

**Land Use Committee
Town of Cumberland
Police Department Training Room
June 3, 2014 – 6:30 p.m.
Minutes**

I. Call to Order: Mr. Moriarty called the meeting to order at 6:30 p.m.

II. Roll Call:

Present: Steve Moriarty, Chair; Adrienne Brown, Catlin Byers, Ron Dillon, Beth Fitzgerald, Tom Foley, Chris Franklin, Peter Gagne, Lynda Jensen, John Lambert, James Orser, Jeff Porter, Sally Stockwell, Bob Waterhouse, Peter Bingham, Council Liaison, Shirley Storey-King, Council Liaison, Chris Neagle, Planning Board, Peter Sherr, Planning Board

Absent: Bob Maloney, Sally Pierce

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

III. Minutes of Previous Meeting – N/A

IV. Welcome and Introductions – Steve Moriarty, Chair stated this is a fifteen person committee which also includes Shirley Storey-King, and Peter Bingham as Town Council Liaisons, and Peter Sherr and Chris Neagle members of the Planning Board. Mr. Moriarty stated tonight's meeting is an organization meeting. He asked the Committee to give some thought to names for a Vice-Chair for the next meeting.

Mr. Moriarty asked the Committee members to introduce themselves and give a brief description of their interest in the Committee;

Penny Asherman, stated she is a member of the Cumberland Lands and Conservation Committee; whom she is representing this evening. She is not a formal member of this committee but the CLCC will have someone at each meeting.

Peter Bingham stated he has been on all of the Comprehensive Plan Committees; served on the School Board, Planning Board and is currently serving on the Town Council

Chris Franklin stated he has been a resident for eight or nine years on Range Road and his job is Director of the Land Trust in Cape Elizabeth; he has an interest in Land Use Planning.

Peter Gagne, of Hedgerow Drive stated he has been a resident for 32 years, is retired and thought it would be a good time to become involved.

John Lambert – of Wildwood stated he was on the Town Council from 1994 – 2001 and has served on two comprehensive plan committees.

Catlin Byers of Foreside Road stated she has been a resident for three years, and thought she would get involved in Town.

Ron Dillon of Bruce Hill Road has been a resident for 15 years, and served on the Planning Board and Town Center District Committee and currently serves on the SCORE committee.

Lynda Jensen of Mill Road stated she has lived in town most of her 57 years, and her family owned a lot of the land in the West Cumberland area belonged to her family, and she wanted to get involved in the Town.

Tom Foley, of Granite Ridge Road has been a resident for 15 years; he served on the Town Center District Committee and is interested in the Route One zoning.

Bob Waterhouse of Range Road has been a resident since 1981, he lives in the area with RR1 and RR2 zoning; he was interested in the update committee with no bias but felt it should receive an in depth review.

Beth Fitzgerald of Main Street stated she has been a resident for 30 years and wanted to get involved in her community.

James Orser of Native Way has been a resident for 40 years, and served on the Town Center District Committee.

Adrienne Brown of Bruce Hill Road thought the Committee would be interesting and thought it was time to get involved in Town.

Jeff Porter of Crossing Brook Road has been a resident for 40 years, served on the Town Council, School Board and many sub-committees, including Comprehensive Plan Committees.

Sally Stockwell of Range Road has been a resident for 25 years, and is a Wildlife Ecologist with the Audubon in Falmouth. She has served on the Lands & Conservation Committee, Open Space Plan Committee and the Rines Forest Committee; she has an interest in seeing quality development by preserving sensitive ecological features of the land.

Mr. Moriarty stated each member had a binder with zoning maps, zoning ordinances and information members might want to review prior to our next meeting. The meetings will run for two hours from 6:30 p.m. to 8:30 p.m. Mr. Moriarty stated the Committee has been tasked with a significant amount of work and the Council has requested a report by January, 2015. Mr. Moriarty asked about meeting two times a month on the second and fourth Thursday of the month.

Mr. Waterhouse asked if the deadline was an arbitrary date.

Mr. Moriarty stated it is a date provided in the Council Charge and probably not binding if the work is not complete.

Ms. Stockwell stated she would have difficulty meeting two times a month.

Mr. Orser stated he also would have difficulty meeting twice a month as he travels for business.

Mr. Moriarty stated committee members would have opportunity to serve on sub-committees; one of those subcommittees would be to work on the town wide survey. There is a copy of the 2007 survey from the 2009 Comprehensive Plan as a reference in each member's packet. This is not a full Comprehensive Plan Committee so the survey will not be as extensive. At the next meeting the Committee will appoint a survey subcommittee.

Ms. Nixon stated the last survey had open ended questions; these questions will deal with specific issues regarding the Rural Residential 1 and Rural Residential 2 and uses on Route One. Brian

Robertson of Market Decisions will be utilized to draft survey questions; with the intent on having a draft survey at the beginning of July to be mailed by the end of July, with results in early September.

Mr. Neagle stated he thought the sub-committees were a good idea.

Mr. Gagne asked if the sub-committee would meet on the second week.

Mr. Moriarty stated that would be determined by the Committees.

Mr. Moriarty stated the Town council will hold an advisory referendum on lot sizes in the November election. An advisory referendum is not binding; it will be used to get additional input from residents. He is aware of two previous advisory referendums which were whether to expand the library; and on Chebeague Island to limit guns to shot gun only.

Mr. Lambert stated in the past we have mailed surveys and held meetings to reach out to large land owners and received good participation; neighborhood meetings will get better input than a survey. These are hard issues and large land owners are a critical group.

Mr. Bingham stated those meeting were related to the Growth Management Ordinance, and we did receive valuable information.

Ms. Stockwell suggested a subcommittee to discuss on ways to engage public participation.

Mr. Moriarty stated they will do neighborhood meetings based on subject, and television live and re-broadcasts may be an option.

Ms. Storey-King reminded the Committee not to stray from the Council Charge; she also stated we needed to be aware of reaching the older generation which is Cumberland's largest demographic.

V. Review Town Council Charge: Mr. Moriarty reviewed the Council Charge as follows:

The Ad Hoc Land Use Advisory Committee shall review and make recommendations to the Town Council on the following:

1. The two rural residential zoning districts (RR 1 and RR 2) including but not limited to, their location, boundaries, lot standards, and allowed uses. The committee will also review the provisions of Section 315-6 (G) and 315-6B-(G) and consider if any changes should be made to the existing Rural and Growth areas as contained in the 2009 Comprehensive Plan. The town has had two and four acre zoning since the 1980s.
2. The Office Commercial (OC-S and OC-N) districts located on Route 1, including but not limited to, the location of the districts, the land uses allowed and lot standard requirements. The committee will also review the current Route 1 Design Guidelines.
3. Consider if a Conservation Subdivision ordinance should be adopted and, if so, where and how the provisions would apply.
4. Assist in development and administration of a town-wide survey on issues relating to land use regulation.

Mr. Waterhouse asked if the previous update committee looked at the Route One uses.

Mr. Moriarty stated yes, and our predecessor committee recommended a change from RR1 and RR2 to one Rural Residential two acre district.

Mr. Bingham stated the Town Council held public workshops and there were obvious citizen concerns and the Council consensus was to create a new committee to conduct a more thorough review.

Mr. Sherr stated he served on the Comprehensive Plan Update Committee and is also a member of the Planning Board. The Planning Board did not send a recommendation to the council on the RR1 to RR2 districts; the vote was tie 3-3. The Planning Board tabled the Route One uses.

Mr. Neagle stated the Route One Guidelines are non-binding and asked why not make them part of the Ordinance.

Mr. Moriarty stated the second part of the Council Charge is to review the current Route One Design Guidelines.

Mr. Bingham and Ms. Storey-King who also served on the update Committee stated there was not a lot of opposition to allowing retail and restaurants the debate was size and type, hours of operation etc.

Ms. Nixon reviewed the four updated chapters from the Update Committee:

- Population: To update the information with current 2010 census data
- Housing: Stating the non-italicized font is original 2009 Comp Plan language and the italicized is the updated goals and actions. Ms. Nixon stated many of the housing goals from the 2009 Plan have been met.
- Land Use: To consider additional retail and restaurants in the Office Commercial Districts.
Goal 2: To consider an affordable housing overlay district in West Cumberland – This has been done.
Goal 6-4 Explore opportunities for bus service between and among surrounding communities
- Public Facilities: To support the road paving project and other recommendations were regarding sewer, water, gas lines and infrastructure.

Mr. Neagle stated we need to be consistent with the Comprehensive Plan.

Mr. Lambert stated we need an understanding of surrounding communities so as to not duplicate services that are available either north or south on Route One. We need a global understanding of what we want in the town.

Mr. Foley stated Falmouth has done a lot with their plan for Route One, he doesn't know if Yarmouth has a competing, or complimentary plan, and suggested Cumberland needs to carve out our niche.

Ms. Storey-King stated there are not a lot of properties to be developed along the Route One corridor. She didn't want to the committee to get bogged down with this topic.

Mr. Lambert stated a global review would help with the end result of zoning for RR1 and RR2.

Mr. Waterhouse stated in reference to time frame, the big item is # 1 the RR1 and RR2 zones; # 2 is important for several different reasons and # 3 is straightforward, cluster or conservation subdivisions. We need a lot of information on the zoning of surrounding towns; we don't want to be the smallest lots in the area. He suggested we give # 1 its due time as it has an impact on the whole town.

Ms. Nixon stated in reference to item # 2, Route One, the previous committee discussed adding restaurants since that use is often found in mixed use zones, and other non-residential zones. The thought

was not that a large stand-alone restaurant would be encouraged, but rather a small café that might be part of a complex.

Mr. Foley thought that a place like Orchard Thai in Falmouth would be ok. It is part of a larger commercial office building and the restaurant fits within the building.

Ms. Storey-King stated during the public meetings the citizen's concerns were regarding process, the proposed uses were not controversial.

Mr. Moriarty suggested at the next meeting on June 26th the Committee appoint a sub-committee for the survey. And address item # 2 which will take less time than RR1 and RR2. Mr. Moriarty stated the Committee has been tasked to review proposed uses and recommend adding or deleting uses.

Mr. Bingham asked if warehousing was an allowed use in the OCS.

Ms. Nixon stated it is allowed in the OCS Cumberland Foreside Village as part of the contract zone.

Mr. Orser asked if we would utilize small forums within the community.

Mr. Lambert stated the OC districts could have ramifications on the whole Town, he felt the first step should be land use in general and review the vision for the town; get input from large land owners and was not in favor of increasing traffic on Greely and Tuttle Roads.

Mr. Franklin agreed the idea of not formulating a survey until the Committee was up to date on issues, and conducting the survey in the fall.

Mr. Moriarty stated the Town Council has given the Committee a charge to follow.

Mr. Neagle disagreed with Mr. Lambert stating the Comprehensive Plan Update Committee just updated the Comp Plan; our charge is for four specific areas.

Ms. Storey-King agreed the 2014 update changes were made because many of the 2009 Goals had been met.

Ms. Nixon stated it was her idea to update portions of the Comprehensive Plan; she wrote a memo to the Council regarding specific chapters; Land Use, RR1 & RR2 zones (which started with the Wilson request), Housing, Population (to add 2010 census data), and Public Facilities, to include water and sewer expansions and gas line information. The intent was to deal with specific issues that the Council was dealing with.

Mr. Neagle stated there are four items to review; items 1 and 2 will be more work, and items 3 & 4 were added as result of public input from the community.

Ms. Stockwell stated the challenge is that some people felt like the updates were done piece meal, the committee needs to look at the whole, water and sewer impacts housing; we need to look at the whole picture.

Mr. Moriarty stated the Current 2009 Comprehensive Plan with amended comments is not that old, Comprehensive Plans are usually updated every ten years. The Committee is to focus on four chapters in the current and the amended Comprehensive Plan.

Ms. Storey-King stated the Comp Plan is written chapter by chapter; the Housing Chapter has not changed, actions and goals were added; some actions have been met, such as affordable housing and the development of Morrison's Hill subdivision. Ms. Storey-King suggested the Committee look at the updates prior to the June 26th meeting.

Ms. Nixon stated she felt there was an undercurrent in the discussion...that perhaps something was lacking with the Comprehensive Plan; she asked what people wanted to see happen.

Mr. Lambert stated a Comp Plan usually reviews housing, preserving open space, designated growth areas and the pros and cons.

Mr. Bingham stated prior the 1987 Comprehensive Plan the entire town had a 2 acre minimum lot size. During this period growth was expediential. To slow growth we conducted a soils and hydrological survey to justify increasing areas of town to 4 acre minimum lot sizes. As a result Range Road and Harris Roads have 2- acre zoning on one side of the street and 4- acre zoning on the other.

Mr. Lambert stated historically for decades the rural feel, and open space have consistently been a benefit to the town.

Ms. Byers stated in reference to Population and Demographics, the 25-34 years olds are declining and the 85 years + are the fastest growing demographic. She moved here with her young family, but her friends say there is nothing to do in Cumberland. Yes, Cumberland has a great school system, but it needs something to attract the younger demographics.

Ms. Jensen stated her head is spinning from the conversation and questioned what was to be accomplished this evening. The zoning land use change in 1987 changed minimum lot sizes from two to four acres. Her father passed away in 1986. He owned a lot of land in Cumberland. Since he died intestate and with a large family, the distribution of the estate was very slow- it took a few years to distribute. She didn't mind the four acre zoning, but her brother thought the town was targeting Wilson land.

She has talked to many people on why they move to Cumberland. The answer is the school, but they don't stay after their children are out of the school system; because they can't afford the taxes. The Route 100 corridor was re-zoned to attract commercial development in 2007. There have been comments that business didn't want to go in on Rte. 100 because there is no turnpike access. She stated there is turnpike access in Falmouth and Gray and they are both ten minutes away. There have been discussions regarding the turnpike access to attract businesses; there are existing long term businesses on Route 100: Stratton's Hardware, Dr. Perkins, veterinarian, Copp Motors, House of Pizza, (Allen's Farm, Skillins Greenhouse). Then the zoning was changed to Residential on Morrison's Hill to allow 18 - 10,000 sq. ft. lots on each side of the road for a total of 36 house lots. Her aunt sold land on Route 100 because she couldn't afford the taxes; high taxes are why people do not remain in Town.

Ms. Jensen stated her head is spinning from the conversation and questioned what was to be accomplished this evening. The zoning land use change in 1987 changed minimum lot sizes to four acres. Her father passed away in 1986 and he didn't mind the four acre zoning. Her brother thought the town was targeting his land. She has talked to many people on why they move to Cumberland. The answer is the school, but they don't stay after their children are out of the school system; because they can't afford the taxes. The Route 100 corridor was re-zoned to attract commercial development. There have been comments that there was not a need for commercial development; Falmouth and Gray are ten minutes away. There have been discussions regarding the turnpike access to attract businesses; there are existing long term businesses on Route 100, Dr. Perkins, veterinarian, Copp Motors, House of Pizza. Then the zoning was changed to Residential on Morrison's Hill to allow 18 - 10,000 sq. ft. lots on each side of the

road for a total of 36 house lots. Her aunt sold land on Route 100 because she couldn't afford the taxes; high taxes are why people do not remain in Town.

Mr. Moriarty stated tonight's meeting was an organizational meeting; at the next meeting we will address # 2 of the Council Charge.

Ms. Nixon stated the Committee has access to the services from Judy Colby-George of Spatial Alternatives/ She can help with charts, and for graphics that show what a particular scenario would look like.

Ms. Stockwell stated the undercurrent among members is not the Comprehensive Plan but how it is interpreted and how we manage growth is the fundamental issue.

Mr. Franklin stated the updates were not consistent with the Comprehensive Plan and sustainability, to change the RR1 because of equity issues was arbitrary.

Mr. Moriarty stated the issue did come up at Planning Board and the Town Council.

Mr. Lambert stated the paramount goal is management of taxes; previous studies showed Cumberland with 2.2 children per household and other communities with 1.7. He would like to have information to support changing the RR1 to RR2 and the impact on the tax base; single family housing costs the town money.

Mr. Neagle agreed that Mr. Bingham's and Mr. Lambert's summary of the history of RR1 and RR2 is accurate. The RR1 was created based on aquifers and soils. Our engineers have informed us that within the last 27 years the science of septic technology has changed and there is no longer the reason scientifically to designate this part of town as four acres and this part two acres. This is a perfect time to discuss this; we should erase the lot lines in our mind and begin to look at the land masses and land uses as to where we want to encourage development and where we don't. All remaining large tracts of land should be developed using the conservation or cluster subdivision. The lines are now arbitrary.

Ms. Jensen stated she had heard if the town loses students and drops below a certain number the town would lose state funding, and that is her understanding why homes were built on Morrison's Hill.

Mr. Neagle stated the message from Bill Shane is that we need more children in our school.

Ms. Nixon stated there was a report done for the 1998 Comp Plan that talked about the fiscal impact of growth which found single family housing cost money. When we did the 2009 Comp Plan, we needed to test that assumption to make sure it was accurate. Charles Lawton was hired to look at the school system, its capacity and what would happen if we had more students and reversed this declining trend. The response was we need to stop the falling enrollment numbers and as Judy Colby-George told the comp plan committee when you have a classroom and a teacher there is a certain number of students that make a good economy scale. We are starting to drop down below that number. Charles Lawton is a well-regarded economist in the state. Market Decisions did the earlier study by Jim Dimicus who is now working for the state.

Mr. Franklin stated that Cape Elizabeth also hired Charles Lawton for the same survey, and he came back with the same information, the schools were under-enrolled.

Ms. Nixon addressed Ms. Jensen's point of Morrison's Hill and Castlerock--- the two dense subdivisions on Route 100. Castle Rock had been approved for commercial development and then sat vacant for years.

The Comp Plan Update Committee looked at it, and thought maybe housing is not a bad thing. Cumberland doesn't have a traditional town center with concentric rings of growth going out from the center. The thought of the Council was to increase affordable housing and increase the population consistent with the growth center to attract businesses to the area. The Town Center did the same thing. Commercial uses were not allowed on Main Street until a few years ago. The Comp Plan said let's have targeted community locations a place for people to stay local. If you have been by Doc's Café it has people sitting outside enjoying themselves. Village Green was developed to increase housing in the center; which allows students to walk to school, and walk to Doc's, Louie's Grill and Food Stop. Cumberland doesn't have one distinct town center, but rather has three areas or nodes where housing and businesses cluster. These are the defined growth areas. The RR1 and RR2 issue was brought to the town and the town has addressed it. We are trying to create a livable, sustainable community with sidewalks, trails and open space.

Mr. Bingham stated with today's technology how we address large tracts of land for development is crucial. I have 90 acres and there are several large tracts of land surrounding his property. We want to see some creative development and now with soils engineering we can concentrate housing in clusters with central septic systems and preserve vistas, open space and trail connectivity on the large tract of land. The issue is not yellow or blue but how we have good subdivision management to preserve what is important to Cumberland as a community.

Mr. Franklin stated that Cape Elizabeth requires 40% of open space.

Dr. Waterhouse suggested as a process of committee members writing down a list of questions such as: increasing school enrollment a plus or minus; how many large property owners are there. He used this process in attending hearings at the Council and Planning Board. He suggest all write down a list of questions that we think are pertinent to the charge, mine is the RR1 & RR2. If we e-mail our questions to Carla she probably has the answers. And also list priorities such as affordability, growth, no growth, open space etc. Personally I would be interested in the Committee members' priorities; are they to attract young families, aging in place etc. Carla would be able to go over the list and there probably will be overlap. From these lists we can come up with focus points. He asked if it was expected from a committee member to be in more than one subcommittee.

Mr. Moriarty stated not necessarily.

Ms. Byers asked if Cumberland is attractive to business, if we are why they aren't moving in. She would hate to see all subdivisions.

Ms. Storey-King stated our commercial tax base has grown 2 to 3 percent.

Mr. Neagle stated there has been a lot of commercial growth in the last ten years.

Mr. Lambert stated how successful the growth coordination has been, we have avoided becoming Scarborough, or Gorham; we have huge tracts of open space privately owned. The growth on Route One has been done really well; and there has been a lot of it. The Town Center District has been very successful. Our charge is to not mess it up, and how do you preserve what we have.

Ms. Fitzgerald asked how many sub-committees would be appointed.

Mr. Moriarty stated he didn't know yet, he felt the survey warranted a sub-committee; on the RR1 & RR2 issue should be a committee of the whole.

Mr. Bingham asked if we could have some research done by Judy Colby-George to give us some land use ideas.

Ms. Nixon stated she liked the idea of having the committee e-mail her or the whole committee telling her what you would like to see. Would you like to see Judy come in and talk about how we link our open space? I will send out information on what has been accomplished with economic development. There is a lot of information available.

Mr. Bingham stated Mr. Shane has an overlay showing how much land in the RR1 blue area is town property or restricted land under tree growth.

Mr. Moriarty stated we are at the two hour mark and are focusing on our next meeting on the 26th. There is a lot time to give Ms. Nixon your ideas. Let's plan for the next meeting to spend time on the Office Commercial zone issue it is narrow and discrete. The Zoning Ordinance would give current allowed uses. Ms. Nixon will send out the Route One design guidelines.

Ms. Nixon stated if anyone wants to tour around town she can show some of the businesses that have gone into town. The Town has actively recruited commercial developments, creating TIF districts and streamlining site plan review requirements. The Town Annual Report will also give valuable information.

The Meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Pam Bosarge, Administrative Assistant