

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, February 15, 2022

A. Call to Order: Chairman Record called the meeting to order at 7:00 pm and reported that Board Member Amanda Berticelli has stepped down for personal reasons. Chairman Record also reported that fellow Board Member Bill Kenny passed away unexpectedly over the weekend and he offered condolences to Mr. Kenny's family.

B. Roll Call: Present: Paul Auclair, Lorraine Rardin, Jason Record, Joshua Saunders & Ann Sawchuck. **Staff:** Town Planner Carla Nixon & Administrative Assistant Christina Silberman.

C. Approval of the Minutes of the January 18, 2022, meeting: Mr. Saunders moved to adopt the minutes as written, seconded by Mr. Auclair and **VOTED, 5 yeas - unanimous, motion passes.**

D. Staff Site Plan Approvals: None.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: *Recommendation to the Town Council for a proposed Contract Zone Agreement with Synergosity, LLC, for The Grange at Longwoods; 76 Longwoods Rd., Tax Assessor Map R03, Lot 13 and Map R03, Lot 6A, in the Rural Residential Zoning District 1 (RR 1).*

Chairman Record introduced the item and noted that this is step eight of a nine step contract zoning process. Chairman Record read a portion of a memo from Town Manager Bill Shane, as follows: As you know, a CZA (contract zone agreement) is a new zoning ordinance. It allows uses typically not permitted in the underlying zone to occur. In exchange, the Town has usually received conservation lands or other public improvements. In this case the Grange Hall serves as a restaurant and a pub inside the RR1 zone, which is typically a more rural and residential zone. Nearly 90% of this gateway property into Cumberland will be protected under a conservation easement ultimately held by our Land Trust (CCLT). The developed portion of this land is located nearly 1,000' back from Longwoods Rd. The access to the site is presently via a gravel road.

Ms. Nixon added that the reason the Planning Board weighs in at this point, is that it is the Board's job to look at the proposed contract zone and make a determination if it is generally consistent with the comprehensive plan.

Brenda Buchanan, Atty, said she is here to represent Synergosity with the principal, Alex Timpson. A plan of the project was displayed. Ms. Buchanan explained that the project property is 61.5 acres and is two parcels, one is 42 acres and the other is about 19 acres. Ms. Buchanan said the larger parcel with the existing farmhouse and barn would allow for a mixed use project to include residential, agricultural, commercial and recreational uses. There is a significant conservation element for about 90%, or 54 acres. Ms. Buchanan reported that the conservation easement will be held at the outset

CONSERVATION AREA
±2,378,376 SF
(±54.6 ACRES)

FARMSTEAD AREA

DEVELOPED AREA
±303,092 SF
(±6.95 ACRES)

VIEWSHED BUFFER

LONGWOODS ROAD

EAST BRANCH PISCATAQUA RIVER

THE GRANGE AT LONGWOODS
CUMBERLAND, MAINE

CONCEPTUAL LAND USE PLAN

SME
SWEET & SWEET
INCORPORATED

DESIGN BY: TS
DESIGNED BY: TS
DATE: 10/20/20
PROJECT NO.: 1000
DATE: 10/20/20

FOR MR. ZEPH **PHILIP** **BRIDGE**

111.101

Ms. Buchanan said that section 2a of the CZA describes uses that would be allowed anywhere within the conservation area, agricultural activity with structures to support that activity, recreational activity and outdoor sculpture. Ms. Buchanan outlined a portion of the plan called the viewshed that is part of the conservation area and noted there will be restrictions to the size, nature and location of agricultural structures here. Section 2b of the CZA outlines uses that will be allowed in the conservation area, not in the view shed, that includes residential use. The house and buildings already here will stay. Ms. Buchanan said there may be a farmers' market or store, forest management will be allowed and all that happens in the conservation area is going to be controlled by the

conservation easement. Section 2c talks about the developed area where the grange hall pub will be as well as a probable future residential building that may be a single family house or a lodging house. Ms. Buchanan said that while the grange hall is being built, a temporary food/beverage operation will be allowed in the form of food trucks or similar. This would be allowed for a year and could come back to the Town Council for permission to continue if the grange hall is not done. The food trucks or similar would be a temporary situation. There may be a tent with chairs so people will have some shelter. Tents would also be allowed after the grange hall is built for special events like weddings in the developed area, not within the view shed.

Ms. Buchanan reported that the grange hall will house a pub and a restaurant with a special event room for parties. It will have an outdoor terrace or patio with a retractable awning. They will have licenses to serve food and alcohol and a special amusement permit to allow for music. Ms. Buchanan noted the submission talks about amplified music between 10 am and 10 pm and said the applicant hopes that indoor amplified music could be allowed until 11 pm.

Ms. Buchanan explained that the architectural style of the grange hall will be consistent with those of Maine farms, as will any new residential structure. The farmstead area is part of the conservation area and is controlled by the conservation easement. Exhibit C of the proposal outlines the likely terms of the conservation easement. The existing house built in 1860 could be replaced by a newer building.

Ms. Buchanan reported that the conservation easement will be in place before this matter goes back to the Town Council and said regardless of what the Board does tonight, the applicant expects to close on the conservation easement with the Maine Farmland Trust.

Ms. Buchanan provided that the access will be over a 20 foot wide gravel driveway, which is 1,100 feet long and may need to be extended. Utility lines will not change but may need to be extended. Waste disposal is septic in accordance with Town codes. Water is by well. The only lighting in the conservation area will be around the buildings in the farmstead portion. These lights will be fully shielded and on motion detectors from 11 pm to 7 am.

Ms. Buchanan said that the owner will be allowed under the contract zone to divide the premises once, if necessary. The conservation area could be transferred separately from the developed area. Ms. Buchanan described the development and noted that it will be clustered within a ten acre area.

Chairman Record said he appreciates the updates made since the previous workshop. Chairman Record noted there is one residence that already exists in the farmstead area and another additional residence would be allowed in the developed area. Ms. Buchanan said yes, there could be another residence that could be a single family or a lodging type house.

Chairman Record said this project is still bound by RR1 zoning except with extra allowances. Ms. Nixon said that is right and noted the CZA allows for what is typically not a residential use. Chairman Record asked if they are bound by the four-acre minimum. Ms. Nixon replied that this is a moot point and it would be in the developed

area. Ms. Buchanan said if the project were going to be divided, the smaller of the two pieces would be 7 acres (developed) and the larger would be 54 acres (conservation). This is the only way that it could be divided. Chairman Record asked if the RR1 zoning goes to a two acre minimum, could there then be three houses. Ms. Nixon and Ms. Buchanan both replied no.

Chairman Record asked about the shape of the developed area and plans for the portion closer to the road. Mr. Timpson said the developed area closer to the road is wooded and if the farmer wanted to have separation and privacy from the working part of the farm, this would be a good spot. Mr. Timpson referred to the back of the developed area and said this would be the busier part of the developed area.

Chairman Record asked if all buildings have to be in the farmstead or developed area. Ms. Buchanan said that the conservation easement would permit farm outbuildings but these can't be in the viewshed area. Ms. Buchanan added that there could be solar panels or wind turbines in the conservation area, but not in the view shed.

Chairman Record asked if there is any limitation to the farming that can be done. Ms. Buchanan replied that they looked at what is allowed in the RR1 zone now and would not ask for anything more than what is already allowed. Ms. Buchanan said the only real change to the RR1 zoning is that residential is allowed and commercial is not. Ms. Buchanan noted that with the restaurant and event space, the applicant would not want a smelly hog farm.

Chairman Record asked about maintenance costs for the conservation area. Ms. Buchanan said that ultimately the CCLT (Cumberland Chebeague Land Trust) will be the holder of the easement and will monitor and steward the promises set forth in the easement.

Mr. Auclair said he is very favorable about the plan. Mr. Auclair referred to low impact wind turbines and asked if these need to be mentioned under energy. Mr. Timpson said that low impact wind turbines are not like windmills, they are a cylinder shape that spins around like a carousel and are low noise. Chris Cabot, CCLT, noted that the conservation easement will refer to renewable energy structures and anything renewable energy, whether a current technology or future, can happen within the farmstead area. Mr. Cabot added that if the owner wants renewable energy structures outside of the farmstead area, they need to get land trust permission.

Mr. Auclair referred to a section on production and asked what type of livestock would be permitted. Ms. Buchanan said that they are looking at ordinance language for what is currently allowed.

Mr. Auclair asked about financial viability. Ms. Buchanan elaborated and said that the hope is that the project will draw people from all over. Mr. Auclair asked about a sign. Ms. Buchanan replied there will be a minimal sign within ordinance requirements.

Mr. Auclair asked about the road. Jeff Read, SME Engineers, said that a 20' wide road is wide enough for two cars to pass and for snow to be cleared. Mr. Read said there will not be turnouts but they had talked about additional parking off to the side of the road in the future to serve some of the trails.

Mr. Saunders referred to the two residential buildings, one for the farmer and one that may be a building where multiple people can live. Mr. Saunders said section 2.C.8 talks about “two or more rooming units” and he asked if there could be a cap on this. Ms. Buchanan said that this language came from the ordinance definition of lodging house so this is what they used. Mr. Saunders said his concern is that the Town will be tied to this so if they come in with 50 rooming units, the Board would have no authority to overrule that. Mr. Read said this would require a site plan application to support the development. Ms. Nixon said that Mr. Saunders raises an interesting point and she doesn’t think it would hurt to limit the number of residents. Mr. Saunders said that he wants everyone to know that the Board will not have a lot of authority to restrict anything beyond what is in the contract zone. Ms. Nixon said the way to approach this is to have this question sent back to the Council. Mr. Saunders replied that the Board doesn’t have to answer these questions now, but he wants it on record for the Council to think about.

Mr. Saunders asked if the Town Attorney looked at this. Ms. Nixon replied yes.

Ms. Buchanan reported that the applicant is willing to work with the Town Council to come up with some language that will create a cap (to the number of residents) that is reasonable.

Ms. Rardin asked if the CZA takes precedence or if the underlying zoning requirements take precedence. Ms. Nixon replied that if the CZA addresses something, it would take precedence and if the CZA doesn’t address something, the underlying zoning takes precedence

Mr. Saunders asked about growing marijuana. Ms. Buchanan asked if there are restrictions on growing cannabis in the underlying zone. Ms. Nixon said that the Town Council recently adopted a medical marijuana caregiver ordinance. Mr. Saunders said that even if there is a restriction in the underlying zone, there would not be here because the production, keeping or maintenance of plants has no limitation in the proposed CZA. Ms. Buchanan asked if it would help to adjust the language to state whatever is allowed in the underlying zone for crops. Mr. Saunders replied that this is reasonable.

Mr. Saunders referred to amplified music and suggested that if this is something the applicant wants, it should not be left to site plan review. Mr. Saunders referred to a section in the proposed CZA that talks about weddings and special events and suggested a reference to amplified music be added in this paragraph too.

Mr. Saunders asked if the driveway has been reviewed by the Fire Department, and, if no, would the applicant allow for reasonable upgrades. Mr. Read replied sure and noted the 20’ wide road is based on preliminary discussions with Town staff. Mr. Read said this will all be vetted through the site plan application process. Mr. Read said he doesn’t think there is anything in the contract zone that would change the performance standards for access. Ms. Buchanan said agreed. Ms. Nixon said that the Fire Department might want to see additional gravel shoulders to support fire apparatus. Mr. Timpson reported that he met with Bill Longley, Bill Shane and Chief Small weeks ago and they didn’t raise any objections at that point.

Mr. Saunders referred to the timing language for food trucks to be allowed for up to a year after site plan and pointed out that if the project does not come back for site plan for ten years, then there is no effective limitation. Mr. Saunders said it would be nice to have language stating no more than “x” number of years. Ms. Nixon noted that the language is for a period of one year after site plan review.

Mr. Saunders said that there is no language under enforcement for if the developer fails to develop the property. Ms. Buchanan said that this was the Town Attorney’s language and they could refer to her. Ms. Nixon said that the undeveloped area is all going into conservation and this is what the Town cares about. Ms. Nixon questioned if the Town will really care if they never build the grange or operate it. Ms. Nixon said site plan approval is subject to the ordinance limitation of approval.

Chairman Record recalled discussion at the workshop that finding the farmer might be hard. Chairman Record asked if the applicant envisions that the grange and pub portion can operate independent of the other (the farm). Ms. Buchanan replied that is right and said they very much would like to see it actively being farmed but can’t control this.

Ms. Buchanan reminded the Board that before this goes back to the Town Council, the conservation easement will be in place and 90% of this land will be protected forever. Ms. Buchanan stressed that this is the Town’s benefit and the Town gets this up front. Ms. Buchanan said she does not see a downside from the Town’s perspective and shared possible benefits.

Chairman Record said he thinks everyone is excited about the project. Chairman Record noted a contract zone is a powerful and important thing that is hard to undo and the Board wants to make sure that things are not left open. Ms. Buchanan said they appreciate the Boards input and the Town staff’s help.

Chairman Record opened the public hearing.

Chris Cabot, Executive Director - Chebeague & Cumberland Land Trust, clarified that the conservation easement would allow the landowner to put non-residential permanent structures in the farmstead area and temporary structures can happen elsewhere. Mr. Cabot said the CCLT is happy about the project. and are actively fundraising.

Mr. Auclair asked if Mr. Cabot considers a hoop house a temporary structure. Mr. Cabot replied yes, as long as there’s not any poured concrete. Mr. Cabot added that the definition of temporary structure in the conservation easement will really drill down to if there is a poured foundation, any poured slab or sonar tubes make for a permanent structure.

Rob Crawford, 88 Longwoods Rd., said he is in favor of the project and thinks it is a wonderful vision to marry conservation opportunities with a business that celebrates the rural character. Mr. Crawford said he has been here for over twenty years and he has explored a lot of the area. Mr. Crawford said it is an interesting, nice piece of property and could be something that is integrated into some property on the Falmouth side such as the Hanson turnip farm off Field Rd. Mr. Crawford said he appreciates the Board’s comments and thinks the issues raised can be easily resolved. Mr. Crawford noted that there is a lot of development in Town and these precious spots that are large open

space with riparian area and conservation areas are going to be a draw for us and will be all the more important.

Chairman Record closed the public hearing.

Chairman Record noted that there are some valid concerns and he thinks the Board wants to see this succeed.

Mr. Saunders moved that the Board recommend to the Town Council approval of a prior proposed contract zone agreement with Synergosity, LLC for the Grange at Longwood, 76 Longwoods Rd., Tax Assessor Map R02, Lot 13 and Tax Assessor Map R02, Lot 6A subject to a request that the Council review and consider the comments made tonight, seconded by Mr. Auclair and **VOTED, 5 yeas – unanimous, motion passes.**

G. Administrative Matters/New Business: Chairman Record said the Board has two open seats and the Vice Chair is open as well and asked if the Vice Chair is something the Board should take care of now. Ms. Nixon said the Town Council has four strong candidates that they wish to interview between now and the next Council meeting with the intention to appoint two members to the Planning Board. Hopefully, the new members will be seated for the next meeting. Ms. Nixon referred to electing a Vice Chair and said it is fine to wait until the next meeting. Mr. Saunders said it makes sense to wait until the Board has a full group before electing a Vice Chair.

Chairman Record requested a discussion at the next meeting on doing the Pledge of Allegiance at the beginning of meetings. Chairman Record said he thinks this would be nice but he isn't trying to make this into a big deal.

H. Adjournment: Mr. Saunders moved to adjourn the meeting at 8:05 pm, seconded by Mr. Saunders and **VOTED, 5 yeas – unanimous, motion carries.**

A TRUE COPY ATTEST:

Jason Record, Planning Board Chair

Christina Silberman, Admin. Asst.