

## Cumberland Town Lands and Conservation Commission

Date: September 8, 2012 (\* = Chair; + = liaison TC; ++=Town Mgr.) Bill Shane++  
To: CTL&CC members: Tom Gruber + Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young

From: Ellen Hoffman  
Re: Meeting September 5th, 2012

- Minutes from July meeting were approved.
- Most of meeting was spent discussing rezoning around Knights Pond. Knights Pond is designated as a Great Pond. Land owner John Paynter was in attendance to present his side of the story. History: Mr. Paynter bought property along Knights Pond 2007 – house plus about 30 acres. 2009 DEP changed zoning from limited residential to resource protection. This new zone changes setback from 75 feet from upland body of water (not water's edge) to 250 feet. There is no building in a resource protected area. Mr. Paynter protested, complained to state (his is the only lot affected by this change). Mr. Paynter wants to possibly build 2-3 house lots. Says this is taking without compensation. 2012 DEP agreed to reverse decision and change zoning back to limited residential. Town now needs to decide if they will allow the change to go back to limited residential. Reason it was changed to resource protection was because migratory birds. Town had requested recommendation from Lands Committee.

Penny put together a white paper (Knight's Pond Resource Protection Zone 9/5/2012) explaining the background of the issue, the issue itself and what's at stake: Knight's Pond habitat value (as laid out in the Town's Open Space Plan). Her paper pointed out that according to the Town's most recent Comprehensive Plan, 85% of the Town's population support the Town's efforts in protecting wetlands and wildlife habitats. The goals and actions needed to protect the Town's wildlife habitats; specifically working with Knight's Pond abutters to educate residents about the area's important natural resources to wildlife were outlined.

The paper also listed the options available to the Town:

1. The Town of Cumberland can choose to keep the zoning designation in Resource Protection as recommended by the Inland Fisheries and Wildlife Department.
2. The Town of Cumberland could also pursue conservation options with property owners surrounding Knight's Pond. The Town could partner with other organization to try and negotiate a conservation easement around the Pond. The Town could also explore grant opportunities through the Maine Natural Resource Conservation Program (which is a wetland mitigation fund).
3. The Town of Cumberland could change the zoning from Resource Protection to Limited Residential thereby allowing for possibly more development around the Pond.

There was much discussion on this matter. Most felt that Mr. Paynter was wronged by the State – that he was not adequately compensated for what he calls the “taking”

of his property since his land is now in resource protection it is no longer buildable and hence worth less monetarily then when he purchased it 5 years ago.

Since we are the Cumberland Town Lands Committee we needed to weigh what is in the Town's best interest over our sympathies for Mr. Paynter. Penny made a motion to leave Knight's Pond in Resource Protection (option 1) and suggested that the Town Council pursue conservation options with Mr. Paynter (option 2). Ellen seconded motion. Motion accepted 3/2. Planning Board will hold a public hearing on the issue 3<sup>rd</sup> Tuesday in October (16<sup>th</sup>). We need to have our recommendation to Carla 2 weeks prior to meeting.

- Blueberry Hill logging – no logging to date; probably not until winter.
- Site walk of Ben Hilton's property Friday (7<sup>th</sup>) off of Blanchard (look for the windmill) 5:45. Ben is interested in maintaining the extensive trail system that transverses his property.
- Planning Board
  - OneSteel Recycling – issue tabled
  - Maeve's Way 10-lot subdivision off of Rt 88. Dave Y will review plans and give feedback. Presence of Variable sedge?
  - Emerald commons – off of Rt 100 want to change zoning from commercial to residential. Concern that the Town is once again deviating from establish plan for the Rt 100 corridor. Sam will do write-up.
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting.
- Sam will contact Bob Bittenbender to see if another date in September or early October will work for him to do a talk on invasive species.
- Projects/goals for 2012
  - Invasive species education – Bob Bittenbender
  - Celebrate Arbor Day - TG and PA distributed 350 Balsam Fir seedlings to 4<sup>th</sup> and 5<sup>th</sup> graders at NYMS end of May. PA mentioned that it would be better if this was done every other year since it would be a whole new batch of kids.
  - Schedule a walk with the Maine Tree Club. We need to wait until the end of July and try to schedule walk for end of September.
  - Update Trail Guide. Cumberland's trails are individual trails and not connected. Penny will bring Falmouth guide to next meeting. Both Yarmouth and Falmouth are building trails and would like to connect through Cumberland. Brian Sterns is spear heading some of this effort.

- Discussion of foot trail to connect Falmouth trail with Rines Forest. Problem is property owner's driveway is on right-of-way. Need to flag boundary. Issue is easement says no cutting – but would need to cut some to make trail. Meeting scheduled for next weekend (July 16<sup>th</sup>).
- Town Garden – no input from Lands Committee needed.
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
- Increase membership.
- **Next meeting October 3<sup>rd</sup> 7:00**