

ITEM

17-014

To hold a Public Hearing 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: Lands & Conservation Commission Ordinance

Councilor Shirley Storey-King is completing work on the updates to the LCC Ordinance. Since your next meeting is on February 13th after the Lands & Conservation Commission meet (Feb 1) it would be worth considering directing the Commission to use the “Draft Ordinance” language for their kick-off meeting.

I have discussed the recommendation with Councilor Storey-King and she is in agreement with the idea of using the draft ordinance for the Commission’s February meeting.

Chapter 30:

Boards and Commissions

Article III:

Town Lands and Conservation Commission

§ 30-13 Title.

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

§ 30-15 Town-Forest and Trails **Subcommittees**; other subcommittees.

§ 30-16 Purpose and duties.

§ 30-13 Title.

This article ordinance be known as the "Cumberland Town Lands and Conservation Commission Ordinance" and ~~shall~~must 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 consists of **at least** 11 members appointed by the **Cumberland** Town Council, all of whom ~~shall~~must be residents of the Town **of Cumberland**. Appointments to the Commission ~~shall~~must be for terms of three years; provided, however, that an approximate equal number of members ~~shall~~must be appointed for initial terms of three years, two years, and one year

Or as submitted by MS

A. The Commission ~~shall consist~~ consists of up to 11 members appointed by the **Cumberland** Town Council, all of whom ~~shall~~must be residents of the Town ~~of Cumberland~~. Appointments to the Commission ~~shall~~will be for terms of three years; provided, however, that an approximate equal number of members ~~shall~~will be appointed for initial terms of three years, two years, and one year. **Membership will consist of at least the officers plus two representatives from each of the standing subcommittees and one representative from each ad hoc subcommittee.**

B. The Commission ~~shall~~must annually elect a **Chairman, Vice Chair** 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 may determine.

D. the Commission ~~shall~~must establish a regular schedule of meetings and ~~shall~~must give appropriate public notice of its meetings.

E. moved to 30-16

~~E. At the conclusion of each calendar year, the Commission shall must 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 and Trails Subcommittees; other subcommittees.**

A. The Town Council shall must appoint standing subcommittees including

- a) Forestry and Natural Resources and;**
- b) Recreational Trails subcommittees.**

Each subcommittee shall must have at least one member attend the monthly LCC meeting.

~~B. the Commission shall must appoint a Town Forest Subcommittee from among its members and associate members for the purpose of making~~ **The Forestry and Natural Resources subcommittee shall must make** recommendations to the Commission ~~and to the Town Council~~ on all matters pertaining to the use, preservation, management and maintenance of the ~~Town forest~~ **town forests and other natural resources. The subcommittee will** responsibilities ~~shall must~~ include but not be limited to the following:

(1) The creation of Create programs to promote public awareness of and appreciation for the ~~Town forest~~ **town forests** and to enhance the use of ~~these forests~~ for educational and conservation purposes.

(2) The creation and maintenance of Create and maintain a trail or trails through the ~~forests~~ to facilitate public access and to encourage the use of the ~~forests~~ for educational and passive recreational purposes.

(3) ~~The development of~~ **Create** a forest management plan, to include recommendations for the planting, pruning, harvesting, and ~~replacing~~ **replacement of** trees and other vegetation within the **forests** and such other recommendations to protect the conservation values of the **forests** as may be necessary.

(4) ~~The periodic retention of~~ **Retain** a licensed forester or similarly qualified individual to provide advice in all aspects of forest management and maintenance.

(5) ~~The creation of~~ **Create** programs or plans to coordinate the use and management of the ~~Town forest~~ **town forests** with other Town-owned properties.

(6) Provide, execute and monitor forestry management and conservation management plans for each of the larger forested parcels owned by the Town.

(7) Ensure sustainability and conservation of the properties.

(8) Identify, monitor and mitigate invasive species where cost-effective.

C. The Recreation Trails subcommittee ~~shall~~ must make recommendations to the Commission on all matters pertaining to the use, preservation, management and maintenance of the town trails. The subcommittee will:

- 1. Develop and maintain plans for and governing the use and maintenance of all trails that are part of the Town recreation areas including trail easements on private lands.**
- 2. Provide guidance and leadership in existing and new trails within the Town and with surrounding towns.**
- 3. Provide guidance and leadership for securing Town “urban” trails to encourage walk-ability and connections between neighborhoods.**

D. The Commission may establish other subcommittees for such purposes as the Commission ~~shall~~ **must** determine in the exercise of its discretion.

§ 30-16 Purpose **and duties.**

The Commission ~~shall~~ **must** **promote** the conservation of natural resources and encourage the conservation of **water**, land and open space within the Town **of Cumberland** and ~~shall~~ **must** **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~~must 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.

J. ~~At the conclusion of each calendar year, the Commission shall~~must 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. The Commission responsibilities include:

(1.) Coordinate use and conservation activities of all Town owned open spaces and natural resources.

(2.) Develop long-term strategies for use of all Town owned open spaces.

(3.) Promote and encourage the conservation and preservation of the Town's natural resources including open spaces and vistas.

(4.) Identify and monitor wildlife habitats and corridors.

(5.) Identify unique natural resources or tracts of land within the Town that warrant special conservation efforts.

(6.) Coordinate the efforts of the subcommittees to assure the duties and responsibilities assigned in section 30-16 are achieved.

(7.) Coordinate activities with surrounding communities and Chebeague and Cumberland Land Trust.

(8.) Develop partnerships with state and local stakeholders including conservation, education, recreation, cooperative extensions and governmental groups.

(9.) Maintain a town-wide invasive plant/insect expertise.

(10.) Promote programs to educate the public about conservation principles and practices as well as the threat of all types of invasives.

(11.) Promote educational programs to achieve greater public awareness of the importance and need for conservation.

(12.) At the conclusion of each calendar year, the Commission prepare and submit to the Clerk of the Town a written summary of its activities during the previous year for inclusion in the Town's Annual Report.