attached garage but not a detached garage. This requirement is not included in the Ordinance; however, it has been consistently enforced based on the fact that to allow an apartment in a detached structure would result in two primary residences on one property, which would only be acceptable provided minimum lot size and setback requirements can be met for each building.

The U.S. Census breaks down housing units by the year in which they were built. The table, "Age of Housing Stock", shows the distribution of houses according to when they were built. Based on the housing stock information available in regard to age, a town-wide mean home age is impossible to establish; however the current information does say that over 30% of all of the houses currently standing in Cumberland have been built since 1980.

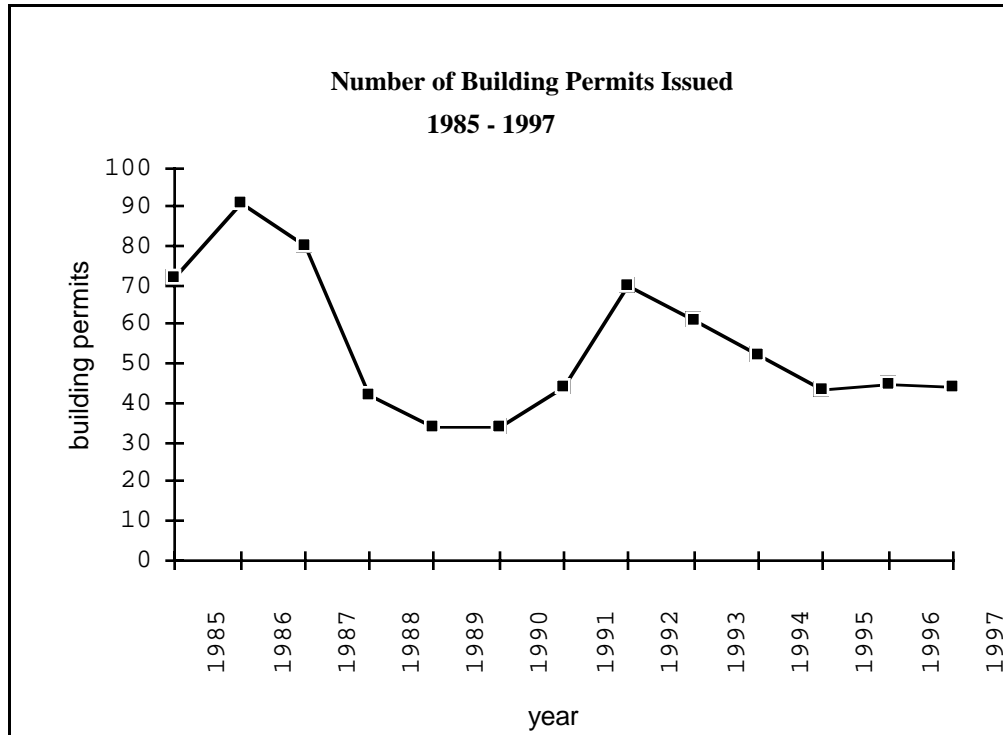
According to the 1990 U.S. Census data, on Chebeague Island, 70% of the houses were built in 1939 or earlier, 3.9% between 1940 and 1949, 5.8% between 1950 and 1959, and none were built between 1960 and 1969. Between 1970 and 1979, 8.3% of the total houses were built, and 5.8% between 1980 and 1989. An additional 24 houses were built between 1990 and November 1996.

Approximately one-half of the houses in Cumberland were built after 1964. The relative newness of houses suggests that the housing is overall in very good condition. The revaluation completed in 1997 has provided the town with a detailed inventory of the condition of homes.

The U.S. Census data reports a home vacancy rate of 14.5%; of those vacant, 84.5% are for seasonal use only. According to the Census data, 92.7% of the homes in Cumberland are owner-occupied; the remaining being rental units. The overall vacancy rate of the rental units is 4.5%;

the homeowner vacancy rate is 1.2%.

The Southern Maine Construction Reports tracks new housing starts, and calculates the average cost of homes being built in 45 southern Maine communities. Ending the fourth quarter in 1997 Cumberland ranked 16th in new housing starts among the various towns. The average home price was \$173,881 or the 5th highest average home price in York and Cumberland Counties. As a comparison, the average home price in 1996 was \$138,167.



Source: Cumberland Building Inspector

Providing affordable housing was a priority of the 1989 Comprehensive Plan. At that time, Cumberland was reporting the highest home values in the entire state. Many residents agreed that the quality of life in the town would suffer if the town became less diversely populated, and that elderly and other long-time residents might be forced to leave the community.

Since the last Comprehensive Plan, the town initiated and completed two significant affordable housing projects. The first is Cumberland Meadows Senior Housing, which is 30 rental apartments for those over the age of 55. The town was able to purchase the development rights of a phase of a condominium project in foreclosure. Each unit is one story, is equipped with modern appliances, and has a private patio and attached garage. The town owns and operates the complex and is able to keep the rents below market rate. The project is self-sufficient, requiring no tax dollars. Vacancies are rare, currently 50 people are on a waiting list for apartments which suggests the need for additional units.

According to the 1990 U.S. Census, there are 121 persons over the age of 65 (or 41% of the Island population) living on Chebeague Island year round. Of those over the age of 65 on the Island, 37 are reported as living with incomes below the poverty level. This suggests the need for affordable housing on the Island. The town commissioned a study in 1995 to determine the housing needs of Chebeague's elderly. That report concluded that a small (5-7 beds) facility for people who were no longer able to live safely in their homes would be beneficial to the island community. A 5-bed adult family care home is being constructed on the Island in 1998 and should be ready for occupancy by the end of the year.

The second project was the Small's Brook Crossing affordable housing project. This is a 49-lot clustered subdivision of single family, owner occupied homes. The average original selling price ranged from approximately \$95,000 to \$100,000. The vision of the comprehensive planning committee to provide affordable housing can not be overstated. Having clearly established a need, cluster housing regulations were adopted which included additional reductions in minimum lot sizes and setback requirements for affordable housing projects, thus allowing for lower land prices. The Town also knew that some type of financial commitment on the town's part would be necessary. What was finally decided upon was a waiver of the sewer unit fees, a savings of \$98,000, and a loan to the developer which has since been paid back as homes were sold. The loan provided the developer with the leverage needed to secure a bank loan to complete the infrastructure.

To preserve affordability, the town holds a "silent second mortgage" of \$20,000 on each house. Upon resale of a home in the development the silent second mortgage is assumed by the purchaser(s), provided the standards for determining affordability have been met. If an "affordable" buyer is not found, the seller can sell the house to a non-qualified buyer and the silent second mortgage is paid to the town. A non-qualified buyer is eligible to purchase a home in the project after the house has been on the market for 120 days, and once the silent second mortgage is paid off, the terms of affordability no longer apply to that particular home.

Of the 315 houses built in Town between 1992 and 1997, 15% of the homes were built in Small's Brook Crossing. In the years 1992, 1993 and 1994, for every 2.8 conventional houses built, 1 affordable house was constructed — an admirable ratio. The State of Maine has a goal that 10% of new housing is in a price range considered to be "affordable". At the current rate of development, (in the years 1994 - 1997, 46 building permits are issued per year on the average) the houses at Small's Brook Crossing will allow the town to meet that goal through 2000.

As mentioned above, the current Zoning Ordinance includes provisions for affordable housing in the form of reduced lot sizes (when connected to the public sewer) and reduced setback requirements; however, the Ordinance does not require that developers include lots for affordable homes.

One factor in determining "affordability" of housing is the percentage of monthly income spent on a monthly mortgage payment, or rent. Based on 1990 U.S. Census data, 55% of Cumberland homeowners spent less than 20% of their income on a mortgage; 13% are spending greater than 35%. For those paying rent, close to 52% spend less than 20% of their income and 7% spend more than 35%. Since typically, the maximum affordable prices of housing would be about 30% of their income, it seems that in Cumberland, people generally have the means to afford a more expensive home, and that those of moderate incomes may be excluded from the market.

On Chebeague Island, 52% reported spending less than 20% of their income on a mortgage, 2.7% spent between 20% and 24%, 17.5% spent between 25% and 29%, and 28% spent 35% or more of their income on a mortgage. Ninety-one households reported not having a mortgage.

While zoning in Cumberland allows diversity of housing types — single family, duplex, and multi-plex; single family homes, almost exclusively, continue to be the preferred housing type. As it is unlikely that this trend will end, or shift, to continue to allow for a diverse population, affordable single family homes will have to be encourage on a continual basis. The high percentage of persons over the age of 65 on Chebeague Island suggests the need for some sort of affordable housing for that group.

Goals

1. To encourage housing which provides for a mix of people from all income strata, ages, long term residents, trades and professions.
2. Encourage development mechanisms to meet the requirements of the State Growth Management legislation.

Recommended Actions

1. Have the town staff investigate options for providing housing for the elderly on Chebeague Island and the mainland to accommodate all income strata. (*Ongoing*)
2. Have the Planning Board review the requirements of accessory apartments in attached and detached structures. (*Recommendation from Planning Board complete*)
3. Continue to guide residential development toward land which has the capacity (i.e. appropriate soils, and water, or which has existing water and sewer lines) to absorb that development, but away from areas which are inappropriate because of a resource, or scenic or open space value. (*Ongoing*)
4. Continue to maintain residential minimum lot sizes as necessary to protect the Town's groundwater resource according to the recommendations of the "Community Groundwater Study, Cumberland, Maine, 1988". (*Ongoing*)
5. Explore options to provide affordable housing.

Transportation

One effect of growth is the increase in traffic it causes. In recent years the intricate connection between transportation and land use has become better understood. Simply put, as people and houses spread out, and people move farther away from their jobs, road use increases. Sound transportation planning not only includes building more roads, but also adopting measures to make better use of existing roads, with the goal of reducing the number of vehicles traveling during peak hours.

Roads

The majority of roads in Cumberland are publicly owned and maintained; there are roads, however, that are privately owned, some of which are plowed by the town and some of which are not. Many of the private roads were not built to any local or state standard; thus making plowing and providing other public services difficult. The Cumberland Road Map shows all roads delineated using the Global Positioning System (GPS), and marked according to their ownership, (i.e.. public, private, private with winter maintenance by the Town.) The Subdivision Ordinance includes standards for new roads built in subdivisions which are based on the function of the road. For example, a road in commercial district is automatically classified as an urban road, and a residential road is classified according to what type of road it is connected to. Over the past five years, the Planning Board has received many requests to waiver portions of the road standards.

The waivers requested suggests the need to revise the Subdivision Ordinance road standards, possibly basing the standards on the level of expected use rather than by function. Standards for the construction of private roads also need to be clarified so that municipal services can be delivered to these homes safely and without damage to public vehicles.

Traffic Volumes

Increasing traffic patterns and volumes in Cumberland are the result of many factors, some of which are suburban migration, increasing development, more vehicles per household and more families with both parents working. Suburban migration is affecting many Maine rural towns, particularly those near urban centers such as Portland. More people are moving to suburban communities, putting more pressure on local roads which were not generally designed for heavy use.

The increase in development along roadways has resulted in more driveways, and therefore, more vehicles turning on and off the road. In addition, many households have two or more adults in the work force, which has a direct impact on the number of vehicles per household. Vehicles per household in Cumberland totaled 2.2 in 1990, the highest average in all of Southern Maine with the exception of Pownal and New Gloucester, which each also had 2.2 vehicles per

household.

Commuting generates the most traffic in Cumberland during the morning and evening commute hours. Since Cumberland residents do not have local access to Interstate 95, most of the traffic is concentrated on Routes 1 and 9, and Middle Road and Route 26/100.

There are 1,122 people who stated that they lived in Cumberland and worked in Portland according to the 1990 U.S. Census. Nearly 25% of Cumberland's residents work in the Portland/South Portland/Westbrook urban concentration. About 8% of residents live and work in Cumberland. The rest of the employment locations include Yarmouth (4%), Falmouth (4%) and Freeport (1%). Less than 1% of Cumberland residents also journey to Auburn, Scarborough, North Yarmouth and Bath to work.

A recent origin and destination survey conducted by the Greater Portland Council of Governments, of drivers along Routes 26/100, concluded that 79% of the commuters were alone on their way to and from work. A total of 83% of Cumberland commuters drove solo in 1990. There were 259 or 8.9% of Cumberland residents who carpooled to work as of 1990, according to the U.S. Census Bureau. This low figure correlates with the short commute distance and the lack of park and ride facilities in Cumberland. The County average number of carpoolers per capita is 11.1%. Brunswick has the greatest number of carpoolers at 13.2%, Falmouth the least with 6.4%. Distance is a major factor with carpooling. Drivers are concerned with the wear and tear on their vehicles, with long commutes over time. In the community survey circulated for this plan, 14.3% of those that reported commuting to work said they would use a park and ride lot for carpooling.

As growth continues traffic can be expected to rise. Encouraging alternate forms of transportation is very limited for a rural town like Cumberland. While the number of residents who would be willing to carpool may be small, the results of the community survey suggest the need for small parking lots to encourage carpooling.

Accidents

The Maine Department of Transportation keeps yearly records of accident data throughout the state. By studying patterns of accidents on roadways, hazard locations can be identified and corrected. Between 1990 and 1992 there were a total of just over 200 accidents in Cumberland. Most of these accidents occurred during commuting hours when volumes were highest. Accidents happen all days of the week, however, the greatest number of accidents occur on Friday.

The MDOT has developed a system for rating accidents based on a ratio between actual accident rates and critical accident rates. Accidents documented with a Critical Rate Factor (CRF) of greater than 1 are a higher priority than those with a CRF of less than one. The intersections of Middle and Greely Roads, and Middle and Tuttle Roads, have CRFs of 1.23 and 1.19 respectively. The intersection of Methodist and Blackstrap Roads documented a CRF of 2.90. There were no other Cumberland accident locations with CRFs greater than one. However, there are areas of concern which are noted below.

A total of seven accident locations occurred along Route 9 between the railroad tracks north to Longwoods Road, and along other sections where poor visibility combines with narrow pavement sections. Route 26/100 has several accident locations, mostly at intersections where there is poor visibility. There were a total of 11 accidents at intersections with the Range Road, Methodist Road and the Mill Road on Route 26/100.

There were nine accidents on the Middle Road between the Tuttle Road and the Falmouth town line where there are many driveways and limited visibility between turns and hills. Another high accident location is along the Tuttle Road between the Harris Road and Drowne Road, where 11 accidents occurred along the roadway; visibility is a factor due to dips in the road. An accident area along Route 1 occurs over a short segment of road from the Cumberland/Falmouth boundary northward where there were 8 accidents.

A road can be unsafe for a number of reasons. For example, a drainage problem may cause a road to ice up faster than in other places, or visibility may be a problem. The accident data suggests that there are isolated road safety problems which should to be identified, and plans developed to remedy these problems.

Road Conditions

Cumberland public roads are generally in good condition. Many of the older roads were reconstructed to modern standards when the sewer system was built in the early 1980's. The road standards included in the Subdivision Ordinance have resulted in high quality roads, that require minimal maintenance. These standards would apply to all of the subdivisions, approved by the Planning Board, and built since the early 1970's. The majority of the highway department's road work is periodic resurfacing. Some reconstruction projects, specifically on Range Road, Bruce Hill Road, and Middle Road, are scheduled for the next five years. So is resurfacing the subdivision roads which were sewered in the early 1980's, including many of the neighborhoods in Cumberland Center and Cumberland Foreside.

In some cases developers request that the roads remain private, sometimes for reasons of personal privacy, in other cases to save the money required to build a road to town standards. As stated earlier in this chapter, providing public services such as emergency services, school bus transportation and solid waste disposal on such private roads can be difficult, because of the condition of the road surface, insufficient road width, bad curves, grades, drainage etc. New roads, (not including those built as part of a Subdivision as defined by State Law and the Cumberland Subdivision Ordinance) are not subject to be built to any standard except that emergency vehicles must be able to get in and out. This supports the need to limit new private roads, whenever possible; and to adopt standards for all new private roads so that vehicles associated with providing public services can safely drive on the roads.

Access Management

Managing access along travel corridors can improve travel flow. Limited access roads include the Maine Turnpike and the interstate roads in Maine. With the growing development pressure along major travel routes, towns must decide how to manage access on and off these roads. As growth occurs, businesses and residences spread along a road corridor, increasing traffic congestion. Slower turning vehicles present conflicts and create hazards. Uncontrolled access leads to increasing congestion, accidents, an "unfriendly" environment for pedestrians and bicycles, and it can affect village character.

Managing access along major roads such as Routes 1, 9, and 26/100 already occurs due to the minimum lot size and road frontage requirements. The Zoning Ordinance requires road frontages of 150' in the Highway Commercial, Office Commercial and Local Business districts. If multi-use business structures are proposed, frontage is based on the number of businesses. The Site Plan Review section of the Zoning Ordinance contains specific access standards for commercial activities. Driveways of abutting properties are allowed to combine to minimize curb cuts.

Subdivision roads branching off major roads leading to developed lots encourage better growth patterns than simply spreading houses along a road front, also referred to as "strip development". This is particularly cumbersome in built-up commercial areas where turning movements become too close together for safe driving. Numerous dead-end roads along a collector street eventually cause traffic congestion on the collector, particularly at intersections. The reason for this is that cars have only one way out. The more traditional grid-like pattern of road development offers choices when leaving a home and therefore reduces traffic congestion.

Ferry Transportation to Chebeague Island

In Cumberland, transportation not only includes the road network, but also water transportation to and from Chebeague Island. At present, passenger ferry service to Chebeague is provided by the Chebeague Transportation Company (CTC) from Cousins Island to Stone Wharf on Chebeague Island. The trip takes approximately 15 minutes in good weather. There are approximately 10 trips going each way per day. In addition, the Casco Bay Island Transit District (CBITD) provides service between Chebeague Island and the Maine State Pier in Portland, taking

about one hour each way. During the winter, CBITD offers four trips per day; in the summer, an additional daily mid-morning and a Friday evening trip are added. Car ferries to the Island are provided by Casco Bay lines on a reserved basis only. Chebeague Transportation Company also barges cars, by reservation, to the Island.

Year-round Chebeague Island residents use the Blanchard Lot, on Cousins Island in Yarmouth, for parking. This parking lot is leased through the year 2000. The owners of the lot have indicated that the lease will not be renewed. During summer, all other parking is at the Town Office; patrons shuttle by bus service to and from the ferry. The bus ride is approximately 20 minutes. In 1993, the Town expanded the town office parking area for ferry users, so far adequately filling the demand for spaces.

Parking at Stone Wharf is very limited. In summer, the wharf can become very congested when ferries and private boats are coming and going. In a recent survey of CTC riders by the Greater Portland Council of Governments, almost 73% of the respondents ranked mainland parking as very important. Close to 36% listed island parking as very important, 31.5% stated island parking was somewhat important. This wharf will be the primary landing site on the Island for the foreseeable future.

Providing transportation to and from Chebeague Island, and the associated parking are likely to be dominant issues in the next five years. The Town Councils of Cumberland and Yarmouth have been meeting regularly to negotiate a future landing site and associated parking.

Public Transportation

The Regional Transportation Program (RTP) provides van rides from Cumberland to Portland on Thursdays. For elderly and disabled residents, door-to-door service is provided, for a \$.50 donation. The general public is welcome to use the service also, provided space is available, for a \$2.00 donation. Anyone wanting to use this service must make an advance reservation. The van used is wheelchair accessible.

Other Modes

A Byways Plan completed in 1988 delineates a linked system of byways, or paved road shoulders, for the use of bicyclists and pedestrians. Cumberland received a grant from the Department of Transportation to construct byways on Tuttle Road from Main Street to Middle Road. The grant provided 80% of the funds to complete the project. While bicyclists already travel on all of the roads in town, without the byways they travel at some peril. Forty four percent of those responding to the community survey circulated for this plan stated they would use paved road shoulders as bike routes.

The creation of a Byways Plans illustrates a strong desire by residents to provide for safe alternate means of transportation. The completion of the Tuttle Road section of the Plan should be a good indicator of the actual demand for such improvements. This may result in the need to prioritize sections of the Plan to be built out over the next 10 years.

Two active rail lines traverse Cumberland. The Towns owns one inaccessible parcel, approximately .6 of an acre, on the Cumberland/Falmouth line. The land is sandwiched between the Interstate and the rail line. A former trolley line running through West Cumberland is now used as a gas pipeline.

Sidewalks and Pedestrian Paths

The road standards for residential subdivisions require sidewalks. Currently a sidewalk does line Main Street and short portion of Tuttle Road. The Greenbelt Plan suggests a series of pedestrian trails throughout the town. Many of the proposed trails cross private property, where permission for the public to pass has not been granted.

The cluster housing provisions of the zoning ordinance have resulted in donation of open space to the Town. Many of these parcels provide great opportunities for pedestrian paths, either as part of a larger trail system or as independent trails. In some cases the town accepts narrow

pedestrian access easements, as future access through a development. The most preferred method of providing this type of access is an easement, no wider than 20', running along a property line. The problem with this method is that wet areas, steep slopes, etc., may prevent this area from being used in practice, thus making the easement good only on paper.

Gaining pedestrian access to a site during subdivision review is a first step in creating and/or preserving a system of pedestrian trails. In accepting easements as part of the review, any historically used trails should be preserved in their existing location as much as possible. If no trails exist on the property, any easements that are accepted should be wide enough, to allow a trail to meander through it, or to allow a trail to avoid wet or other undesirable areas.

Goals

1. To develop road standards which match the use they will service, to continue a standard of high quality roads which need minimal maintenance on the mainland and Chebeague Island.
2. To ensure that all private roads are built to a standard that will allow the town to provide public services.
3. To provide safe roads in good conditions.
4. To strive for safe roads for bicycles and pedestrians.
5. To take steps to encourage residents to use alternate forms of transportation.
6. To encourage a trail system throughout the town.
7. To manage and control through traffic so as to minimize adverse impacts and assure safety for residential neighborhoods.
8. To encourage adequate, affordable, and uninterrupted transportation to and from Chebeague Island.

Recommended Actions

1. Have the Planning Board develop standards which are based on the level of use the road is expected to have on the mainland and on Chebeague Island. *(Recommendation from Planning Board at the time the plan is adopted)*
2. Have the Planning Board develop standards for private roads that ensure such roads will be built to a standard which will allow town vehicles to safely use them. *(Recommendation from Planning Board to Town Council at the time the plan is adopted)*
3. Have the town staff research areas with high accident rates, determine why the accidents occur and develop a schedule to correct the problems. *(Complete within 10 months of the Plan's adoption)*
4. Using the Tuttle Road byway as an example, have the Long Range Planning Committee re-evaluate the Byways Plan. *(Complete within 10 months of the Plan's adoption)*
5. Have the Long Range Planning Committee explore the possibility of developing a park and ride lot to encourage car-pooling, or future rail or bus service. *(Complete by December 1998)*
6. Encourage the Town Council to continue discussions on the state and local level to ensure that adequate parking and transportation is provided to Chebeague Island residents. *(Ongoing)*

7. Have the Islands Committee make recommendations regarding parking to serve island wharves.
8. Town staff to recommend and coordinate town actions relative to wharves on Chebeague Island.

Recreation and Open Space

The quality of life in Cumberland is significantly affected by the extent to which residents have access to a variety of recreational facilities and the natural environment. As the population grows, the demand for more recreational facilities will grow.

The Maine Bureau of Parks and Recreation has established recommended levels of recreational facilities, based on population. The town and M.S.A.D. #51 has 7 softball and little league fields, 2 baseball fields, 4 indoor basketball courts, 3 1/2 court outdoor basketball courts, 7 multi-purpose fields, 1 indoor swimming pool, 2 ice skating rinks, 3 playgrounds, 2 recreation centers, and the Town Forest which is used for a nature study, walking path and cross country skiing. Based on the state recommended levels for recreational facilities, the town is in need of a swimming facility, an ice skating rink, a playground, and picnic areas.

The town recently purchased 250 acres of raw land now referred to as the Twin Brook Recreation Area. Three all purpose fields are complete, as well as a series of walking and skiing trails. A picnic area is scheduled to be complete by the summer of 1998.

A recreation center on Chebeague Island was completed in the winter of 1998. Capital funds for the building were raised privately by an island non-profit organization. The town donated the land, and will continue to support the facility by providing some of the operating expenses.

Planning for additional facilities, which are currently adequate should not be overlooked. These figures represent estimates based on state standards. The Cumberland Recreation Advisory Board has reviewed these recommendations and suggests that an outdoor basketball court is needed for summer use. The swimming pool at Greely High School is adequate for the current population, and renting ice space in neighboring communities is being considered. The committee has also suggested the need to provide facilities in North Yarmouth and in Cumberland.

Recreation Programs

The Cumberland Recreation and Community Education Department offers a variety of recreational and educational programs for people of all ages. Program costs are covered by registration fees, and overhead costs are covered by the general fund. The Town of North Yarmouth contributes annually to the Department; in return, North Yarmouth residents are able to register for classes. The Community Education and Recreation Advisory Committee oversees the programs of the Department. The Recreation Department continually strives to meet the changing program needs of the community.

The Recreation Department is responsible for maintaining the skating rinks behind the Public Works Garage, the West Cumberland Community Center and the lawn care of the two Little League Fields behind the Town Hall. The West Cumberland Community Center is used for recreation programs and can be rented by the public for special events. An Olympic sized swimming pool in Greely High School is maintained by the school department, and is open to residents when it is not being used by students.

Cumberland owns and operates the Val Halla Golf Course; an 18 hole golf course, and four tennis courts. The clubhouse and function room on the grounds can be rented by the public. The income generated by the golf course is adequate to cover its operating expenses.

Open Space

Cumberland residents have consistently valued open space and rural character. As a result of the last comprehensive plan, "cluster" residential requirements were adopted. Clustering

requires a developer to concentrate house lots on a portion of the property, and so leave the remaining land in its natural state as open space. The cluster provisions do not allow for more lots than would otherwise be permitted; but do provide for smaller minimum lot sizes. If a developer does not want to cluster the lots, a 6-acre minimum lot size must be maintained. Cluster subdivisions are required in the rural residential districts. In the medium and low density districts, cluster developments may be allowed, but are not obligatory.

In cluster developments, lot sizes for a single family house can be reduced to 30,000 square feet in the rural residential districts, and 20,000 square feet in all other districts. There is one exception: affordable housing proposals, on a parcel serviced by the public sewer, can have a minimum lot size of 10,000 square feet.

The open space land can be maintained by the landowners in the subdivision, or it can be dedicated to the Town, or a non-profit organization. The recent tendency has been for developers to either grant the town a conservation easement on the open space, or to dedicate the parcel, in fee. This is, in part, the result the Department of Environmental Protection (DEP) cluster development rules, where the DEP will waive certain reviews if a conservation easement, or land in fee, (meaning the town owns the land outright) is given to a municipality. The town does not have a method to appraise the value of the open space which is offered. Some parcels may have benefits as open space, but not be of any value to the town because of wetlands, soils, steep slopes, limited public access, remoteness, or the like.

Since 1990, land has been dedicated to the town as parts of the following subdivisions: the Common at Cumberland, Small's Brook Crossing, and Sunnyfield Farm. Pedestrian access easements have been granted through the Glenview, Adlerstein, and Newell Ridge subdivisions. Conservation easements to the town were included in the plans of the Adlerstein, Newell Ridge, Kerri Farms, and Small's Brook Crossing, Valley Road, Idlewood, and Rock Ridge Estates subdivisions.

Existing regulations have been successful in protecting land from development and for increasing public access to these areas, however, the Town has yet to provide for managing these lands for their best use. Uses might include woodlot management, preserving wildlife habitats, creating walking, cross country skiing, and snowmobile trails, and preserving scenic vistas.

A Greenbelt Plan indicates existing and/or potential trails. In some cases the land used for these purposes is owned by the Town or by a utility, such as power line rights-of-way. In other cases trails pass over private property which the owners have traditionally permitted people to use. There is currently no mechanism to preserve these trails if a development is proposed on the property.

A Byways Plan, adopted in 1989, indicates those roads which would most benefit from paving the shoulders to accommodate bicycle and pedestrian traffic. In places, the byways and greenbelt trails intersect.

Waterfront Access

In the community survey conducted for this plan, 42% of the respondents said it was very important to have public access to water bodies, 27% agreed this was somewhat important. While it is commonly agreed that waterfront access is good and necessary, securing the access points has proven to be both expensive and difficult.

On the mainland, waterfront access to the ocean is restricted to Town Landing. The road is steep and narrow from Route 88 to the water's edge. The current pavement width is approximately 14' wide, with drainage swales on both sides. There is minimal parking at this site and a 12' - 15' embankment of rocks has to be scaled down to actually get to the shore.

The water can be reached on Chebeague at Stone Pier, Division Point, Sunset Landing, Chandlers Cove, Bennett Cove, Johnson Cove, Waldo Point, Central Landing, Cordes Road,

Jenks Landing Road, Fenderson Road, Soule Road, Wharf Road, and Hamilton Beach. Numerous other right-of-ways are thought to be open for the public to use; however, the exact locations and status of these places are unknown, to the Town. The town has been awarded a \$1,000 grant in 1998 to research paper streets on the Island that could provide access to the water.

Forest Lake in West Cumberland is the town's only freshwater body, and it is divided among Cumberland, Gray, and Windham. There is no public access to the lake in any of these towns. The Cumberland shoreline of Forest Lake is densely built-up and has no large parcels of undeveloped land. The only remotely feasible alternative would be to cooperate with Windham and/or Gray to gain access to the lake.

Goals

1. To continue to provide a wide variety of educational and recreational programs for the community.
2. To manage town owned land for its best use.
3. To continue to accept parcels of land for town use that have proven high value for public use.
4. To encourage a trail system throughout the Town for bicycles and pedestrians.
5. To continue to pursue access to the shore.

Recommended Actions

1. Have the Town Council develop a management plan for town owned land. *(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)*
2. Have the Town Council develop a system to evaluate parcels of land being offered to the town for their value to the public. *(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)*
3. Have the Long Range Planning Committee develop an Open Space Plan for the Town which considers where and how open spaces are used, and what open space requirements will be needed in the future. *(Completed within 10 months of the Plan's adoption)*
4. Have the Long Range Planning Committee consider a variety of land acquisition methods for preserving open space and providing public access. *(Recommendations to be included in Open Space Plan to be completed within 10 months of the Plan's adoption)*
5. Have the Conservation Commission encourage the preservation of trails and access points traditionally used by the public. *(Ongoing)*

Public Facilities

Historically comprehensive plans were developed to plan effective and efficient municipal facilities. While plans have evolved to include a wider variety of topics such as natural resources, and housing and recreation; the location of certain public facilities will influence the growth and development of a town.

Water supply

The Portland Water District (PWD) is the public water supplier in Cumberland. PWD services Cumberland with water from Sebago Lake. The community well off Greely Road that previously

provided water to Cumberland Center will no longer be needed.

The PWD has mapped the recharge area of the community well on Greely Road. As stated earlier, this well is scheduled to be abandoned, by the district, in the next few years. The future use of the well and water tank in Cumberland Center, after the water line is connected is unknown. Preserving the water quality of the well until that time, and for future use is important. If, and when, the Portland Water District decides to no longer use the well, the Town should take steps to obtain ownership. There is currently no wellhead protection plan for the community well.

The PWD is not planning any other expansions in Cumberland. Any extensions of the water system, aside from the connection described above would be at the expense of a developer or the town.

The Portland Water District is a quasi-municipal corporation. An elected Board of Directors oversees the functions of the district, and is responsible to approve budgets, and make policy decisions. All of PWD's systems are financed by user fees paid by all customers; both capital and operating costs.

Control of the water system is not a function of the Town of Cumberland. Protecting the water quality of the wells on Greely Road by participating in the voluntary State Wellhead Protection Program, can be recommended to the Portland Water District.

Sewerage

The Cumberland sewer system serves a portion of the homes in Cumberland Center and the Foreside. Completed in 1985, the system was originally designed for 750 households as a remedy for existing pollution problems, but now has been upgraded to serve 1,100 homes. The system is owned by the Portland Water District. Waste is treated at the Waste Water Treatment Plant, in neighboring Falmouth.

The operating and debt costs of the system are paid for exclusively by the users. User fees, in the form of a monthly bill, are paid to cover the operating cost of the treatment plant. Sewer units are sold for \$2,000 each to cover the capital costs of the system; a readiness-to-serve charge is also assessed to holders of sewer units which are not being used.

Expansions to the sewer system are considered on an as-needed basis. The purpose of the system is to remedy existing pollution problems with no other solutions. The system was not built to encourage growth; however, its presence can direct growth, in certain areas.

Continued residential and commercial growth in Cumberland is inevitable. Growth directed towards areas which are currently served by the sewer will not only protect the natural resources of the town, but will also enable the service to be provided more efficiently.

Municipal Line Departments

Municipal line departments include police, fire, rescue, public works, recreation, welfare, and general administration. Each department has an annual budget for limited capital expenditures. For example, municipal vehicles are paid for from the operating budget. The more significant projects such as a new building, or a computer system are included in the Town's five year capital budget.

The fire and rescue departments depend on volunteers to respond to calls when they come in. Currently the fire department has 60 volunteers on the mainland and 24 volunteers on the Island. The fire chief is a part-time paid position. The Fire Department maintains 3 fire stations; Central Station in Cumberland Center, West Cumberland station on Blackstrap Road, and the Public Safety Building on the Island. In 1996 (January - November), 219 fire calls were answered.

The Rescue Department has 1 full time chief, and 35 volunteers. An ambulance is kept at all three fire stations. Currently the rescue department does not charge any fees for services; insurance companies however, do cover the cost of transport to a hospital. A proposal to charge

for services, based on what insurance paid for emergency transport to a hospital, is currently under study.

The Police Department has 1 police chief, 8 full-time officers, 3 part-time officers, and 1 secretary. The main police station is in the Town Office, on Tuttle Road. Police protection for Chebeague Island, during the winter months, is on an as needed basis. In the summer, an officer is on the Island daily for a 10 hour shift. An apartment was built in the Public Safety Building, on the Island, for a police officer.

The fire, rescue, and police department use a dispatch center in the Town Office. The center is staffed with 4 full-time employees and 4 part-time employees. The dispatch center also receives calls for repairs at the town-owned senior housing project and on an emergency basis for the public works department.

Voluntary emergency service departments in a bedroom community are commonly faced with the problem of a department members being out of town at jobs during the day causing a shortage of daytime fire fighters. Public works department employees are all trained as fire fighters to be available when needed. Growth will constantly increase the need for volunteers.

The Public Works Department (PWD) is staffed with 1 director, and 8 full-time employees. Two of the full-time employees are stationed on Chebeague Island. The department has constructed a new municipal garage and salt shed on the Island in the summer of 1995. The department has numerous back-up employees who work when needed, such as during big storms.

Public Works has assisted the town-owned senior housing project and the school department on certain projects, to help keep the cost down. PWD also assisted in the 1996 Val Halla expansion, and built the access road on the Dillenback property, resulting in significant savings to the town.

The Recreation and Community Education Department is staffed with 1 full-time director, 1 full-time secretary and a part-time assistant. This department sponsors numerous adult education and recreation programs, as well as a GED preparation class.

General Administration includes the Town Manager, part-time Assistant Town Manager, and their receptionist; a Town Clerk; an Office Manager and three associated assistants. A planning, codes, and assessing department is staffed with 1 full-time planner and zoning administrator, 1 full-time assessor, and a secretary. The positions of building inspector, plumbing inspector, and electrical inspector are all filled with part-time employees.

Growth will continue to increase the need for public services. All of the services provided have a capacity at which they can function efficiently and effectively. When the existing capacity is reached, the cost of providing public services such as fire, and rescue services will increase dramatically. For example, at what point will the town have to go from a volunteer fire department to a paid department, or at what point will new schools or recreation facilities be needed, all of which will put a demand on property tax revenue. Establishing the cost of growth is a difficult task, the town was awarded a Community Development Block Grant to determine the cost of growth and its impact on low and moderate income households. This study will start in 1998.

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.

- To protect the water quality of the community wells.

Recommended Actions

- Continue to require developers to pay the full cost of extending sewer lines. *(Ongoing)*
- Encourage the Town Council and the Town Manager to pursue opportunities to share public services with adjacent communities. *(Ongoing)*
- Have the town staff cooperate with the Portland Water District in developing a wellhead protection area around the wells on Greely Road. *(Recommendation to Town Council within 12 months of the Plan's adoption)*
- Encourage continued cooperation between the School Board and the Town Council. *(Ongoing)*
- Implement the recommendations of the Community Development Block Grant.

Fiscal Capacity

The fiscal capacity of the town, expressed in this chapter, is the overall assessed value of property and tax rates, the town's expenditures and revenues, and its borrowing history and borrowing capacity. In all cases, past years are analyzed to determine any trends in the fiscal health of the community.

Assessed Value

The basis of a municipality's revenue is its property valuation. The tax rate is set each year based on how much is needed to meet the annual budget and the value of property within the town.

State and Local Assessed Values						
Year	local assessed Assessed	% increase from previous year	State assessed value	ratio of local to state assesed value	tax rate	% change from previous year
1985	\$135,124,000	3.97%	\$156,000,000	86.62%	21.25	
1986*	\$277,374,000	105.27%	\$176,150,000	157.46%	11.75	-44.71%
1987	\$299,272,000	7.89%	\$208,750,000	143.36%	13.00	10.64%
1988	\$322,015,000	7.60%	\$265,050,000	121.49%	14.00	7.69%
1989	\$335,890,000	4.31%	\$322,750,000	104.07%	15.15	8.21%
1990	\$344,926,000	2.69%	\$396,500,000	86.99%	16.65	9.90%
1991	\$352,013,000	2.05%	\$430,950,000	81.68%	17.90	7.51%
1992	\$362,198,000	2.89%	\$455,450,000	79.53%	18.50	3.35%
1993	\$371,794,000	2.65%	\$415,550,000	89.47%	19.00	2.70%
1994	\$381,449,800	2.60%	\$421,250,000	90.55%	19.50	2.63%
1995	\$391,765,000	2.70%	\$428,450,000	91.44%	20.10	3.08%
1996	\$400,228,000	2.16%	\$444,700,000	90.00%	20.70	2.99%
1997*	\$490,110,200	22.46%	\$470,050,000	104.27%	18.00	-13.04%
	* revaluation					

Source: Cumberland Assessing Department

Municipalities and the state both track property valuation. The local valuation is closest to actual market values only in the years in which a municipality conducts a revaluation when values are upgraded to 100% of market value. The state's valuation is adjusted each year to better reflect true market value.

A comprehensive property revaluation was completed in 1997. The average value of property increased 27%. The greatest increase in value was realized by waterfront properties; 139% on Chebeague Island and 41% on the mainland. The method of valuing raw land was also changed in the revaluation. Annual increase in total local assessed valuation, in years when a revaluation has not been done, are attributable to new houses, commercial development and improvements to existing property. Since 1990, the local assessed valuation has been growing at a slow but steady pace. While the tax rate has increased annually, the increases have slowed considerably since 1991.

Approximately 4% of the tax base is commercial and industrial, 3% is seasonal property and the remainder is residential (these figures include vacant as well as developed parcels). Of the vacant parcels in town, approximately 72% are zoned for residential use, the remaining 28% being zoned for commercial and industrial uses. Thus, the growth pattern will be predominated by residential use, with an opportunity to expand the commercial tax base to a small degree.

Revenues and Expenditures

The Revenues and Expenditures chart is included to show a general breakdown of where the Town's money comes from and how it is spent. In 1997, property taxes represented 80%-of the total revenue, with "other taxes" (predominately made up of excise taxes) being the next largest contributor, over to 10% of the total revenue. As comparison, in 1990, property taxes were 84% of the total revenue, while other taxes were 6% of the total. State revenue-sharing makes up the greatest portion of intergovernmental revenue, and it fluctuates on an annual basis. The category of "other" revenue realized, by far, the greatest percent change (332%) between 1990 and 1997, in addition this category went from .8% of the total budget in 1990 to 2.3% of the total in 1997.

Education comprises 57% of the total budget in 1997, compared to 54% in 1990; overall education spending saw a 59% increased change between 1990 and 1997. . During the period analyzed, the percent of the total budget spent on education remained relatively constant. This expenditure can be expected to increase in future years due to the expansion of the Mabel Wilson School.

In 1997, the second largest category of expenditures was public safety. Of this category police services comprised 67% of the total, fire 23%, and rescue 8%, the remaining funds in this category are spent on the plumbing and electrical inspector. This breakdown of spending within the public safety category remains relatively constant over the six year period.

Health, sanitation and welfare, 5% of the total budget, grew at the second highest rate for all of the expenditures. Waste disposal represents almost 96% of this group. In the fall of 1988 the Town changed to curbside pick-up rather than use of an open landfill; therefore, the largest increase in this category was between 1988 and 1989 when a 121% increase was realized. In 1993 the transfer station opened on Chebeague Island creating an increase in that year.

The fee paid to Cumberland County represented 4% of the total 1997 Cumberland budget; however the percent of change since 1990 is the most dramatic of any category at 90%. Every town in Cumberland County has seen a similar increase in its required contribution to the county. The increase, in large part, is to cover the debt and operating cost of the new county jail in Portland.

While overall expenditures have seen a 48% change from 1990 to 1997, since 1990 annual increases ranged from 3% to 10%. One of the reasons the Town has been able to keep the budget increases at a low level is its frugal money management. Any funds not spent in the budget are put into an undesignated surplus fund. This fund is used for unexpected expenses and for making capital purchases without having to borrow. The fund means the town is able to accumulate interest, rather than paying interest.

Borrowing Capacity

In general terms, borrowing capacity is the outstanding debt compared to assessed valuation, or a town's ability to raise revenue from property taxes. The State has set a legal limit that a town's outstanding debt not exceed 15% of the state's assessed valuation. The rule of thumb; however, is that debt should not exceed 5% of the state's assessed valuation, or 5% of the town's per capita debt.

Included in the town's outstanding debt is Cumberland's share of MSAD #51 debt; not included would be the North Yarmouth share and any amount being paid by the State Department of Education. As the above chart shows the Town is well within its legal limits of borrowing, and is within any "rule-of-thumb" guidelines.

Goals

1. To continue to work with MSAD #51 to discourage large increases in the school budget.
2. To encourage the town to explore alternative revenue sources, other than property taxes.

Recommended actions

1. Encourage the Town Council to adopt an annual fee schedule which fairly reflects the cost for the town to administer the subject regulated. *(Complete within two months of the Plan's adoption)*

Zoning and Growth Management

1949 - present

"Preserving the rural character" of Cumberland is a theme that turns up in all of the Town's previous Comprehensive Plans. What "rural character" actually means can vary greatly from community to community and from person to person. A public opinion survey, sent out to all property owners in December of 1994, provides some insight into what residents themselves value and want to protect. "Rural character" can thus be characterized in Cumberland as areas including agriculture and forest lands, large areas of contiguous undeveloped land used by wildlife, for resource protection, and for outdoor recreation. They may include important natural resources and scenic open spaces and may have low density development interspersed among fields and woodlands.

Among the estimated 28% of surveys that were returned, the amenities most often cited are undeveloped woods and fields, working farms, trails, and public access to water bodies. For comparison, things that were cited as not important were: more commercial activity, the ability to earn a living in town, access to the Maine Turnpike and Interstate 95, and more shopping facilities.

Cumberland citizens have used zoning to accomplish the preservation of rural character since 1949, when the first Zoning Ordinance was adopted. The opening words of the 1949 Ordinance read:

"In accepting the appointment, your committee unanimously agreed that the first duty devolving upon them was to approach the problem from the

viewpoint of steadfastly maintaining the traditional heritage of this community as being a town of Homes and Farms, and to this end we have devoted our efforts.

We feel that the attached ordinance will serve this community fairly and impartially for many years and that each and every resident of our town will be benefited by the broad provisions that are embodied herein.

We further feel that it will tend to promote the general welfare and growth of our community and preserve its natural resources and beauty while guaranteeing to this and future generations that the town of Cumberland will continue to be a desirable place for people to dwell together in harmony and accord, and to this end we have given our best that it might be accomplished.”

Although the Zoning Ordinance has evolved to manage the density and patterns of growth, rather than land uses alone, its purpose remains the same today as it was in 1949.

Satellite images and aerial photographs clearly show the results of many years of zoning and planning — a moderately-densely developed town center, and a second concentration of development along the coastline. In the remaining rural sections of town, development is scattered.

The current Zoning Ordinance was adopted in May, 1984. This ordinance defines five residential districts (four on the mainland and one on the Great Chebeague Island). Minimum lot sizes range from four acres to one acre. These lot sizes were based on a groundwater study done in 1988 which determined the quality and quantity of water and its distribution through the Town. The Rural Residential (RR) 1 district, with a four acre minimum lot size (two acres if the lot is serviced with public sewer) comprises approximately one-third of the land mass of the residential districts. The RR 2 district, with a two-acre minimum lot size, is another one-third: and the low-density and medium-density districts combined make up the remaining third. In total, residential districts make up approximately 90% of the town’s land mass.

Projecting new housing starts based on 1990 through 1997-data, an average of 49 houses are built each year. Of these, approximately 3 houses can be expected to be built on Chebeague Island. A buildout study conducted by the Cumberland Long Range Planning Committee has determined that there are a total of 3,354 lot available for development, assuming current minimum lot sizes. Of these lots, 263 are located in the MDR district, and 294 are in the LDR district; the remaining lots are either zoned for commercial use or are located in the Rural Residential districts.

Commercial development is most likely to occur in the Office Commercial district along U.S. Route One, and the Highway Commercial and Local Business districts along Route 100. Both districts are located along a major road corridor. The Office Commercial district does have accessibility to public water and sewer, by extending existing lines.

The Zoning Ordinance also includes protection of fragile areas from development through the Shoreland Zoning provisions and the Aquifer Protection districts. Shoreland Zoning includes six overlay districts, and general regulations on uses in shoreland areas. The Shoreland Zoning adopted by the Town reflects the state’s requirements. More than half of the town is over a sand and gravel aquifer. To provide protection to this fragile resource, an Aquifer Protection overlay district was adopted as part of the Ordinance. Uses determined to be hazardous to the aquifer are strictly prohibited; other uses are permitted only by a positive finding of the Planning Board.

The Town of Cumberland has been concerned with growth and development for over forty years, as illustrated by the adoption of multiple Comprehensive Plans and Zoning Ordinances. Although the town has been transforming from a farming community to a residential community, the same goals to maintain a rural community and to provide diversity remain constant. The

current Zoning Ordinance has a long standing track record of providing the residents with the protection they need against undesirable development.

Preface

In 1997, faced with increasing kindergarten enrollments, the constant need for more school space, increasing demands on municipal services, and an increase in applications to the Planning Board for residential subdivisions, the Town Council questioned whether growth was being managed effectively and adequately. A workshop to learn more about what can be done to manage growth was held at Val Halla on April 14, 1997. The guest speaker, Evan Richert, Director of the State Planning Office, gave a presentation on the topic.

The Town Council appointed the Growth Management Committee, an ad hoc committee to discuss what the town was doing to manage growth and to recommend alternatives. The committee are Phil Gleason, chair; Beth DellaValle, vice-chair; Phil Hunt, Jeff Daigle, George Turner, Charlie Googins, Beth Howe, Field Griffith, Bob Arsenault, and Peter Maher. Given the assistance of consultant Mark Eyerman of Planning Decisions in South Portland, they developed the future land use plan.

Given minimal new housing construction on Chebeague Island (six permits for new houses on the Island in 1995, three in 1996, and one in 1997), it was determined that Chebeague Island is not experiencing an alarming rate of growth, and that current zoning on the Island is effectively managing the rate of growth, notwithstanding environmental factors that may necessitate changes.

Future Land Use Plan

The loss of a field, farm, or a patch of woods to a housing development has not only an aesthetic impact, but can also disproportionately increase the cost of providing municipal services. Although growth can't be stopped, it can be slowed down, discouraged in some areas, and/or directed to other areas. Managing growth intends to preserve, to the extent possible, the very characteristics that attracted people to Cumberland, and to minimize the fiscal impact that growth has on the municipal budget. This document: 1) identifies the impacts of growth on the community, 2) lists objectives, and 3) recommends actions to meet each objective.

The Impacts of Growth

The committee did not agree unanimously that all of the impacts listed below were negative, nor that they should be treated equally. Much of the concern of the committee centered around what could or will happen rather than what has happened. Therefore, clarifying statements are included for each impact.

•Impact One - Increasing School Costs

Single family residential growth results in increased school enrollments that some citizens perceive cause increases in property taxes, when the local cost of providing educational services may exceed the property tax revenues derived from the new housing.

•Impact Two - Diminishing Rural Character

Some citizens believe that residential development is changing the character of the community, from a rural landscape with access to the land, and farm and forest activities into a suburban landscape with less open land, and a diminution of traditional resource activities.

•Impact Three - Increasing Pressure on Municipal Services

Increased residential development not only increases the demand on municipal departments to provide services to the new housing, but also as the Town changes from rural to suburban the kinds and level of services demanded of the Town changes, thereby increasing municipal costs.

• **Impact Four - Characteristics of the Population**

There is a perception that new residential growth is resulting in a town that is less diverse than it has been historically since most new housing is of similar character and high price range.

• **Impact Five - Loss of Open Space**

As residential development occurs, the amount of open land in the town is shrinking. Thus residents' ability to use the land for traditional recreational activities is limited, and municipal facilities are overtaxed.

• **Impact Six - Increasing Pressure on Traditional Resource Occupations**

Residential development is seen to limit the ability of fishermen, farmers, and foresters to continue to practice their occupations. Access to the shoreline is shrinking and residential development encroaches on farms, fields, and woods.

Objectives and Recommended Actions

Seeking to deal with these impacts, the Growth Management Committee has identified three broad categories that the future land use plan should address. They are; 1) to minimize the necessity for a landowner to develop, 2) to offer alternatives to development, and 3) to maintain the rural character of subdivisions in rural areas.

To those ends, the plan recommends: 1) providing information to landowners if they want it, 2) acquiring land, and 3) amending the zoning and subdivision ordinances. The overall goals are to minimize the cost of providing public services to residents, and to maintain the rural character of the community.

MINIMIZE THE NECESSITY FOR A LANDOWNER TO DEVELOP

Owners of large parcels of land should not be so burdened by the cost of keeping land that they are forced to sell. We understand that property owners value their land for different reasons. Some might hold it as an investment which must be realized at some point, and others might value the land as a natural resource, such as farming and/or forestry. Land might also be held for privacy, or for tradition. For whatever reasons they hold land, the cost of property taxes alone should not force landowners to sell it.

In Cumberland, 130 parcels are 25 acres or more, representing 6572 acres. Currently 37 of those parcels (2229 acres) are enrolled in a "current use" tax program, commonly known as tree growth, open space, or farmland. By enrolling in these programs the assessed value of the land drops considerably. These programs are administered by the Town, yet all rules regarding reductions in value and penalties are set by the State.

The State also has a "circuit breaker" program by which a portion of the property taxes may be refunded if a household's income falls below a certain limit. This program is administered by the State with no local involvement.

Another possible method of reducing the tax bill on a parcel of property is for the landowner to agree not to develop for a specific period of time. Typically, the agreement not to develop is executed by granting a conservation easement to the Town. A lease between the Town and the landowner specifies the duration of the easement. In this instance the Town establishes the rules of the program.

An "easement" is the conveyance by landowners of some rights associated with a parcel to someone else. The land continues to be owned by the grantor of those rights. Easements can be specific about what rights are being transferred: some examples are: a utility easement allowing electrical, phone, cable and other utility lines to be placed on someone's land, and a drainage easement allowing water to pass freely over another's land. The easement rights referred to in this plan generally restrict or limit the ability to change the current use of the land for a specific amount of time.

Objective 1 - Keep rural land in its historic ownership and historic use

Recommended Actions:

1. Encourage the assessor to review state law to assure that valuations of rural land reflect any changes in those laws that could reduce the tax burden for owners of this property.
2. Promote the awareness and use of "current use" taxation programs, through a coordinated municipal program.
3. Encourage landowner awareness of the state property tax and rent refund programs.
4. Establish a municipal open land easement or lease program, by which the Town acquires limited-term conservation or scenic rights from the owners of "high value" open land. Determining what land has "high value" would be a component of an open space plan. The duration of the easement or lease would be specific, such as five or ten years and would include an option to renew. Development of the land would be prohibited for the duration of the easement or lease. Certain restrictions may be imposed on the easement or lease, for example: such as a valuable field might have to be mowed. The value of the easement or lease would be determined by the Town Council and would either be paid to the landowner by the town as an annual payment or as a property tax reduction.

OFFER ALTERNATIVES TO TRADITIONAL DEVELOPMENT

Landowners may need or want to sell all, or part, of their land regardless of the tax burden. In these situations, options should be available to minimize or postpone the impact of the development. First, can development be avoided or postponed by the Town's acquiring the land. In situations in which municipal acquisition of the land is not possible, the town can still play a part in reducing the repercussions of the sale.

Land acquisition by the town has a significant up front cost. If property has some qualities that meet a public goal like size, location, topography, current use, and/or potential municipal use, acquisition may be desirable. (The Twin Brook Recreation Area is an example of land determined to meet a public goal.) The town may also want to purchase land with the intention that it be sold later for development that meets local goals.

Another alternative is for the Town to acquire only the development rights of a piece of land. The ability to develop property is determined by the zoning and subdivision ordinances. Given requirements such as minimum lot size, road frontage, and net residential acreage density calculations, a parcel can have a certain number of lots. When development rights are acquired, only the value of what could be put on the property, or development potential is purchased. Once the development rights are severed from the property, the land still has value, but the ability to create new lots is lost.

When developing the land is the only option, local zoning regulations that allow for more creative development patterns might benefit both town and landowner. Rigid development regulations, although predictable, may result in an undesirable, or less desirable development pattern that neither the town nor the landowner are satisfied with. More flexible regulations, to allow each piece of land to be looked at individually and to allow development to occur in the most sensible and logical areas are needed. At the same time land might be saved for aesthetics, wildlife, recreation, or other uses. For example, rural lotting, described in more detail below, allows for a reduction in minimum lot size in return for a permanent easement on the remaining land.

These provisions apply to lots that are created, but not subject to subdivision review by the planning board. Whether or not a lot is subject to subdivision review by the Planning Board is

established by overriding state law. A subdivision is the creation of three or more lots in a five year period; however, a number of exemptions do exist which may allow for more lots to be created in certain situations without triggering subdivision review. Flexible regulations can be particularly beneficial in preserving farms, significant woodlots, and homesteads. For example, a farmer might be allowed to create a lot smaller than the minimum lot size, in return for placing a permanent conservation easement on a portion of the valuable farm land. The necessary return would be realized from the sale of the lot(s), yet the farm would still be intact; both farmer and town win. In the long run, if and when the same farm is sold, the value would be reduced to the point where a buyer might be able to sustain a viable farm operation because all of the development rights are gone.

Objective 2 - Provide alternatives to traditional residential subdivisions for the owners of rural land who have a need and/or desire to develop and/or sell their property.

• Avoid or postpone development

Recommended Actions:

1. Regularly fund a Town program to purchase high value rural land or the development rights to such land.
2. Establish a “right-of-first refusal” or “right-of-first option” to allow the Town to purchase high value rural land if and when the owners decide to sell their property. The program should allow the Town the ability to sell and/or develop land acquired through this effort as long as the Town’s overall goal is met.
3. Continue to encourage and support the local land trust’s efforts to purchase or get donations of land and to work to focus this effort on key rural land.
4. Fund a rural landowners advisory service to work with landowners to explore alternatives to the sale of traditional subdivision of parcels.

• Limit or minimize development

Recommended Actions:

5. Create a committee, acting on behalf of the Town Council, whose charge it would be to work with landowners interested in selling land for development or in developing the land themselves. The committee’s responsibilities would include recommending a development scheme that would preserve, to the maximum extent possible, the rural character of the land while getting the landowner a reasonable return. The committee’s recommendation may involve the town purchasing the land to develop or subdivide it creatively with appropriate open space preservation.
6. Increase the flexibility of the Town’s zoning regulations to allow alternative patterns of residential development in the Rural Residential districts, such as:
 - a) “Rural lotting” in which an owner of a large parcel is allowed to cut off small lots (smaller than the minimum lot size in a particular zoning district) that aren’t part of a subdivision. The lots could have private access and limited or no frontage on a Town road. In return, the owner would have to “landbank” an amount of land needed to meet the density requirement of the zone in which it is located. For example, if 4 acres is required, a 1-acre lot may require that 3 or 4 additional acres be “banked” through conservation restrictions or similar devices. In effect, rural lotting severs the development rights from one section of a piece of property and places them on another section of the same piece of property.
 - b) Reviewing and revising, if necessary, the Town’s back lot provisions to allow the creation of individual large lots with little or no frontage on a public street.

- c) Not requiring “cluster development” for these types of alternative development.

MAINTAIN THE RURAL CHARACTER OF SUBDIVISIONS IN RURAL AREAS

Fifty seven percent of all of the new homes built in Cumberland between 1985 and 1997~~6~~ were built in subdivisions approved by the Planning Board. Based on development historical trends subdivisions will continue to be developed. Thus, it is critical to minimize the aesthetic and environmental impacts of these subdivisions.

All of the recommended actions in this section require changes to the zoning and subdivision ordinances. The first area of concern is the “clustered residential development” standards of the zoning ordinance. The second concern is preserving the appearance of major roads.

“Clustering” requires a developer to concentrate house lots in one part of his/her property, and, by doing so, to leave the remaining land in its natural state as open space. The cluster provisions do not allow for more lots that would otherwise be permitted; but do provide for smaller lots with reduced road frontage. Clustered subdivisions are required in the rural residential districts, or a 6-acre minimum lot size is required. In other districts clustering is allowed but not required. The density of a development is determined on a lot-by-lot basis using the net residential density calculations defined in the zoning ordinance. The net residential acreage calculation deducts certain lands from the total acreage, then divides the remaining land by the minimum lot size in the area, resulting is the number of lots that can be placed on the parcel.

Questions regarding clustering have been raised by the planning board as well as the public. In particular, the quality of the open spaces being preserved, and the appropriateness of the areas being deducted in the net residential acreage calculations have been debated. Now that the planning board has significant experience with the cluster provisions, adjustments may be opportune.

The Comprehensive Plan recommends that an Open Space Plan be developed. One component of this plan would be to determine what areas in Cumberland are of “high value”. “High value” may mean a significant vista, a valuable wildlife habitat, a link to recreational areas, prime agricultural land, and the like. With these areas documented, the Planning Board can ensure that they will be protected, or that development in these areas is minimized.

Preserving the “look” of major roads is another component to this objective. This is not to suggest that development is prohibited along major roads, but that it should be buffered, or steered elsewhere.

Objective #3 - Assure that the residential development that does occur in rural areas maintains the rural character to the maximum extent reasonable

- **Subdivision and Zoning Ordinance design standards amendments**

Recommended Actions:

1. Revise the formula for calculating the net residential density of development in the RR 1 and RR 2 districts by adjusting the deductions for “difficult to develop” areas and that a percentage of open fields, lands adjacent to roads, or land with particularly high scenic value be deducted in calculating the number of units allowed on the parcel to encourage developers to leave this type of land out of the development scheme.
2. Explore creating a system that designates areas with resource value and requires the development to maintain the open space value of the parcel, again to encourage the developers to leave this type of land out of the development scheme.

3. Amend the cluster provisions so that lots do not necessarily have to be clustered if located in the RR districts. Develop criteria for the planning board to use as a guide in determining which projects should be clustered and which should not.

For example, if the property to be developed contains a significant field, it should be clustered to avoid the field as much as possible, and if the field is hayed, that use should continue. If the development is to be clustered, there should be a minimum road frontage for the open space.

- **Preserve the rural roadscape along major roads**

4. Restrict the creation of new residential lots in the RR1 and RR2 districts fronting directly on major roads (Tuttle Rd, Longwoods Rd., Range Rd., Blanchard Rd., Greely Rd., Greely Rd. ext., Bruce Hill Rd., Pleasant Valley Rd., etc.)
5. Require that in new subdivisions any home that is located within 400' of a major road be located on a lot with size of a least 4 acres.
6. Require that new subdivisions in the RR1 and RR2 districts preserve a buffer along the existing roads where there is a forested roadscape. In those areas where there are open fields, require a minimum setback of at least 75 feet.
7. Refine the subdivision standards to encourage homes to be sited at the edge of open fields or in the woods.