

**Comprehensive Plan Update Committee  
Town of Cumberland  
East Conference Room  
September 12, 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)

**Absent:** George Turner (Council Liaison), Shirley Storey-King (Council Liaison)

**Staff:** Carla Nixon, Town Planner, Bill Shane, Town Manager, Pam Bosarge, Administrative Assistant

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

**III. Minutes:** August 22, 2013

Ms. Maloney-Kelly moved to approve the minutes as amended.

Mr. Guidi seconded.

VOTE: Unanimous

**IV. Presentation by Town Manager on Utilities w/Discussion of Action Items**

Mr. Shane reviewed the pavement management plan and the presentation that was given to the Town Council on the natural gas distribution project. For many years the Town was trying to maintain over seventy miles of paved roads in the town of Cumberland. Previously we would try to pave some of our roads in a forty or fifty year cycle. Roads are functional for about thirteen to fifteen years; after that period if they receive no maintenance it would cost about five times more than if they were overlaid. The goal is to get to every road in town on a twelve to fourteen year paving cycle. About seven or eight years ago we were paving less than a \$100,000 dollars in roads; this summer we will have paved over \$600,000 in roads and next summer it will be closer to \$800,000 in roads.

Ms. Caron asked how the paving was funded.

Mr. Shane stated the simple answer is property taxes; the Town built a paving plan and when Central Maine Power came on line with a lot more property value over two years; we put that money into the Capital Improvement Program. Currently we are paving in the Orchard Road area of Town, we are paving Blanchard Road, all of Orchard Road, Whitney Road, Stonewall Drive, Blanchard Road Extension, Kerri Drive; basically that whole end of Town. Mr. Shane reviewed the Cumberland Paving Schedule. The Town sends notices to residents in January stating if they want to replace a culvert or do anything in the road right of way this work must be done prior to paving at which time there will be a five year moratorium into cutting into the pavement. Glidden Paving out of Gorham is doing our paving this summer; we hope to have the west end of town done within two weeks. Blanchard Road was a project we combined with the State; the town received a million dollars to redo the road from Bruce Hill Road to Skillins Road; half of that money came from Department of Transportation and that will be paved after the fair. That will be ground up and re-surfaced with final pavement in the spring.

Mr. Guidi asked if a sewer extension on Hedgerow Drive would be considered prior to paving.

Mr. Shane stated doubtful unless there is a big push ahead of time; there is no money in the paving plan; if there were several residents who were asking for sewer. The Council funded this program; the Town does pavement condition ratings every three to five years to see if the program is successful and working; and to determine what the costs will be going forward. The Town is also looking at municipal / state partnerships with the state. Those are a 50-50 programs. The Town will be receiving another half a million dollars for Blackstrap Road to pave from Falmouth line to Route 100. That project will be funded for design in next year's budget and the following budget will be constructed. The Town will hold neighborhood meetings and road concerns and issues. Fortunately Blackstrap Road has a solid gravel base, but it has no drainage and there are some challenging areas to drain and some tricky curves.

Mr. Bingham asked why Tuttle Road was not in the plan.

Mr. Shane stated it is a state road, like Blanchard and Blackstrap Road and it would come under P.A.C.T.S.; and most likely would require a partnership with the D.O.T. and it falls outside of this scope.

Ms. Maloney-Kelly asked if we put a walking path on all roads, or how do we determine which roads get walking paths.

Mr. Shane stated at the neighborhood meetings we would discuss the process of discussing walking paths; Blackstrap Road would be an easy road to do that with.

Ms. Maloney-Kelly stated the road has lots of walkers and bikers.

Mr. Shane stated we did that for Route 88 and Range Road it would fall under that classification and be eligible. Our issue is we have a half million of funding from the D.O.T. and how do we stretch those dollars. It most likely is paved shoulders which is a lot less expensive than sidewalks but much improved for safety.

Ms. Caron asked when we build a sidewalk such as the one on Tuttle Road, how is that funded?

Mr. Shane Route 88 was bonded but we received a credit from the State of \$300,000 towards the paving, drainage work and sidewalks on Tuttle Road. They were funded eighty percent by the D.O.T.

Mr. Shane stated the paving program is not a re-construction program such as what was done on Range Road. The cost of Range Road was 1.2 million per mile; this is closer to between \$200,000 and \$300,000 per mile in the paving plan. If the cost is above that we are looking at bonding for the road. The next road that is in the C.I.P. (Capital Improvement Plan) is Middle Road we are looking at extending the water line and widening the road when possible. The objective for this evening's presentation is to give an overview:

#### Pavement Management:

- Continue to follow and fund the 2012 Plan and update the Town Council annually on any deviation from the Plan. Keep data current.
- Continue to pursue alternative funding sources such as Municipal Partnership Program with MDOT to ensure all our high traffic roads are brought to standard.
- Recommend an independent inspection of road network at least every five years to determine if the new plan is impacting overall road condition ratings.
- Require qualified inspectors to be onsite fulltime during all road surface paving activities to ensure, quality and performance of work and that MDOT standards for mix design, compaction and asphalt content are followed without exception.

Ms. Caron asked if all the bases were covered and were there any suggestions to the Town Council. Mr. Shane stated the bullet points are his recommendations and yes this plan covers all the bases.

Mr. Bingham asked if the plan included ditching.

Mr. Shane stated yes ditching is done a year prior to paving.

Ms. Caron asked why there was such a cost difference for Range Road.

Mr. Shane stated Range Road had no gravel base and no drainage; paving wouldn't have held up. It cost 1.2 million a mile for re-construction of the road.

Mr. Bingham asked about the engineering for the Blanchard Road hill.

Mr. Shane stated the ditches are wider and turn out sooner, with additional drainage.

Mr. Sherr asked if the drainage work was done by town staff.

Mr. Shane stated the town staff does shallow ditching if it needs a ditch box it is contracted out we only have a small excavator.

Mr. Bingham asked about the flooding area and ditching on Route 9 by the Irving Station.

Mr. Shane stated development results in greater run-off and most drainage is designed for twenty-five year events storm events.

## **Gas Mains**

Mr. Shane continued stating the Town Council has entered into a memorandum of understanding with Summit Gas who has pipe lines from Nova Scotia to Saugus, MA. The Towns of Cumberland, Falmouth, and Yarmouth have 26,000 people and 10,000 homes to be serviced. The Towns had talked with Unitil and Maine Natural Gas but both wanted a Town contribution of six to eight million dollars. Summit Gas has introduced a regional pricing unit and is currently working with Kennebec Valley. The gas lines will cover 80% of the community. In the summer of 2014 there will be several crews working towards Route 88 and Blackstrap Road. There are currently twenty-four crews working in the City of Augusta. Natural gas will save approximately 40% on heating bills with a cost of \$1,200 per year for the average homeowner. The Town has partnered with Atlantic Regional Federal Credit Union for an H.E.W.E. (Home Equity without Equity) loan program for low interest loans for the conversion of oil to natural gas. Flyers will be given to the public. Natural gas is new to this area.

Mr. Guidi asked how Summit recoups its capital outlay.

Mr. Shane stated the pricing is set for a ten year (10) period and regulated by the PUC (Public Utilities Commission) if they want an increase they would have to be approved the same as Central Maine Power.

Mr. Guidi asked how the cost compares with Portland.

Mr. Shane stated it is double Portland.

Mr. Sherr asked if there would be incentives to convert to a new boiler.

Mr. Shane stated Summit has a \$1,500 incentive beginning in February. The concern is the number of certified installers; we have met with some contractors.

Mr. Shane reviewed recommendations for Gas Lines as follows:

#### **Gas Lines**

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

Mr. Sherr asked if there are an estimated number of residents who would take advantage of the natural gas.

Mr. Shane stated all of the houses in the Morrison's Hill development have propane which can be converted; Maine Standards and Exactitude on Route One were built with propane anticipating the change to natural gas.

Mr. Bingham asked about diesel on demand.

Mr. Shane stated Councilor Copp stated there is a company that will fuel vehicles at night so there would be no fuel kept on premises. Today we met with the Town of North Yarmouth to discuss combining Public Works departments.

Mr. Bingham stated there is plenty of supply for natural gas. The Marcellus field could make us energy independent.

Ms. Caron asked if there any public safety considerations with natural gas.

Mr. Shane stated education is the key and first responders are trained to respond to an emergency. Natural gas should be available by the summer of 2015.

#### **V. Land Use – Part 2: Rural Residential Zoning**

Ms. Nixon gave an overview from last meeting stating it was the consensus of the Committee to recommend one Rural Residential zone; she presented a draft proposed Rural Residential (RR) district.

Mr. Bingham stated there didn't seem to be any feedback from the article in the Forecaster.

Ms. Nixon reviewed the proposed change to Section 315-38-Animals to separate household pets and define a minimum setback as an added concern for smaller lots.

- A. Household pets, as defined, are allowed in all districts;
- ~~A.~~ Animals other than horses, ~~including chickens or household pets~~, may be kept for personal use and enjoyment provided that the minimum lot size shall be two acres in all districts. A minimum

setback from all property lines of 50' shall be maintained from animal related structures, including but not limited to barns, fences, and pens.

Ms. Caron asked if we would define “farm animal” Ms. Nixon quoted the definition discussed at the last meeting; “Any animal that customarily is raised for profit on farms and has the potential of causing nuisance if not properly maintained, such as cows, sheep, goats and pigs.”

Mr. Bingham asked about exotic animals and suggested checking with other Municipalities to see if they had a definition in their Ordinances.

Ms. Nixon stated the other suggested change is to Animal Husbandry which is defined as commercial and not subject to review; to add: *Subject to site plan review.*

Mr. Bingham asked about someone leasing five acres to grow vegetables, this should be a minor review, we should encourage agriculture.

Mr. Shane stated agriculture is regulated by State, farming, gardening, etc.

Ms. Nixon reviewed the new introduction to the proposed Rural Residential District.

Ms. Nixon continued stating at the end of the current Rural Residential districts has a section regarding development lots on certain roads; she is recommending removing this section.

## PROPOSED NEW DISTRICT

### Rural Residential District

The Rural Residential (RR) District allows for uses that are compatible with residential developments usus. Agriculture-related uses, home businesses, and some non-residential uses are allowed if they meet the requirements for those uses, as listed below.

The following uses are permitted in the Rural Residential (RR) District:

- .1 Single family detached dwellings;
- .2 Duplex dwellings; [Amended, effective 5/15/89]
- .3 Multiplex dwellings, subject to the provisions of Sec. 406 A; [Amended, effective 5/15/89]
- .4 An accessory dwelling unit as permitted in SS 315-45A
- .5 Agriculture; subject to site plan review.
- .6 Animal husbandry on a site greater than three (3) acres; subject to site plan review.
- .7 Home Occupations and Home Based Occupations; Subject to Sec. 315-53 [Amended, effective 2/12/07]
- .8 Timber harvesting, subject to the provisions of SS 315-68.
- .9 Manufactured Housing and mobile homes in Manufactured Housing overlay zones as delineated on the official Town zoning map; [Amended, effective 1/9/85]
- .10 Extraction and/or bulk storage of groundwater or springwater for municipal or quasi-municipal purposes, subject to the provisions of SS 315-69.
- .11 Cemeteries, subject to site plan review.
- .12 Religious institutions, subject to site plan review.

- .13 Private schools, subject to site plan review.
  - .14 Boarding kennels, subject to site plan review.
  - .15 Private kennels.
  - .16 Riding stables and schools, subject to site plan review.
  - .17 Residential care facilities (see ss 315-71).
  - .18 Day care centers and nursery schools for no more than 20 children
  - .19 Private airport, personal use, subject to site plan review and to the provisions of Section 418;
  - .18 Private heliport; personal use, subject to site plan review and to the provisions of Section 418;
  - .19 Outdoor recreational facilities, subject to Site Plan Review; [Adopted, effective 4/28/97]
  - .20 Temporary sawmills, subject to site plan review and Section 315-66
  - .21 Sewer pumping stations, subject to the provisions of Section 419.4;
  - .22 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
  - .23 Uses and buildings accessory to those above;
- ~~315-6 (2) The following uses are allowed as special exceptions in the Rural Residential (RR) district, requiring the approval of the Board of Adjustment and Appeals:~~
- ~~(a) Home Occupations~~
  - ~~(b) Home Based Occupations~~
  - ~~(c) Temporary sawmills, subject to the provisions of ss 315-66~~
  - ~~(d) Uses and buildings accessory to those above.~~

315-6 (3) The following lot standards apply in the RR district: [Amended, effective 5/15/89]

- .1 2 acre minimum lot size, whether or not the lot is served by sewer;
- .2 In the case of duplex or multiplex development, there shall be no less than 1.25 acres of lot area per dwelling unit except that the minimum lot area per dwelling unit for a lot served by sewer shall be one acre;
- .3 There shall be no less than 200 feet lot frontage; [Amended, effective 8/10/98]

315-6 (4) The following minimum setbacks are required in the RR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines.

- .1 Front: 50 feet;
- .2 Rear: 75 feet;
- .3 Side: 30 feet; combined width at least 75 feet.

315-6 (5) Notwithstanding the provisions of Section ~~315-6 (3)~~ 204.1.2.3, the owners of large parcels located in the Rural Residential (RR) district may create development lots that do not meet the minimum lot size requirement set forth in Section 204.1.2.3, provided that all of the following standards are met: [Amended, effective 4/12/99]

- (a) The parcel from which the new development lot will be created shall have no less than twenty-five (25) contiguous acres in the same ownership as of April 12, 1999. Parcels on

- the opposite sides of a town road or way shall not be considered contiguous for purposes of this section.
- (b) The creation of the new development lot does not result in the creation of a subdivision as defined in 30-A.M.R.S.A. Section 4401 and does not require an amendment to an existing subdivision plan recorded in Cumberland County Registry of Deeds.
  - (c) A development lot shall be at least two (2) acres in size, unless served by public sewer, in which case the development lot shall be at least one (1) acre in size.
  - (d) The creator of the development lot must create an easement parcel somewhere on the large contiguous parcel to create the development lot. The easement parcel shall be no smaller than the minimum amount of land necessary to meet the minimum lot size required by Section 2.1.1.3 when added to the land area of the development lot.
  - (e) An easement parcel must meet one or more of the following standards:
    - [1] The parcel is active farmland, for purposes of this Section only active farmlands are defined as hayfields, pasture, row crops, orchards.
    - [2] The parcel preserves an area with an active trail that can be used by the general public (as shown on the Greenbelt Plan or is an obvious, well-used trail).
    - [3] The parcel provides a connection to an existing trail system that can be used by the general public.
    - [4] The parcel preserves a high value wetland, wildlife habitat, or stream, all as determined by the Maine Department of Inland Fisheries and Wildlife.
    - [5] The parcel provides access to a water body.
    - [6] The parcel includes land included in the Resource Protection District or the Stream Protection District.
    - [7] The parcel buffers a piece of land owned by the Town.
    - [8] There are no existing structures on the proposed easement parcel, except for non-residential structures that are necessary to an agricultural or forestry use.
  - (f) The creator of the easement parcel shall restrict the easement parcel so that it cannot be used for development or construction of any type other than non-residential structures that are accessory to agricultural or forestry use. In addition, the easement parcel may not be used for density calculations for or any development purpose other than those provided herein for the development lot. Any paving of the easement parcel shall be restricted either to that necessary for support of agricultural or forestry uses or to trails. The deed creating the easement parcel shall state that it is perpetual and it is created to benefit the development lot, and shall include both the purposes to which the parcel is

limited and the development restrictions required by this Ordinance. The deed creating the easement parcel shall explicitly reference the deed for the development lot, and the deed creating the development lot shall explicitly reference the easement parcel. The creator of the easement parcel may hold the easement, or the creator may transfer the easement to the Town, to a qualified land trust, or to some other person or legal entity that will operate the easement parcel for agricultural or forestry purposes. The creator of easement parcel may retain ownership of the fee interest in the easement parcel or may transfer it subject to the provisions of the easement. The owner of the development parcel does not have to own the easement parcel or be the holder of the easement. The creator of the easement parcel will provide copies of the proposed deeds to the easement parcel and the development lot to the Town for approval by the Town Manager and the Town Attorney prior to the sale of the development lot and will also provide evidence that the proposed holder of the easement has agreed to accept the easement. In no event shall any building permit be issued for a development lot until the applicant can demonstrate compliance with these provisions through the provision of copies of deeds recorded in the Cumberland County Registry of Deeds.

~~(G) Development lots shall not have frontage on the following roads:~~

~~—— Tuttle Road~~  
~~—— Blanchard Road~~  
~~—— Greely Road~~  
~~—— Greely Road Extension~~  
~~—— Range Road~~  
~~—— Longwoods Road~~  
~~—— Orchard Road~~

~~New development lots shall be subject to the backlot provisions 315-40 of this Ordinance.~~

The Committee discussed the 50' setback on farm animals and agreed to remove barns, fences and pens.

#### **VI. Next Meeting:**

Ms. Nixon stated the next meeting is on September 26, 2013, we will review a final draft of the proposed Rural Residential zone; and discuss housing and how to handle high density developments.

October 10, 2013 – Draft Report

October 24, 2013 – Finalize report.

Ms. Nixon asked Mr. Stratton if he had any comments.

Mr. Stratton stated the State and Towns in Southern Maine are making it difficult for working people to afford a home, people will be retiring without a house.

Ms. Nixon stated the state Energy Code has increased costs and requirements for houses.

Mr. Guidi stated the Town is working to allow higher density which increases the cost of building.

Mr. Stratton stated the cost of roads and new plumbing requirements, and subdivision rules increase cost.



Ms. Nixon stated the Town cannot do anything about the state subdivision laws.

Ms. Nixon asked if there were any other areas the Committee wanted to discuss.

Mr. Guidi asked if they would discuss the Town Center District.

Ms. Caron asked if there were any other areas, other than Main Street, at the 30,000 foot level.

Mr. Shane stated he would like to review the uses on Route One, to allow limited retail and restaurants to provide services for the new businesses.

Mr. Stratton stated size of lots and frontage requirements.

Mr. Sherr stated he thought changing lot requirements from four acres to two acres is positive and we still have contract zoning provisions for reduce lot sizes.

Ms. Nixon also suggested possible discussion of aging in place.

Ms. Maloney-Kelly stated that is what she was referring to when she asked about consideration for lots of one acre.

## **VII. Adjournment:**

Mr. Bingham moved to adjourn.

Ms. Caron seconded.

VOTE: Unanimous

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

Respectfully submitted,

Pam Bosarge  
Administrative Assistant