

## LANDS AND CONSERVATION COMMISSION

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

February 6, 2024

### **Lands and Conservation Commission recommendation on the proposed 107-unit housing project at Drowne Road**

Some months ago the Town Council took steps to help make more affordable housing available in Cumberland. Included were three potential projects that would have added 234 new homes in addition to the 34 new homes constructed through the normal course of 2023.

At this point, we understand the 55-unit senior housing project along US 1 has been cancelled while the 72-unit project is still in the works as are the 107 units proposed for Drowne Road. We do not question the need for affordable housing in southern Maine.

### **Our primary concern is that the location of the proposed new housing on Drowne Road is inconsistent with land use objectives.**

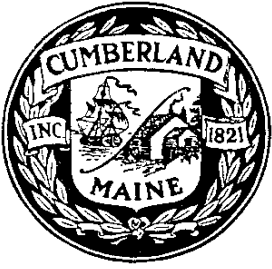
Our authorizing ordinance, Article III, Section 30-15, Purpose and Duties, requires us to "...promote the conservation of natural resources and encourage the conservation of water, land and open space and vistas within the Town...." The project was not timely referred so we could meet our responsibilities under the ordinance.

The land proposed for the Drowne Road project, is primarily classified either as "Prime" or as "Of Statewide Importance" farmland by the NRCS Web Soil Survey. According to the Conservation Subdivision Ordinance (250-6. D (7)) applicable to developments in the RRI and RR2 zones, these soil types are considered high-value conservation areas needing preservation. Thus, constructing three multi-storied buildings plus adding 184 parking spots is inconsistent with the best use of the limited high value agricultural lands available within the Town.

The removal of the ballfields at Drowne Road is also inconsistent with maintaining open spaces in the town. In listening to the discussions regarding the two existing baseball fields, the first alternative cited was to move them to the 12-acre plot adjacent to Stiles Way and Tuttle Road and adding two more fields plus a 175-car parking lot.

We have not heard discussion about moving the playing fields to North Yarmouth, which shares recreation activities with Cumberland. Wescustogo Hall, the location of the North Yarmouth field, already has a significant adjacent parking lot along with open space that may well accommodate baseball fields without paving more land. Other sites may also provide sufficient space without tying up 12 acres of open land.

**Additionally, we believe the gifting of land given to the Town by Elizabeth Drowne to a private developer is contrary to her stated wishes and her vision of the Town's use of the property.**



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Page 2

We have concerns about the proposed use of the land as a project in private hands when considering the Will of Elizabeth Drowne, the donor. Her purpose in gifting the land in the Town Forest was to support education. The 1891 Will (Book 589/page 204) specified that all future income from the land is to be used for education.

With this project, there would be no potential income from the sale or lease of the land nor will the land be used for education; instead, the land value would be materially diverted for 99 years at no charge with no direct benefit to education. While this may be deemed legal, it is clearly contrary to the intent of the donor.

The Drowne Road Project is even more insidious because it represents an ever-increasing incremental development of the gifted land inconsistent with the envisioned land usage at the time of donation, the terms of which the Town agreed to when it accepted the gift.

We also note the decision to use generated funds for education rests with "...the officers of said town who have charge of the schools therein." Since elementary and secondary education within Cumberland rests with MSAD #51, a 99-year no-cost lease would deprive that body of its decision-making authority and students of potential income for generations. Also, if the land is included in a TIF district, any property taxes generated from this or any other development cannot be used for education, further negating the stated purpose in the Will.

As a result, we believe the proposed use of the Town Forest land for the 107-unit housing project and 200 space parking lot is inconsistent with the intent of Elizabeth Drowne's gift and with the conservation of natural resources, land and open space within the Town and puts at risk the trust of potential future donors to the Town.

**Recommendations:** We recommend

- The land not be used for the housing project.
- That all remaining land gifted by Elizabeth Drowne to the Town be placed in a conservation trust.
- That any future use of any unallocated land of the original gift parcel, or any portion of the original parcel that may in the future be considered for re-use or repurposing, be used in a manner consistent with the terms of the Will or placed in the conservation easement.