

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, December 23, 2013

6:00 P.M. Workshop re: FY'15 pre-budget meeting

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the December 9, 2013 minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Assistant Town Manager, Alyssa Tibbetts, has accepted a position with the law firm of Jensen, Baird, Gardner & Henry. Alyssa has worked for the Town on and off for nearly 10 years, with a break to attend law school. Alyssa has done a phenomenal job for the Town and he wishes her all the best. We will still be working with Alyssa in her new role at Town Attorney. On January 13th the Manager will be asking the Council to consider the appointment of Chris Bolduc as acting Town Manager in the event of the Town Managers absence.

The food pantry continues to do very well. They handed out holiday food baskets last Friday to over 52 area residents. With our relationship with Good Shepard Food Bank and the generous donations that we have received, we are able to keep our food pantry well stocked and help many families.

Police Officer, Tom Adams, graduated from the Maine Criminal Justice Academy last week. We are looking forward to Tom beginning his career as a Cumberland Police Officer.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 184 To hear a report from the Comprehensive Plan Update Committee re: Comprehensive Plan updates.

Town of Cumberland Comprehensive Plan Update

Planning Board Public Hearing
December 17, 2013

Presented by the Comprehensive
Plan Update Committee

TOWN Council Charge

"The Cumberland Comprehensive Plan Update Committee shall review key elements of the 2009 Comprehensive Plan and recommend to the Town Council changes to the plan that reflect the current 10 year vision for the town."

Defined Scope of Work

- Update demographics w/ 2010 Census Data
- Review Housing Chapter
- Review Land Use Chapter
- Review Public Facilities Chapter
- Review Vision Statement

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Defined Time Frame

- To begin no later than May 15, 2013;
- To meet on a monthly basis;
- To provide recommended changes to Council by November 15, 2013.

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3. Small, Experienced Committee

2013 Comp Plan Update Committee Members:

- April Caron, Chair (Resident)
- Peter Sherr, Vice Chair (Plng. Bd.)
- Teri Maloney-Kelly (Resident, then Plng. Bd.)
- Jim Guidi (Resident)
- Peter Bingham (Plng. Bd., then Council)
- Shirley Storey-King (Council)
- George Turner (Council)

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Why Update the 2009 Plan?

1. There have been many changes relating to land use, infrastructure and affordable housing over the last 4 years;
2. Consider 2010 Census Data and begin 10 year plan update periods to reflect most recent decennial Census information;
3. Ensure current zoning reflects current needs;
4. Consider whether "The Vision" as stated in the 2009 plan is reflective of all the above.

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2009 "Vision" Accomplished?

- ✓ • Preserve the community's rich agricultural heritage;
- ✓ • Implement programs and practices to assure environmental sustainability;
- ✓ • To make available quality affordable housing for people of all ages and income levels;
- ✓ • To expand its non-residential tax base
- ✓ • To facilitate moderate growth through prudent planning.

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Vision statements should reflect broad objectives for the next 10 year planning period.

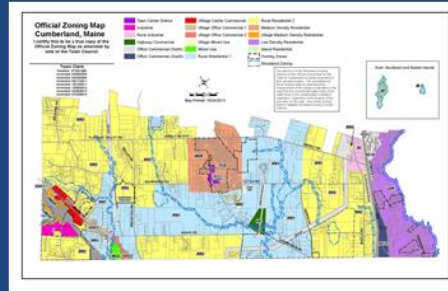
Possible Modifications.....

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- Consider if differentiating between RR 1 and RR 2 is necessary and equitable.
- Recognize the importance of infrastructure investments to provide for better public health and safety, as well as facilitate economic development.
- Emphasize importance of enabling affordable housing developments, and also for a continuum of care (e.g., assisted living, memory care, etc.)
- Continue to emphasize the importance of enabling new non-residential development to provide a balanced tax base and to allow residents to obtain basic goods and services locally.

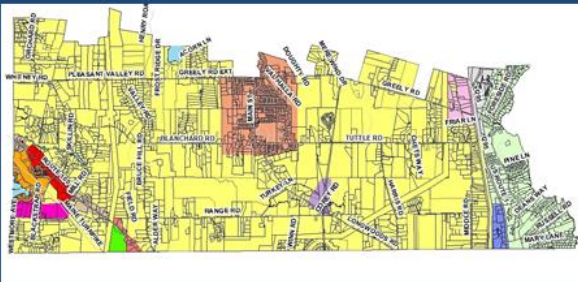
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Current Zoning Map



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Proposed Zoning Map



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Parcels in Town

Zone	Number of Parcels	Acre Min	Acre Max	Total Acres Sum
HC	18	0.22	26	60
I	15	0.29	41	103
IR	18	1.29	9	67
LDR	581	0.04	103	987
MDR	643	0.07	31	762
MUZ	3	0.65	45	49
OC-N	116	0.05	31	106
OC-S	23	1.52	12	99
R1	22	0.50	31	131
RR1	473	0.08	253	4,195
RR2	1116	0.05	118	6,321
TCO	44	0.02	2	28
VCC	43	0.10	8	101
VMDR	126	0.00	9	97
VMU	62	0.15	10	34
VOC1	61	0.25	16	95
VOC2	14	0.50	6	33
	3378			13,269
	Parcels			Acres

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Land Use Chapter RR 1 & RR 2

- RR 1 requires 4 acres per house lot; RR 2 requires 2 acres
- Rationale when implemented was that the soils in the RR 1 areas were less suitable for septic waste disposal.
- Committee proposes to create one RURAL RESIDENTIAL Zone: With 2 acres lot size minimum and all the same uses and requirements as currently allowed in the 2 zones.

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Land Use Chapter Route 1 Additional Uses

- Add two new commercial uses to support residents and office workers in the area while increasing the tax base.
 1. Restaurants: Limit size, hours, design.
 2. Retail: Limit size, hours, design

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Public Facilities (Infrastructure) Chapter

- Continue fund the 2012 Pavement Plan.
- Continue to pursue alternative road funding sources.
- Continue to support expansion of the natural gas pipeline throughout town.
- Continue the Enterprise Fund model for maintaining sewer system.

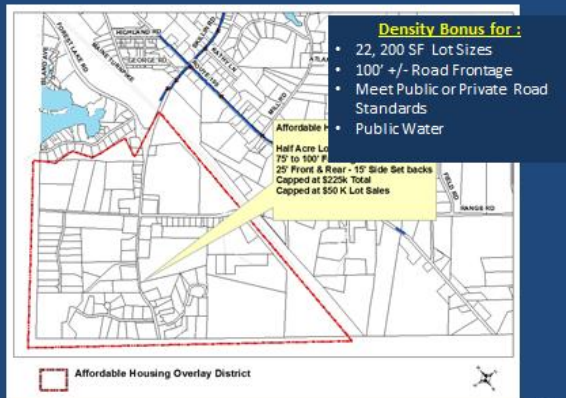
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Housing Chapter

- Create an Affordable Housing Overlay District west of Rt. 100. This area includes gravel pits (Industrial District) as well as two new residential subdivisions (Foxes Gore & Old Colony).
- More residents are needed in this area to support new and existing businesses .
- Residential uses are more protective of the aquifer than industrial.

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Proposed Affordable Housing Overlay District



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Update Plan w/ 2010 Census Data

Reflect changes in the following chapters:

- Population and Demographics;
 - Housing;
 - Public Facilities;
 - Land Use
-
- Also update/revise relevant maps in the plan.

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Questions/Comments?

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Councilor Storey-King said that a large portion of the lots in the RR1 zone are either Town owned or have conservation easements on them. She thinks this may diminish a lot of fear about huge, sudden growth that will come along with the change in lot size requirements in the zone.

Councilor Bingham said that he is a large land owner in the RR1 zone and this will affect him personally. He feels that he can make independent judgment on this based on the 30 years he has been involved in the

process. He feels if this zone change is done correctly with proper clustering and a proper ordinance, it is not going to have the significant impact that many people think it will have.

Chris Franklin of 130 Range Road said that this proposal is opening up the door for growth in an area that has been semi-protected. The properties that are currently set aside as open space (in tree growth or agriculture) are not in permanent protection and this change would provide an incentive for those land owners to get out of those programs by doubling the amount of building they could do on their lots. The Comprehensive Plan is meant to target growth in the new growth areas, and to preserve and identify areas that we want to preserve as the non-developed areas. The Comprehensive Plan is very concerned about sprawl and not setting us up as an area that did not target our growth, but just let our growth go wherever it wanted to go. If this area is all rezoned to two acre lots, we are taking away one of the few tools that the Town has to target growth to certain areas and to dis-incentivize growth in other areas.

Bob Waterhouse, a 32-year resident of Range Road, owns 50 acres of land of which he already split one lot off some years ago for his in-laws. He has seen Cumberland change over the years and has never quite understood the RR1 and RR2 zones. He is personally conflicted about combining the two zones but feels it should be decided by the Planning Board and Town Council.

Jim Guidi of Hedgerow Drive is on the Comprehensive Plan Update Committee. One of the committee charges was to consider whether two zones are necessary and equitable. He feels that based on the comments this evening, it is not equitable or necessary. We have sewer hookups available, we have natural gas coming to the community, and we have space in our schools. He feels that the argument that we will ruin the rural character of the Town by going to 2-acre lots is a tough argument to make. Two acre lots are quite large.

Annie Witte of Tuttle Road asked what the process is and who makes the final decision.

Chairman Stiles responded that the committee forwards their recommendation to the Planning Board, and the Planning Board will forward their recommendation to the Town Council, who holds a Public Hearing to consider and act on it.

Ms. Witte said that she does not support combining RR1 and RR2 and making all the lot sizes 2-acres. She feels that the zoning was put into place for certain areas to be developed and other areas to be preserved. She feels that the focus should be on developing Route 1 and Route 100 commercially.

Judith Wohl of Range Road said that she wants to address the process. The Comprehensive Plan Update Committee held a meeting, which was open to the public. There was tremendous opposition by the public at the meeting. The Planning Board met on December 17th and again, there was tremendous opposition by the public. She was very pleasantly surprised that after hearing from the residents, the Planning Board decided that they could not recommend the proposed amendments to the Town Council, particularly the change to the RR1 and RR2 zones. The Planning Board felt that the process was moving too quickly and asked that the item be tabled. The 2009 Comprehensive Plan survey indicated that a significant number of residents wanted to preserve the rural character of the Town. Ms. Wohl said that it is important to her that the Council is aware that the opposition that has come forth to date is really not being heard here this evening. Further, it is a very important fact that the Planning Board, after hearing that opposition, came to the conclusion that the committee's recommendation was premature. Ms. Wohl said that she is getting the sense that there is a desire for significant additional residential growth in the Town, and she is not sure why. She feels that we cannot do too much to protect our open areas and the rural character of this Town. She urged the Council to take a good look at what is going on and to encourage input from the community before making a decision.

Julie Franklin of Range Road said that she would like to have seen a limitations slide in the presentation that stated “we did not consult outside expertise”. The committee of 8 people (2 of which do not vote) was charged with issue of RR1 vs. RR2 and is it necessary and equitable. The original Comprehensive Plan Committee consisted of 15 members, 3 Town Council liaisons, and 4 consulting companies. That is significant. If this was arbitrary back in the 80’s, why is it not arbitrary now? She does not want this issue confused with affordable housing. They are separate issues. We need to think about what we really want in the RR2 zone and what makes sense. She wishes that the process would slow down and a consultant could be hired.

Councilor Copp reminded everyone that the reason the lot size issue ever came up is because a resident requested it. That resident’s family has lived in Town for hundreds of years and his grandmother owned hundreds of acres in Town. The resident that requested the zone change has 6 acres and wants to give each of his 2 children a lot to build on (his land is in a 4 acre lot zone). This issue is all about one citizen’s request. It is not about sprawl.

Sarah Russell said that there has been a lot of discussion regarding the RR1 & RR2 zones, but she does not want us to lose sight of the Comprehensive Plan. She said that this would be a massive change to the plan and she would like to see a bigger conservation take place before making the change. Whether we like the zoning or not, it has contributed to our rural character and it is the reason we are a different town. She is concerned that opening the gates to blanket 2 acre zoning will change that. In terms of the equity argument, there are 2 sides to that. While some property owners may want to develop their lots, there are also those who do not want to suddenly look across the street at several new houses, which could decrease the value of their property.

Chairman Stiles thanked everyone for coming this evening and sharing their thoughts.

After some discussion, the Council decided to hold a workshop on this item on January 13th in order to discuss it further.

13 – 185 To set a Public Hearing date (~~January 13th~~ January 27th) to consider and act on a recommendation from the Comprehensive Plan Update Committee re: plan amendments.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to set a Public Hearing date of January 27th to consider and act on a recommendation from the Comprehensive Plan Update Committee re: plan amendments.

VOTE: 7-0 UNANIMOUS

13 – 186 To set a date of January 13th to hear a report from the Town Manager/Tax Collector re: foreclosed properties.

Town Manager Shane said that the Council started this process last year and they should revisit the foreclosed properties list every January in order to give the Manager some direction.

13 – 187 To hear a report from the Council Chairman re: “adopt an acre of forest”.

Chairman Stiles said that at the last Council meeting, there was a presentation from a forester regarding tree cutting and the problem of invasive species. Robert Storey contacted him with an idea of adopting an acre of Town Forest program. A group or individual could do things like pruning off low limbs, remove invasive plants, stack brush, etc. Mr. Storey volunteered to take the first acre. Chairman Stiles thinks this

is a great idea and wants to invite other community members to volunteer as well. This will help take care of our forests and help the Town financially. Anyone interested can contact Town Hall.

13 – 188 To appoint members to Boards & Committees.

Motion by Councilor Copp, seconded by Councilor Storey-King, to appoint:

Jeff Porter to the Val Halla Board of Trustees

Kimberly Darling and Matt Grondin to the Cumberland Energy Advisory Committee

Motion by Councilor Copp, seconded by Councilor Storey-King, to reappoint:

To the Board of Adjustments and Appeals: Andrew Black & Matthew Manahan

To the Board of Assessment Review: Robert Crawford, Jeff Daigle & Jerome Gamache

To the Board of Sewer Appeals: Paul Chesley, Doug Pride, Steve Sloan & Eileen Wyatt

To the Coastal Waters Commission: Lewis Incze

To the Cumberland Energy Advisory Committee: David Kaplan, Matt Mecray, Chessell McGee, Adam Pitcher & Bob Vail

To the Cumberland Housing Authority: Norman Maze, Jr. & Eileen Wyatt

To the Planning Board: Gerry Boivin, Teri Maloney-Kelly & Joshua Saunders

To the Prince Memorial Library Advisory Board: Susan Nolde & Sara Perfetti

To the Recreation/Community Education Advisory Board: Bill Green & Nancy Storey

To the Rines Property Citizens Advisory Committee: Warren Graumann, Greg McCarthy, Henry Milburn & Bruce Wildes

To the Shellfish Conservation Commission: Charles Adams, Michael Brown & Harland Storey

To the Twin Brook Advisory Committee: Joseph Loring, Jacqueline Stowell & Iwona Tarling

To the Val Halla Golf & Recreation Center Board of Trustees: Judy Ingraham

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Turner – wished everyone a Merry Christmas.

Councilor Bingham – he received a letter from a constituent regarding Time Warner cutting off New England Cable Network. There was an article in the paper that NECN will not be cut after all.

Councilor Storey-King – our gas main project now has a Facebook and Twitter account. Interns Eliza Porter and Emily Fisher have created these and they are awesome.

Last week she had the pleasure of bringing her classes to Town Hall for the “think locally, act globally tour”. She wants to thank Sharon Marks at the Food Pantry for talking to the students about the pantry. Thank you to Lieutenant Calder for a tour of the Police Department, and to the Manager for the Town Hall tour. She urged all citizens to get to know their Town Hall and what they do.

She wished everyone a Merry Christmas.

Councilor Gruber – thank you to Town Manager Shane and his wife, Linda, for all the effort that they put into the holiday food baskets for the food pantry. Their hard work was amazing.

A resident donated \$750 to the food pantry and put out a challenge at her workplace to match it.

He received a number of comments regarding the good condition of our roads compared to neighboring towns. Thank you to the Public Services department for their great work.

Chairman Stiles – Merry Christmas and Happy New Year to everyone.

Councilor Edes – he enjoyed the public discussion this evening. The interaction with the Council and the public is the reason he wanted to be on the Town Council.

He donated two license plates to be auctioned off for the 4-H program that benefits the food pantry. The plates were used during the month of October by State Troopers for breast cancer awareness. He said that he has seen some on E-Bay going for \$200 - \$300.

He thanked the Council and Town employees for all the hard work they do all year long.

He wished everyone happy holidays and a safe new year.

Councilor Copp – the Comprehensive Plan update matter will be brought up again on January 13th (in workshop) and again on January 27th. He urged the public to get involved and attend the meetings. The more input that the Council gets from the public, the better.

He wished everyone happy holidays.

Town Manager Shane – the recent storms have taken their toll on the Public Works crew. They have worked very hard and done a great job, and he is very proud of them. We have already used 50% of our salt budget and 20% of our overtime budget due to the storms. Ice and rain are much more expensive to the Public Works budget than snow.

VI. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request. Motion by Councilor Bingham, seconded by Councilor Copp, to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request.

VOTE: 7-0 UNANIMOUS

TIME: 9:39 P.M.

Reconvened at 9:50 P.M.

Motion by Councilor Bingham, seconded by Councilor Turner, to table the Hardship Abatement Request for property identified as Tax Map R05/Lot 34.

VOTE: 7-0 UNANIMOUS

VII. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Gruber, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:51 P.M.

Respectfully submitted by:

Brenda Moore
Council Secretary