



TOWN LANDS AND CONSERVATION COMMISSION

(Commission)
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Date: November 2, 2022

(* = Chair; + = liaison TC; ++=Code enforcement officer; ^(T) = trails SC; ^(F) = forest SC)
Bill Shane; Chris Bolduc; Bill Longley ++; Mark Segrist+ (abs); Tig Filson+

To: Members:

Jennifer Bell (abs)	David Young (abs)	^(F) Melissa Cott	^(T) Shaun Breton
Ellen Hoffman (abs)		^(F) John Leavitt	^(T) Stephen Fitzgerald
John Jensenius ^{vice*}		^(F) *Gordon Lichter ✓	^(T) David Grimm
Riva Krut		^(F) Todd Ontl	^(T) *John Jensenius ✓
*Mike Schwindt		^(F) Linda Putnam	^(T) Walker Newell
Joshua Steirman		^(F) Sally Stockwell	^(T) Adam Orellana ✓
George Turner			^(T) Brian Stearns
Pete Wilson			^(T) John Stewart
			^(T) Don Stowell

Sustainability Subcommittee

Sukie Curtis, Jesse Lamarre-Vincent, Denny Gallaudet✓, Riva Krut✓, Meddy Smith, Dave Witherill

Invasives Subcommittee:

Ellen Hoffman, John Jensenius, Mike Schwindt

Farmland Subcommittee:

John Jensenius, Mike Schwindt, Bill Shane, Bob Vail, David Young

Note: Only members of the Commission and voting members of the subcommittees need attend. “✓” indicates subcommittee member attended Commission meeting.

From: Mike Schwindt/John Jensenius

Re: Meeting November 2, 2022. Meeting held in Town Council Chambers. Also attending: Penny Asherman.

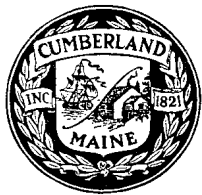
October minutes were approved as written.

Town Council (Tig)

- Tig recognized Denny Gallaudet’s and the Sustainability subcommittees’ work on the proposed school.

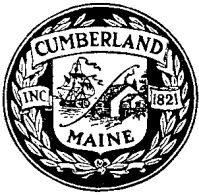
Town Report (Bill L and Chris)

- Bill report:
 - During the month of October 2022 my office issued 23 permits for new buildings such as for pools, sheds, decks, houses, condos, barns, additions, renovations, commercial and solar installations. Fewest in October since before 2013.
 - Approved projects under construction:
 - o Oceanview phase 1-completed or under construction 52-permits have been issued to date. All lots are reserved in phase 1.
 - o Oceanview phase 2- culverts are in place prior to 10-01-2022.
 - o Christmas Creek – Vining Way -all under construction or completed.
 - o Orchard Road – Cortland Court – 7 building permits issued as of this date.



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- Blanchard Oaks – Peaceful Way- all lots are under construction or completed
- Snowy Owl off Old Gray Road –10 Units approved
- The Mark off Route One– 45 units approved
- Ross Estates off Blanchard Road Ext.-3 Units approved
- Yarmouth Vet at Heritage Village-
- The Grange at Longwoods-Building permit issued
- Planning Board meeting scheduled for November 15, 2022, will include:
 - Extension of Skyview Drive to provide access for White Rock at Cumberland Foreside Village AKA Heritage Village
 - White Rock- 55-units of senior housing off Skyview drive at Heritage Village
- Future Planning Board items:
 - Rusty Lantern- Food Mart and new bank at Gray Road
 - Dave Chase Pit possible commercial / Residential off Blackstrap Road
 - Skillins Greenhouse at Gray Road new storage building 6,000 sf +-
 - Major Site Plan amendment for LGC Clinical (Maine Std's) ground mounted Solar just North of existing building at Route One near Powell Road
 - Lot split of existing subdivision lot at 104 Foreside Road
- Heat pump, solar, car charger permits
 - Heat pumps issued calendar YTD = 175
 - Solar issued calendar YTD = 044
 - Car Chargers issued calendar YTD = 009



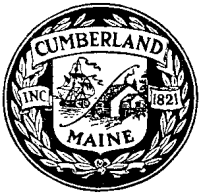
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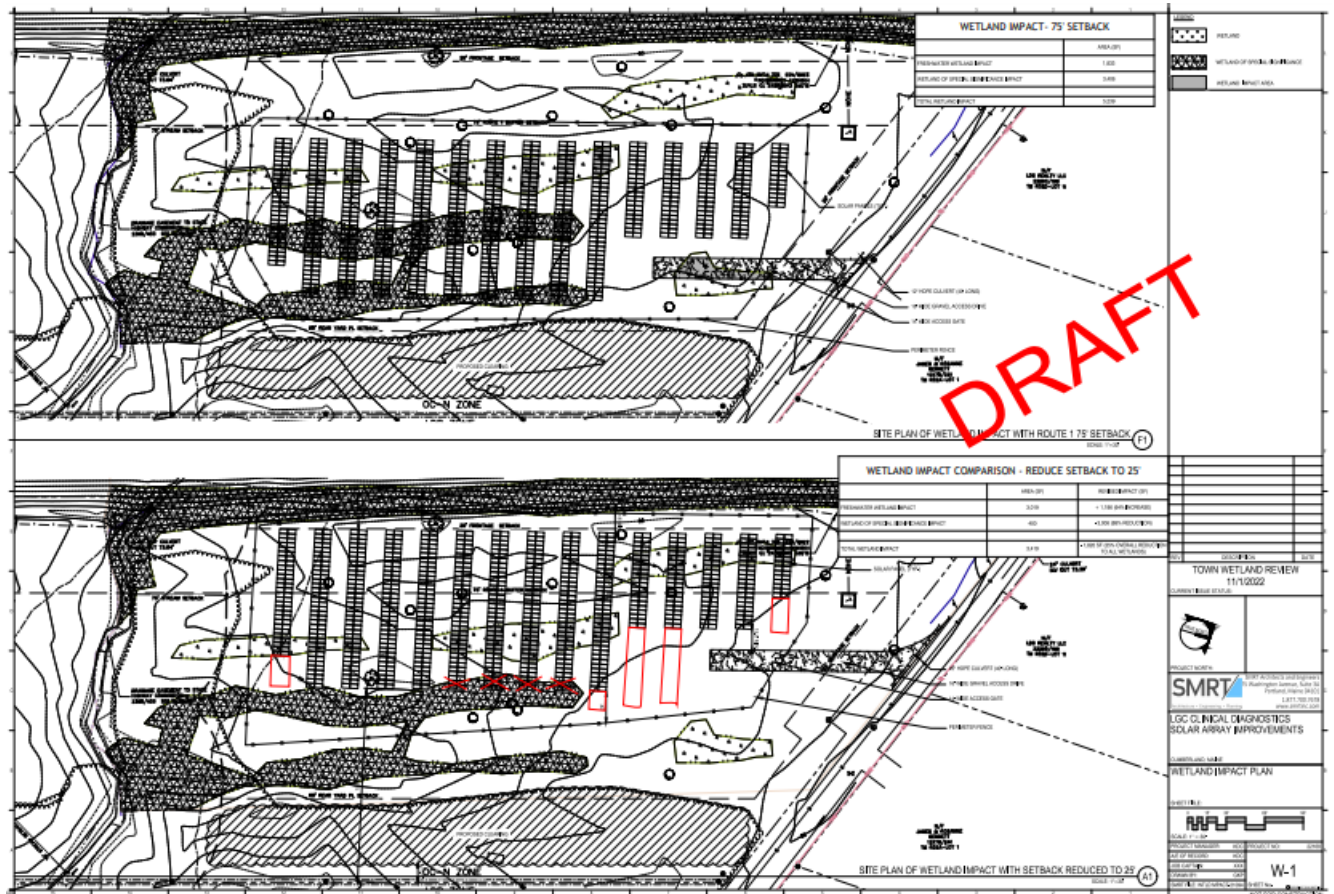
Copy of Solar Heat Pump Generator permits October 2022.REV 11-02-22.xls

ELECT#	DATE ISSUED	OWNER	LOCATION	Text18	Text19	ESTIMATED FEE		
22-423	11-Oct-22	YALE CHRISTOPHER & PATR	244 GREELY ROAD	Jacob Bradley-Maine Solar	Solar	\$0.00	\$50.00	
22-441	24-Oct-22	DUNNETT ROBIN A	11 MULBERRY LANE	Brian Lafrance-All Solar En	Solar	\$0.00	\$50.00	
22-289	12-Oct-22	BRESNOK JOSEPH II	66 FOREST LAKE RD	Sunergy Solutions, LLC	Solar	\$0.00		bldg permit or
22-408	04-Oct-22	BRIGGS JUNE & STEVEN	9 BRACKETT LANE	Moriarty Electric Co-Mark	Generator	\$0.00	\$50.00	
22-425	12-Oct-22	EDWARDS JESSE & KARA	42 CHETS WAY	Roy Ingalls-Gowen Power	Generator	\$0.00	\$50.00	
22-439	24-Oct-22	AVELON RICHARD & JULIE	3 SCHOONER RIDGE RD	Matthew Flaherty-Casco B	Generator	\$0.00	\$50.00	
22-442	24-Oct-22	GINSBERG ALISON & DAVID	268 MAIN STREET	Matthew Flaherty-Casco B	Generator	\$0.00	\$50.00	
22-443	24-Oct-22	WHIPPLE MARILYN B	34 MIDDLE ROAD	Matthew Flaherty-Casco B	Generator	\$0.00	\$50.00	
22-447	25-Oct-22	BIVINS JUDITH & WILLIS JR	6 WOODSIDE DRIVE	Roy Ingalls-Gowen Power	Generator	\$0.00	\$50.00	
22-448	25-Oct-22	COLLINS STACEY & NEIL	167 PLEASANT VALLEY RD	Roy Ingalls-Gowen Power	Generator	\$0.00	\$50.00	
22-411	05-Oct-22	PRATT AARON & KELLEY	70 BLANCHARD ROAD	Zach Hull	3 heat pumps	\$0.00	\$50.00	
22-409	04-Oct-22	CARDOSI JAMES & JESSICA	7 STURDIVANT ROAD	Charles Martz - Daves Wo	Heat pump	\$0.00	\$50.00	
22-412	05-Oct-22	EDWARDS JESSE & KARA	42 CHETS WAY	Craig Beardsley - Riser He	Heat Pump	\$0.00	\$50.00	
22-420	11-Oct-22	WEEKS THOMAS & PAULA	4 LEDGE ROAD	Brett Delong-Atlantic Comf	Heat pump	\$0.00	\$50.00	
22-422	11-Oct-22	PRIDE H DOUGLAS & CATHER	8 CRYSTAL LANE	Brett Delong-Atlantic Comf	Heat pump	\$0.00	\$50.00	
22-433	17-Oct-22	MCCORMACK KERMIT E	365 BLANCHARD ROAD	Charles Martz - Daves Wo	Heat pump	\$0.00	\$50.00	
22-434	19-Oct-22	PIACENTINI CHARLES & KIRS	5 STURDIVANT ROAD	Craig Beardsley-Riser Hea	Heat pump	\$0.00	\$50.00	
22-435	19-Oct-22	RAYNES KATHY	23 TURKEY LANE	Craig Beardsley-Riser Hea	Heat pump	\$0.00	\$50.00	
22-440	24-Oct-22	ZAMBELLO KATHLEEN C	21 MACKWORTH LANE	LaPlante Electric	Heat pump	\$0.00	\$50.00	
22-444	24-Oct-22	KUCINKAS MICKIE & GENE	16 PINE LANE	Charles Martz-Dave's Wor	Heat Pump	\$0.00	\$50.00	
22-449	26-Oct-22	MORGAN MICHAEL & THOMP	17 FARWELL AVENUE	Craig Beardsley-Riser Hea	Heat Pump	\$0.00	\$50.00	
22-421	11-Oct-22	RIDEOUT LISA & FOLEY MICH	197 TUTTLE ROAD	Brett Delong-Atlantic Comf	Heat pump & AC unit	\$0.00	\$50.00	
22-430	13-Oct-22	KALTSAS JAMES J	44 KATHY LANE	Ralph Howe-BRF	Heat pump & reno	\$0.00	\$85.48	
22-418	11-Oct-22	HARMON THOMAS E	356 GREELY ROAD EXT	Brett Delong-Atlantic Comf	Heat pump split	\$0.00	\$50.00	
22-410	05-Oct-22	MOHR MICHAEL & DEBORAH	6 WOOD CIRCLE	Bolton Electric-Eddie Bolto	Heat pumps	\$0.00	\$50.00	
22-416	11-Oct-22	BERSE RYAN & LUCIE	71 WHITNEY ROAD	Craig Beardsley-Riser Hea	Heat pumps	\$0.00	\$50.00	
22-417	11-Oct-22	SHUMADINE JOHN & CATHER	106 RAVINE DRIVE	Brett Delong-Atlantic Comf	Heat pumps	\$0.00	\$50.00	
22-419	11-Oct-22	CHURCHILL CYNTHIA T	17 LEDGE ROAD	Brett Delong-Atlantic Comf	Heat pumps	\$0.00	\$50.00	
22-436	19-Oct-22	CURREN VIVIAN & MATHEW	15 CASTLEROCK DRIVE	Jason McKay-Northeast H	Heat Pump	\$0.00	\$50.00	

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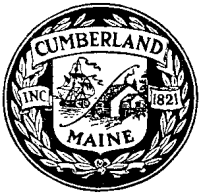
- **Conservation Subdivision amendments** – a couple of years ago, the LCC proposed several changes to the new Conservation Subdivision ordinance. After extended discussions with the Planning Board, the Town Council adopted the following ordinance changes at its 10/24 meeting:

AMENDMENTS TO CHAPTER 250-SUBDIVISION OF LAND

§ 250-3 Definitions.

PRIME AGRICULTURAL LAND

~~Land used for the purpose of agriculture that contains prime agricultural soils of the first, second or third class.~~ Soil classifications identified as "prime" or as "of



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statewide importance" as defined by the USDA Natural Resources Conservation Service for Cumberland County. (See Appendix and Map for soils classification)

§ 250-6 Conservation subdivision standards.

D. High-value conservation areas:

- (7) Prime agricultural lands of at least five contiguous acres whether or not in common ownership must be included.

§ 250-8 Prohibited uses of common open space.

The following are prohibited in the common open space:

D. Cutting vegetation, except for ~~an annual mowing to prevent undesirable shrub brush from overtaking protected fields, without an approved management plan, except that the removal of invasive vegetation shall be allowed;~~

- (1) an annual mowing to prevent undesirable shrub brush from overtaking protected fields,
- (2) removing forest cover and vegetation damaged or destroyed by forces of nature, or
- (3) removing invasive vegetation

§ 250-9 Ownership, management, legal protection, and maintenance of common open space in a conservation subdivision.

A. Ownership, management and maintenance of common open space:

- (1) Ownership of common open space. The applicant must identify who will be the owner of the common open space and who will be responsible for maintaining the common open space and facilities located thereon if that will be someone other than the owner of the common open space. If a homeowners association will be the owner, membership in the association must be mandatory and will be required by deed covenants for all homeowners in the subdivision and their successors. If a homeowners association is the owner, it must have lien authority to ensure the collection of assessments from all members. The cost and responsibility for maintaining the common open space and any facilities located thereon shall be borne by the owner. As an alternative, the common open space may be offered as a gift to the Town. Should the Town accept the offer, the transfer would continue to meet the open space requirement of this ordinance and the property tax values would not be decreased.

§ 250-13 General subdivision procedures.

B. Subdivision options in the residential zoning districts.

- (1) If the proposed subdivision will be located in the Rural Residential 1 (RR1) or Rural Residential 2 (RR2) Zoning District, the applicant ~~may~~ must propose either a conservation subdivision plan and may propose or a traditional subdivision plan.



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- **Val Halla Purchase** - Bill explained the rationale for the proposed \$325,000 purchase of the Val Halla Golf Course building located adjacent to the town-owned restaurant with funding to come from the Building Reserve Fund. The initial intended use would be for the Aging in Place program but could also possibly house the Recreation Department. The basement of the building has been used to house Val Halla's golf equipment during the winter.

The Sustainability Subcommittee had earlier expressed concerns about the acquisition:

The Sustainability Subcommittee has agreed by consensus that the proposed purchase of the Val Halla Banquet Center raises several concerns.

We request the Lands and Conservation Commission review these concerns and, if appropriate, raise them before the Town Council at its October 24, 2022 Public Hearing to authorize spending \$325,000 from the Building Reserve Fund for the purchase of the Val Halla Banquet Center from the Maine Golf Association.

Our primary concern is with how this expenditure might impact the goal of conserving 30% of town lands by 2030, as called for in Climate Action Plan, phase II, approved by the Town Council. In order to meet that goal, it is imperative that there be sufficient and ready funds available for land conservation when appropriate parcels of land become available. Per the FY2021 Financial Report, the Land Acquisition Fund balance of Capital Project Funds stands at \$1,114.

We wish to keep the goal of 30% of town lands conserved by 2030 before the Town Council, and, with that, to call attention to the need to rebuild the Land Acquisition

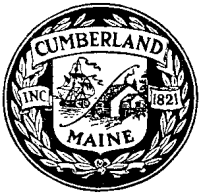
Fund. Will the purchase of the Banquet Center impede restoring the Land Acquisition Fund balance? Is there a plan in place to rebuild that fund?

Our second concern is with the potentially high cost of retrofitting the Banquet Center to a zero-carbon standard for new buildings, as called for in the Climate Action Plan, phase I, approved by the Town Council. Its current carbon footprint is unknown but surely quite high given the building's age. Without new insulation and windows, its heating load will likely not be carried by heat pumps alone, necessitating back up electric resistant heat during cold spells.

Our third concern is the extent to which sludge spreading at Valhalla may require remediation. [According to the Maine DEP](#), S.D. Warren received a license to spread bioash and sludge on 25 acres of the fairways and greens of Valhalla in 1984 and that there is a winter stockpiling area on the site.

Mike had also expressed concern to the Town Council at its 10/24 meeting because the acquisition was proceeding without an LCC recommendation as per § 30-15 (C) of the Lands and Conservation Commission ordinance.

John moved, George seconded a recommendation for the acquisition of the property. Motion carried – unanimous .



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- **Telecommunication Towers** - Bill explained that public safety communication gaps exist in certain parts of town, especially when the 2-watt equipment is used. T-Mobile proposed putting up a tower off Range Road, fairly close to the existing tower but on town-owned land. As proposed, the Town could place its equipment on the tower at no cost, there would be no tower maintenance costs to the Town, and the Town would receive \$1,800 in monthly rent.

Previously, concern had been expressed about negatively impacting the potential for a conservation easement on the property, which is in a larger undeveloped area, as well as a desire to use the existing tower instead of adding a second in close proximity. Apparently, the existing tower is full so cannot accommodate the town equipment.

There is no proposed builder at this point for the second tower off Blackstrap in the Town-owned recreation area.

Mike had also expressed concern to the Town Council at its 10/24 meeting because the acquisition was proceeding without an LCC recommendation as per § 30-15 (D) of the Lands and Conservation Commission ordinance. Bill explained the omission was an oversight.

John moved, Peter seconded a motion to recommend approval of the two towers to the Town Council due to the public safety concerns. Motion carried – unanimous.

- **Community Development Block Grant** – Mike offered information as to the availability of CDBG funding for Cumberland County. The Cumberland County Community Development Office will be accepting Planning and Community Service applications with the final application due on January 19, 2023.
- **LD-2003** – Bill explained the increased density requirements stemming from the new state law. We will learn more when the town attorneys complete their research.
- **CCLT annual inspections** – Our representatives for the annual CCLT inspections are Gordon @ Broad Cove, John @ Greely Woods, Brian @ Knight's Pond and Steve @ Rines Forest.

Trails Subcommittee Report

- **Kiosks:**
Linda Putnam, Ellen Hoffman, Chris Bolduc, and John Jensenius continue to work on the layout and signage for all the kiosks. John has also been coordinating with Peter Bingham of the Recreation Department and Penny Asherman of CCLT. The kiosk display board will include a large map, a welcoming narrative describing the property and its uses, and additional signs and brochures. The narrative will include:
 1. Size, ownership, and protection of the property
 2. Management and maintenance responsibilities
 3. Acknowledgment of grants used to purchase the property
 4. Features
 5. Activities



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6. Hunting statement
7. Dogs rules
8. No motorized vehicles statement
9. FMI section containing QR codes for more information

The Twin Brook kiosk will contain additional information on facility rules.

- Trail Reports:
 - Knight's Pond – Despite the recent heavy rains, the trails are generally in good shape. There are several short sections of the new White trail that will need some hardening. The Trails subcommittee will continue to monitor the White trail along with the other trails this fall and next spring and then address any needed maintenance.
 - Rines Forest – The trails are in good shape. There are two short sections of the White trail which need to be hardened. If the weather permits, the Trails subcommittee will try to address those areas this fall.
 - Greely Woods – Gravel was delivered to the trailhead and efforts are underway to harden a few areas.
- New projects:
 - Homestead property – The Homestead property is a Town-owned property with an entrance on Homestead Lane (off Valley Road). Walker Newell and John Jensenius recently did a walk-through of the property. Currently, the entrance to the property is overgrown and invasive species were seen throughout the property. Public Works will be mowing the entrance to the property this fall and the Trails subcommittee is considering clearing the briars and brambles in order to develop a 1-mile loop trail through the property.
 - Moss Cemetery – Public Works expects to remove the jungle of invasive species near the Crestwood entrance to the back side of the Moss Cemetery in the very near future. After Public Works completes the clean-up efforts, the Trails subcommittee will likely add some gravel along the trail from Crestwood Road to Prince Street.
 - Sunnyfield Property – With CCLT's recent purchase of an easement on the Read property, the Trails subcommittee expects to work with CCLT next year on connecting trails between Sunnyfield, the Read property, and Rines Forest.
- Trails Subcommittee Nominations:

John moved to recommend to the Town Council the appointment of Paige Diamant to the Trails subcommittee. Paige Diamant expressed a particular interest to serve on the subcommittee. Motion seconded by Gordon Lichter. Unanimously approved.

Forestry Subcommittee Report

- Twin Brook:

Subcommittee plans to meet at Greely Road side of Twin Brook Thursday afternoon to walk Area 1 with Paul.

 - Understand his findings w/regard to harvestable wood
 - Update new forest management plan progress
 - Discuss potential walkthrough with Town Council
 -
- Knight's Pond and Rines Forest Management Plans:



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- Few minor changes suggested (one typo and a change to “overstock” that also affects a glossary change)
- John suggested combining the Rines (original IFM plan plus changes to the reserve area and new harvest recommendations) and Rines II plans into a single document
 - Paul to combine both into one “Rines Forest” PDF
- Plans to be submitted for approval by LCC once Forestry Subcommittee approves, then to Town Council
- Signage:
Sally shared link to Audubon signage, so we can combine the two and go to the Town for an estimate.
 - Gordon to take first crack
- Invasives:
 - CCLT held two days of invasive pulling at Rines - both were well attended and lots of work completed!
 - Gordon and John J went to Knight’s Pond to pull and cut buckthorn
 - Some was underwater after the recent rains
 - John confirmed we are allowed to pull out invasives per Maine law and Cumberland ordinance
 - Upon inspection, there is actually quite a bit of buckthorn along the shore in multiple places; Forestry Subcommittee to add Knight’s Pond to our schedule for periodic “Invasive days”
- Grassland Management:
No update regarding a grassland management plan we can use as a template
- Kiosks:
Sally and Linda working with John J on what to include on the new kiosks
- Town Website:
Goal is to get all existing management plans onto the Forestry Subcommittee page and update the language once plans are approved by the LCC and Council

Sustainability Subcommittee Report

- We reviewed the potential purchase of the Val Halla banquet center. The primary concern is the extent to which such a purchase would limit the capacity to support CCLT in financing conservation easements in line with our 30x30 goal in CAP II. We had submitted comments to the LCC for consideration at its November meeting and possible transmittal of same to the Town Council.
- The Primary School bond issue will be voted on November 8. The overall cost of the project is raising concerns in the community. If it goes forward, the MSAD 51 Board has expressed support for adherence to net zero principles such as ground/air source heating.



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- We reviewed the rapid development of green hydrogen and green ammonia technologies which offer de-carbonization strategies for challenging sectors such as fertilizer production and heavy equipment propulsion including shipping. These technologies will be important for mitigating GHG emissions from the Town's public works activities.
- The food waste composting pilot has had an initial setback due to unexpected contamination of initial deliveries from Garden to Garden to the Town compost facility. Unwanted waste includes plastics and diapers. The Town Manager will be meeting the vendor to resolve this problem if feasible.

Invasives Subcommittee Report:

Mike reported that the ad hoc committee had spent part of the previous Saturday removing more invasives at Prince Memorial Library. Public Works had again picked up the cuttings.

Farmland Subcommittee Report:

Mike reported getting back the test results of the soil samples and expressed a need for some consultative services in interpreting the results.

Next meeting – 12/7/2022