

**Land Use Committee
Town of Cumberland
Council Chambers – Town Office
February 5, 2015
Minutes**

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

II. Roll Call:

Present: Steve Moriarty, Chair, Bob Waterhouse, Vice Chair, Adrienne Brown, Beth Fitzgerald, Tom Foley, Chris Franklin, Lynda Jensen, Bob Maloney, Jim Orser, Sally Pierce, Sally Stockwell, Peter Bingham, Town Council, Chris Neagle, Planning Board, Peter Sherr, Planning Board

Absent: Jeff Porter

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

III. Minutes of Previous Meeting: January 8, 2015

Ms. Pierce moved to approve the minutes of January 8, 2015.

Mr. Orser seconded.

VOTE: Unanimous – 12 in favor
1 abstain: Fitzgerald

Mr. Moriarty stated Ms. Nixon had provided examples of 3 types of subdivision styles: clustered, traditional and conservation.

Ms. Nixon explained that the same number of lots is allowed regardless of the type of subdivision style. In looking at the Old Colony Estates subdivision sketch plans, we see that both the clustered and traditional plans allowed 19 lots; there was no density bonus for clustering. The benefit is the smaller development footprint and lower infrastructure costs.

Conservation subdivision would have the same number lots also or we could offer a density bonus as even more open space will be required than with the cluster style. With the conservation type we would preserve a larger portion of the total acreage as open space and would protect the environmental and scenic areas that are determined to be important to preserve. A development could have a single loaded road like the one at Cumberland Common where all houses look out onto a field.

IV.

1. RR1 and RR2 Zones

Mr. Moriarty stated at Mr. Neagle's request, we have provided a town zoning map showing the RR1 and RR2 zones as a single district in white. Note that the 2009 comprehensive plan (p. 144) observed that 79% of the total land area of the town is in the rural districts.

The Committee reviewed the map and discussed the RR1 and RR2 zones with the following comments:

- The depth of the Highway Commercial district and the fact that it encompassed the farm on Corey Road.
- Where to draw the line between RR1 and RR2; in looking at a clean slate there doesn't appear to be a compelling reason to distinguish between the RR1 and RR2 districts.
- The Survey showed that 48% wanted to retain the RR1 & RR2 as is.

- The importance of protecting some parts of the RR1 and RR2 districts.
- How growth areas would affect lot sizes.
- New septic abilities allows for more growth in comparing a road with RR1 and RR2 on either side of the road; over the last 25 years the RR2 two acre zoning has had 36 new houses constructed, and the RR1 four acre zoning only five new houses.
- Having two rural zones creates complexity and concern of inequity.
- Survey results listed 58 to 68% wanted to retain rural character on the following five roads: Range, Blanchard, Greely, Orchard and Tuttle; people like driving and feeling like it is country.
- The possibly having bands around these roads where the acreage is four acres to protect view corridors.
- RR1 & RR2 include 90% of the developable land; the need to protect areas that are designated as important habitats, scenic vistas etc. and the importance of designating growth areas.
- Consider using the Open Space Plan for reference of scenic areas.

Mr. Moriarty stated the growth areas are defined in the current 2009 Comprehensive Plan.

The Committee took a straw vote regarding preserving the current boundaries of the RR1 and RR2 zones.

VOTE: 7 – preserve same boundaries

5 – Oppose

1 – Abstain

Mr. Chadbourne of 50 Stockholm Drive stated he has seven acres and is in the RR1 district and can't divide his land; and build a second house to downsize; he stated the town should encourage infill development verses sprawl, and consider all people in town. Right now it is unfair.

Mr. Neagle moved to recommend to the Town Council that the existing RR1 and RR2 zones are preserved.

Mr. Orser seconded.

Discussion:

Mr. Franklin stated he is in favor of retaining four acre zoning, but is not tied to existing zoning lines which are arbitrary.

Mr. Sherr stated we can have another sub-committee look at the zones.

Mr. Waterhouse stated he did not have enough information to make a vote. There are potentially other ways and suggested we leave this as a final item to decide. Other factors such as growth areas may impact his decision.

Mr. Franklin agreed we are not ready; we have the conservation subdivision concept which might work differently in the RR1 and RR2 zones.

Mr. Waterhouse moved to table the motion:

Mr. Franklin seconded.

VOTE: 5 in favor

6 opposed

Vote on the motion by Mr. Neagle to recommend to the Town Council that the existing RR1 and RR2 zones are preserved.

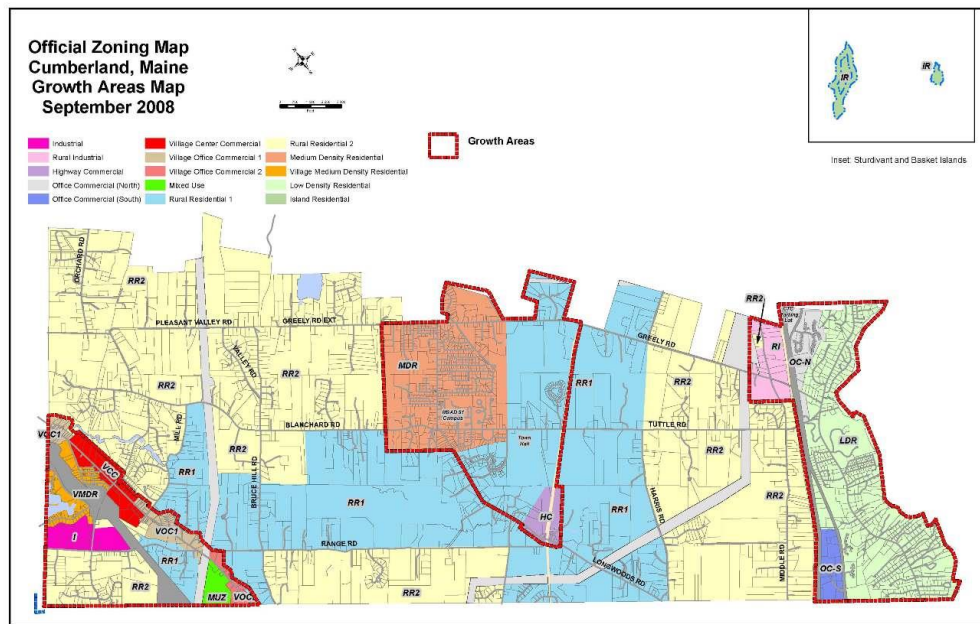
VOTE: 9 in favor

3 opposed (Sherr, Neagle, Pierce)

2. Review of Growth Areas and Map

Mr. Moriarty thanked Mr. Franklin for bringing the issue of growth areas to the Committee's attention. (Mr. Franklin's letter is part of the official records.) The Committee packets included a complete copy of Chapter 14 (Future Land Use) of the 2009 comprehensive plan addressing growth and rural areas. There is also a growth map dated September 2008. In discussions with Ms. Nixon, it is believed that this map was prepared by a consultant working with the Comprehensive Plan Committee. Minutes are unclear as to whether the map was actually ever adopted and it was not published as a portion of the final report of the committee adopted by the Planning Board and Town Council. Similarly, there is no apparent record of the Council ever having separately adopted this map.

The Committee reviewed the 2008 Growth Map as follows:



According to the text of the 2009 Comprehensive Plan, the Foreside growth area is very well described. The central growth area is rather poorly described, and the Committee reviewed the blown up section of the map detailing the central growth area specifically. The narrative description of the West Cumberland growth area is also not completely clear. It is within the scope of our charge to recommend changes to the boundaries of the growth areas.

- Foreside Growth Area:

The Committee discussed revising the line to the Middle Road area.

Ms. Storey-King asked about research on the Chandler property which she thought had restrictions on developing the land.

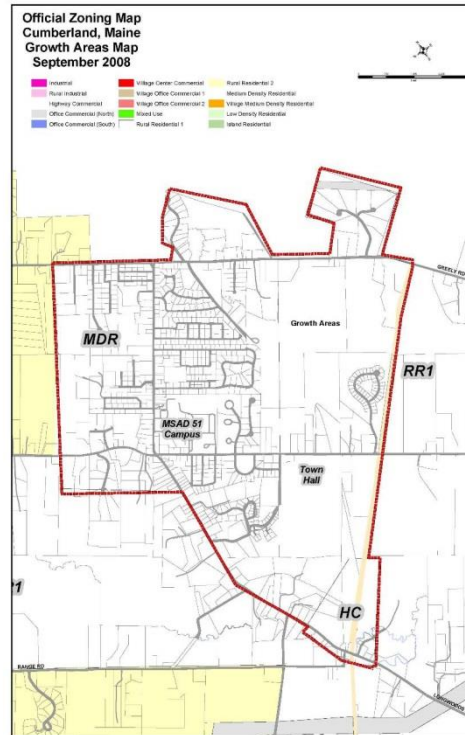
Ms. Nixon stated she only refers to the Rural – Growth Map when writing a staff report for a possible contract zoning amendment...the cza needs to be consistent with the Comprehensive Plan and the Rural – Growth areas as defined/delineated. The map itself doesn't govern density only the zoning district's dimensional standards which should relate to the rural-growth map.

Mr. Neagle moved to make no changes to the Foreside Growth Areas as shown on the designated Growth Areas Map dated September 2008.

Mr. Orser seconded.

VOTE: 11 in favor
1 abstain (Jensen)

The Committee reviewed the second growth area (Town Center) map as follows:

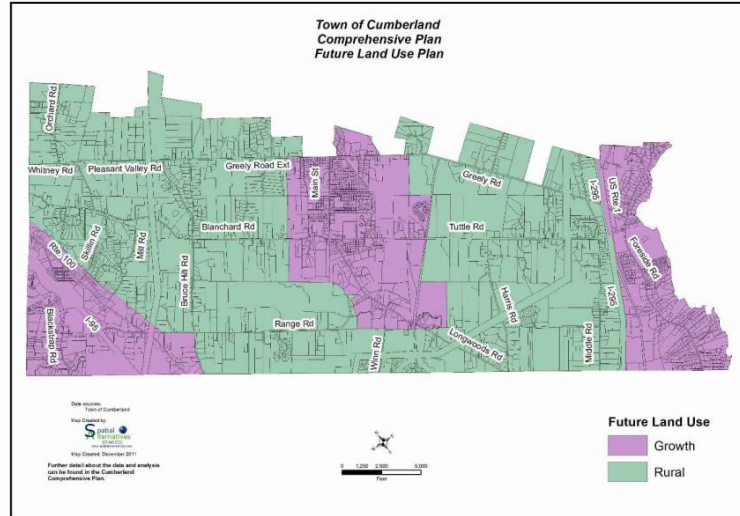


The Committee discussed the following areas in this growth area:

- Windy Knolls and Small's Brook Crossing which are built out
- Val Halla – The Town -owned golf course
- Town Forest

The Committee comments included:

- Should 4 acre zoning be in a designated growth area
- Should farms be included in growth areas
- Why only designate one side of Route 9
- Should the Town land be removed from growth areas
- The Committee reviewed the purple and green growth map created in 2011
- The possibility of a future committee to review zoning in the growth areas



The Committee conducted the following straw votes:

That the Center Growth Map be contiguous as shown on the 2008 Growth Map – 9 in favor 1 opposed. The Growth area include both sides of Route 9 as shown on the green and purple Future Land Use Plan map – 10 in favor – 3 opposed.

The Committee discussed other incentives to maintain rural character and protect farms.

Mr. Sherr moved to accept the 2008 Growth Map combined with the Future Land Use Map (purple and green) to include the expansion on the West side of Route 9 and to exclude Val Halla and the Town Forest.

Mr. Orser seconded.

Discussion.

Ms. Stockwell stated it is premature to vote until we know what changes will occur in the growth areas and have examples of lot standards.

Mr. Sherr withdrew his motion.

Mr. Orser withdrew his second. The motion was not voted.

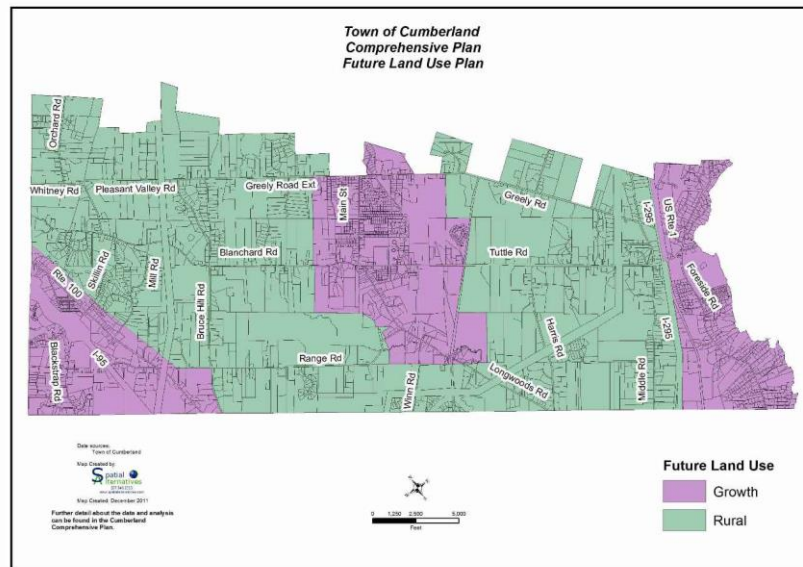
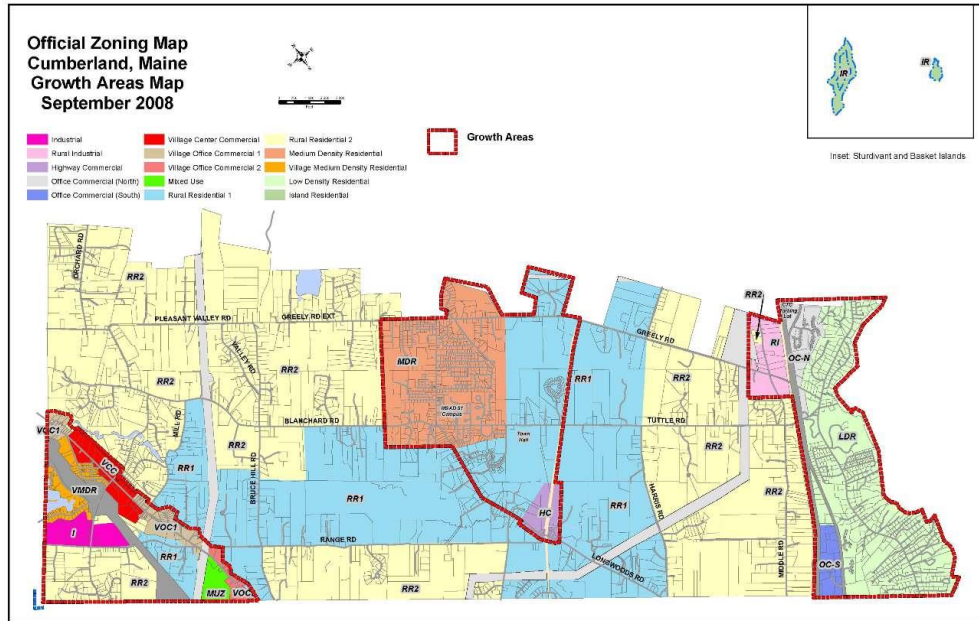
Mr. Sherr stated a new motion to combine the 2008 Growth Map with the purple and green Future Land Use map to include those areas west of Route 9 from the Highway Commercial zone (HC) to the Medium Density Residential district (MDR).

Mr. Orser seconded.

Mr. Maloney moved to call questions. There was not any discussion on the motion.

VOTE: 10 in favor
2 abstain

The new map should be the purple and green map with the areas of Windy Knolls subdivision and the Middle Road Rural Industrial area as shown on the 2008 Growth Map.



V. Upcoming Meetings:

The next meeting date will be February 26, 2015 at 6:00 p.m. – The Committee will review the West Cumberland Growth Area.

VI. Adjournment: 8:15 p.m.

Respectfully submitted,

Pam Bosarge
Administrative Assistant