

**Land Use Committee
Town of Cumberland
Council Chambers – Town Office
December 11, 2014
Minutes**

I. Call to Order: The meeting was called to order at 6:00 p.m.

Mr. Moriarty stated we have the final version of the Survey Results.

II. Roll Call:

Present: Steve Moriarty, Chair, Bob Waterhouse, Vice Chair, Beth Fitzgerald, Tom Foley, Chris Franklin, Lynda Jensen, Bob Maloney, Sally Pierce, Jeff Porter, Sally Stockwell, Peter Bingham, Town Council, Shirley Storey-King, Town Council, Chris Neagle, Planning Board, Peter Sherr, Planning Board

Absent: Adrienne Brown, James Orser

Staff: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

III. Minutes of Previous Meeting: November 13, 2014

Mr. Neagle moved to approve the minutes of November 13, 2014.

Ms. Pierce seconded.

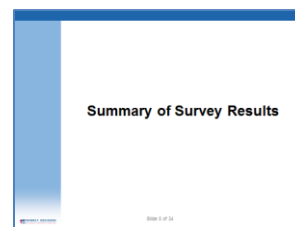
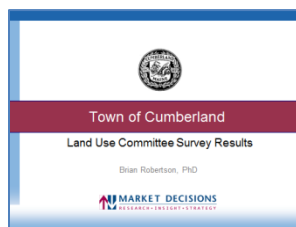
VOTE: 5 in favor

1 abstain

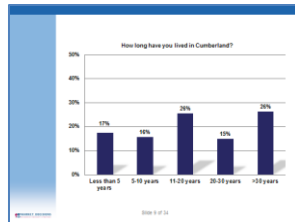
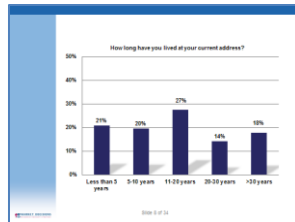
IV. Presentation by Brian Robertson of market Decisions on Survey Results

Brian Robertson, PhD of Market Decisions reviewed the Survey Results as follows:

Mr. Robertson stated there was a 30% return rate which is high; in comparison to the last Comprehensive Survey for Cumberland which was 28% and the Falmouth Route 1 survey was 28%. The last surveys done in Freeport had a 20% return rate and Brunswick 18%.



Respondent Demographics

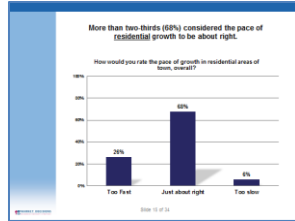


Residents describe Cumberland as a small and rural town, a suburban bedroom community, diverse, and quiet.

How would you describe the character of the town?
(Please check all that apply)

Description	%
Quiet, small, rural	44%
Suburban, bedroom, proximate to Portland	24%
Diverse, friendly, welcoming	17%
Quiet, peaceful	16%
High quality of life, good services	14%
Becoming less rural, changing	12%
Wealthy, educated, expensive	12%
Other	18%
Total	100%

The Pace of Residential and Commercial Growth



Comments about land use regulations and growth focused on support for limited commercial growth but also limiting residential growth and maintaining green spaces.

Do you have anything else you would like to share with the Committee about land use regulations or growth?
(Please check all that apply)

Response	%
Support limited scale commercial growth	34%
Focus on maintaining green spaces, slow development	18%
Limit residential growth, do not allow more residential growth	16%
Don't allow too high, take steps to control density	10%
Do not support commercial growth of any kind	8%
Focus on expanding residential growth	7%
Other	21%
Total	100%

Rural Residential Zoning

There is no clear consensus about minimum lot size requirements for the Rural Residential Zones other than a majority did not want one Rural Residential zone with a 4 acre lot size minimum.

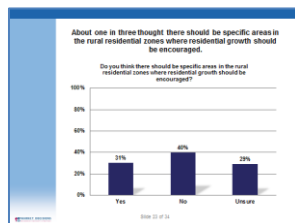
The following questions focus upon various Rural Residential zones and ask respondents the issue of maintaining or modifying current minimum lot size requirements. How strongly do you agree or disagree that:

Question	Agree	Disagree
That the current RR1 and RR2 zones should be retained?	40%	21%
There should be one Rural Residential zone with a 3 acre lot size minimum?	40%	21%
There should be only one rural residential zoning district?	33%	32%
There should be only one Rural Residential zone with a 4 acre lot size minimum?	22%	22%

What other minimum lot sizes in the RR1 and RR2 areas do you think the Town should consider?

(Please check all that apply)

Lot Size	%
One acre to less than two acres	29%
Two acres, less than three acres	12%
More than one half to less than one acre	12%
Blot acres, with changes with approval and use	1%
Use cluster development, encourage affordability	11%
Three to less than four	7%
Four to less than five	4%
One half acre or less	3%
Other	13%
Unknown	8%
Total	100%



Where do you think residential growth should be encouraged?

(Please check all that apply)

Area	%
Blanchard Road Area	52%
Turtle Road Area	50%
Greely Road Area	45%
Greely Road Extension Area	43%
Range Road Area	43%
Sullivan Road Area	40%
Norris Road Area	36%
Orchard Road Area	37%
Pleasant Valley Road Area	21%
Other Areas	29%
Total	100%

Where do you think protection of the rural character (such as forestry, farming, habitat and open space) should be encouraged?

(Please check all that apply)

Area	%
Blanchard Road Area	68%
Greely Road Area	65%
Range Road Area	61%
Turtle Road Area	61%
Orchard Road Area	60%
Greely Road Extension Area	49%
Pleasant Valley Road Area	49%
Norris Road Area	36%
Sullivan Road Area	34%
Other Areas	12%
Total	100%

Comments about rural residential issues focused on ways to maintain Cumberland's rural character and maintaining current rules involving growth and development.

Do you wish to share any other thoughts with the Committee on the rural residential issue?

Response	%
Develop in ways that keep Cumberland's rural character	30%
Don't develop Cumberland, keep current rules	29%
Make Cumberland more affordable	8%
Additional residents bring additional costs	7%
Work to encourage development generally	7%
Expand public service access	6%
Allow businesses to use property as they wish	6%
Other	25%
Unknown	1%
Total	100%

Allowing Stores and/or Restaurants along Route 1 and Design Standards

A large majority favored small independent and medium sized independent stores along Route 1.

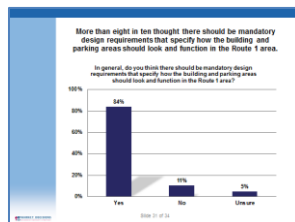
The second issue is whether to allow stores and/or restaurants along Route 1. Which of the following types of retail, if any, would you support?

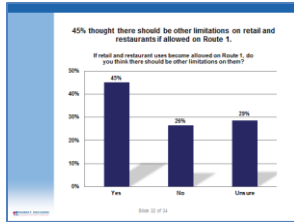
Store Type	%
Small independent stores, such as the Book Review in Falmouth	61%
Medium size independent stores such as Allen Sterling & Luthers in Falmouth	79%
Medium size chain stores such as Rite Aid in Falmouth or Falmouth	59%
Large (Big Box) stores such as Wal-Mart or Target	23%
None of the above	17%
Total	100%

A large majority favored small and medium size independent restaurants along Route 1.

Which of the following types of restaurants, if any, would you support along Route 1?

Restaurant Type	%
Small, independent restaurants such as Lode's Grille in Cumberland	87%
Medium sized independent restaurants such as Biscotti's in Falmouth	79%
Large, independent restaurants such as Cold Farm in Gray	38%
Franchise restaurants such as Olive Garden or Applebee's	27%
Fast Food restaurants such as Dunkin' Donuts or McDonald's	22%
None of the above	9%
Total	100%





What limitations should be placed on retail and restaurant uses on Route 1?	
(If responses could provide more than one response)	
	%
Reduce bright lights, limit signage	20%
Limit development, no big boxes	17%
Architectural and appearance standards	16%
Use buffering space, green space	14%
Local ownership, no chain stores	12%
Limited operating hours	12%
Limit trucks on traffic	10%
Reduce on-site parking	9%
Preserve Cumberland's character, limit signs	7%
Encourage high businesses that make Cumberland more convenient, livable	5%
Other	19%
Unknown	12%
Total	100%

Comments about Route 1 corridor issues focused on just allowing development along Route 1 but maintaining Cumberland's scenic appeal.	
Do you wish to share any other thoughts with the Committee on the Route 1 corridor issue?	
24% of residents offered comments	
Develop Route 1 generally, reduce restrictions on building	34%
Maintain Cumberland's scenic appeal, avoid development like Wal-Mart and Home Depot	22%
Ensure traffic can move along Route 1 safely, smoothly	11%
Do not develop Route 1, focus on other parts of Cumberland	11%
Encourage destination commercial development, business parks	10%
Encourage small and local businesses	9%
Attract businesses which make Cumberland more livable	5%
Other	17%
Total	100%

Mr. Robertson stated a quick summary of the results show that there was no great consensus regarding the Rural Residential zones. There is support for restaurants and retail on Route One.

The Committee reviewed the cross tab sheets, which show that the property owners in the Rural Residential zones are more interested in the RR1-RR2 issue than residents in other zones.

Mr. Moriarty agreed there was no clear direction from the survey which is representative of the residents.

Mr. Porter stated 48% is almost a majority of people.

Mr. Moriarty stated 42% of the people support a single zone with two acres.

Mr. Neagle stated 2-1 favored keeping the same lot sizes if there is any message it is to keep the same, there is not a strong push to change.

Ms. Stockwell stated there is no strong mandate to do something different. If there was a change it is not clear as to keep zoning the same or change it to what.

Mr. Moriarty stated he and Ms. Nixon consulted with the Town Attorney regarding raising lot sizes. The Town Attorney recommended against it as it becomes an administrative nightmare, with current lots becoming non-conforming lots.

Mr. Sherr stated the issue is inequity with land owners on opposite sides of the road and a person across the street still feels zoning is inequitable.

Mr. Bingham stated there seems to be some support for preservation and conservation easements; and agreement that development on lot sizes over X acres to be required to use conservation subdivisions.

Mr. Sherr suggested taking out inequity with the goal to identify areas of growth, and areas where land should be preserved. He is not in favor of keeping different lot sizes on opposite sides of the same roads.

Ms. Stockwell stated if equity was a big issue it would have shown with votes and or comments.

Mr. Robertson agreed there were not enough comments to be an issue.

Mr. Neagle stated if lot sizes were changed lots would be non-conforming as of date of adoption of the Ordinance. The issue is do we keep one or two zones and we need a rational basis to have two different rural residential zones. He is in favor of one rural zone with conservation subdivisions.

Dr. Waterhouse stated there is always a question of in-equality; he feels both zones help maintain rural character in Cumberland. If a 40 acre lot had the ability to build 20 houses it would change the rural nature of Cumberland.

Mr. Franklin stated 78% were in favor of specific areas where land protection should be encouraged.

Mr. Maloney stated he has lived in Cumberland since 1953; he purchased 26 acres in RR2 with 4 acre zoning; he has some family that want to stay in Cumberland but we can't further divide our wooded lots because of the four acre minimum lot size. Cape Elizabeth has 20,000 sq. ft. requirements; Cumberland is exclusive, yet we complain about taxes. He would like 1 acre lot sizes to allow the town to be more livable and as family grows up they can stay in town and live next door.

Mr. Moriarty stated the two rural residential zones were created 25 years ago with the rationale of aquifer protection and water quality. Today's technology has changed the need for larger lots. Cumberland has the largest lots in surrounding towns. Today with current zoning the RR1 zone gets a lot size reduction if the property is serviced by sewer which includes the Tuttle Road area. In the RR2 there is no lot size reduction for sewer. Mr. Moriarty suggested a minimum lot size reduction in the RR1 zone for lots served by public water.

Mr. Sherr stated one way to preserve rural character is the conservation subdivision, but is that the only way? If lot sizes were reduced we could still utilize conservation steps in the growth areas.

The Committee took a straw poll on the RR1 and RR2 zones:

Keep the current two RR1 and RR2 zones.	7 in favor
Change to one RR zone	4 in favor

Dr. Waterhouse asked to know how many lots were in the RR1 zones along Tuttle Road, Blanchard, Range Road and Winn Road – areas where there is or could be public water.

Mr. Neagle stated the consensus appears to be to maintain two zones, which is alright but asked about the difference between both sides of the road on Range Road.

The Committee discussed how the zoning lines were drawn with property line and roads being the separating lines.

Mr. Porter stated he abstained from the straw poll, it has already been decided the committee likes zoning the way it is. The reasons for having four acre zoning are no longer factually correct. The community of Cumberland will be developed based on its appeal. Crossing Brook has 10,000+ square foot lots which has open space land; we should give density bonuses to developers to build where we have services.

Ms. Stockwell stated to maintain rural character we need more than one strategy. Do we keep two zones and add the conservation subdivision.

The Committee discussed the following:

- Where does the town want growth
- Protecting rural character and manage growth
- The two rural zones are not supported by hydrology
- Conservation subdivision overlook the single lot development
- That the issue may be less about 2 or 4 acre lots and more about preserving open space.
- If conservation subdivision were used would it be in all zones or only rural residential zones.

Ms. Nixon gave an example subdividing a large parcel with current clustered subdivision and a parcel that is divided without subdivision.

Non-Subdivision	10 acres = 2 lots in the RR1
	10 acres = 5 lots in the RR2
Clustered	10 acres = 4 lots with Clustered development in either RR1 or RR2 zone

A clustered subdivision requires 25% open space, and gives a density bonus lot size of 60,000 sq. ft. or 1.5 acres with private water and sewer. A clustered subdivision with public water and sewer would allow a lot size of 30,000 sq. ft.

The key thing with conservation subdivisions is it gives the ability to protect all sensitive areas. Planning should be less about lot size and more about how a subdivision will look 20 years from now; and how it impacts the sensitive areas on the lot.

The Committee discussed the already existing clustered subdivision ordinance which currently gives a density bonus regardless of RR1 or RR2 zoning.

Ms. Nixon stated the difference in a clustered or conservation subdivision is a conservation subdivision would allow the town to have some say on how and where to put houses on the property. And a conservation subdivision requires 40% open space as opposed to 25%.

Dr. Waterhouse stated lot sizes give a false protection other than for non-subdivision splits of land and traditional subdivisions, this negates his previous thoughts.

Ms. Pierce stated it appears it is more important to decide on the type of subdivision rather than 2 or 4 acre zoning.

Mr. Moriarty stated the survey showed a strong endorsement of the conservation subdivision; however, we still need a minimum lot size for individual development outside of the subdivision review.

Mr. Neagle stated there are also factors with minimum road frontage, setbacks, and lot size requirements.

Ms. Stockwell asked how many of the building permits issued have been for single lots or subdivision lots. Ms. Stockwell stated we need a list of things to think about such as conservation subdivision; zoning requirement, road frontage, and road length.

Mr. Maloney stated if he had wanted to develop his property similar to North Yarmouth Woods. He would like to see us give builders incentives to build with energy saving features such as solar.

Mr. Moriarty reviewed the remaining items for the committee to address are:

1. The RR1 and RR2 zones
2. Framework for a conservation subdivision to be drafted by the Ordinance Committee
3. Route One uses – Retail and Restaurant
4. Route One Design Standards
5. Final report to the Council who will forward to the Planning Board and then back to the Town Council.

V. Next Meeting:

- **Rural Residential 1 and 2 zones**
- **Route One Design Standards**
- **Route One Restaurant and Retail Uses, size, hours of operation, drive-thru, lighting, on franchise**

Mr. Foley asked for information on the number of building permits for the subdivision and non-subdivision over the last 14 year period.

Mr. Maloney asked for a synopsis of the current cluster subdivision ordinance.

Next Meeting Date: January 8, 2015 at 6:00 p.m.

VI. Adjournment: The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Pam Bosarge, Administrative Assistant