

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, December 10, 2018

7:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, Storey-King and Turner

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Turner, to accept the November 26, 2018 meeting minutes as presented.

VOTE: 5-0-2 (Edes & Stiles abstained) MOTION PASSES

II. MANAGER'S REPORT

Town Manager Shane said he would hold his report until New Business.

III. PUBLIC DISCUSSION

Dennis Marrotte of Westbrook is here this evening representing the Greater Portland Archangel Sister City Exchange. There is a photo exhibit called "Bridges of Friendship" currently going on at the Yarmouth Historical Society. As a thank you for the donation that the Town gave the organization, Mr. Marrotte presented the Council with a certificate and a commemorative plate.

Brad Hilton of Blanchard Road said that he is glad to see the progress that has gone on over the last few years on the Greely Woods trails. He suggested a trail map be made available, a kiosk at the entrance to the trails, the parking area plowed and make sure that the Police and Fire departments are made aware of the trails. There are a lot of people using them.

IV. LEGISLATION AND POLICY

18 – 154 To hold a Public Hearing to consider and act on the purchase of 51.5 acres of land on Range Road adjacent to the Rines Forest, as recommended by the Lands and Conservation Commission.

Chairman Copp opened the Public Hearing.

Penny Asherman, President of the Board of the Chebeague and Cumberland Land Trust presented the following:





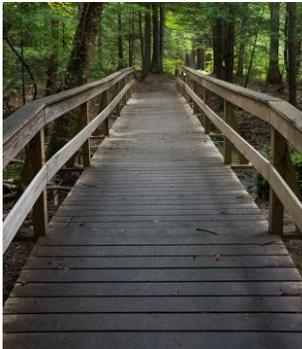
Recent CCLT Efforts

- Opened new office in Cumberland
- Hired two part-time staff from Cumberland
- Launched a new look and video last week
- Actively stewarding properties
- Working on trail connectivity projects
- Hosting monthly outdoor events
- Gathering community support for Rines Project



Property Overview

- CCLT & Town Partnership
- 52 acres, abutting 251 acres
- Priority Conservation Area Presumpscot River Watershed
- Largest remaining forest block in Cumberland
- Sustainable working forest
- Critical habitat & water quality protection
- Recreation & outdoor education opportunities
- Preserves rural character

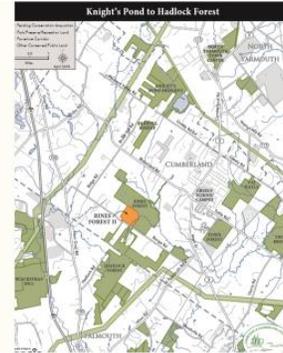


History

- Rines Family stewardship
- Original Purchase, Option, Conservation Easement, Use Management Plans
- Vision
- Existing tools for oversight and management
- History of cooperation

Connectivity & Regional Greenway

- Wildlife corridor
- Waterway Knight's Pond to Rines Forest
- Recreation Corridor
 - Cross-town trail network vision
 - Connects local snowmobile trails
 - Connects mountain biking trail
 - Critical link to Falmouth trail system



Habitat Protection

- Priority Regional Conservation Area
- Wildlife Variety
- Diverse Forest & Plants
- Water Quality & Wild Brook Trout
- Forestry Management to Enhance Wildlife & Woods
- Carbon Footprint



Photo by James Treadwell in Rines Forest

Recreational Benefits

- Hiking, running, biking, dog walking, horseback riding
- Skiing, snowshoeing, snowmobiling
- Hunting, fishing, trapping
- Nature observation
- Exercise close to home



the property



Outdoor Education

- Frog Night – 450 RSVPs last year
- Rines Forest snowshoe hikes
- Wildlife and Plant Walks
Get Out! Nature Walks
Rines Forest Dec. 19, 1:30-3pm
- Boy Scout Projects/MSAD 51 Community Service Projects
- Forestry Stewardship Model

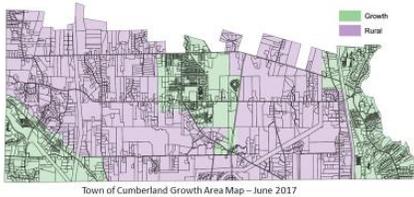


the property

Infrastructure

- Excellent existing trail network
- Woods road access
- Bridges
- Trailhead, maps, signage
- Off-street parking area
- Stormwater protection





Town Planning

- Property is in the rural, not growth part the town
- Meets Goals of Town's Comprehensive & Open Space Plans
- Preserves scenic and rural character on this section of Range Road



Project Budget

- Property acquisition
- Survey update
- Legal review/ closing costs
- Parking area
- Mapping and signage

Funding

- Owner financing over 3 years
- Town Land Acquisition Reserve Account
- CCLT Fundraising
- No new tax revenue needed
- Little revenue lost from current tree growth use status

CC
LT

CC
LT



Next Steps

- Purchase and Sale agreement
- All funds raised by June 2019
- Due diligence
- Closing by July 1, 2019
- Opening event/New signage & maps
- Amend Conservation Easement to include new acreage
- Update Use and Forestry Management Plans

CC
LT

Sally Stockwell, Chair of the Forestry Subcommittee of the Lands & Conservation Commission, read the following:

I am here tonight speaking on behalf of the Cumberland Lands & Conservation Commission in favor of the Town purchasing the final 52 acres of the Rines forest property.

Sixteen years ago the Town Council took a bold step when it entered into a purchase and sale agreement with Dale Rines and family to purchase 216 acres of forestland in the heart of Cumberland that had been in Dale's family for three generations. Early on the family used the property both as a woodlot and for grazing cattle that they drove over from Gorham to Cumberland every summer. In the 1940s Dale's grandfather planted hundreds of red pine in the pastureland - as did many others at that time - to provide wood for telephone poles and other uses far in the future. As professionally trained foresters, Dale's father and Dale tended the forest, occasionally thinning the red pine and removing other small trees to encourage better growth of the remaining trees, and harvesting a few high value lumber and pulp trees. They used sustainable forestry principles and low impact harvesting techniques even before those names became popular, and kept the forest open to the public for hunting, fishing, and other recreational activities including hiking, biking, birding, and snowmobiling. We owe a lot to the Rines family for taking such good care of this property for so long and a lot to an earlier Town Council for having the foresight to protect this land from development for the benefit of all residents and visitors to Cumberland. I spend a lot of time in the Rines Forest and since the Town purchased the original 216 acres, I have seen public visitation and enjoyment of the forest increase each year. Early on, I rarely saw another person on my daily tour, but now I almost always see somebody, or at least see the signs – birders with binoculars in the spring; boot prints and fat tire tracks in the summer; orange vested and hatted hunters in the fall; and snowshoe, xc ski, and snowmobile tracks in the winter.

This place is a treasure. And not just for people. For wildlife and water quality as well. Many of our declining songbirds breed in the Rines Forest, where there is enough structural complexity and tree and shrub diversity to support many different individuals of many different species, each using a different part of the forest or forest feature to nest, hide, and raise their young. Some, like the brilliant red scarlet tanager, prefer tall oaks trees for nesting and feeding; the black-throated green warbler likes the hemlock trees tucked in along the hills and ravines surrounding the fast-flowing streams; the ovenbird uses fallen dead leaves to build an oven-shaped nest on the forest floor; and the barred owl nests in the tops of tall pines and glides silently in between the trees in search of a meal.

Many of these species are only found in larger blocks of forest – at least 250 acres – and do best when that block is surrounded by other forestland. Foxes, fisher, coyotes, porcupines, skunk, otter and deer all make the Rines Forest their home as well, but because they have very large home ranges, often travel along the streams and other pathways to other forestland adjacent to or connected to the Rines Forest, including Knight's Pond and surrounding forestland.

And many feed on the abundant amphibians that live in the streams, under rotted leaves and logs on the forest floor, or in tunnels underground. Several of these – including the familiar spring peeper and the lesser known wood frog and spotted salamander – emerge from their icy winter homes in early spring to travel across Range Road to breed in Frog Pond and Salamander Swamp near the entrance to the Idlewood subdivision.

Several wetlands and streams occur in or run through the Rines Forest, the most significant one being Mill Creek, which begins at Knight's Pond, runs through the Rines Forest to the Piscataquis River, then into the Presumpscot, and on into Casco Bay. Several smaller streams run through the Rines Forest and feed into Mill Creek as well. What happens along those waterways really matters for water quality not only of those streams, but Casco Bay. Casco Bay has been seeing an increase in pollutants coming from runoff of upland streams and waterways. Forestland adjacent to streams keeps that water healthy by filtering pollutants, reducing runoff and erosion, and providing the shade and cool temperatures that our wild brook trout and stream salamanders need to thrive, both of which are still found in Mill Creek.

The parcel under consideration before you is an integral part of the Rines Forest ecosystem and recreational lands.

- It holds the upper reaches of several of the Mill Creek tributaries, ensuring the water quality of Mill Creek remains high.*
- Without it we would likely lose the annual spring migration of frogs and salamanders across Range Road – and if you could see the smiling faces of the children and adults (including the police officers!) that each year now help these small creatures safely cross the road, you would NOT want to take that experience away from them!*
- Parts of the property include remnants of the red pine plantation but most of it is a mixed hardwood-softwood forest, with great habitat diversity and opportunities for future harvesting if the Town chooses to do so.*
- The forest already plays an important role storing carbon, and as trees continue to grow at this site they will store even more, helping reduce carbon pollution.*
- A major community snowmobile trail runs through this section that directly connects with trails in Falmouth, Gray, North Yarmouth and beyond. It would be extremely difficult to move the trail somewhere else and still retain this connection.*
- The new Cross-Cumberland Trail now runs through this parcel, connecting the Hadlock Forest in Falmouth with the Rines Forest, out through the gifted Godsoe property to Blanchard Road, and across the road to Knight's Pond.*

- *Adding this parcel would ensure that we have at least one large block of forest over 250 acres that will support a wide variety of wildlife species.*

This parcel has always been part of the larger forest - one land - in the mind of the Rines Family, and was going to be part of the original deal between the Rines Family and the Town of Cumberland until the Rines Family decided to hold onto the 53-acre parcel in case their children might like to build on the property sometime in the future. Since that is no longer the case, the Rines Family would like to move forward with this final sale to keep the property whole as one connected forest rather than have it developed. They love this land, they have taken great care of this land, and for generations they have let Cumberland residents and visitors use this land for free. I hope we can honor the family's wishes, move forward with this final purchase, and seal the family's legacy to benefit the water, wildlife and people of this town for many, many years to come.

Thank you for your consideration. The CLCC believes this is exactly the kind of purchase that was envisioned when the Town established the Land Acquisition Fund, and we urge you to move forward with authorizing the Town Manager to enter into a Purchase and Sale Agreement with the Rines Family so we don't lose this one-time opportunity. The forest is in the rural residential part of town, is a key component of maintaining the rural character of the town, and there will be very little tax consequence since the land is currently in the Tree Growth Tax Program. Most of the money needed is already in the Acquisition Fund, and the Chebeague and Cumberland Land Trust is committed to raising additional funds to secure the parcel. Doing so not only honors the Rines Family legacy but the Town Council's legacy as well. Current and future residents and visitors of Cumberland will thank you. Over and over again, in multiple surveys and town meetings, residents of this town have said they value the rural character and open space of this community. This is a perfect time and place to show them you are listening.

We stand ready to help bring this to reality, and look forward to expanding our management plan for the Rines Forest to include this parcel and also the adjacent parcels donated by the Godsoe and Milliken families.

Steve Moriarty of 12 Oak Street said that he was on the Council in 2003 and it was important at that time that the Town had the right of first refusal on this parcel, if and when the Rines family decided to sell it. Now we are here 15 years later and the time has come to purchase it, and we have a partner in the Land Trust to obtain it. He urged the Council to finish the process that we started 15 years ago, and purchase the remaining 51 acres.

Shawn McBrierty of 1 Willow Lane and President of the Cumberland/North Yarmouth Moonlite Snow Skimmers Snowmobile Club, said that this is a vital link for the club and connecting existing trails. He urged the Council to strongly consider this purchase.

John Paynter of Greely Road Extension said that a chance like this does not come along very often, and it won't come along again. He urged the Council to approve this purchase.

Matt Warner of Range Road and a board member of the Greater Portland Chapter of the New England Mountain Bike Association, said that this parcel connects Portland to Knight's Pond and is a very popular destination with an awesome trail system. A lot of people will drive to the Rines Forest trails to start and end their ride there.

Erin McAllister and her son Owen of Ranger's Way said that their family has given their time and energy and have dug into their pockets to support this initiative and urged the Council to support it. Owen spoke about why he loves the Rines Forest.

Brad Hilton of Blanchard Road said that he has not heard the entire financial aspect of this purchase. This will cost us money. The land acquisition fund is money that is put aside every year that increases the tax base. It's not tax free and there is a limit to what we can afford. He would rather see the land reserve funds used to find land for the Public Works garage or return those funds to the taxpayers to reduce taxes.

Jane Moriarty of Range Road said that she uses the trails for many recreational activities and she cannot believe that this amazing property is right across the street from her home. If this parcel was developed, it would cost the Town more money with plowing and paving, not to mention the increased traffic on Range Road.

Andrew Black of Idlewood Drive said that a lot of people use the Rines Forest and this parcel would allow for accessibility for people who do not live in the immediate area. Because of the limited parking spaces, it is not used as much as it could be. This is not only about adding 50 more acres, it is about enhancing the existing property and making sure it is accessible to everybody.

Rich Campbell of Range Road said that new residents who move to Cumberland are not coming here for the location of the Town garage, they come for the trail system. He agreed with Mr. Black that parking is a problem that will have to be addressed.

Jessie Lamar Vincent of Range Road said that his family chose their home because of the Rines Forest. They use the property every month of the year and it is incredible. This is a great opportunity to enhance the best part of Cumberland and bring young families here.

Judy Donnelly of Blackberry Lane said that she meets people from all over Town in the Rines Forest. This past fall she ran into a couple of kids on a weekday before school that were riding their bikes to school through the forest to Blanchard Road. This is a great corridor for our youth to travel to the center of Town, which is safer for them.

Susan Gallo of Main Street said that by not developing this parcel and providing all the services that would be required by developing it, is an economically smart move for us. We also need to recognize the asset that the Land Trust will bring to this project.

Matt LeClair of Gray Road said that adding this parcel will be the best thing for the Town. If money is the issue, he suggested going public and raising the money.

Chris Franklin of Main Street said that the key elements for him are the salamander event that happens every year and the excellent trail system. As a taxpayer, he feels that people want more conservation land, not more houses. The land acquisition fund is money set aside for opportunities like this and this is a once in a lifetime opportunity.

Chairman Copp closed the Public Hearing.

Councilor Bingham said that in order to be fair to Mr. Hilton's comments, whether the Town garage stays where it is or moves to another location, we are going to have to allocate money to that as well as allocate money to repairing some roads. Over the past 5 years, we have allocated nearly \$5 million between Knight's Pond and Broad Cove Reserve. Given the fact that the Land Trust will likely raise about half of the funds and the parcel has little development potential, he thinks it makes sense to purchase it. Over the last 10 years, there have been 2 individuals in this community who "should be prayed to as saints". They are Bill Shane and Penny Asherman for the hundreds of hours spent before these types of opportunities even get to the Town Council to consider.

Councilor Turner thanked everybody for their testimony. The biggest argument that he heard tonight that was the most persuasive to him was that this 50 acres that would allow for more parking, allowing more people to access the property. This is a beautiful piece of property and it should be utilized by more people of the Town. This is reason in itself to purchase it.

Councilor Storey-King said that the Council has always known that they would have the right of first refusal on this parcel and she will support this. It makes good sense for the Town.

Councilor Edes said that his initial reaction to this purchase was no more Town owned land. Mr. Hilton is correct that this will have a financial impact. The tax assessment on this property is almost \$23,000 that will be lost and the potential development taxes would be approximately \$60,000. However, these once in a lifetime opportunities come up and this property is key to the entire property. He will support it.

Chairman Copp said that he has lived in this Town for 56 years and has used the Rines Forest land like he owns it. He owes the Rines family something for that opportunity. He feels that this purchase is the right thing to do and he wants his grandchildren to be able to enjoy and use that property too.

Councilor Gruber initially felt that we did not need this parcel. He does not feel that way now. He will support this.

Councilor Stiles said that he has always been supportive of buying this parcel. It is a wonderful piece of property and it makes sense to purchase it with the help of the Land Trust.

Motion by Councilor Stiles, seconded by Councilor Bingham, to authorize the Town Manager to purchase 51.5 acres of land on Range Road, adjacent to the Rines Forest and owned by Elizabeth Rines, for up to \$414,000.

The Town Council further authorizes the Town Manager to reduce the impact to the residents through grants and fundraising by the Chebeague & Cumberland Land Trust.

The Town Council authorizes the Town Manager to finance this purchase over three years with a promissory note from Elizabeth Rines.

Councilor Gruber said that he feels that the motion should reflect a cap on the amount that the Town will pay toward the parcel.

Town Manager Shane said that the US Forestry Service did a site walk of the Rines Forest recently and he is fairly confident that we will receive some funding from them in addition to the money raised from the Land Trust. If the Council likes, the Manager said that he could come back to the Council if the amount exceeds \$300,000 for the Town's portion.

Councilor Gruber moved that if the amount of appropriations exceed \$300,000, the Town Manager will come back to the Town Council for a vote. Councilor Turner seconded.

VOTE: 2-5 (Bingham, Storey-King, Edes, Stiles, Copp opposed) MOTION FAILS

Vote for Councilor Stiles original motion: 7-0 UNANIMOUS

18 – 155 To hold a Public Hearing to consider and act on awarding the Tax Anticipate Note borrowing for up to \$2 million, as recommended by the Finance Committee. TABLED

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

18 – 156 To hold a Public Hearing to consider and act on amending the Official Cumberland Overlay Zoning Map to add a Medical Caregiver Overlay District in portions of the Highway Commercial (HC), Office Commercial–South (OC-S) and the Village Center Commercial (VCC).

Town Manager Shane explained that this is only to amend the zoning map. The ordinance was amended at the last meeting, but due to advertising requirements on zoning map changes, this item had to wait until this evening.

Chairman Copp opened the Public Hearing.

Public discussion: Sarah Verrier of Tuttle Road asked what the function of these districts are.

Town Manager Shane explained that these are the three commercial districts in Town. Because the medical marijuana caregiver laws have a retail component, we are required to designate areas of Town where this would be allowed. We did not want these zones designated in residential areas.

Chairman Copp closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Stiles, to amend the Official Cumberland Overlay Zoning Map to add a Medical Caregiver Overlay District in portions of the Highway Commercial (HC), Office Commercial–South (OC-S) and the Village Center Commercial (VCC).

VOTE: 7-0 UNANIMOUS

18 – 157 To hold a Public Hearing to consider and act on a Class 1 Liquor License application for Cumberland House of Pizza, for the period of January 17, 2019 – January 17, 2020.

Town Manager Shane said that staff is recommending approval.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Class 1 Liquor License application for Cumberland House of Pizza, for the period of January 17, 2019 – January 17, 2020.

VOTE: 7-0 UNANIMOUS

18 – 158 To hold a Public Hearing to consider and act on a Class 1 Liquor License application for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company, for the period of January 1, 2019 – January 1, 2020.

Town Manager Shane said that staff is recommending approval.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Class 1 Liquor License application for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company, for the period of January 1, 2019 – January 1, 2020.

VOTE: 7-0 UNANIMOUS

18 – 159 To hold a Public Hearing to consider and act on a Class 1 Liquor License application for Louie’s Grille, for the period of January 8, 2019 – January 8, 2020.

Town Manager Shane said that staff is recommending approval.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Storey-King, to approve the Class 1 Liquor License application for Louie’s Grille, for the period of January 8, 2019 – January 8, 2020.

VOTE: 7-0 UNANIMOUS

18 – 160 To appoint Tamara O’Donnell as Registrar of Voters for the term of January 1, 2019 through December 31, 2020.

Chairman Copp asked for any public comment.

Councilor Storey-King said that Tammy does an outstanding job as our Town Clerk.

Motion by Councilor Bingham, seconded by Councilor Gruber, to appoint Tamara O’Donnell as Registrar of Voters for the term of January 1, 2019 through December 31, 2020.

VOTE: 7-0 UNANIMOUS

18 – 161 To appoint a member to the Planning Board.

Chairman Copp asked if there is any public comment

No public comment.

Motion by Councilor Bingham, seconded by Councilor Gruber, to appoint Jason Record to the Planning Board.

VOTE: 7-0 UNANIMOUS

18 – 162 To consider and act on cancelling the December 24th Town Council meeting.

Chairman Copp asked if there is any public comment

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the December 24th Town Council meeting.

VOTE: 7-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Bingham – None

Councilor Gruber – He thanked everybody who was involved in the Fill a Bus, Fill a Belly campaign for the Food Pantry.

He is involved with the Veterans to Veterans Program. The tie that he is wearing this evening was made for him by the wife of Roger Young, the veteran that he sees on a regular basis. Thank you Madeline.

He thanked Jeff Davis for his time on the Planning Board.

The Fire Department is selling Christmas trees, for anybody who still needs to purchase a tree.

He wished everyone a Happy Holiday Season.

Councilor Edes – He would like the Ordinance Committee to look at the Firearms Ordinance. It appears to have been written back in the 80's before muzzle loaders were around. Muzzle loaders would be allowed for hunting because they are not considered a rifle. He recommended that this be sent to the Ordinance Committee. He feels that muzzle loaders fall under the safety guidelines that we try to maintain in our ordinance.

Motion by Councilor Edes, seconded by Councilor Gruber, to send the Firearms Ordinance to the Ordinance Committee for their review.

VOTE: 7-0 UNANIMOUS

His son has decided to join the Air Force. He and his wife are very proud of him. They had a long talk about this and he told his son how much he respects his fellow Council members and especially the 4 veterans that serve on the Town Council.

Merry Christmas to everybody.

Councilor Storey-King – She encouraged everybody to shop local for the holidays.

The Parks and Recreation Committee met recently. One of the concerns raised at the meeting was lack of space for programs. This is one of the items that she will bring up when she and Chairman Copp meet with the School Board Chair and Vice Chair as well as our joint meeting with North Yarmouth.

Her Social Studies classes had a food drive competition which brought in over 350 pounds of food and \$560.00 for our Food Pantry.

Merry Christmas to everyone.

Chairman Copp – In regard to MDOT denying our request for a traffic light at the intersection of Route 100 and Skillin Road, they seem to have picked a day to survey the traffic counts that typically has very little traffic. He lives and works at this intersection. To attempt to get through that intersection at 5:00 p.m., you are taking your life in your hands.

Councilor Stiles – He reminded the public that if they have money to donate and need the tax deduction, the 4-H auction fund that benefits the Food Pantry is an excellent cause to donate to.

He wished everyone a very Merry Christmas.

Councilor Turner – Merry Christmas to all.

Town Manager Shane – Town Hall will be closing at noon on December 20th for our annual employee appreciation luncheon at Val Halla. Town Hall will also be closing at noon on Christmas Eve.

There will be a meeting at Town Hall on January 22nd with the Raven Farm area residents and Middle Road residents. He is not think that CMP will have much information that is new, but residents will have an opportunity to ask questions.

Long time Town employee, Dale Lawless lost his wife to cancer today. We all send our deepest sympathies to the Lawless family.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Bingham, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS
TIME: 9:19 P.M.

Reconvene to regular session at 9:38 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Gruber, seconded by Councilor Stiles, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 9:38 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary