



# TOWN LANDS AND CONSERVATION COMMISSION

(Commission)

Town of Cumberland

290 Tuttle Road

Cumberland, ME 04021

Date: September 8, 2020

(\* = Chair; + = liaison TC; ++=Code enforcement officer; <sup>(T)</sup> = trails SC; <sup>(F)</sup> = forest SC)

Bill Longley ++; Tom Gruber + (abs); George Turner + (abs); Allison Foster+

To: Members:

Jennifer Bell (abs)

Sam York

<sup>(F)</sup> Ted Chadbourne

<sup>(T)</sup> Rachael Becker McEntee

Jenn Grasso (abs)

David Young

<sup>(F)</sup> Melissa Cott

<sup>(T)</sup> Stephen Fitzgerald

Ellen Hoffman

<sup>(F)</sup> Denny Gallaudet ✓

<sup>(T)</sup> Peter Garsoe

John Jensenius <sup>vice\*</sup>

<sup>(F)</sup> Gordon Lichter ✓

<sup>(T)</sup> \*John Jensenius ✓

Steven Knowles (abs)

<sup>(F)</sup> Linda Putnam ✓

<sup>(T)</sup> Matthew Leclair

Riva Krut

<sup>(F)</sup> Timothy Schneider

<sup>(T)</sup> Shawn McBreairty

\*Mike Schwindt (abs)

<sup>(F)</sup> \*Sally Stockwell ✓

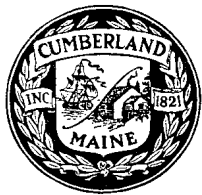
<sup>(T)</sup> Don Stowell

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

From: Ellen Hoffman

Re: Meeting September 2, 2020

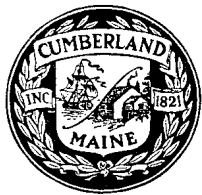
- July minutes were approved as written. There was no meeting in August. This meeting was held virtually via Zoom.
- Allison is a new liaison between the Commission and Town Council. Riva Krut is a new Commission member and member of the Climate Action sub-committee. Also in attendance were Chris Cabot and Penny Asherman (Land Trust) and Bill Shane.
- Commission (John)
  - Bill report (summarized from Bill L's handout):
    - Town Hall is open; face mask and sanitizer are required; more changes soon.
    - During the months of July and August 2020, 67 new building permits were issued for a variety of structures such as: pools, sheds, decks, renovations, additions, and solar installations.
    - OceanView Phase I (Tuttle Rd) under construction; 16/20 permits have been issued.
    - Christmas Creek – under construction; eight building permits issued and two others have been submitted. County records indicate a total of 18 lots have been sold and closed.
    - Orchard Rd subdivision – road under construction, one permit issued, one lot sold, and one under contract.
    - Planning Board meeting for September (subject to change):
      - Four lot minor commercial subdivision in VCC zone.



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- Future Planning Board meeting:
  - OceanView Phase II (Greely Rd) – 52 dwelling units plus one community building, final approval – public hearing.
  - Mill Run (off Route 100 at Faraday Drive) phase #3 proposed 16,000 sq. ft. office building, 4,000 sq. ft. retail and 4,000 sq. ft. restaurant (Casco Systems facility)
  - Town gravel pit sold to Storey Brothers last year will be at Planning Board for annual review in October or November.
  - Conservation subdivision off Blanchard Road Ext possibly October or November.
- Bill Shane is working on a draft map to show Town agricultural resources. Staff is working with the Ordinance Committee on changes that will make it easier to obtain permits and Site Plan review for many agricultural uses.
- Brad Hilton lot 30+ acres for sale at 51 Blanchard Road. Penny questioned the status of the existing trail and its ties to Greely Woods and future open space. Many questions remain. Zoned MDR so not under conservation subdivision.
- Wyatt lot (across from fire station) is off the market for now.
- Staff is working with the Ordinance Committee to draft a Residential Solar Ordinance that will allow free standing and pole mounted solar projects within new setbacks for greater coverage and gain from the sun.
- Eight classroom module has been added to Mable Wilson. Old modules were removed.
- Red Mill Way (Dave): Cumberland Meadows – strip of land owned by the condo association, gift to Town; requires a recommendation from this committee to accept. Motion made to accept gift of road and drainage easement. Passes unanimously.
- Turkey Lane: Discontinuance of portion of Turkey Lane from Range Road to the snowmobile bridge (Denny recused himself). Still an official road, but is not maintained. Becomes an issue if someone was to build a driveway, then the Town is required to make road up to standards. There are several options we could recommend to Town:
  - Leave as is
  - Discontinue
  - Abandon road
  - One of the above, with either a 20 foot or 66 foot easement.

The road sides are steep; lots of contour change. Currently the road is used as a snowmobile trail with consistent usage. Mentioned that people prefer to walk over trail vs someone's driveway; maintained as a trail preferred. Penny mentioned that a 20 foot easement does not give a lot of wiggle room if trail needs to be moved slightly for any number of reasons. Bill S said that the trail is not sustainable for 4WD – there used to be Jersey barriers to limit access. Public hearing date set for September 14<sup>th</sup>. Motion made and passed to recommend Turkey Lane be



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discontinued as a road from Range Rd to the snowmobile bridge at a width that can handle a future drive way and a trail for non-motorized vehicles and snowmobiles (no 4WD).

- Town Forest (Ellen)
  - The two benches from the Yarmouth Rotary Club were installed in the Town Forest. One was placed at the BFG overlooking the new peony garden and one at the top of the hill on the Green trail just below senior housing. Status of thank you letter?
  - The second half of the peony garden was installed (barrier, soil, compost) by public works. Later on in the fall, Mike and Ellen will transplant more peonies from the White Pines church property. Status of thank you letter?
  - The Nature Trail is just about done. Judy added a new designation (shrub) that needs to be incorporated into our database. We are waiting on the salt shed so the trail can be rerouted and all maps updated before deciding how to publish info.
  - A hiker sign is needed at the entrance to the brush dump by the gate indicating that the road is actually part of the Red Trail. Laura at the Town Hall has ordered one.
  - Ellen met with Bill S about paving the very top portion of the driveway that leads into the Green Trail. Currently the entrance to the Green Trail from Drowne Road is by a steep grassy embankment. Just up the road (20 feet or so) there is a paved driveway that trucks use as a turnaround. There is a gravel path that leads down the hill from the driveway into the forest. This hill is also very steep and slippery because it is gravel. If the top steep portion were paved, it would make getting into and out of the forest from this entrance much easier. Currently there is a trail sign pointing to enter the forest down the steep embankment. This sign also needs to be moved up to point to the driveway entrance.
- Val Halla – due to miscommunication, all the saplings that Mike and Ellen planted several years ago alongside the 12<sup>th</sup> fairway got plowed under to make room for a storage area.
- Trails Subcommittee - RTS (John) - summarized from his notes:
  - The new recreational trails landing page has been added to the Town's webpage. Note: (Ellen) the maps in the individual trail pages (under department/parks) need to be updated. Some of these maps are very outdated! Also the map from departments/planning/ maps/ trails, sidewalk and bike paths needs to be updated. This map shows a trail crossing the railroad tracks and does not include many of our newer trails.
  - The Town Council adopted the proposed trail standards on August 10
  - The proposed easement from Farwell Ave to MSAD51 is progressing. Next step is for the Town to draft the proposed easement.
  - Greely Woods – 10-ft bridge constructed across ditch from Orange Trail to Crystal Lane. Six-foot walkway upgraded to meet trail standards on Red Trail near Lockwood Lane. Sections of the Orange, Red and Blue trails have been hardened with gravel.



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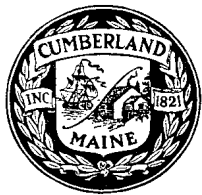
- Rines Forest – Steve Fitzgerald has been working on a plan for trail maintenance in Rines Forest in the upcoming weeks. Numerous areas in need of attention this fall. Lumber is needed for walkways and gravel to harden the trails. Need to determine best place to put gravel. CC met with Town and CCLT onsite concerning Rines parking area.
- Signs at Twin Brook are confusing and need to be replaced. Trails subcommittee will contact Parks and Recreation Commission to discuss and will likely put up colored trail markers on the Twin Brooks trails. (Ellen) – The maps at the kiosks need to be updated as well and show an orientation (they do not have a compass rose). There is no map at the Wilderness trail kiosk. John has some ideas on how to improve the trail signs. Ex:



- Knight's Pond – NY and Cumberland Fire Chiefs met concerning trails and possible rescues at Knight's Pond. John and CCLT expected to meet with them in the upcoming weeks. Trails at Knight's Pond are managed by a Joint Standing Committee.
- Forest and Natural Resources Subcommittee (Sally's email)
  - The September forestry subcommittee meeting was a joint meeting with the trails subcommittee and the Chebeague and Cumberland Land Trust. The meeting discussed some concerns and challenges regarding numerous trails in town forests and how to coordinate needed improvements, ongoing maintenance, and clarify roles and the decision-making processes when it comes to trail building and maintenance on town-owned lands with all interested parties.
  - Mike was not at the meeting but sent email 9/4 clarifying the Trails Subcommittee reporting process:

**"Town Council gives full authority to Trails Subcommittee to oversee trails work. Can come to TC for any requests."** Unfortunately, the ordinance does not support that conclusion. Please see our ordinance on the Town website at Document Center, Administration town ordinances, Chapter 30 - Boards and Commissions, and scroll to Article III for the full document.

Paragraph 30-16. A. identifies the standing committees as Forestry and Trails and adds that **(3) All standing committees will report directly to the Lands and Conservation board.**



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30-16. B. specifies **The Forestry and Natural Resources Subcommittee will make recommendations to the Commission on all matters pertaining to the use, preservation, management and maintenance of the Town forests and other natural resources. The Subcommittee will:** (2) Create and maintain trails through the forests to facilitate public access and to encourage the use of the forests for educational and recreational purposes.

30-16. C. adds **The Recreation Trails Subcommittee will make recommendations to the Commission on all matters pertaining to the use, preservation, management, construction and maintenance of the Town trails and bridges. The Subcommittee will:**

(1)

**Develop and maintain plans for and governing the use and maintenance of all trails that are part of the Town recreation areas, including trail easements on private lands. and**

(2)

**Provide guidance and leadership in existing and new trails within the Town and with surrounding towns.** Thus, the ordinance anticipates both standing committees to be involved in recreational trails on Town lands.

30-15 lays out the purpose and duties of the Lands and Conservation Commission including its prescribed reporting to the Town Council.

Paragraph K is relevant in that, for any town owned land, the LCC is to submit recommendations to the Town Council regarding the management, preservation, maintenance, or upkeep of the property as well as any improvements or modifications needed to meet the changing recreational and open space needs of the Town.

- Forest Stewardship Trails Meeting 2 September, 2020 (from Sally's notes)

### Other comments raised during conversation:

- Each property with a trails steward that may be able to work on hardening trails and putting down boards before putting together a master plan.
- Need to address unauthorized work.
- Putting gravel down at Greely Woods is helping keep people on the trails.
- Not sure what to do with the bikers.
- What to do about the roots? Leave as is or put gravel in between?
- What's purpose of each trail? Some highways and other more natural areas? Focus on improving highways and/or minimizing traffic on other trails?
- Hardening helps keep the trails narrow.
- Unclear what the roles are of town and land trust? CCLT's role to enforce easement, but want to assist with trail maintenance and management as well.
- Chris at CCLT not able to organize trail work and volunteers at town-owned properties, but willing to help. Would like Trails Subcommittee to lead. Happy to pass along any communications and also collaborate on trail work days.
- Bill Shane likes idea of master plan and priorities, but need to i.d. wetland impacts and costs/permits needed to do work (cost \$100,000 in Town Forest).
- Bridges and wetland crossings should be run by CEO as well.
- Be careful not to overbuild all trails – different types of trails at different properties may work well.
- Mountain bikers have very different idea of what they want for trails and in some cases have been building them without town or land trust approval.
- Maybe we should separate walkers from bikers from horses in our trail system.



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- Just using woods road as a hiking trail is not necessarily the best tactic – often those roads were used in winter or at very least only for a little while, not for intense use like we have now.
- May need to look at relocating trails out of wetlands, wet areas. Review soil types.
- Trails long Knight's Pond in bad shape too. Also some of the trails that are using old woods roads.
- CCLT has been approached by mt bikers to help with both time and money.
- Steve Fitzgerald has identified places that need help in Rines.
- Matt Warner CCLT steward – met with Steve and Chris at Rines to i.d. places that need help.

### Next Steps:

Put together list of trail needs for both Rines and Knights Pond, along with nature of the proposed work, and a map of all proposed trail work, then run by all parties on the call and review what we need to run by DEP. Trails Subcommittee of LCC will lead this effort.

- Climate Action Subcommittee (Denny)
  - Riva appointed to committee. Committee is holding regular meetings – making progress. Have a draft of 1<sup>st</sup> phase plan.
  - Postcard will be sent to all residences announcing survey. Motion made and approved to recommend allocating up to \$2,000 to create and mail postcard. This is the same survey from link in Crier. Ellen noted that there should be a note (either on survey or on postcard) stating that they are the same survey, otherwise the results could be skewed.
  - Minutes of CAP meeting August 26, 2020 (from Denny):

Members attending: Sukie Curtis, Jenn Grasso, Denny Gallaudet, Jesse Lamarre-Vincent

Discussed final arrangement for CAP survey postcard. Jesse has developed a postcard template which can be sized to whatever size is most inexpensive to print. The QR code has been tested and directs users automatically to the survey website. It was agreed that the postcard be mailed to all Cumberland residents unless costs are prohibitive. Brenda Moore will provide a cost estimate and Jenn will present same to the LCC for approval at its September 2, 2020 meeting.

Once approved, mailing date can be as soon as practical for Town Office staff given the preparations being made for a larger than usual number of mail-in ballots for the November election.

Jesse will be coordinating with Eliza Porter to work the survey into the Crier and other Town communications.

Denny met with Carla Nixon (Town Planner) and reviewed CAPC work to date. He has provided her with the most recent CAP draft.

Reviewed the 8/26/2020 draft of the Climate Action Plan. Edit/additions as follows:

- LED streetlight project, because of its importance and visibility, should have its own bullet and description under Progress to Date.
- Progress to date should include description of single sort recycling and composting program implemented at MSAD 51.



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- Forest carbon analysis for Town-owned woodlands needs its own section. Initial work is under way by Town forester at Knight's Pond and Rines Forest Grant. This work is being funded by Project Canopy grant. Volunteer hours budgeted by Cumberland Climate Action Team is being supported in part by an intern at Sierra Club Maine. Use of forest carbon offsets in attainment of Phase 1 goal (Town and MSAD51) should be limited to 20% of 2015 baseline emissions or approximately 725 MTCO<sub>2e</sub> annually. It is quite likely that carbon sequestration of Town-owned forest land (estimated at 1000 acres) will substantially exceed that amount.
- Phase 1 goal (MSAD51 and Town) should be proposed as 100% carbon neutral by 2030. While ambitious, progress to date plus implementation of known technologies - combined with above mentioned forest carbon offsets - make such a goal a reasonable target for the Town Council to consider.
- Phase 2 goal (community wide) should be proposed as 50% reduction by 2030 and 100% by 2050. Attainment of these goals implies timely adoption by local homeowners, who generate an estimated 80% of community wide emissions. Maine's renewable portfolio standard for electricity is consistent with such a goal, so the target will be home heating and automobiles. These technologies are available now and are generally affordable.
- Additions to the Phase 1 Action Items
  - Requirement for Cumberland businesses to report annually their greenhouse gas emissions. Format available from Maine DEP which has been requiring this data from large businesses for some years. Portland and South Portland are phasing in such a requirement also.
  - Consider sale of excess (above needed for CAP as above) forest carbon offsets to voluntary markets and returning some or all of proceeds to Cumberland residents to subsidize purchase of carbon free technologies such as air source heat pumps.
  - 
  - Survey (Jenn) - Group met couple of weeks ago, discussed a Town-wide survey, send out a postcard with link to survey – gauge how residents feel about Town's approach to climate action and energy usage measures. Possible 10-15 questions – 10 minutes to complete.
  - Building Codes (Denny) – State level six working groups proposal to revise state building codes with a goal 0 emissions by 2030. Plan to be finalized end of the year.
- Invasive species (Sam)
  - Sam and Mike drove along the roads in Cumberland surveying invasive species. Need to establish priority of spraying.
  - Grinding in Town Forest has continued. Trying to see the most effective approach between spraying and grinding.
- Next meeting October 7, 2020, 7:30.