

**Comprehensive Plan Update Committee  
Town of Cumberland  
East Conference Room  
October 10, 2013 - 6:30 p.m.  
Minutes**

**I. Call to Order:** Ms. Caron called the meeting to order at 6:30 p.m.

**II. Roll Call:**

**Present:** April Caron, Teri Maloney-Kelly, Jim Guidi, Peter Sherr, Peter Bingham (Council Liaison), George Turner (Council Liaison)

**Absent:** Shirley Storey-King (Council Liaison)

**Staff:** Carla Nixon, Town Planner, Alyssa Tibbetts, Assistant Town Manager, Pam Bosarge, Administrative Assistant

**Guest:** Gene Stratton of 20 Tinker Lane

**III. Minutes:** September 26, 2013

Mr. Sherr asked to have the minutes corrected to state he was present and chaired the meeting; Ms. Caron was absent.

Mr. Bingham moved to approve the minutes of September 26, 2013 as amended.

Mr. Sherr seconded.

VOTE: Unanimous

**IV. Review Draft Land use, Housing and Public Facilities Chapters**

Ms. Nixon stated tonight's goal is to review the proposed language in the Land Use, Housing and Public Facilities Chapters. The new language is in red, the existing language is black and the green strike through represents accomplished goals. The 2009 Comprehensive Plan was adopted prior to the 2010 Census. Ms. Nixon and Mr. Shane have agreed that this plan, when adopted, should include updated maps and data to reflect the 2010 Census information and to get the plans on a 10 year cycle that will allow the most recent data to be used. She said the State requires Comprehensive Plans to be updated at least every 10 years.

Mr. Sherr asked if a ten year cycle was adequate, and asked if we should consider reviewing the plan after five years.

Ms. Nixon stated the ten year minimum is a state requirement; we can update and review more often. At the next meeting we will conduct the final review and PowerPoint presentation to be presented at the Council on November 14<sup>th</sup>.

Mr. Bingham stated he felt Committee members should present the plan, not Council Liaisons.

Mr. Sherr recommended a five year review of the Comprehensive Plan for possible needed updates.

Ms. Nixon reviewed the Land Use Chapter as follows:

## LAND USE

Since the 2009 Comprehensive Plan was adopted, there have been many changes throughout the town relating to land use. Many of the changes involved the implementation of recommended actions contained in the 2009 Plan, but several were the result of necessary zone changes that had not been anticipated at the time the plan was adopted. It was through the consideration and implementation of these projects that the idea to update the 2009 Comprehensive Plan was developed, and in particular to consider revisions to the Land Use section of the plan.

While the real estate market and the economy in general was slow through the first 2 years after plan adoption, the last two years have been quite active as the economy improved and housing starts and sales rebounded. In raw numbers, 187 new residential units were created since the adoption of the 2009 Comprehensive Plan. Of these 187 units, 133 were single family homes, 49 were multiplex rental units and 5 were multiplex ownership (condo) units.

This chapter has been updated to remove accomplished actions and to add new goals and actions that will extend through the next 10 year planning period.

### **2014 (Proposed) LAND USE GOALS AND ACTIONS**

**GOAL 1: Work to create local land use regulations that do not unnecessarily increase the cost of new, affordable housing.**

#### **Action:**

- Consider revising the two rural residential zones. Delete the RR 1 zone which requires a 4 acre minimum lot size and also delete the RR 2 zoning district. Replace these two zones with one zone “Rural Residential” that requires a two acre minimum lot size.
- Reduce the cost for connecting into public water and sewer where available.

**GOAL 2: Consider allowing additional uses to the Route 1 commercial districts to allow for support services for employees of the businesses located there, as well as for the entire community to utilize.**

#### **Action:**

- **Consider adding Retail (limited to \_\_\_ s.f.) and Restaurants (limited to \_\_\_ s.f.). Ensure that all new development conforms to the Route 1 Design Guidelines.**

### **2009 Comprehensive Plan Land Use Goals and Actions:**

#### **GOAL 13:**

**To encourage the preservation of land that is suitable for agricultural use.**

ACTION: Create a Farmland Overlay for lots greater than 10 acres or on which the current use is agricultural. This overlay will then require that any subdivision developments within the area conform to the Conservation Subdivision Ordinance.

---

#### **GOAL 24:**

**To connect the major roads in town to conserve fuel and allow for more efficient and convenient vehicular, bike and pedestrian travel.**

ACTION: Inventory potential connections between the following roads:

- Greely and Tuttle
- Tuttle and lower Rt. 9 (via Harris Rd.)
- Tuttle and upper Rt. 9 (via the former Doane parcel)
- Greely Road Extension and Pleasant Valley Road.
- Main Street to Val Halla via a Woodside Drive connection

---

**GOAL ~~3~~ 5:**

**Require that future subdivisions be designed so as to preserve or protect agricultural use, environmentally sensitive land, and scenic areas while clustering homes in areas of least visibility from the roadways.**

*Ms. Nixon stated the previous Comprehensive Plan encouraged eliminating traditional subdivisions and adding a type of subdivision style known as conservation subdivisions. The goal of Conservation Subdivisions is to preserve valued features on the property being subdivided. Since this goal was written though, there have been reasons to reconsider if this is still a desirable goal to have in the plan. She related a recent situation where a subdivision was proposed that could not be developed in any way other than a traditional style due to the shape and location of the parcel. The Planning department already has a pre-application meeting to encourage open space, preservation of natural features and clustering. Ms. Nixon suggested that Goals 1 and 3 should be combined with new actions..*

**ACTIONS:**

1. Adopt a Conservation Subdivision Ordinance to protect the above types of land and to site homes in areas of least visibility from roadways.
2. Eliminate Traditional Subdivision option from current ordinance.

---

~~GOAL 4: GOAL: 6~~

~~To continue to Work towards creating a more “livable” community.~~

~~ACTIONS:~~

- ~~1. Strive to create a mix of homes, jobs, services and amenities in areas with proximity to town services.~~
- ~~2. Encourage diversity within the community by adopting affordable housing zoning provisions.~~
- ~~3. Encourage/allow for a variety of housing types to meet the needs of single residents, young families and seniors so that the ability to stay in the community for a lifetime is possible for all income levels.~~
- ~~4. Have pedestrian/bike friendly connections within densely developed residential areas and within commercial areas. Connect the two whenever possible.~~
- ~~5. Facilitate the development of mixed use projects.~~
- ~~6. Maintain existing trail systems with the town and where possible, connect trails.~~

*Mr. Sherr asked if Goal Number 6 should be kept with the word **to continue** the goal and actions.*

*The Committee agreed.*

**GOAL ~~5~~ 7:**

**Reduce dependence on cars and encourage safe, non-vehicular transportation for all age groups.**

**ACTIONS:**

1. Interconnect new subdivisions with existing ones or leave connections to undeveloped sites.
2. Work to link existing trails by strengthening ordinance language. ~~Delete reference to Greenbelt Map, instead state~~ “any observable trail shall be preserved in its existing location or relocated on the site in such a way as to preserve the existing trail connection.”
3. Develop bike/pedestrian ways along all major roads so that residents are able to get to the town center, major recreational areas, commercial areas and jobs.
4. Explore opportunities for bus service between and among surrounding communities so that younger and older residents who are without drivers’ licenses have the ability to get around the area.

~~GOAL 6:~~ **GOAL 8:**

~~Continue to Encourage non-residential development in commercial zones to diversify the tax base.~~ **Encourage non-residential development in commercial and industrial zones to diversify the tax base.**

**ACTIONS:**

- ~~1. Establish a mixed use zone on the town owned land at the end of Drowne Road.~~
- ~~2. Create a simplified process for small projects that require site plan review.~~
- ~~3. Consider having a staff review process for small projects or changes to existing plans.~~
4. Consider extending water and sewer lines throughout town.

*Ms. Caron suggested keeping # 8 adding to continue to encourage non-residential development in commercial zones to diversify the tax base.*

*Ms. Maloney-Kelly asked if we wanted to keep the language industrial. The Committee agreed to remove industrial.*

~~GOAL 7:~~

~~Simplify the site plan review process so that small projects may be processed with a minimum amount of time and cost to the applicant.~~

**ACTIONS:**

- ~~1. Develop procedure for staff review of small projects.~~
- ~~2. Develop a reduced list of submission requirements rather than create a need for waivers to be granted by Planning Board for unnecessary materials.~~

The Land Use section of this plan provides an overview of how the town has developed both historically and in the more recent past. It evaluates how successfully the town’s pattern of growth has respected natural, historic, rural, and other resources; and also whether housing, jobs and services have been provided within the community. This section then provides recommended actions to ensure that future

development, whether residential or commercial, is done in an environmentally sensitive, sustainable and appropriate way.

It is interesting to note that *all* of the other chapters of the comprehensive plan, and the issues raised by those chapters, influence, or are influenced by, land use patterns.

## Zoning

The first zoning ordinance in Cumberland went into effect in 1949 and since that time zoning has guided Cumberland’s development. Early zoning ordinances established separate areas for residential, agricultural and commercial uses. While the number of zoning districts has grown since its adoption, the separation between residential and commercial uses today is very similar to the first zoning districts in that commercial districts continue to be along the major arterial roads which connect Cumberland to its surrounding communities (i.e., Route 100, U.S. Route One and Route 9) while the remainder of the town is zoned for residential and agricultural uses. It is interesting to note, however, that Main Street, in the years prior to zoning, was the location for a variety of uses including agriculture (a piggery and apple orchards) retail (a general store) and an inn and tavern. When zoning went into effect in 1949, Main Street was included as part of the Medium Density Residential (MDR) district which allowed primarily for residential and agricultural uses, but a variety of non-residential uses were also permitted. In 1984, retail, restaurants and office commercial uses were no longer allowed. Main Street was limited to residential development and the only commercial entities were either classified as Home Occupations or “grandfathered”, meaning that they were non-conforming uses that were allowed to continue.

Then, as a result of recommendations included in the 2009 Comprehensive Plan, a new zoning district, the Town Center District (TCD), was created to allow for small scale non-residential uses such as cafes, markets, and professional offices. Concurrently, another large area of the Town Center, the “Doane property” was rezoned to allow for higher density, mixed use development. This area was rezoned as Village Mixed Use (VMU). And lastly, the Route 100 Corridor which had been designated for commercial use only, saw two new residential subdivisions developed. These were medium density, detached single family developments that will contain 34 new affordable homes when completed. These projects were allowed through contract zoning, and it was in fact, these two projects which spawned the idea of updating the Comprehensive Plan.

The following chart sets out the purpose and primary uses for each of the current zoning districts and also shows the minimum lot size and road frontage requirements. The map below the chart shows the district locations and boundaries.

District	Description/ Use	Minimum Lot Size	Minimum Road Frontage
Rural Residential District 1 (RR1)	<p>The RR districts primarily allow agriculture, low density residential and other low density uses with the intent of maintaining significant amounts of open space and a generally rural character</p> <p>The RR1 district requires larger minimum lot sizes than does the RR2 district.</p>	<p>4-acre for lots without sewer.</p> <p>2-acres for a lots with sewer</p>	200 feet

Rural Residential District 2 (RR2)	The RR2 district requires lesser minimum lot sizes than does the RR1 district.	2 acres whether or not served by sewer	200 feet
<u>Rural Residential District</u>	<u>The Rural Residential (RR) District allow for uses that are compatible with residential development. Agriculture-related uses, home businesses, and some non-residential uses are allowed if they meet required standards.</u>		
Low Density Residential District (LDR)	The main difference between the LDR and the RR districts is that the LDR does not permit animal husbandry, so rather than being areas for farming, the area is zoned primarily for residential use, although agriculture and timber harvesting are permitted.	2 acres for lots without sewer  1.5 acres for lots with sewer	150 feet
Medium Density Residential District (MDR)	The MDR is similar to the LDR except that the minimum lot size for parcels served by sewer is 1 acre.	2 acre • 1 acre for lots served by sewer	150 feet
Village Medium Density Residential (VMDR)	The purpose of the VMDR is to provide an area for residential uses on smaller lots to allow for more affordable development. This is a new zone that was created as part of the Route 100 Corridor Planning Committee’s work.	20,000 sq. ft.	100 feet
Island Residential District (IR)	The IR district is the zoning for Sturdivant and Basket Islands. Permitted uses include residential, agriculture, timber harvesting and uses related to commercial fishing.	1.5 acre	150 feet
<u>Village Mixed Use (VMU)</u>	<u>The VMU district is located between Drowne Road and Route 9, just south of the Library. The purpose of the VMU is to provide an area that allows for dense, village-like development that includes a mix of compatible uses.</u>	<u>5,000 sf</u>	<u>50 feet</u>

Mixed Use Zone (MUZ)	The purpose of the MUZ is to provide an area along the Route 100 Corridor that will accommodate a mix of residential, retail and office uses. Permitted uses include business and professional offices with drive through facilities; restaurants; retail; grocery stores; commercial schools, multiplex dwellings, hotels, personal services.	30,000 sq. ft.	100 feet
-------------------------	--	----------------	----------

Highway Commercial District (HC)	The purpose of the HC District is to allow a wide range of business and professional uses that provide town-wide service, as well as roadside service for through traffic on major arterials.	40,000 sq. ft.	150 feet
Office Commercial North and Office Commercial South (OC-N) (OC-S)	These two districts border the town's northern neighbor (Yarmouth) and southern neighbor (Falmouth). The Northern OC permits high density residential development while the OC South is designed for office commercial with no residential.	One (1) acre 20,000 sq. ft. per unit in a duplex or multiplex 10,000 sq. ft. per unit for 55+ housing	150 feet
Village Office Commercial 1 (VOC 1)	The purpose of the Village Office Commercial I district is to provide substantial areas for integrated development of professional offices and related businesses in a park or campus-like setting which are of a unified architectural design and landscaping, compatible with the natural surroundings.	40,000 sq. ft.	75 ft.
Village Office Commercial 2 (VOC 2)	The purpose of the Village Office Commercial II is to provide for the flexible development or redevelopment of an area that has historically featured a mix of residential and retail uses.	40,000 sq. ft.	75 ft.

Village Center Commercial (VCC)	The purpose of the Village Center Commercial District is to provide an area that allows for a mix of commercial uses such as retail sales, restaurants and business and professional offices.	20,000 Sq. ft.	75 ft.
Rural Industrial (RI)	The purpose of the Rural Industrial Zone is to establish a mixed zone of rural residential and industrial and commercial uses, including home occupations.	2 acre	200 feet
Industrial (I)	The purpose of the I District is to allow a wide range of employment-intensive and production facilities.	80,000 square feet	200 feet

- HOUSING CHAPTER REVIEW:**

**HOUSING:**

*Ms. Nixon stated the new 2010 census data will be updated into the plan.*

Since the adoption of the 2009 Comprehensive Plan, significant changes have occurred in the community with regard to housing. There have been 187 new units of housing built, ranging from affordable to market rate, rentals to ownership. Many of these new units resulted from the implementation of the 2009 Plan. But there is still more to be done. Additional recommended actions are included below.

The type and affordability of available housing directly affects the character of community. If the desirability of a community is high, whether it be due to its location (such as proximity to a major city) or the amenities and services it offers (such as ocean access, recreational areas and good schools), then housing prices reflect this increased demand. If supply is held constant or is restrained due to lack of developable land or limitations on new construction (i.e., growth permits) then prices rise.

This has been the case with the town of Cumberland. It is within easy commuting distance to two major metropolitan areas: Portland and Lewiston. It offers an abundance of recreational opportunities that include the Twin Brook Recreation area with numerous fields and trails, the Val Halla Golf and Recreation Center which is a municipally-owned facility offering golf and tennis in the warmer months and sledding and cross country skiing in the winter. There are many miles of trails and acres of open space throughout the town. While there is very limited public access to the ocean, Cumberland is a coastal community which means that home values in the neighborhoods along the shore are high. Finally, the schools in Cumberland have been consistently rated as among the best in the state. For all these reasons, the Town of Cumberland has typically been among the highest housing cost communities in the

state. It currently ranks eighth; only one other town in Cumberland County – Falmouth - had a higher median value for housing according to the 2000 census.

Here are some facts the Comprehensive Plan Committee considered as it developed its goals and recommended actions relating to housing:

- Housing prices have risen 55% over the first half of the decade since the 2000 census.
- 96% of Cumberland’s housing is comprised of high-priced, owner-occupied, single-family homes.
- 91% of the housing units in Cumberland are owner occupied, according to the 2000 census -- well above the state rate of 72% or the county rate of 67%.
- The number of multi-family units has increased since 1990 but still comprises only 2.1% of the housing units.
- More than 62% of the households in Cumberland could not afford the median priced home in town (\$340,000).

Based on this information, the Committee developed the following goal and actions:

### **2009 Comprehensive Plan Housing Goal and Actions:**

#### **GOAL:**

**Continue to encourage the development of housing which provides for a mix of people from all income strata, ages, trades and professions.**

#### **ACTIONS:**

1. Consider providing incentives to developers who create a portion of the lots for buyers who meet affordable income guidelines.
2. Provide incentives for the construction of smaller, single family homes.
- ~~3. Exempt homes under 1500 sq. ft. from the Growth Management and Impact Fee Ordinances.~~
- ~~4. Develop a Request for Proposals (RFP) for the build-out of the Doane property that would include construction of affordable housing units for all age groups and income levels. Explore feasibility of creating units for handicapped residents. Include both ownership and rental units.~~
3. Work with potential *Encourage* developers to create rental housing for young people (ages 20-30) so that they have an affordable and flexible option for housing should they wish to live in Cumberland following high school or college.
4. Consider establishing an Affordable Housing Overlay Zone in West Cumberland near the Industrial District. This would allow for greater density thereby reducing the cost per unit of new housing.
5. Continue to *support the development* work with potential developers for the construction of Phase 2 of the Village Green Revitalization plan. This phase could include rental housing to fit the needs of the growing number of single resident households. Studio (efficiencies) and one bedroom units located above ground floor retail or office space would be desirable.

6. Continue to expand options for the creation of accessory dwelling units. These units could be created within larger single family homes or in detached structures on a parcel with an existing house located on it.
7. Encourage development of facilities offering residential continuum of care for the aged.

Ms. Tibbetts reviewed two maps one showing lots less than one acre and a second map illustrating a proposed West Cumberland Affordable Housing Overlay: The lots in yellow are less than 1 acre; the blue is the aquifer and the pink lots are town owned. There are 1,212 lots town wide that are less than an acre. Ms. Tibbetts continued stating David Chase has had several discussions with the town regarding developing his pit in West Cumberland into an affordable housing development of 80 single family homes. The discussions have been to consider this as a contract zone, with the proposed affordable housing overlay the pit could be developed into residential dwellings without the need for a contract zone. The majority of the area surrounding the pit is residential.

Mr. Bingham stated that Mr. Sevee has said the best use for the land above the aquifer would be single family homes.

Mr. Turner agreed housing would be less intrusive to the aquifer than other industrial uses such as the scrap metal proposal the town received from One Steel. Ms. Maloney-Kelly agreed she would rather see residential uses and not industrial.

Mr. Stratton stated there are not many uses for commercial or industrial that we would want over the aquifer, and agreed this was a good proposal.

Mr. Guidi asked if anyone had talked with Storey Bros and how this might affect their business or increase complaints regarding trucks.

Ms. Tibbetts stated with or without an overlay district David Chase is proposing 80 single family homes in the pit.

Ms. Caron stated this concept fits in with the concept of the Route 100 Committee that discussed keeping small affordable neighborhoods.

Ms. Maloney-Kelly asked what would be the benefit.

Ms. Tibbetts stated this concept is in line with current Town discussions that an increase in population in the area will attract commercial development.

Mr. Bingham agreed this is a good thing, and if someday there is a turnpike exit it would prevent commercial sprawl associated with turnpike exits.

Mr. Turner stated as was shown with a contract zone for the credit union the Council can control all aesthetics to the proposal.

Mr. Sherr stated design standards give control of aesthetics and asked about the underlying zone of industrial.

Ms. Nixon stated we could eliminate industrial and current uses would still be allowed as non-conforming uses.



## **PUBLIC FACILITY GOALS:**

Ms. Nixon reviewed the proposed changes to the Public Facilities Chapter as follows:

### **2009 Comprehensive Plan Public Facility Goals and Actions:**

#### **GOAL 1:**

**Continue to provide high quality municipal services to town residents in the most cost efficient way.**

#### **ACTION 1:**

Continue to explore further opportunities for regional consolidation of services.

#### **GOAL 2:**

**To provide community facilities sufficient to meet the needs of the town government and its citizens. Examples include town buildings, Val Halla Golf and Recreation Center, Twin Brook Recreation Center, the Rines Forest, and the schools.**

#### **ACTIONS:**

1. Explore opportunities for oceanfront access.
2. Consider assisting in the development of a community center for use by all age groups in the town.

#### **GOAL 3:**

**Consider expansion of the public water and sewer system so that environmentally sensitive areas are protected; to stimulate or provide for economic development; and to provide safe drinking water to areas that have had water quality problems in the past.**

#### **ACTIONS:**

1. Expand public water along Blackstrap Road and along Route 100 north to the Gray town line.
2. Continue expansion of public water in West Cumberland. Extend water from its current terminus at the West Cumberland Fire Station across turnpike, to Falmouth town line?
3. Extend water to the Corey Road Business Park from its current terminus at Winn Road
4. Extend water along Middle road from \_\_\_\_\_ to \_\_\_\_\_.
5. Extend water in the upper Bruce Hill and Pleasant Valley Road.

*NOTE: Ms. Nixon stated that she would meet with the town manager to "fill in the blanks".*

#### **GOAL 4:**

**Encourage higher density development to areas which are served by public water and sewer.**

#### **ACTION 1:**

Consider providing a density bonus for developments that agree to extend or connect to public water and/or sewer.

#### **GOAL 5:**

**Manage growth so that public services can be effectively and efficiently provided.**

#### **ACTIONS:**

1. Continue to monitor the effectiveness of the Growth and Impact Fee Ordinance.

2. Recommend to the Town Council that new subdivision roads not be accepted as public roads.

**GOAL 6:**

**Ensure that all town roads are brought up to acceptable standards and then maintained in good condition to reduce the need for expensive rebuilding of roads.**

**ACTIONS:**

1. **Continue implementation of the paving plan schedule through annual funding as called for in the Capital Improvement Plan.**
2. **Continue to partner with the Maine Department of Transportation to acquire state funds to assist with State-owned road projects.**
3. **Continue to work with PACTS (Portland Area Comprehensive Transportation System) to secure available federal transportation money to assist with town projects.**

**GOAL 7:**

**Continue to work with providers of natural gas so that gas is available to as many areas of town as possible.**

**ACTIONS:**

1. **Develop an aggressive education program for natural gas connections.**
2. **Develop long range plans to reach all Cumberland residents.**
3. **Set aside annually monies from revenues collected from gas main infrastructure to assist in home energy audits for residents not receiving natural gas services.**
4. **Continue to work with the Energy Advisory Committee to find alternative ways to achieve energy savings through all alternative sources of fuels.**

*April Caron asked if there is a problem with infiltration of stormwater into the sewer system. Ms. Nixon said she would ask Mr. Shane about this.*

**V. Next Meeting: October 24, 2013**

*Ms. Caron asked Committee members to review the chapters and if there are any concerns to bring them to the next meeting. The next meeting will be the final review of the proposed plan prior to the public televised meeting on November 14, 2013 at 6:30 p.m. Ms. Nixon asked for confirmation that she is to create the PowerPoint presentation for the committee members to use at that meeting. The members said yes.*

**VI. Adjournment:**

Mr. Guidi moved to adjourn at 7:55 p.m.  
Mr. Sherr seconded.

VOTE: Unanimous

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Pam Bosarge  
Administrative Assistant