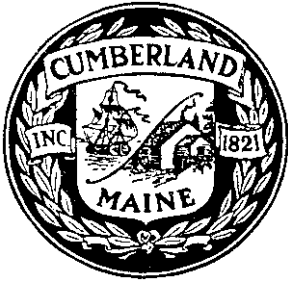


# ITEM

## 17-007

To set a Public Hearing date of January 23<sup>rd</sup> to consider and act on amendments to Chapter 30 (Boards & Commissions), Article 3 (Town Lands and Conservation Commission) of the Cumberland Code, as recommended by the Ordinance Committee



# M E M O R A N D U M

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**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** January 5, 2017  
**Re:** Item 17 – 07 Lands & Conservation Commission Ordinance

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I have met twice with the former Lands & Conservation Commission, most recently last evening.

I believe the structure moving forward should be as discussed with the Ordinance Committee and as defined under current Ordinance – Chapter 30 Boards & Committees:

- 1) The actual LCC as defined by current Town Ordinance
- 2) Forestry subcommittee
- 3) Trails subcommittee

The current Ordinance would need to be tweaked slightly. The broad range of authority given to the LCC under the current ordinance language allows for multiple concurrent project undertakings and the flexibility to create additional subcommittees if necessary.

I will be meeting Wednesday morning at 7:30 AM with the Ordinance Committee to discuss potential changes to the current ordinance language and inclusion of some of the former Commissions; recommendations which are attached to this cover memo.

Items such as quorum number, annual reports, meetings with the Town Council and attendance at monthly meetings by subcommittee members are some of the details to be reviewed and possibly included in an updated Ordinance. As a Town, we now have numerous forested properties and other Open Space lands that should come under this Commission's bigger umbrella to allow for consistent rules, better management plans and stewardship of all properties.

Copies of the former Commission's thoughts and recommendations are attached as well as a copy of the current Ordinance.

As difficult as this restructuring may have been to accomplish, I believe it will be for the benefit of all our phenomenal 1000 acres+ of public lands throughout our community.

**Lands and Conservation Commission Management Committee**

**Responsibilities:**

1. Coordinate use and conservation activities of all Town owned open spaces and natural resources.
2. Develop long-term strategies for usage of all Town owned open spaces.
3. Provide guidance to all subcommittees under the Lands and Conservation Commission's (L&CC) purview.
4. Coordinate activities with surrounding communities and Chebeague and Cumberland Land Trust.
5. Maintain an expertise in a town-wide watch list of invasive plants/insects, land and water wildlife.
6. Promote programs to educate the public about conservation principles and practices as well as the threat of all types of invasives.
7. Promote and encourage the conservation and preservation of the Town's natural resources including open spaces and vistas.
8. Promote educational programs to achieve greater public awareness of the importance and need for conservation.
9. Develop partnerships with state and local stakeholders including conservation, education, recreation, cooperative extensions and governmental groups .
10. Identify and monitor wildlife habitats and corridors.
11. Identify unique natural resources or tracts of land within the Town that warrant special conservation efforts.
12. Report annually to the Town Council.

Membership: Officers: chair, vice chair, secretary plus  
Standing subcommittees = a max of 2 reps each  
Special assignments, ad hoc subcommittees 1 rep max

Meetings: Meetings of the Commission will be held at least once per month for 11 months of the year. At least one member of each subcommittee is required to participate in these meetings. In addition, the subcommittees will meet as often as required to fulfill their annual goals and meet with the Commission on an as-needed basis. In each case, a quorum will consist of 50% of the members.

**Funding:** Commission activities and projects will be funded annually as part of the Town budget, as well as new projects approved by the Town Council.

## **Standing Subcommittees**

### **Forestry and Natural Resources**

1. Provide, execute, and monitor forestry management and conservation management plans for each of the larger forested parcels (including but not limited to): Town Forest, Rines Forest, Blueberry Hill, Val Halla, Twin Brooks (Tuttle Rd side), and Twin Brooks (Greely Rd side). Lesser parcels will be reviewed and noted as time permits.
2. Ensure sustainability and conservation of aforementioned larger forested parcels.
3. Identify, monitor and mitigate invasive species where cost-effective (e.g. spraying for brown-tail moths, bittersweet, buckthorn ).
4. The subcommittee shall consist of at least xx Town residents.

### **Trails**

1. Develop and maintain plans for, and governing the use and maintenance of all trails that are part of Town recreation areas including trail easements on private lands.
2. Provide guidance and leadership in connecting existing and new trails within the Town and with surrounding towns. Establish standards for trail marking and signs that also adhere to those of surrounding town efforts where appropriate.
3. Provide guidance and leadership for securing Town “urban” trails to encourage walk-ability (e.g. Master Sidewalk Plan), and connections between neighborhoods.

## Article III

### Town Lands and Conservation Commission

**[Adopted 9-11-2000]**

**§ 30-13 Title.**

This article shall be known as the "Cumberland Town Lands and Conservation Commission Ordinance" and shall be referred to herein as "this article."

**§ 30-14 Creation; membership; term of office; organization.**

There is hereby created the Cumberland Town Lands and Conservation Commission (herein "Commission") for purposes set forth in § **30-16** of this article and for such additional purposes as the Cumberland Town Council in its discretion may assign.

- A. The Commission shall consist of up to 11 members appointed by the Cumberland Town Council, all of whom shall be residents of the Town of Cumberland. Appointments to the Commission shall be for terms of three years; provided, however, that an approximate equal number of members shall be appointed for initial terms of three years, two years, and one year.
- B. The Commission shall annually elect a Chairman and Secretary from among its members, plus such other officers as the Commission in its discretion may determine.
- C. Upon the recommendation of the Commission, the Town Council may appoint associate nonvoting members to the Commission for terms of one, two, or three years as the Council in its discretion shall determine.
- D. The Commission shall establish a regular schedule of meetings and shall give appropriate public notice of its meetings.
- E. At the conclusion of each calendar year, the Commission shall prepare and submit to the Clerk of the Town of Cumberland a written summary of its activities during the previous year for inclusion in the Town's Annual Report.

**§ 30-15 Town Forest Subcommittee; other subcommittees.**

- A. The Commission shall appoint a Town Forest Subcommittee from among its members and associate members for the purpose of making recommendations to the Commission and to the Town Council on all matters pertaining to the use, preservation, management and maintenance of the Town forest. The Subcommittee's responsibilities shall include but not be limited to the following:
  - (1) The creation of programs to promote public awareness of and appreciation for the Town forest and to enhance the use of the forest for educational and conservation purposes.
  - (2) The creation and maintenance of a trail or trails through the forest to facilitate public access and to encourage the use of the forest for educational and passive recreational purposes.
  - (3) The development of a forest management plan, to include recommendations for the planting, pruning, harvesting, and replacement of trees and other vegetation within the forest and such other recommendations to protect the conservation values of the forest as may be necessary.

- (4) The periodic retention of a licensed forester or similarly qualified individual to provide advice in all aspects of forest management and maintenance.
- (5) The creation of programs or plans to coordinate the use and management of the Town forest with other Town-owned properties.
- B. The Commission may establish other subcommittees for such purposes as the Commission shall determine in the exercise of its discretion.

**§ 30-16 Purpose and duties.**

The Commission shall promote the conservation of natural resources and encourage the conservation of land and open space within the Town of Cumberland and shall develop educational programs to achieve greater public awareness of the importance and need for land conservation within the Town. The Commission may develop and recommend to the Town Council programs and policies to implement the conservation- and recreation-related goals and objectives of the Town's Comprehensive Plan. The Commission may develop programs to achieve greater public awareness of the importance and need for conservation of natural resources and land within the Town for open space and recreational purposes. In addition, the Commission may:

- A. Periodically report to the Cumberland Town Council regarding the condition, status, or current use of the following properties:
  - (1) Any parcel of land owned by the Town, exclusive of the Val Halla Golf and Recreation Center.
  - (2) Any parcel of land in which the Town has acquired an interest less than ownership, including but not limited to rights-of-way, easements, rights of development, options to purchase, or any other permissive or conditional use of any type.
- B. Submit recommendations to the Town Council regarding the acquisition of ownership of property within the Town of significant conservation value, or the acquisition of interests in property less than ownership, including but not limited to rights-of-way, easements, rights of development, options to purchase, or any other permissive or conditional use of any type.
- C. Offer input and recommendations to the Cumberland Town Council regarding any proposed development of Town-owned property or any significant proposed change in use of Town-owned property.
- D. Coordinate with the Director of Community Education and Recreation and the Recreation/Community Education Advisory Board to develop recommendations regarding the use or development of Town-owned property for recreational purposes.
- E. Develop strategies for coordinating the activities of other conservation organizations within the Town and within the immediate area.
- F. Conduct research, in conjunction with the Planning Board, into local land areas that are being considered for development. The Planning Board shall request input from the Commission in conjunction with any proposed major or minor subdivision that impacts the Town's natural resources or Town-owned property or which involves the transfer of an interest in land to the Town.
- G. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which the Commission considers necessary.

- H. Receive gifts in the Town's name for any of the Commission's purposes and administer each such gift for those purposes subject to the terms of the gift.
- I. With respect to any of the properties described in Subsection A above, submit recommendations to the Cumberland Town Council regarding:
  - (1) The management, preservation, maintenance, or upkeep of the property.
  - (2) Improvements or modifications to the property to meet the changing recreational and open space needs of the Town.
  - (3) Methods of facilitating or regulating public use of or access to the property, as may be appropriate.
  - (4) Methods of increasing public awareness, understanding, and appreciation of the property and its conservation value to the Town.