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Cumberland, Maine

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2003

## Cumberland Lands and Conservation Commission Documents 2003

Cumberland Town Lands and Conservation Commission

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# **Cumberland Lands and Conservation Commission Documents 2003**

# 'An amazing place' closer to preservation

By Kate Bucklin

CUMBERLAND — The state wants to preserve Sunrise Acres Farm. In fact, it is the number one candidate identified by Land For Maine's Future.

Monday night, Land for Maine's Future and the Cumberland Mainland and Island Trust took their case to the Town Council to see if there was still interest in saving Sally Merrill's 140-acre farm from development.

Sunrise Acres, located on Range and Winn Roads, has been in Merrill's family since the 1840's.

Land for Maine's Future has been working with Merrill for more than a year in hopes of keeping the farm operational and saving it from creeping de-

velopment. Last year, Land for Maine's Future, through a partnership with the state's Department of Agriculture, named Sunrise Acres as a finalist for preservation.

Rob Crawford, president of Cumberland Mainland and Island Trust, called the farm "an amazing place" with an owner who is doing everything to preserve the farm for future use, pointing out that Merrill was the one who investigated Land for Maine's Future. Crawford also warned that if a developer had rights to the farm, 30 to 40 homes could be built there.

"You can see the pressure coming up along the line," Crawford said of new development near the farm.

In order to preserve the farm under Land for Maine's Future, a local share of as much as \$250,000 has to be raised. Cumberland Mainland and Island Trust proposed splitting the local funds needed to preserve the farm with the town.

"This is not an incidental amount," Crawford acknowledged before the council Monday. But, he added, that the estimated value of the farm is \$1.1 to \$1.3 million.

"This seems like it's a really good deal," Crawford said, pointing out that if the town were to try to preserve the land itself as open space it would cost a great deal more.

Besides local funding, federal and state funding totaling about \$900,000 would

go toward the purchase of the farm, Stephanie Gilbert, Farmland Protection manager for the state, explained.

She said the program works to protect "farms, farmland and farmers." Merrill could remain on the farm as long as she wanted, and the Department of Agriculture would be the holder of the land.

Gilbert called Sunrise Acres "unique and special in southern Maine."

The farm, Gilbert said, would be forever restricted from sub-division. She added that if and when Merrill decides she does not want the farm, it would be sold through a program called Farmlink that connects retiring farmers with new farmers.

Councilors were in favor of continuing to pursue chipping in to save the farm. According to Gilbert, the deal must be in place by November of this year.

## Ellen Hoffman

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**From:** John Eldredge [jeldredge@es-partners.com]  
**Sent:** Monday, January 27, 2003 9:02 AM  
**To:** bob heyner; Ellen Hoffman; Betty Surgi; Stockwell, Sally; West, Jennifer  
**Subject:** Steve Moriarty to join us tonight

Everyone,

Steve Moriarty will be joining us at 7:30 tonight to discuss two matters:

1) Our difficulty in building a working relationship with the planning board. What have been the issues and what would we like to see happen as we move forward?

2) Jennifer's letter on our behalf to the Army Corps of Engineers regarding vernal pools protection at Jordan Farms. Apparently, the letter went out after the Town had already issued final approval for the project, so we placed the Town Council in an awkward position by appearing to contradict their decision.

Lastly, I would like to discuss and resolve two related organizational issues: a) a chairmanship succession plan (hopefully, Sally and Jennifer are still interested in serving as co-chairs); and b) ideas for recruiting more members of the commission.

Let me know if there are any other agenda items. Thanks.

John

1/27/2003

## MEMORANDUM

TO: Carla Nixon  
FROM: Steve Moriarty  
DATE: January 28, 2003  
RE: Meeting with Lands and Conservation Commission

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I met with the Lands and Conservation Commission on Monday, January 27, 2003. I discussed with the members the letter signed by Jennifer West dated January 6, 2003 addressed to the Army Corps of Engineers, in which she claimed that possible impact upon two vernal pools had been inadequately assessed. Jennifer and the other members of the Commission were unaware that the Planning Board had granted final approval for the Jordan Farm Estates subdivision, and apologized for this correspondence. I do not believe that this will be a recurrent issue, and I urged the Commission to work closely with the Planning Department to stay abreast of subdivision-related issues.

The Commission has been anxious to meet with the Planning Board in a workshop session for some time. I understand that you will include an item on the Planning Board's February agenda for the setting of a date for a workshop. I told the members of the Commission to expect a workshop at some point in late February or perhaps in March.

In anticipation of the workshop, it might be helpful if all members of the Planning Board were to be provided with a copy of Cumberland Town Lands and Conservation Commission Ordinance adopted by the Council on September 11, 2000. Section 4(F) of the Ordinance provides in part as follows:

The Planning Board shall request input from the Commission in conjunction with a 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.

Therefore, it was anticipated that input from the Commission would become part of the Board's "checklist" for subdivision approval, in appropriate circumstances. The input should be received as a welcome and constructive part of the overall approval process.

Incidentally, I asked the Commission to submit input to the Council with regard to the possible acquisition of development rights on the Sally Merrill property. Section 4(B) of the Ordinance authorizes the Commission to submit recommendations to the Council regarding acquisition of interests in property, such as rights of development.

Please let me know if you have any questions.

cc: Cumberland Town Council  
John Eldredge

## Ellen Hoffman

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**From:** John Eldredge [jeldredge@es-partners.com]  
**Sent:** Friday, January 31, 2003 3:53 PM  
**To:** Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West; Sally Stockwell  
**Subject:** Steve Moriarty memo; Stockholm subdivision

Everyone,

Just a quick update to let you know that Steve Moriarty sent a memo to Carla (interim town planner) and copied the town council. In the memo, he explained our unintended error in sending the letter to the Army Corps and then proceeded to describe our interest in a workshop with the planning board.

The workshop request will be placed on the agenda for the PB's Feb. meeting in order to have them set a date. He further asked Carla to furnish members of the PB with a copy of the CTLCC ordinance and highlighted Section 4(F) that requests our input on proposed subdivision plans.

Also, as we discussed with Steve, our commission has been asked to submit input to the town council regarding the town's consideration to acquire the development rights on the Sally Merrill property. Obviously, this is something we would support. Sally Stockwell, given your knowledge of the property, is this a letter you'd like to draft?

Lastly, someone dropped off at my house a preliminary subdivision plan for the Stockholm property on Route 9 near Turkey Lane. Input to the PB is requested by Feb. 5. Let me know if anyone wants to take a look at this document before that date. Thanks.

John

## Ellen Hoffman

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**From:** Sally Stockwell [sstockwell@maineaudubon.org]  
**Sent:** Monday, February 03, 2003 4:05 PM  
**To:** John Eldredge; usc@maine.rr.com  
**Cc:** Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West  
**Subject:** Re: Write-up for annual report

Lisa -

I've added a sentence to John's report on our work at the Town Forest with the Drowne Road School. It's underlined in red.

I'm assuming John will be ok with my amendment but if not he'll let you know since I'm sending him a copy of this email too!

Sally Stockwell

----- Original Message -----

**From:** "John Eldredge" <jeldredge@es-partners.com>  
**To:** <usc@maine.rr.com>  
**Cc:** "Betty Surgi" <bettyrand@aol.com>; "Bob Heyner" <eaglesky@maine.rr.com>; "Ellen Hoffman" <ellen@delorme.com>; "Jennifer West" <jwest@normandeau.com>; "Sally Stockwell" <sstockwell@maineaudubon.org>  
**Sent:** Monday, February 03, 2003 10:54 AM  
**Subject:** Write-up for annual report

> Lisa,

>

> Per your request, attached is the CTLCC's write-up for the annual report.

> Please let me know if you have any questions. Thanks.

>

> John

>

## Cumberland Town Lands and Conservation Commission

Date: February 7, 2003

To: CCC members:

John Eldredge

Bob Heyner

Ellen Hoffman

Sally Stockwell (absent)

Betty Surgi

Jennifer West

Rob Craig - retired

Paul Ganas - retired

Anne Maher - retired

Roger Monthey-retired 5

(IFB only)

From: Ellen Hoffman

Re: Meeting Jan 27, 2003

- Last month's minutes were not approved (they were not even addressed). Guest Steve Moriarty. Issues discussed:
  - Problem of not being able to connect with the Planning Board and schedule a meeting/workshop with them. We would like our point of view to be considered in the planning process. Also mentioned how JW and BH were considered just "interested citizens" when voicing opinions at a Town Meeting. Steve stated that he stressed to Carla Nixon (assistant Town manager and acting Town Planner) the importance and role of our committee. Steve said that setting a meeting date is on the agenda of the Planning Board's next meeting. Steve also said that he would like to see this committee be on the checklist of committees whose input is needed for planning purposes.
  - JE mentioned SS volunteered to do a habitat presentation (based on Norton Lamb's presentation) on habitat mapping to Planning Board and Town Council. Idea of preserving large land parcels that go beyond Cumberland's borders.
  - EH brought up Doane Property. At one point it had been suggested that this property could be added to the Town Forest. Steve said the town is open to suggestion.
  - Steve mentioned our input on the Sally Merrill property. She wants the town to buy the development rights and have the farm stay as open space if in the future if not farmed. He said we should come to the Town Council meeting and voice our support.
  - JW's letter to the Army Corps re vernal pools at the Jordan Farm. The letter had been sent on our behalf to the Corps after the Town issued a permit. We mentioned that we were not informed that the Town issued a permit. Shows need for better communication.
  - EH mentioned on SS behalf that we would also like to address the implementation of the Open Space plan.
- JE - Bill Wyatt mentioned some bridges in the Town Forest are in need of repair.
- SS and JW will decide to co-chair this committee. Need to think about new recruits. Idea was passed around about taking on a high school student as their Community service project - assisting the committee on various projects.
- JE mentioned the logging of an abutter to Twin Brooks (Fowler side). Said maybe we should touch base with Bill L. see if anything of interest is going on in Twin Brooks.
- Next meeting Feb 24, 2003 7:30 pm

### **Cumberland Town Lands and Conservation Commission**

During the past fiscal year, the Cumberland Town Lands and Conservation Commission was engaged in a number of conservation and land stewardship activities. With respect to residential property development, we conducted on-site inspections of several proposed subdivisions and recommended plan modifications to the planning board aimed at preserving wildlife habitat and open space.

On behalf of the Town Council, we reviewed several properties on Chebeague Island and the mainland that were either subject to tax liens and/or the Town was considering for outright acquisition. In each case, we made recommendations for or against possible acquisition based on our assessment of the scenic value, wildlife habitat, and open space potential of the property. We also officially endorsed grant applications to the Land for Maine's Future fund made by two local property owners. A land conservation grant was subsequently awarded by the fund to Sally Merrill for her Sunrise Acres property.

Our stewardship of town properties included a voluntary cleanup of fallen trees and debris on the Town Forest trail. At Twin Brook, we consulted with the Town on plans for a bridge across the stream in the back of the property. We also reviewed and commented on the draft lease between the Town and SAD 51 relative to the development and use of athletic fields by SAD 51 on the Greely Road side of Twin Brook. Lastly, we assisted the Town in the purchase of additional copies of the popular Cumberland Trail Guide (which we co-developed with the Cumberland Mainland and Islands Trust).

Respectfully submitted,

John Eldredge, Chairman

## Ellen Hoffman

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**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Tuesday, February 11, 2003 2:41 PM  
**To:** Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West; Sally Stockwell  
**Cc:** cnixon@cumberlandmaine.com  
**Subject:** FW: Workshop with Planning Board

Everyone,

Please let Carla and me know if this date works for you for the workshop. Given their expertise and strong interest in the planning process, it's particularly important that Sally and Jennifer be part of this workshop.

John

-----Original Message-----

**From:** Carla Nixon [mailto:cnixon@cumberlandmaine.com]  
**Sent:** Tuesday, February 11, 2003 10:24 AM  
**To:** jeldrid1@maine.rr.com; tpowers@fidelitytico.com; mpassano@earthlink.net; joeimtayl@aol.com; mlporch2@aol.com; phunt@perkinsthompson.com; ssloan@pwd.org; hj2323@aol.com; tturner@unionwater.com  
**Cc:** Pam Bosarge  
**Subject:** Workshop with Planning Board

I did not get a strong enough response to the prospective date of Feb. 18 for the workshop between the Planning Board and Lands and Conservation Commission. Let's try for next month before the Planning Board meeting. March 18<sup>th</sup> at 6:00 p.m.

John, please let your board members know this and check their availability for March 18<sup>th</sup>. Thanks.  
Carla

2/24/2003

Jennifer

At 02:40 PM 2/11/03 -0500, you wrote:

Everyone,

Please let Carla and me know if this date works for you for the workshop. Given their expertise and strong interest in the planning process, it's particularly important that Sally and Jennifer be part of this workshop.

John

-----Original Message-----

**From:** Carla Nixon [<mailto:cnixon@cumberlandmaine.com>]

**Sent:** Tuesday, February 11, 2003 10:24 AM

**To:** jeldrid1@maine.rr.com; tpowers@fidelitytco.com;  
mpassano@earthlink.net; joemtayl@aol.com; mlporch2@aol.com;  
phunt@perkinsthompson.com; ssloan@pwd.org; hj2323@aol.com;  
tturner@unionwater.com

**Cc:** Pam Bosarge

**Subject:** Workshop with Planning Board

I did not get a strong enough response to the prospective date of Feb. 18 for the workshop between the Planning Board and Lands and Conservation Commission. Let's try for next month before the Planning Board meeting. March 18<sup>th</sup> at 6:00 p.m.

John, please let your board members know this and check their availability for March 18<sup>th</sup>. Thanks.

Carla

Jennifer West  
Normandeau Associates  
253 Main Street  
Yarmouth, ME 04096  
Phone: 207-846-3598  
Fax: 207-846-6527

2/24/2003

**Ellen Hoffman**

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**From:** Sally Stockwell [sstockwell@maineaudubon.org]  
**Sent:** Friday, February 14, 2003 11:07 AM  
**To:** John Eldredge; Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West  
**Cc:** cnixon@cumberlandmaine.com  
**Subject:** Vernal Pool Workshop Feb 27

Hi All -

Please be advised that the town of Falmouth will be holding a special vernal pool workshop on February 27th. The town of Falmouth would like to invite anyone from Cumberland that might be interested in attending. Carla - perhaps you could send this announcement out to the Planning Board and Town Council as well.

Hope to see you there!

Sally

#### Protection Strategies for Falmouth's Vernal Pools

Vernal pools, those small ephemeral pools that are the primary breeding habitat for wood frogs, fairy shrimp, and spotted, blue-spotted, and four-toed salamanders, are in danger of being lost to sprawl in southern Maine. Because of their small size, many vernal pools are not regulated under Maine's wetland rules. How can we protect these havens of aquatic and terrestrial diversity? Come learn first-hand about vernal pool ecology, how you can help prepare a comprehensive conservation strategy for vernal pools in Falmouth, and how you can encourage long-term conservation of the best sites, including the surrounding terrestrial "life zone." Maps of vernal pools recently identified from aerial photos will be available for review. Sally Stockwell from Maine Audubon, Steve Pelletier from Woodlot Alternatives, and Aram Calhoun from the University of Maine will be presenting information about vernal pool ecology, mapping, and conservation. Maine Audubon will share recommendations from a new publication, "Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States." Copies of the booklet will be available at the workshop. The agenda will include an overview of vernal pool ecology, an introduction to vernal pools recently mapped from aerial photos for the entire town, and ideas for creating a comprehensive vernal pool conservation plan using vernal pool Best Development Practices recently published.

The meeting will begin at 7 pm at Maine Audubon's Gilsland Farm Environmental Center in Falmouth.

----- Original Message -----

**From:** John Eldredge  
**To:** Betty Surgi ; Bob Heyner ; Ellen Hoffman ; Jennifer West ; Sally Stockwell  
**Cc:** cnixon@cumberlandmaine.com  
**Sent:** Tuesday, February 11, 2003 2:40 PM  
**Subject:** FW: Workshop with Planning Board

Everyone,

Please let Carla and me know if this date works for you for the workshop. Given their expertise and strong interest in the planning process, it's particularly important that Sally and Jennifer be part of this workshop.

John

-----Original Message-----

2/24/2003

**Ellen Hoffman**

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**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Friday, February 14, 2003 5:06 PM  
**To:** Sally Stockwell  
**Cc:** cnixon@cumberlandmaine.com; Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West  
**Subject:** RE: FW: Workshop with Planning Board

Sally,

As far as I'm concerned, this is the workshop we've requested to talk about:

- 1) Formalizing the commission's role (per the ordinance) in providing input into the planning process for proposed subdivisions.
- 2) Discussing approaches to actualizing the open space plan.

I'm guessing this would be an hour and a half workshop. If you think "Beginning with Habitat" can be worked into the agenda, we should be sure to add it.

Also, with this email, I want to remind Carla that we'd like to have Steve Moriarty and Jeff Porter participate if possible. Thanks.

John

-----Original Message-----

**From:** Sally Stockwell [mailto:sstockwell@maineaudubon.org]  
**Sent:** Friday, February 14, 2003 10:54 AM  
**To:** John Eldredge  
**Subject:** Re: FW: Workshop with Planning Board

This works for me too. How much time do we have and what are we supposed to cover? Should I introduce Beginning with Habitat?

Sally

----- Original Message -----

**From:** John Eldredge  
**To:** Jennifer West  
**Cc:** cnixon@cumberlandmaine.com ; Sally Stockwell  
**Sent:** Tuesday, February 11, 2003 4:17 PM  
**Subject:** RE: FW: Workshop with Planning Board

Thanks, Jennifer.

-----Original Message-----

**From:** Jennifer West [mailto:jwest@normandean.com]  
**Sent:** Tuesday, February 11, 2003 3:00 PM  
**To:** John Eldredge  
**Subject:** Re: FW: Workshop with Planning Board

Yes, I should be able to attend that date and time.

2/24/2003

## Ellen Hoffman

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**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Tuesday, February 25, 2003 2:42 PM  
**To:** Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West; Sally Stockwell  
**Subject:** FW: Stockholm Heirs Subdivision

Folks,

Looks like we're all set for Mar. 18. Let me know if you have questions or suggestions. Thanks.

John

-----Original Message-----

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]  
Sent: Tuesday, February 25, 2003 11:48 AM  
To: John Eldredge  
Subject: RE: Stockholm Heirs Subdivision

John, I have forwarded your agenda to the Planning Board. See you on the 18th.  
Carla

-----Original Message-----

From: John Eldredge [mailto:jeldrid1@maine.rr.com]  
Sent: Tuesday, February 25, 2003 11:24 AM  
To: Carla Nixon  
Subject: RE: Stockholm Heirs Subdivision

Carla,

Thanks for your note. It wasn't clear to us if the proposed two-lot subdivision allows for an additional house on Lot 1 to be located behind the existing Stockholm buildings (which in theory could be accessed from a new driveway going straight in from Rte. 9). If there are no plans for an additional house anywhere on Lot 1, then there would be no concern.

We're all set for the workshop with the planning board on Mar. 18. We hope that you can join us. We're also inviting Steve Moriarty, Jeff Porter and Bill Stiles as council members with a demonstrated interest in conservation issues.

Our thoughts for the agenda are:

- 1) ( 5 min.) Introduction - the conservation commission's role as a resource to the planning board and town council.
- 2) (15 min.) Discuss and actualize the Cumberland Town Lands and Conservation Commission ordinance, which calls for the CTLCC to have active input into early stages of the planning process for proposed subdivisions.
- 3) (20 min.) Review Open Space Plan as a tool and reference source to inform the planning process.
- 4) (10 min.) Sally Stockwell to introduce the group to a "Beginning with Habitat" presentation that emphasizes the importance of habitats both

within  
a town and that extends beyond a town's borders into adjacent towns.  
(This  
would be followed up with by the full presentation on a subsequent date  
to  
be determined).

Let me know if this makes sense to you. Thanks, Carla.

John

-----Original Message-----

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]  
Sent: Tuesday, February 25, 2003 10:55 AM  
To: John Eldredge  
Subject: RE: Stockholm Heirs Subdivision

Hi John. The Board will be looking at this subdivision again for final approval in March. The only "new" lot is the one adjacent to Ben Grover's parcel. The other lot, Lot 1, is where the existing farm house is combined with the land across Strawberry Ridge Rd. and there will be no building on that piece. So I think that addresses your concern, but let me know if I have misunderstood.

I was going to write to you today to see if the workshop with the Planning Board can occur on March 18 from 6-7 p.m. The Planning Board is all set for this date and time. Let me know.

Carla

-----Original Message-----

From: John Eldredge [mailto:jeldrid1@maine.rr.com]  
Sent: Tuesday, February 25, 2003 10:18 AM  
To: Carla Nixon  
Cc: Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West; Sally Stockwell  
Subject: Stockholm Heirs Subdivision

Carla:

I realize that we're 3 weeks past the comment deadline for the proposed Stockholm Heirs Subdivision, but the Cumberland Town Lands and Conservation Commission didn't meet as a group until last night.

We have one substantive comment regarding the proposed two-lot subdivision-we'd like to see both driveways be accessed off Strawberry Ridge Lane and not off Route 9. In our view, locating the driveways off Strawberry Ridge Lane would reduce the visual impact of the subdivision and would also be safer in terms of traffic flow.

Thanks, Carla, and please let me know if you have any questions.

Regards,  
John Eldredge

## Cumberland Town Lands and Conservation Commission

Date: February 26, 2003

To: CCC members:

John Eldredge  
Bob Heyner  
Ellen Hoffman

Sally Stockwell  
Betty Surgi (absent)  
Jennifer West

Roger Monthey -inactive

From: Ellen Hoffman

Re: Meeting Feb 24, 2003

- Last month's minutes were approved (with several minor corrections). JW noted that as a Committee we should not go against the Town's decision: i.e. if a permit has already been made, then we shouldn't voice our opinion against the Town's decision. This is in regards to our letter to the Army Corp about the Jordan Farm property. This turns out to be a moot point since the Town is going to change its policy and not issue permits until all needed permits are in hand.
- JE mentioned that Roger Monthey is not officially retired but is considered an inactive member. EH should contact him and see if he is still interested on Town Forest issues and would like to receive electronic minutes of our meetings.
- Discussion on the agenda for our meeting with the Planning Board. SS questioned if the Planning Board is receptive to our role. What was the sense that we got from Steve at last month's meeting? JE mentioned that they more or less see the issues from their point of view and don't really understand our role with respect to the ordinance. It was decided that Steve Moriarty, Jeff Porter, Bill Shane (new Town Manager), Carla Nixon (assistant Town manager and acting Town Planner) and Bill Styles (involved in Open Space Plan) should also attend. JE also mentioned that there isn't a lot of communication between the Town Council and the Planning Board; and that's mostly through the Town Planner. JE will draft agenda. Thoughts:
  - JE will speak and introduce JW and SS as new co-chair.
  - Stress Open Space plan is a useful tool, not a burden. Should be part of planning process. Proactive to open space issues.
  - Vast majority of Cumberland residents value open space, access to trails and open space and preservation these areas. Also important is preserving Cumberland's agriculture heritage.
  - Open Space Plan needs to be updated – new info from state should be incorporated.
  - Talk about our role in the planning process according to the ordinance.
  - Mention our role in developing new ordinances, habitat protection, wetlands review, and land bank.
  - National Resource overlay
  - Beginning with Habitat.
- Sally questioned what was going to be done with the Doane property. EH reiterated what Steve has said last meeting that the Town is open to suggestions.
- SS will draft a letter re: Sally Merrill's property. Will basically copy the letter she wrote earlier to The Land for Maine Future board. SS also mentioned that Sally Merrill was

interested in instituting an educational program on the farm. The 4<sup>th</sup> graders currently travel up to Wolfe's Neck in Freeport.

- New minor subdivision proposed off Route 9 behind the farm next to Strawberry Ridge Rd. 17.8 acres into 2 house lots. Our comment to the Planning Board is that the house lots be accessed off the currently existing private road (Strawberry Ridge), not Rt. 9. JE will forward this.
- SS mentioned that the Maine Dept. of Fish and Wildlife is opposed to the development of Jordan Pond impacting the vernal pools. Question becomes if the Corp. has jurisdiction over these isolated wetlands. BH commented if the developer would just move the lots up closer to Tuttle Rd. we would all be happy.
- SS and JW have agreed to co-chair the committee for at least a year. Unanimous decision.
- SS talked somewhat about the Beginning with Habitat program. Mentioned how sprawl can affect significant plant and animal habitat within the community. How the Open Space and Comprehensive plans can be used in habitat protection. The idea of broadening one's prospective and looking at the community as a whole. Also mentioned the importance of inter-municipal planning. Large remaining blocks of riparian habitats usually cross town borders. The quality of life is a regional issue. It was decided that SS will briefly discuss the Beginning with Habitat program at the our Planning Board workshop and then we'll set a time to come back to discuss in depth.
- Next meeting Mar 24, 2003 7:30 pm (tentative since workshop scheduled for Mar 18 6pm).

**bob heyner**

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**From:** "Sally Stockwell" <sstockwell@maineaudubon.org>  
**To:** "John Eldredge" <jeldrid1@maine.rr.com>; "Ellen Hoffman" <ellen@delorme.com>; "Roger Monthey" <rmonthey@aol.com>; "Jennifer West" <jwest@normandeau.com>; "Bob Heyner" <eaglesky@maine.rr.com>; "Betty Surgi" <bettyrand@aol.com>; "Anne Maher" <amaher8187@aol.com>  
**Sent:** Friday, November 02, 2001 9:40 AM  
**Subject:** Re: Monday's meeting  
 Hello Everyone -

I believe I promised to send out a list of ideas regarding implementing the open space plan that we could discuss with Andy. Here is some food for thought. I encourage all of you to read the plan before coming to the meeting Monday night. Despite criticisms about the plan not actually being "a plan" - i.e. it stops short of setting specific acquisition goals and action steps - there are some excellent suggestions in the plan that we can build on, especially since it is now part of the comprehensive plan.

As a reminder, the open space plan is did an excellent job of inventorying and mapping resources of interest, including forest lands, agricultural lands, wildlife habitat, undeveloped coastal properties, scenic vistas, and historical sites. It includes recommendations for how to best conserve the resources in each category and how to prioritize among different parcels within each category. It also provides guidance to the Town Council, Planning Board, Conservation Commission, and land trust as to how they can help implement the plan, and offers several new programs that could be established to help pay for the protection and management of town open space.

I suggest we use our time on Monday with Andy to:

1. review which, if any, of the recommendations at the end of the plan have been implemented (i.e. impact fees for open space).
2. discuss how we might be able to work with and help both the Town Council and Planning Board use the open space plan. Conceivably, we could help identify lands that we believe the Council should proactively seek to protect and we could help review the potential of land offered to the town. In addition, we could help review permit applications that come before the Planning Board for their impacts on lands identified as valuable open space in the plan.

As I see it, there are several areas where we could help implement the plan:

- \* help prioritize lands for possible acquisition and/or easements. - based on O.S. plan
- \* help draft an ordinance that requires the Planning Board to consult the open space plan and possibly the conservation commission whenever they review a permit application and to then require the applicant to first avoid, then minimize the negative impacts on the resource of importance identified in the plan.
- \* help craft and promote an open space bond for fall 2002.
- \* encourage the Town Council to work with neighboring towns to establish a TDR (transfer of development rights) program.

## Ellen Hoffman

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**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Monday, February 24, 2003 11:06 AM  
**To:** Betty Surgi; Bob Heyner; Ellen Hoffman; Jennifer West; Sally Stockwell  
**Subject:** Agenda for tonight's meeting

Here are my initial thoughts for tonight's agenda. Please respond with any changes or additions.

- 1) Updates on current issues/activities
- 2) Discuss and vote on new chairperson(s)
- 3) Set agenda for Planning Board workshop
- 4) Any other business

Thanks,  
John

## Carla Nixon

**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Wednesday, March 12, 2003 10:57 AM  
**To:** Carla Nixon  
**Subject:** RE: Workshop Agenda

Carla,

Here's the draft agenda I sent you back on Feb. 26. We've also invited Steve Moriarty, Jeff Porter and Bill Stiles as council members with a demonstrated interest in conservation issues--so please provide them with a copy of the agenda as well.

Our thoughts for the agenda are:

- 1) ( 5 min.) Introduction - the conservation commission's role as a resource to the planning board and town council.
- 2) (15 min.) Discuss and actualize the Cumberland Town Lands and Conservation Commission ordinance, which calls for the CTLCC to have active input into early stages of the planning process for proposed subdivisions.
- 3) (20 min.) Review and establish Open Space Plan as a tool and reference source to inform the planning process on future projects.
- 4) (10 min.) Sally Stockwell to preview a "Beginning with Habitat" presentation that emphasizes the importance of habitats both within a town and that extend beyond a town's borders into adjacent towns. (This would be followed by the full "Beginning with Habitat" presentation on a subsequent date to be determined).

Let me know if there are any questions. Thanks, Carla.

John

-----Original Message-----

**From:** Carla Nixon [mailto:cnixon@cumberlandmaine.com]  
**Sent:** Wednesday, March 12, 2003 10:05 AM  
**To:** John Eldredge  
**Subject:** Workshop Agenda

Hi John,  
Could you email me the proposed workshop agenda again? It has disappeared, and I want to include it in the Planning Board packets this week. Thanks.  
Carla

3/12/2003

14 March 2003

Jeff Porter  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, Maine 04021

Dear Mr. Chairman and members of the Town Council,

On behalf of the Cumberland Town Lands and Conservation Commission (CTLCC) I would like to voice our enthusiastic support for Sally Merrill's appeal to the town Council for funds to purchase development rights on Sunrise Acres Farm in Cumberland.

Sunrise Acres Farm is one of only eight working farms left in Cumberland, a town whose heritage is closely tied to farming, but whose position north of Portland and well-regarded school system have attracted many new families to town. Indeed, according to the 2000 Census, Cumberland's population has grown by 23% in the past decade. New subdivisions and single family homes are obvious everywhere you go and sit where once stood fields or forest. In fact, a new subdivision abuts one of Sunrise Acres fields, visibly encroaching on the horizon.

In 1999 an ad hoc Open Space Committee was convened to develop an open space plan and vision for the town. Repeatedly in municipal surveys, residents have stated they value the rural character and open space in the town, and want the town to actively protect those resources. The Open Space Committee identified farms as one of several priorities to protect first because of the tremendous pressure to develop those sites.

Sunrise Acres Farm sits at the junction of Winn Road and Range Road and was identified in the Open Space Plan as one of the primary scenic vistas in town, with several "specimen trees" and stretches of mature roadside trees along Range Road. It comprises crop land, pasture land, and wood land. A small stream begins on the property, fans out into an alder scrub wetland, and eventually feeds into the Presumpscot River. The forest land abuts another larger contiguous forested area of over 1000 acres in Cumberland and Falmouth. Some of this land is in the Tree Growth tax program and likely to stay undeveloped for some time.

Meeting notes between the planning board, Conservation Commission, and several members of the Town Council (3/18 6 pm).

1. Introduction
2. JE explained our role in the planning process
3. Ordinance states that the planning board must seek our input on land development and transfer of property to town. We feel the planning board is unaware of our role. Specifically with regards to natural resource issues
4. Site walk – public forum. Board understands we are involved in process from the get-go.
5. Phil Hunt was very defensive on Jordan Pond issue.
6. Marty said we could help keep developers honest esp. with issues like size of stream or wetlands delimitation. We can steer alternative plans in different directions. If trail there, then continue trail. Discouraging cul-de-sacs.
7. Open Space plan – integrate into work of planning board and town council.
8. State is working on a model for towns to use in wetlands protections.
9. Developers should get copy of open space plan.
10. Beginning with Habitat (SS). Various groups. Bring most up to date natural resource issues to communities. Resources cross town boundaries. Need a regional approach.
11. Site plan – bring open space plan.
12. Carla Nixon needs to know these issues.

## Cumberland Town Lands and Conservation Commission

Date: May 5, 2003

To: CCC members:

Penny Asherman  
John Eldredge  
Cindi Farris  
James Hanley (absent)

Bob Heyner  
Ellen Hoffman  
\*Sally Stockwell  
Betty Surgi (absent)

Bill Ward  
\*Jennifer West  
\* = Co Chair

From: Ellen Hoffman

Re: Meeting March 28th, 2003

- Last month's minutes were not discussed.
- New members were introduced (Penny, Cindi and Bill). James – absent. SS and JE gave history of some of the Committee's projects (Town Forest, Trail Guide, Twin Brooks) and our role in Town politics (The Ordinance). SS also described Beginning the with Habitat program.
- Discussed issues that this committee might address in the future. Need to be priorities:
  - Update management plan for the Town Forest. Adding some or all of Doane Property to the Town Forest.
  - Recommend to Town Council changes to some town ordinances: Subdivision ordinance – permit application need to refer to information in the Open Space plan and Habitat maps. Phosphorous ordinance. Wetlands ordinance (wait for State's version so we can pirate).
  - Guidance to pay more attention to Conservation issues. Planning board does site walk too late in permit process.
  - Mapping of wetlands and vernal pools.
  - Stewards of Town properties – need to assign stewards and develop management plans. Outline vision of property's usage.
  - Open Space Plan needs to be updated – new information from state should be incorporated. *اين*
  - Next addition of Trial Guide.
- Site walk – property off of Rt. 88. Thursday May 1<sup>st</sup>. Proposed 11-12 lots. May be an issue with variable sedge. This is new information since Open Space Plan. Need to contact Natural Areas Program for advice to review site.
- EH mentioned the North Yarmouth Conservation Commission was offering several conservation scholarships. Should we do the same for next year?
- SS will talk to Bill Shane (new Town Manger) about getting on agenda to do a Beginning with Habitat presentation (if Town Council is interested). If so, we would like this presentation publicizes. Maybe advertise in the Forcaster and get it posted on Channel 2.
- Next meeting May19th, 2003 7:30 pm (tentative since 26<sup>th</sup> is Memorial Day).

Portions of the farm were also identified in the Open Space Plan as important wildlife habitat, including fields, forests, and riparian areas. Members of this committee have in the past seen and watched a variety of grassland and forest wildlife species breeding and feeding on the property - including the eastern meadowlark, bobolink, savannah sparrow, snow bunting, Canada geese, wild turkey, white-tail deer, and coyote. Kestrels, northern harriers, and red-tailed hawks have all been observed hunting in the fields. Several of these species have declining populations as grasslands continue to disappear across the state.

In addition to providing food for local markets, the farm provides many public values - including its scenic open vistas, wildlife habitat, and opportunities for hiking, bird-watching, hunting, and cross-country skiing. Many of our elementary students visit Sunrise Acres, and have an opportunity to see first-hand where their beef, lamb, chicken, eggs, and vegetables come from. Home-schooled students have helped with the harvest. Sunrise Acres commitment to farming organically is also positive in our view.

We urge you to support this project. Considerable funds are already committed to this project from the Land for Maine's Future Program and from the federal Farmland Preservation Program. All that is needed now are local matching funds to ensure the completion of the project. Sunrise Acres is a cornerstone in the agricultural future of this town and lifts the spirits of many who pass by; it would be a tremendous loss if converted to house lots. Moreover, at a cost of approximately \$2,300 per new household per year, investment now will likely save expenses later.

Sincerely,

John Eldredge  
Chair, CTLCC

## Cumberland Town Lands and Conservation Commission

Date: May 22, 2003

To: CCC members:

Penny Asherman

John Eldredge

Cindi Farris (absent)

James Hanley

Bob Heyner

Ellen Hoffman

\*Sally Stockwell

Betty Surgi (absent)

Bill Ward

\*Jennifer West

\* = Co Chair

From: Ellen Hoffman

Re: Meeting May 19th, 2003

- Last month's minutes were approved (though Trial Guide was changed to Trail Guide).
- Most of the meeting was discussing prioritization of possible committee projects.
  - Update management plan for the Town Forest. Adding some or all of Doane property to the Town Forest.
    - SS mentioned that through the Maine Forest Service Community Forestry Program's "Project Canopy" there might be a forester on staff that could assist us in updating the Town Forest Management plan. The plan was updated 1988. The forester might also be able to help with the Doane property – have a unified vision for the Town Forest. Project for the Town Forest Subcommittee (SS (lead), JW, BS and Roger M).
  - Recommend to Town Council changes to some town ordinances: Subdivision ordinance – permit application need to refer to information in the Open Space plan and Habitat maps. Phosphorous ordinance. Wetlands .
    - Phosphorous ordinance – BH mentioned that Windham has one. (BH (lead) PA subcommittee.)
    - Subdivision ordinance – JE mentioned that it's important to start now since it may take many years. SS said a lot of information can be drawn from Smart Growth Maine. Also look at Biddeford and Kennebunk and how they used the available natural resource data in their ordinance. Ordinance needs to have developer refer to the Open Space plan and Beginning with Habitat data. BW recommended brainstorming with Town Council proposed changes to ordinance – get input from key players. SS mentioned zoning issues – sensitive area – not well received. We should focus instead on new resource data. Also the Comprehensive Plan needs updating (on the 6<sup>th</sup> year of a 10 year cycle). JW will try and get examples of subdivision ordinances from other towns. (JE (Lead), PA, BW subcommittee.)
    - Wetlands ordinance – SS will forward draft state ordinance onto JH. (JH (lead), JW subcommittee.)
  - Guidance to pay more attention to Conservation issues. Planning board does site walk too late in permit process.
    - PA will give this committee an overview of the zoning ordinance and the approval process a developer goes through.
  - Mapping of wetlands and vernal pools.

- Similar to the Falmouth project. Woodlot Alternatives did photo interpretation of aerial photos to locate vernal pools. Volunteers helped map and collected data – look for egg masses and the 4 telltale amphibians. The wetlands were ranked by conservation value, use and surrounding habitat. Falmouth implemented a 75 ft buffer around vernal pools. Need to protect the water and the surrounding forest. State planning office – wetland characterization in Cumberland County – prioritized wetlands. Next year aerial photos of Cumberland should be available. Now is the time to start planning. (JW (lead), SS, EH subcommittee.)
- Stewards of Town properties – need to assign stewards and develop management plans. Outline vision of property's usage.
  - PA questioned what is meant by being a land steward. What is our level of commitment and responsibility? SS – depends on the property. Walk a property once a year for most properties. Working with the landowner. Twin Brooks on the other hand is managed and its usage organized by the Cumberland Rec. Dept. (Bill Landis). One of us should be in touch with Bill on a regular basis. First step is to list the Town Properties. Stewards not necessarily members of this committee. Bob will look into property list. (BH (lead), EH subcommittee.)
- Open Space Plan needs to be updated – new information from state should be incorporated.
  - Adapted to Comprehensive plan. Beginning with Habitat needs to be presented to town – this data is more up to date. EH will try and get old data files from town or talk to Dona Larson. SS will try and get EH the Habitat Data. SS will talk to Bill Shane (new Town Manger) about getting on agenda to do a Beginning with Habitat presentation (if Town Council is interested).
- Next addition of Trial Guide.
- Site walk – property off of Rt. 88. JE, BH, PA. Serious clear-cutting of trees. Full group – all Cumberland residence. Due to our input on variegated sedge, the developer will get a qualified botanist to come back in June to look for the sedge. Cluster plan – will leave the sedge undisturbed in the back.
- JE gave update on the purchase of the development rights to Sally Merrill's Farm. Sally feels the Town should contribute \$300,000. The town wants something in return. The Town Council vote on this issue is June 2nd.
- Next meeting June 30th, 2003 7:30.

**Ellen Hoffman**

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**From:** Sally Stockwell [sstockwell@maineaudubon.org]

**Sent:** Friday, May 30, 2003 8:59 AM

**To:** John Eldredge; John Eldredge; Ellen Hoffman; Bob Heyner; Betty Surgi; Penny Asherman; Jennifer West; Jennifer West; Jim Hanley; Cindi Farris; Roger Monthey

**Subject:** Sunrise Acresl Farm

Hello All -

The Town Council will not be meeting to decide on funding for Sally Merrill's farm until September. The Cumberland Island and Mainland Trust has assured me that they will let us know if we can help in any way to ensure the success of this project.

Thanks for your interest -

Sally

5/30/2003

# **Cumberland Town Lands and Conservation Commission**

**Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021**

July 11, 2003

Planning Board  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

RE: Old Colony Estates, 10 Blackstrap Road

Dear Planning Board:

The CTLCC has made a preliminary review of the proposed project by reviewing the town's Open Space plan and soils map. The following are our comments:

- 1) The wetland located at the back of the lot is identified as a forested wetland by the National Wetlands Inventory. This area should be protected with a buffer.
- 2) The houses bordering the property have been identified as a historic building cluster.
- 3) The parcel is within a wooded block of 50 to 99 acres.
- 4) The site appears to be dominated by shallow to bedrock soils. The site evaluation should confirm that there is adequate soil depth within the proposed area of the leachfield.
- 5) Redirecting of surface runoff from wetlands should be avoided. Stormwater runoff from lots and roads should go through grassed buffers to minimize the impact to wetlands.

We will provide additional comments once plans have been provided and information received from the Natural Areas Program regarding rare and endangered species.

On behalf of the Cumberland Town Lands and Conservation Commission

Sincerely,

Jennifer West  
Co-Chair

# Cumberland Town Lands and Conservation Commission

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

July 11, 2003

Planning Board  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

RE: Mary Lane Subdivision, 12 Foreside Road

Dear Planning Board:

A representative of the Cumberland Town Lands and Conservation Commission reviewed the Mary Lane Subdivision plans submitted to the town. The following is a summary of comments based on the review.

- 1) Lauren Stockwell has identified variable sedge (*Carex polymorpha*) at one location at the site. The developer's proposes to have the location outside a building envelope but on a lot and to inform the landowner of the presence of this species. We are concerned that this measure is not adequate to protect this endangered species.
- 2) Ms. Stockwell has flagged several American chestnut trees (*Castanea dentata*) with a dbh of 4 to 7 inches. We recommend that these trees be protected within an undisturbed buffer.
- 3) The pond on the site has the potential to provide amphibian habitat. We recommend that there should be no cutting within the proposed buffer and any open space associated with the pond. Any plantings should be native shrub and tree species that will enhance the pond. There also should be shrub buffers from the trails and sidewalk bordering the pond. Drainage from the access road and adjacent sites should go through grass buffers to minimize the impact to the pond from sediment and nutrients. The woody debris in the pond is actually providing habitat. We recommend that the material not be removed but possibly be distributed around the edge of the pond.
- 4) The wetland mapping appears to be accurate except at two locations. We noted that the area to the north of the pond appears to have characteristics of wetlands. Also, the wetland along the western property boundary appears to extend further along the southern boundary than what is mapped.
- 5) Redirecting surface runoff from the pond and wetlands should be avoided to maintain adequate water within these areas.
- 6) The site has extensive areas of shallow to bedrock soils with exposed bedrock along the ridge in the western portion of the site. It was noted that the soil survey may

have overemphasized the area of very steep slopes (E). In addition, it is confusing that the soil map has identified the wetland on the north boundary as Naskeag B (somewhat poorly drained) when in actuality the soils are poorly drained.

- 7) We recommend that the homeowners association bylaws should include wording that cutting within open space areas should be restricted to minimal cutting of trees and no cutting of shrubs. No cutting of trees should occur in the wetland along the western property boundary to ensure protection of the black gum trees.
- 8) Who will be responsible for laying out and constructing the trails? We are concerned that if they are left to the homeowners association they may never be constructed.

Please let us know if you have any questions regarding our comments. We will review the project plans during the next phase of the project.

On behalf of the Cumberland Town Lands and Conservation Commission  
Sincerely,

Jennifer West  
Co-chair

## Ellen Hoffman

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**From:** John Eldredge [jeldrid1@maine.rr.com]  
**Sent:** Friday, July 11, 2003 2:03 PM  
**To:** Jennifer West; eaglesky@maine.rr.com; Bettyrand@aol.com; ellen@delorme.com; sstockwell@maineaudubon.org; summitfab@aol.com; csfarris@maine.rr.com; pennyash@maine.rr.com; jmhanley@maine.rr.com; jwest2@maine.rr.com  
**Subject:** RE: comments on the current subdivisions

Also, Rick Licht of Land Use Consultants called me to say that he's mailed updated plans to me for the Goodrich project on Rte. 88. I will forward the plans to either Jennifer or Sally. The planning board provided preliminary approval of the cluster plan. LUC brought in a naturalist who identified variable sedge in a different location than we anticipated. It's right near the top of the ledge and is located behind the building envelope on one of the back lots. The sedge has been flagged for protection. The naturalist also identified some rare black gum trees toward the rear of the parcel which have been flagged.

John

-----Original Message-----

**From:** Jennifer West [mailto:jwest@normandeau.com]  
**Sent:** Friday, July 11, 2003 10:24 AM  
**To:** eaglesky@maine.rr.com; Bettyrand@aol.com; ellen@delorme.com; jeldrid1@maine.rr.com; sstockwell@maineaudubon.org; summitfab@aol.com; csfarris@maine.rr.com; pennyash@maine.rr.com; jmhanley@maine.rr.com; jwest2@maine.rr.com  
**Subject:** comments on the current subdivisions

Remember to attend the Town Council meeting July 14 and get your friends and neighbors to come out and speak for purchasing the Rines property. The public hearing is first item on the agenda. I will be available to show people the land on Saturday at 9am and Sunday 4:30pm. Meet at Idlewood Drive.

I quickly wrote the attached up. I attended the Old Colony site walk. They have bedrock issues as well as access issues that DOT may require. An new project on the horizon is a 14 unit Hawk Ridge condominiums, age restricted, on Route 1.  
Jennifer

## Cumberland Town Lands and Conservation Commission

Date: July 21, 2003

To: CCC members:

Penny Asherman  
John Eldredge (absent)  
Cindi Farris  
James Hanley (absent)

Bob Heyner(absent)  
Ellen Hoffman  
\*Sally Stockwell (absent)  
Betty Surgi(absent)

Bill Ward  
\*Jennifer West  
\* = Co Chair

From: Ellen Hoffman

Re: Meeting June 23, 2003

- Last month's minutes were approved.
- Cindi mentioned she was interested in being on the committee that's updating the Town Forest Management plan. Other committee members include (SS (lead), JW, BS and (possibly) Roger M).
- Public site walk for ~~Rhines~~ property scheduled for Saturday July 12th and Sunday July 13th. Meet at Idlewood.
- Town's acquisition of Sally Merrill's property (Sunrise Acres Farm) currently on hold.
- Ordinance Review Committee (BW, JE, PA, SS~~4~~, JW) There are ideas that were brought up:
  - How to incorporate language to use Open Space Plan and Habitat Maps into subdivision ordinance. PA talked to State Planning Office. They didn't know any towns that have language in their ordinance that we are looking for. The State Planning office suggested that we could use general language – refer to Open Space Plan and Habitat Maps for approval- but that really is too general and probably wouldn't accomplish anything. Include specific criteria board could use – impact disapproval. They also suggested contacting Rick Seeley at COG, but they didn't think he would be able to help much since they know if any towns in Maine who have done what we are trying to do. PA will try contacting another state.
  - Idea - put language in the comprehensive plan and/ or subdivision ordinance require an independent scientist or specialist if impacting something on Habitat Map.
  - BW – where to put in ordinance. Review process/standards. Passing and asking for a wavier. Address comments. Ex. Fire Marshall. We would like to get into the process so that we need to give our approval. Ask Carla how to get into process. We need to write recommendation. Finding of fact letter and send to planning board.
  - First draft language to get into process. Need to be included on checklist.
  - Applicants - approach state agency for plant and natural resources – put into finding of fact. Wetlands, significant wildlife habitat. Trails, links to other open space locations. Single-family dwelling also needs to be included.
  - Significant impact on committee. Act as a consultant.
  - Formalize – need to sell idea to town. Invite them to give feedback.
  - Need to get in black and white. How/when get Carla involved. Checklist – how we would approve.

- Paul Gainis – stewards on Town properties. Training session for stewards – joint project
- EH – had no luck finding current data that town has on file. They are about to get new data – update maps. Where is it?
- Next meeting July 28th, 7:30.

# Cumberland Town Lands and Conservation Commission

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Meeting July 28, 2003, 7:30pm

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	
James Hanley	Betty Surgi	

1. Approve last months minutes.
2. Ongoing
  - Rines Property
  - Sunrise Acres
3. Projects before the Planning Board
  - A. Hawkes Ridge Condominium Rt. 1- sketch plan review
  - B. Mary Lane, Route 88- Preliminary Plan
  - C. Foreside Village Rt. 1- sketch plan review
4. Committee Updates
  - A. Phosphorus ordinance (BH, PA)
  - B. Subdivision ordinance (JE, PA, BW, SS) <sup>SW</sup>
  - C. Wetlands ~~ordinance~~ (JH, JW) <sup>EW, S.F.</sup>
  - D. Town Forest (SS, BS, JW, RM)  
<sup>E. Stewards of town (Bob & EW)</sup>
5. New Items

## Cumberland Town Lands and Conservation Commission

Date: July 31, 2003

To: CCC members:

Penny Asherman (absent)

John Eldredge (absent)

Cindi Farris

James Hanley (absent)

Bob Heyner

Ellen Hoffman

\*Sally Stockwell

Betty Surgi

Bill Ward

\*Jennifer West

\* = Co Chair

From: Ellen Hoffman

Re: Meeting July 28th, 2003

- Last month's minutes were approved with these corrections: spelling of Gianas and Rines. Addition of "development rights" to the Town's acquisition of Sally Merrill's property. Also corrections to Jennifer's agenda re ordinance committees:
  - Phosphorus ordinance (BH, PA)
  - Subdivision ordinance (JE, PA, BW, SS, JW)
  - Wetlands (both ordinance and mapping) (JH, JW, EH, CF)
  - Town Forest (SS, BS, JW, RM) CF
  - Stewards of Town Properties (BH, EH)
- Rines property update (SS) – Town council voted to purchase Rines. First payment 2004. 4% finance rate over 15 yrs financed by Dale Rines. Town is looking to put together 2 committees: 1. Put together an application to Lands for Maine Futures – SS volunteered; and 2. Look at public use and management of property – want representatives from the public with a variety of interests. Both BW and BH are interested. Need to contact Nadine Daniels at the Town Hall to say 2 from Commission are interested.
- Sunrise Acres Farm (SS). Still working on formalizing an agreement to purchase development rights with federal, state and local funds. Decision sometime in Sept. SS suggested approaching Jeff Porter of the Town Council to see if this committee could get involved. BH suggested maybe Forcaster could do some sort of article. SS maybe co-host an informational meeting at the library or Val Halla with CMIT and use Wiltshire farms in Falmouth as an example of a farm that Falmouth chose to preserve; and FCC on Winn road that used to be a dairy farm.
- Hawk's Ridge Subdivision – age restricted. Quick endorsement by this committee. Condo development has limited impact on wetlands, SS will send letter recommending Option B to Planning Board.
- JW will talk to Carla about getting this committee a copy of proposed development plans.
- SS – reminder to try and bring the Beginning with Habitat maps to the meetings.
- Mary Lane subdivision off Foreside road. Issue of rare plant (variable sedge). Our recommendations don't appear to have been addressed in the Preliminary site plan.

- Foreside village Rt. 1 (Kennedy Property). Contract zone – 38 lots – mix use. No comment at this point. Site walk scheduled for Aug. 18<sup>th</sup> (think 5:45).
- Town Forest- (SS) spoke with Mike DiBonis – state director for the Community Forestry Program. We would like him to help with updating the Town Forest management plan. Maybe can also help with the Rines property.
- Beginning with Habitat (SS) formal presentation Monday Sept 8<sup>th</sup> with Town Council. 45 minutes. Invite Planning Board members and members of the public. BH will try and get info to the Forcaster and the Shopping Notes.
- Stewards of Town Properties BH – 51. He suggested sell some of the “worthless” parcels and using that money for the purchase of the development rights to Sally Merrill’s property.
- Next meeting Aug 25<sup>th</sup>, 7:30.

TO: Town Council  
Cumberland, ME

From: Bill Ward 

Subject: Merrill Farm Development rights (Sunrise Acres)

Date: August 20, 2003

I am writing to you to express my wishes and concerns regarding your pending decision on whether or not to spend taxpayer's money to contribute to the purchase of the development rights of the Merrill Farm property.

As a native of the area, Prides Corner, a graduate of Westbrook High School, and now a resident of Cumberland, it is my wish that the council vote to spend taxpayers of Cumberland's money to purchase the development rights of Merrill Farm.

During my high school years, I worked at the Westbrook Animal Hospital in Prides Corner. On many occasions, I had the opportunity to visit the Merrill Farm with Dr. Henry Bither. The Merrill farm was always a sight to behold, very serene and beautiful.

After spending three years in the U.S. Army, I made my way to Northern California and settled in the "Santa Clara Valley". In 1966, Santa Clara Valley was a very fertile and productive community abounding in fruit orchards, vegetable and horticulture farms. It was a flowering, luscious, beautiful valley. Over the ensuing 33 years that I spend in the Santa Clara Valley area, I watched farm after farm disappear to the point where, today, there are virtually no farms of any sort from San Francisco to San Jose. This area which equates to 80 miles long and 40 miles wide is now covered in concrete and asphalt, factories, strip malls, and housing tracts. The Santa Clara Valley that was once fertile and lush with vegetation is now gone as well as its name. It is now known as "Silicon Valley".

Having experienced an influx of an additional 2 million people into Silicon Valley in the 1990s, my wife and I decided to find a nicer place to retire. Our search took us to the East Coast only to find that our hometown of Westbrook had gone through "Urban Renewal", gutted, and left in an ugly state. We decided to look at other communities in the outlying area.

Making our way to Cumberland, we were delighted to find a community steeped in time with beautiful fields, farms, orchards, fairgrounds, good schools, well-planned housing, sports fields, and hiking trails. We thought how great it would be to live nearby and enjoy the serenity of such a beautiful site. We subsequently purchased our retirement home on Longwoods Road looking at the Merrill Farm. For the past three years, we have enjoyed seeing the farm in operation, the wildlife that inhabit and migrate through the area and the gorgeous sunsets.

As I reflect on the Merrill family heritage, I am reminded that Paul Merrill contributed to the overall State of Maine by developing means of transportation both over the road and via the ocean. He is well known for giving back to the community through his generous philanthropy to the Town of Cumberland and the City of Portland. It is my opinion that the farm should not only be preserved, but it should be nominated as a dedicated historical monument as a tribute to his efforts and accomplishments.

Once again, I reiterate my wishes that the Council vote to spend the money to preserve this beautiful piece of Cumberland's heritage. Paying a few more cents per thousand in the tax rate to preserve this wonderful piece of our community should not be an issue.

John's new email  
john@art-formsinc.com

## Ellen Hoffman

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**From:** bob heyner [eaglesky@maine.rr.com]  
**Sent:** Friday, August 22, 2003 12:21 PM  
**To:** Jennifer West; Bettyrand@aol.com; ellen@delorme.com; jeldrid1@maine.rr.com; sstockwell@maineaudubon.org; summitfab@aol.com; csfarris@maine.rr.com; pennyash@maine.rr.com; jmhanley@maine.rr.com; jwest2@maine.rr.com  
**Subject:** Re: August 25th meeting agenda

Jennifer,

I plan to be there however my wife is having some minor surgery that morning and if she isn't feeling back to normal that evening I won't be there. I sent a first draft (snail mail), to Penny Re: the ordinance for her review and am assuming she will have something for the group to review and comment on. The properties, is still a labor in work and not fully resolved at this point but progress is being achieved, albeit slowly.

I did attend the planning board walk Re: the property under review for a zoning change, off of Forest Lane in West Cumberland. I was unable to attend the Planning board meeting immediately following but did make some comments relative to the property to the Chair, (forget her name all the time). I don't think we would care one way or the other relative to that piece of the property being developed for the three homes contemplated. My major concern is that it sits right on top, (at that elevation in the sand pit) of only 8 to 10 feet above a huge aquifer. The water from that product feeds a large spring that feeds Forest lake at its deepest point, (40 feet). As long as a state licensed Geological engineer determined that there would be no potential effect on the aquifer and hence Forest Lake, I would have no objections to the zoning change. I believe the Board is sensitized to this and I also believe that the State who owns the adjacent land in the pit has some serious objections and have corresponded, in the past and even recently, to the Board directly in that regard. I don't see it going anywhere fast and with the objections by the State it may never see the light of day.

Best Regards to all,

Bob

----- Original Message -----

**From:** "Jennifer West" <jwest@normandeau.com>  
**To:** <eaglesky@maine.rr.com>; <Bettyrand@aol.com>; <ellen@delorme.com>; <jeldrid1@maine.rr.com>; <sstockwell@maineaudubon.org>; <summitfab@aol.com>; <csfarris@maine.rr.com>; <pennyash@maine.rr.com>; <jmhanley@maine.rr.com>; <jwest2@maine.rr.com>  
**Sent:** Wednesday, August 20, 2003 5:56 PM  
**Subject:** August 25th meeting agenda

> Let me know if you can't make it.  
> Thanks  
> Jennifer

-----  
----

> Jennifer West  
> Normandeau Associates  
> 253 Main Street  
> Yarmouth, ME 04096  
> Phone: 207-846-3598  
> Fax: 207-846-6527

# **Cumberland Town Lands and Conservation Commission**

**Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Meeting August 25, 2003, 7:30pm**

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	
James Hanley	Betty Surgi	

**1. Approve last months minutes.**

**2. Ongoing**

- Rines Property
- Sunrise Acres
- Beginning with Habitat Presentation 9/8 before TC/PB

**3. Projects before the Planning Board - 8/19**

- A. Hawkes Ridge Condominium Rt. 1- sketch plan review
- B. Mary Lane, Route 88- Public Hearing
- C. Foreside Village Rt. 1- sketch plan review

**4. Committee Updates**

- A. Stewards of Town Properties (BH, EH)
- B. Phosphorus ordinance (BH, PA)
- C. Subdivision ordinance (JE, PA, BW, SS, JW)
- D. Wetlands ordinance & mapping (JH, JW, EH, CF, SS)
- E. Town Forest (SS, BS, JW, RM)

**5. New Items**

# LAST CHANCE TO HELP SAVE SUNRISE ACRES FARM!!

Sally Merrill's farm on Winn Rd & Range Rd.

Please plan to attend & express your support for saving one of the last remaining working farms in Cumberland from development.

## Sept. 2nd

7:00 pm      Informational Q&A with leading experts from around the State.

## Sept. 8th

6:00 pm      Beginning with Habitat Presentation...learn how sprawl affects habitat.

7:00 pm      Public Hearing and vote on purchase of farm development rights.

Cumberland must decide whether to participate in a collaborative opportunity to permanently preserve Cumberland's agricultural cornerstone and ensure it will remain a working farm forever.

- This farm is #1 candidate for preservation by the Land for Maine's Future farmland protection program because of its many public benefits including abundant organic local produce and meat; educational programs for local students; pastoral vistas; opportunities for hunting and hiking; habitat for grassland and forest birds and mammals; and proximity to metropolitan marketplace.
- Acreage could support over 20 new residences. Town's recent study "Fiscal Impact of Residential Development (April 2000)" indicates each new residence will have a **NEGATIVE** revenue impact exceeding \$2200 on an annual basis if the property is developed into single family residences = an annual negative fiscal burden to the town of over \$40,000.
- Appraisal: \$2mil. Purchase \$1.8mil. Current funds available: 1/3 is covered by the federal government. 1/3 by State of Maine. 1/3 local funding. Cumberland Mainland & Islands Trust has committed \$100,000 toward the local share of \$434,000. Our town's \$334,000 cost to preserve this exceptional property as farmland forever is estimated at only a nickel to our tax rate if funded through a local bond. The farm will also remain a long term tax paying member of the community.
- This farm and the immediately adjacent properties comprise one of the largest uninterrupted blocks of open space and forest habitat remaining in the town and has a longstanding tradition of public access that is consistent with the needs of safety and secure farming operations. It is adjacent to 21 acres permanently protected from development and has potential to link with other adjacent properties.
- This project is fiscally, environmentally, and socially the best choice we have. It will provide many benefits to the long term future of our community and the generations to follow.

**PLEASE MAKE THE TIME TO SHOW YOUR SUPPORT ON September 2<sup>nd</sup> & 8<sup>th</sup>!!**

Cumberland Mainland & Islands Trust, P.O. Box 25, Chebeague Island, ME 04017

## Ellen Hoffman

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**From:** Sally Stockwell [sstockwell@maineaudubon.org]  
**Sent:** Thursday, September 04, 2003 4:09 PM  
**To:** John Eldredge; Ellen Hoffman; Bob Heyner; Betty Surgi; Penny Asherman; Jennifer West; Jennifer West; Jim Hanley; Cindi Farris; Roger Monthey  
**Subject:** Beginning with Habitat presentation Mon 9/8 at 6:00 pm

Hello All -

I am extending a special invitation to all of you to please come to my *Beginning with Habitat* presentation before the Town Council and Planning Board next Monday night at 6:00 pm if you can. If members of the conservation commission hear the same message as the Council and Planning Board that may help us in our efforts to improve our ability to work together on these habitat issues! In fact, if you can bring a friend or two that would be even better!

Here is a description of what I will be presenting:

*Beginnning with Habitat* is designed to bring the most current information about the locations and conservation of rare and significant plant and animal habitats to towns across. The information can then be used by community members when reviewing development proposals and creating or updating comprehensive plans, open space plans, and ordinances. *Beginning with Habitat* is a cooperative project between many federal and state conservation organizations and agencies. Maine Audubon is one of the partner groups.

Monday night's presentation will include a slide overview of how sprawl and development affect wildlife and wildlife habitat, followed by a walk through a series of GIS maps that depict riparian habitats, high value plant and animal habitats, large undeveloped blocks of habitat, and existing conservation lands in Cumberland. It will also include a brief overview and discussion of the many tools available for protecting these important resources. Following the presentation, the Council and Planning Board will be given a set of paper maps, digital copies of the maps, and a 3-ring binder with another set of paper maps and supporting materials.

I look forward to meeting with you Monday night.

Sally Stockwell  
Director of Conservation  
Maine Audubon

9/5/2003

## Ellen Hoffman

---

**From:** Sally Stockwell [sstockwell@maineaudubon.org]  
**Sent:** Friday, September 05, 2003 12:10 PM  
**To:** John Eldredge; Ellen Hoffman; Bob Heyner; Betty Surgi; Penny Asherman; Jennifer West; Jennifer West; Jim Hanley; Cindi Farris; Roger Monthey  
**Subject:** Fw: Sunrise Acres

Hello All -

Here is a copy of a message and letter I sent on behalf of the committee to the Town Council today. As the vote in favor of the purchase seems doubtful, I urge you to either write, call, or show at on Monday night to voice your support and to encourage others to do so as well. The Council members were very clear about their need to hear from more members of the public.

Thanks so much -

Sally

----- Original Message -----

**From:** Sally Stockwell  
**To:** Bill Shane  
**Sent:** Friday, September 05, 2003 12:06 PM  
**Subject:** Sunrise Acres

Hi Bill -

Would you please pass on the following message and letter to members of the Town Council.

Thanks -

Sally

---

Hello Mr. Chariman and members of the Town Council,

I am attaching a copy of the letter from the Cumberland Town Lands and Conservation Commission that was submitted in support of Sally Merrill's application for funding from the Land for Maine's Future Program two years ago. I urge you to read it for it outlines the many reasons we believe this is a project worthy of support.

Now you have an important decision before you regarding this same application - that is, whether or not to commit an additional \$435,600 from the town of Cumberland towards purchase of the development rights. Although we all acknowledge that this a lot of money, and considerably more than we expected would be required from the town, we strongly believe it is a wise investment and will likely save the town money in the long run. As one of the residents pointed out at last Tuesday night's informational meeting, if 20 new homes are built on the property that each cost the town \$2000 or more annually to support, the town would be spending \$400,000 over 10 years to support those new homes, nearly equivalent to the town's share of the purchase of the development rights.

But more importantly, as other speakers mentioned last Tuesday, securing the opportunity for this land to remain active farmland into the foreseeable future guarantees that Cumberland will retain its agricultural heritage, retain something of its working rural landscape and industry, and provide a variety of public benefits.

The commission is unanimous in its support of this project, and we urge the Town Council to approve the full amount being requested from the town in order to complete the purchase of the development rights. We believe

9/5/2003

the local match is essential to finalize this project.

Thank you for your serious consideration of this matter.

Sincerely,

Jennifer West  
Sally Stockwell  
Co-Chairs, CTLCC

9/5/2003

# Town considering preservation of Sunrise Acres

By Kate Bucklin

CUMBERLAND — The Town Council is looking for input from residents on whether the town should commit a half million dollars toward purchasing the development rights to Sally Merrill's Sunrise Acres Farm.

Merrill, whose organic farm sits on 155 acres on Winn and Range roads, applied for funding through the state's Land For Maine's Future program two years ago, citing the desire to keep her property undeveloped forever. The town has shown much interest in chipping in to buy development rights from Merrill, but when the appraisal of the property came in a few weeks ago, town officials realized they would have to fork over more than three times what they had anticipated. The Cumberland Mainland and Island Trust would also contribute \$100,000, and a large portion of funding would come from the state and federal governments.

"We were expecting a lower amount," Town Council Chairman Jeff Porter said of the \$2 million development rights appraisal by Amidon Appraisal Company of Portland. Merrill has offered to sell the rights for \$1.8 million.

"There's concern," Porter said, about whether residents will want to spend \$500,000, which would have to be bonded out, on preserving the farm. "We haven't heard much feedback yet, and that is what we are looking for now."

Merrill said she wasn't surprised at the appraisal amount, which she said was in line with what people had offered her for

the land in the past.

If the deal does go through, Merrill would stay on the farm and continue to grow vegetables and to raise her organic laying hens, cows and other livestock for as long as she wants. She could then sell the land to whomever she chose, but the land could never be developed. The total appraisal for the farm is \$3 million.

Merrill said there are a few reasons she chose to apply for funding under the Land for Maine's Future farmland preservation program.

The fourth generation farmer said it is historically and environmentally sound to preserve local farms, and that the land is full of life, from bugs and birds to foxes. Merrill provides food to local health food stores within a 25-mile radius of her farm. She took over farm

operations about 20 years ago from her father, Paul Merrill. Before him, his father, Wallace Merrill, farmed the land, and before that his father, Peter Adam Merrill, farmed there. Sunrise Acres has been in the Merrill family since the 1830s.

"It's a kind of sanctuary," Merrill said of her farm, which includes about 45 acres of woodlands. "This to me is what land is about. I don't want to put it under cement."

Merrill also said that she has seen a shift in the way consumers are buying meat and produce.

"The neighborhood is changing. Consumers are starting to want to know where their food is coming from," said Merrill. "It's time for the farm to become a more public place."

That doesn't mean Sunrise Acres will be free for the public to roam if the town decides to chip in to purchase development rights. It will remain, Merrill said,

a working farm. But a path would be put in so residents could stroll through the woods in back of the farm and, eventually, connect with other parcels of town open space such as the Rines property on Range Road, which was just purchased for \$1.3 million by the town.

Merrill also wants to sell the development rights to her land to have some working capital.

"I have to keep up the farm," Merrill explained. She said things like painting the buildings and replacing equipment never go away. Just this week, she said, beams in the barn are being replaced.

"I can't pay for these things with those poor hens laying eggs," Merrill said with a laugh.

The town has scheduled a workshop meeting Sept. 2 to discuss possible funding for Sunrise Acres. A public hearing on the matter is scheduled for Sept. 8.



Ruth Ann Redman photo  
Sally Merrill at the Cumberland Farmer's Market recently.

## Cumberland Town Lands and Conservation Commission

Date: September 15, 2003

To: CCC members:

Penny Asherman (absent)

John Eldredge (absent)

Cindi Farris

James Hanley (absent)

Bob Heyner (absent)

Ellen Hoffman

\*Sally Stockwell

Betty Surgi(absent)

Bill Ward

\*Jennifer West

\* = Co Chair

From: Ellen Hoffman

Re: Meeting August 25th, 2003

- Last month's minutes were approved. CF's name was added to Town Forest committee. This should be the way the committees stand at this point:
  - Phosphorus ordinance (BH, PA)
  - Subdivision ordinance (JE, PA, BW, SS, JW)
  - Wetlands (both ordinance and mapping) (JH, JW, EH, CF)
  - Town Forest (SS, BS, JW, RM, CF)
  - Stewards of Town Properties (BH, EH)
- Rines property update (SS). The purchase scheduled for mid-September. There was a 5-acre parcel that was taken out and is up for sale. Nothing will happen for a year re forming two committees: 1. Put together an application to Lands for Maine; and 2. Look at public use and management of property. BW originally offered to be a representative on the property management committee but had to resign since now on Planning Board.
- Sunrise Acres Farm (SS). Formalizing an agreement to purchase development rights with federal, state and local funds. Public informational meeting Sept 2<sup>nd</sup>. Vote to purchase Sept 8<sup>th</sup>. We will pass out flyers and maybe use other media sources to get people to vote. Long discussion on over stepping our bounds (i.e. don't want to do anything without notifying the Town). Also some discussion what does it mean to sell the development rights. This last issue will be discussed at the informational meeting. SS will do a formal presentation to Town Council on Beginning with Habitat at the September 8<sup>th</sup> Town Council meeting.
- Hawk's Ridge Subdivision – age restricted. Sketch plan review. Approved cluster development concept.
- Mary Lane Project (off Route 88) Public hearing – we were sited in the review process (issue of rare plant (variable sedge)).
- SS – reminder to try and bring the Beginning with Habitat maps to the meetings. Need for Foreside Village project. Also try and get EH a digital copy of data.
- Foreside village Rt. 1 (Kennedy Property). Contract zone (change zone designation – legal contract to limit liability). Sketch plan review.

- Town Forest Management plan- (SS) spoke with the director of the State Community Forestry Program and got a list of foresters who we could work with to help update our Town Forest Management plan. Also get examples of similar plans.
- Next meeting Sept 22nd, 7:30.



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

September 17, 2003

Dear Main Street Area Resident:

This notice is to inform you of an upcoming public hearing with the Cumberland Town Council regarding the proposed contract zoning for the Bowdoin Medical Group building at 342 Main Street. The meeting will be held on October 6th at 7:00 p.m. in the Cumberland Town Hall Council Chambers.

Town and Country Credit Union is proposing to utilize contract zoning to establish a branch office in this location. Under current zoning, this type of use is not permitted, however, contract zoning allows a municipality to permit an otherwise un-permitted use by establishing a very specific "contract" which sets out the way in which the use will be operated.

There was a public information meeting held on September 3, which was arranged and hosted by credit union representatives. This meeting on October 6<sup>th</sup> will be the first official "town" meeting on the proposal. The Town Council will hear public comments on the proposal and decide that evening whether to refer it on to the Planning Board for their consideration and approval. After this step, the Council will again hold a public hearing before taking action to grant or deny the contract zone. The proposal could be rejected either at the first or second Town Council meeting. If it is rejected by the Council at the first meeting on October 6th, then that is the end of the matter and the Planning Board will not be asked to weigh in.

It is the right of the applicant to pursue the option of contract zoning for this use. The Town Council is the decision-making body that will determine if it is the best interests of the Town to grant the contract zone. In granting such a request, the Council needs to determine if there is a public interest being served by the proposal.

Residents have a number of ways in which to express their opinion to Town Council members. On the reverse side of this letter is the list of Town Counselors and their phone numbers, email and home addresses. Of course appearing at the meeting and speaking is another option. Also, this meeting will be televised on Channel 2, should you wish to view it from home. If you have any questions about this issue, you may call me at 829-2206.

Yours Truly,

Carla Nixon

Director of Planning and Development

# **Cumberland Town Lands and Conservation Commission**

**Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Meeting September 22, 2003, 7:30pm**

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	
James Hanley	Betty Surgi	

**1. Approve last months minutes.**

**2. Updates**

- Sunrise Acres
- Beginning with Habitat Presentation 9/8 before TC/PB

**3. Projects before the Planning Board - 9/16**

- A. Hawkes Ridge Condominium Rt. 1- application complete
- B. Foreside Village Rt. 1- sketch plan review

**4. Committee Updates**

- A. Stewards of Town Properties (BH, EH)
- B. Phosphorus ordinance (BH, PA)
- C. Subdivision ordinance (JE, PA, BW, SS, JW)
- D. Wetlands ordinance & mapping (JH, JW, EH, CF, SS)
- E. Town Forest (SS, BS, JW, RM)

**5. New Items**

## Cumberland Town Lands and Conservation Commission

Date: October 7, 2003

To: CCC members:

Penny Asherman

John Eldredge (absent)

Cindi Farris

James Hanley (absent)

Bob Heyner (absent)

~~Ellen Hoffman~~

\*Sally Stockwell (absent)

Betty Surgi

Bill Ward

\*Jennifer West

\* = Co Chair

From: Ellen Hoffman

Re: Meeting September 22, 2003

- Last month's minutes were approved.
- Sunrise Acres Farm (SS). Currently there are some petitions circulating to oppose the Town contributing money to purchase the development rights to Sunrise Acres Farm. Sally wrote a letter to Bill, thanking him for his support. She wants to step back and gather her thoughts. She says she welcomes the petition. It would mean more voters are in favor of the town's decision. There is still some posturing going on – so not a done deal.
- BH mentioned Sally (Stockwell) should be commended on her Beginning with Habitat presentation before the Town Council last month. Was presentation taped? Also how are the maps going to be updated?
- Foreside village Rt. 1 (Kennedy Property). Contract zone – site walk. BW – very noisy area (Rt. 1/ Rt. 88). Foresee a traffic problem. We need to think of the area – not just the one project. Try and link the existing trails up. No objections to development from this committee.
- Committee updates
  - Phosphorus ordinance (PA and BH). PA got Windham's phosphorus ordinance from Bob H. Very unorganized. Need to go with something else to start with or start from scratch. Falmouth uses a Conservation Overlay District. They have a phosphorus control plan for new development for Highland lake. Doesn't really apply to Cumberland's Forest Lake, which is already developed. Forest Lake needs to be more concerned with septic system problems, maintaining vegetative buffers, lawn fertilizers and encourage people to do the right thing as opposed to passing an ordinance. Needs to be lake wide effort – include both Gray and Windham. Natural Lawn program (Bay Keepers presentation). Maybe make recommendations to Forest Lake association.
  - Wetlands ordinance (JW). JW has info from state. Need to talk to Falmouth on how to proceed. Also talk to SS on what we need to do. Budget?
  - Subdivision ordinance (PA). Need to incorporate Beginning with Habitat maps and state planning into Comprehensive Plan. Rick Sealy of COG says no town has used this type of language in their ordinances. Map reference in ordinance needs to be

current. State agencies, Habitat maps and database from Natural Areas Program.  
Thoughts:

What do we want the developer to do?  
If impact found, what does planning board do?  
Standard of condition (approval checklist)  
Incorporate ordinance into site walk *site maps*  
Need to refer to Open Space plan when go on site walk.  
Be on checklist – section on presentation sketch plan.  
Finding of Fact for major/minor non-residential development very specific.  
Should put same language *in zoning* in subdivision ordinance.  
State regulations are not sufficient. Can put 50% or more land in open space  
and then don't need to get DEP approval.  
Sub committee needs to get together to finalize thoughts.

- Other thoughts – Joint meeting with other Town's conservation Commissions like Yarmouth and Falmouth to address regional concerns.
- Schedule people to attend planning board meetings and site walks.
- Next meeting Oct 27<sup>th</sup>, 7:30

# **Cumberland Town Lands and Conservation Commission**

**Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Meeting October 27, 2003, 7:30pm**

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	
James Hanley	Betty Surgi	

**1. Approve last months minutes.**

**2. New Items**

- Discuss changing our meeting date to occur two weeks before planning board (first Monday).
- Joint meeting with other Conservation Commissions.
- Attendance at Planning Board meetings and site walks.

**3. Updates**

- Sunrise Acres

**4. Projects before the Planning Board - 10/21**

- A. Hawkes Ridge Condominium Rt. 1- on-hold
- B. Foreside Village Rt. 1
- C. 3-lot subdivision off Orchard Road, sketch plan
- D. Mary Lane

**5. Committee Updates**

- A. Stewards of Town Properties (BH, EH)
- B. Phosphorus ordinance (BH, PA)
- C. Subdivision ordinance (JE, PA, BW, SS, JW)
- D. Wetlands ordinance & mapping (JH, JW, EH, CF, SS)
- E. Town Forest (SS, BS, JW, RM)

## Cumberland Town Lands and Conservation Commission

Date: November 7, 2003

To: CCC members:

Penny Asherman

John Eldredge (absent)

Cindi Farris

James Hanley (absent)

Bob Heyner

Ellen Hoffman

\*Sally Stockwell

Betty Surgi(absent)

Bill Ward

\*Jennifer West

\* = Co Chair

From: Ellen Hoffman

Re: Meeting October 27th, 2003

- Last month's minutes were approved with minor modifications (1. SS absent from last meeting; 2. Spelling correction – Rick Seely; 3. Need to refer to Open Space plan and site maps; 4. Put same language in Subdivision ordinance as in zoning ordinance.)
- Move meetings from 4<sup>th</sup> Monday of the month to the 2<sup>nd</sup> Monday so we will be in sync with the Planning Board (stay at 7:30).
- Sunrise Acres Farm (SS). The petition drive to bring this issue to a vote was unsuccessful. At this point no more information.
- Wellstone Dr. (Orchard Rd subdivision) site walk Saturday Nov. 1<sup>st</sup>. No conservation issue. Comments about road turnings and not really open space being offered to Town.
- EH will check on membership to MACC (Maine Association of Conservation Commissions).
- Schedule set up for members of this committee to attend planning board meetings (3<sup>rd</sup> Tuesday of the month). **And JW will remind us.**
  - CF – November
  - JW – December
  - SS – January
  - PA – February
  - EH – March
  - BH – April
- ~~Rd~~ines committee – Town has started the interview process for people interested in being on a committee to oversee property management. Should the committee have a slot on that committee (not as an individual)? BH is interested as representing hunting interest.
- Other projects-
  - Hawks ridge subdivision on hold
  - Foreside village – approved – going forward
  - Mary Lane – going to relocate the sedge
  - Communication tower – end of Range Way off Middle Rd – possible add antenna and a maintenance building.

- Committee updates
  - Town Properties – no update
  - Phosphorus ordinance (PA and BH). BH mentioned needs more consistency between the bordering towns (Forest Lake Association) – Windham, Cumberland, Gray re: ordinances. 2 goals. Best job controlling runoff phosphorus and minimize other non-point source pollutions. PA – some covered under subdivision ordinance. Bob- our existing ordinances don't cover what is in Windham's. PA will look at existing ordinances and see what differs between existing ordinance and what Windham has. Intent – what's the best avenue? Forest Lake overlay?
  - Vernal Pools — color infrared photos available within upcoming months. Need money to interpret photos. Also money for a professional forester to update forest management plan.
  - Wetlands ordinance (JW). No update
  - Subdivision ordinance (PA). No update
- Next meeting Dec 8th, 7:30



MAINE CUSTOM WOODLANDS  
TIMBER HARVESTING • FOREST LAND MANAGEMENT

24 November, 2003

Town of Cumberland  
Parks and Recreation Dept.  
Mr. Philip Wentworth

Cumberland, ME

Dear Mr. Wentworth,

Per your request I have enclosed a proposal for the work you would like done on the Twin Brooks Recreation area for this winter and next.

I just wanted to follow-up with some information that might be of interest to you regarding my company and myself. I am a licensed Professional Forester in the state of Maine and my company is "Master Logger Certified", one of only 48 in the nation.

Master Logger certification is a third party audit certification program which ensures forest sustainability. Master Logger Certified companies believe interdependent and mutually beneficial relationships between people and the forest are essential to the future of Maine's rural communities and natural resource-based economy. We are committed to the use of harvest practices that support forest ecosystem sustainability, rural economic viability and have demonstrated a commitment to excellence.

We are a full service timber harvesting company and have markets for all forest products from bio-mass chips to logs, pulpwood and veneer. We do business with more than 30 mills stretching from Maine, New Hampshire, Vermont and Quebec, Canada.

Our experiences in the land and timber business have earned us a reputation of which we are very proud. Currently, we manage many stands of timberlands for Maine landowners varying in size from 10 to 8,000 acres.

I look forward to hearing from you.

Sincerely,

Thomas G. Cushman, LF #3176  
Maine Custom Woodlands, LLC



MAINE CUSTOM WOODLANDS  
TIMBER HARVESTING • FOREST LAND MANAGEMENT

**Date: 11/24/2003**

**List of Services  
For  
*Town of Cumberland  
Twin Brooks Recreation Area  
Harvesting Project***

**Services provided by Maine Custom Woodlands, LLC:**

- Work with Town to obtain land management objectives for the parcel.
- Generate a prescription for each stand of timber, which will achieve Town management objectives.
- Mark timber according to the prescription of each forest stand.  
\*Charge for time @ \$35/hr plus paint supplies materials.
- Informal cruise with per acre expected stumpage ranges.
- Flag necessary property lines in accordance with state law.
- Purchase the standing timber, which has been marked for harvest at fair market value.
- Harvest and process marked standing timber, utilizing Best Management Practices as outlined by the State of Maine.
- All woods work done by Maine Custom Woodlands, LLC employees.
- Professional Forester on site daily.

Respectfully Submitted by:

Thomas G. Cushman  
Licensed Professional Forester #3176

# Cumberland Town Council sets committees

By Craig Giammona

CUMBERLAND —The Cumberland Town Council has appointed members to two committees that will study land use issues at two prominent town-owned properties.

The councilors voted unanimously Nov. 24 to establish the Rines Property Citizens' Advisory Committee for the purpose, according to the charge, of "making recommendations and providing guidance to the Cumberland Town Council regarding the use, improvement and preservation of the Rines property."

The committee will explore opportunities for passive recreation at the property, examine ways to conserve the property and existing habitat and work to maintain hunting and fishing activities at the property.

"We were looking for folks who are in this for the long term," said Town Council Chairman Jeff Porter, who noted that despite the three-year terms of some committee members the council will reserve the right to disband the committee at anytime should it determine that action necessary.

The committee comprises 10 Cumberland residents and is scheduled to report its findings to the council at its first regular meeting in December 2004. Bill Richards, Victor Otley and Henry Milburn were appointed to one-year terms. Tom Hinman, Bob Heyner, Lisa Judd and Bob Waterhouse were given two-year terms. Jennifer West, Jeff Steinman and Sally Stockwell will serve for three years. Councilors Stephen Moriarty, William Stiles and Jeff Porter will join the committee as liaison members.

The Council also created a Twin Brook Facility Advisory Committee to "help protect the Twin Brook Recreation Facility and assist the Town Council in developing usage and maintenance policies for the entire facility including but not limited to parking maintenance, inclement weather usage, trail maintenance, and an equitable use fee structure," according to the draft charge. The Twin Brooks' fields have suffered from overuse and poor drainage and the com-

mittee is charged with developing a comprehensive plan for the future of the property.

"It's been the field of dreams," Town Manager Bill Shane said, "we built it and everyone came and brought a cousin." The council expects a preliminary report from the committee, comprising 12 residents hand-picked by the council and three council liaisons, by February or March 2004. John Eldredge and Phil Gleason will co-chair the new committee. They will be joined by fellow residents, Mark Robinson, Jack Hardy, Eliza Miller, Linda Brewster, Melissa Skahan, Bob Stuart, Ellen Bowden, Peter Bingham, Pam Green and


Robert Vail. Stephen Moriarty, Jeff Porter and Michael Savasuk will serve as council liaisons.

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**AMARYLLIS**

# **Cumberland Town Lands and Conservation Commission**

**Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Meeting December 8, 2003, 7:30pm**

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	
James Hanley	Betty Surgi	

**1. Approve last months minutes.**

**2. New Items**

- Attendance at Planning Board meetings and site walks. Jennifer in December and Sally in January.

**3. Updates**

- Sunrise Acres
- Rines Committee

**4. Projects before the Planning Board - 12/16**

**Update on November meeting by Cindi**

- A. Hawkes Ridge Condominium Rt. 1- Final approval.
- B. Wellstone Drive, 3-lot subdivision off Orchard Road, public hearing.
- C. Mary Lane- Public hearing and final approval.

**5. Committee Updates**

- A. Stewards of Town Properties (BH, EH)
- B. Phosphorus ordinance (BH, PA, JW)
- C. Subdivision ordinance (JE, PA, BW, SS, JW)
- D. Wetlands ordinance & mapping (JH, JW, EH, CF, SS)
- E. Town Forest (SS, BS, JW, RM)

## Cumberland Town Lands and Conservation Commission

Date: December 23, 2003

To: CTL&CC members:

Penny Asherman(absent)

Cindi Farris (absent)

Bob Heyner

Ellen Hoffman

\*Sally Stockwell

Betty Surgi(absent)

Bill Ward

\*Jennifer West

(inactive members)

John Eldredge

James Hanley

\* = Co Chair

From: Ellen Hoffman

Re: Meeting December 8th, 2003

- Last month's minutes were approved noting (again) that it's Rines not Rhines.
- CF and BH attended the last Planning Board meeting. Nothing new. JW next month.
- Sunrise Acres Farm. Town and Sally Merrill are still ironing out the details. The would-be-trails were walked. Sally bought the little red school house that's in the corner of one of her fields. Possibly use for educational purposes.
- EH will check on membership to MACC (Maine Association of Conservation Commissions).
- Schedule set up for members of this committee to attend planning board meetings (3<sup>rd</sup> Tuesday of the month). **And JW will remind us.**

<del>CF - November</del>	PA - February
JW - December	EH - March
SS - January	BH - April
- Rines property management committee - SS, BH and JW are committee members
- Twin Brook committee - John Eldridge co-chair along with Phil Gleason.
- BH mentioned that the Open Space plan needs to be updated.
- Projects before planning board:
  - Wellstone Dr. 3-lot subdivision off Orchard Rd. JW walked site. There are 2 areas that should be considered wetlands. Need to protect pool and maintain buffer on important habitat in back.
  - Hawks ridge subdivision up for final approval.
  - Foreside village - approved - going forward
  - Mary Lane - JW went out to site with consultant. Sedge moved to back of property. JW will send letter recommending a follow-up visit spring 2004; need periodic weed removal and a management plan.
  - Communication tower - end of Range Way off Middle Rd - possible add antenna and a maintenance building. On agenda for next Planning Board meeting (next Tuesday). BW mentioned trash issue and will bring that up at that meeting.
- Committee updates

- Town Properties – When BH was doing research on Town properties, he discovered that Bill Healey (Town assessor) is putting a list of Town properties together for the council. Bill Shane (Town Manger) and Jeff Porter (Town Council chair) are interested in looking at some of the town properties and deciding what to do with them. ( A property evaluation was done about 15 years ago when Steve Moriarty was on Conservation Commission. ) We would like to make recommendations on conservation value of some of the properties, but at this point not sure how to proceed (i.e. we weren't asked for our input).
- Phosphorus ordinance (PA and BH). BH-shoreline survey of lake conducted. Need to standardize ordinance between the 3 bordering towns: Windham, Cumberland and Gray. Monies were granted from DEP to draft a management plan and to implement some recommended fixes. Drainage, poor buffers, roof runoff – complex issue, and are all factors affecting the Lake's health. Get insights from code enforcement officer (Carla Nixon) and Town Planner how best to address this: should it be town wide or Forest Lake specific. Need to educate the public on the issues. Individual house lots can't really control by ordinance. Development around the water needs to be brought to the public's attention. SS mentions Friends of Casco Bay and their programs to educate the public.
- Vernal Pools — color infrared photos should be available in the upcoming months. Need money to interpret photos. Also money for a professional forester to update forest management plan.
- Wetlands ordinance (JW). JW said the State's draft wetlands ordinance is overwhelming. SS will ask Bill Shane for money to map vernal pools and photo interpretation. Also need money to hire a forester to update the Town Forest management plan. Need to find out what our budget is.
- Subdivision ordinance (PA). No update
- Next meeting Monday Jan 12th, 7:30 (2004)



MAINE CUSTOM WOODLANDS  
TIMBER HARVESTING • FOREST LAND MANAGEMENT

15 December, 2003

Town of Cumberland  
Parks and Recreation Dept.  
Mr. Philip Wentworth  
Cumberland, ME

Dear Phil,

As you requested I have prepared some forest management thoughts for the Twin Brooks recreation lands.

To prepare my ideas I have assumed the following Town objectives:

1. Create and maintain a healthy forest that will always be multiple use land.  
(i.e., recreation, wildlife diversity, water quality and timber production.)
2. Try to maintain the present species composition to keep a diverse forest.
3. Aesthetics during and after the harvest are of utmost importance.

Considering these three objectives a general harvest prescription would be as follows:

- ❖ Remove approximately 40% of the volume in existing stands, concentrating on removing the following:
  1. Over-mature or severely damaged trees.
  2. Over topped trees
  3. Trees which are spaced too closely together.

By following this prescription a healthy, vigorous, well-spaced forest will result. A whole tree mechanized harvesting system should be utilized, as damage will be limited and the tops of the trees would be chipped.

Following the above prescription income in the amount of \$200-\$300 per acre harvested should result. This amount does not take into account any rot, which may be encountered within the timber being harvested.

Sincerely,

Thomas G. Cushman  
LPF #3176

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INTEROFFICE MEMORANDUM

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TO: BILL SHANE  
FROM: BILL LANDIS  
SUBJECT: TWIN BROOK FOREST MANAGEMENT  
DATE: 12/23/2003  
CC: PHIL WENTWORTH

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Bill,

The attached information is the background and quote information from Maine Custom Woodlands.

In talking to Phil Wentworth the plan, when approved by the council would be to harvest Twin Brook in 2 areas. The first area would be to cut and harvest from Sabrina's Brook north to the railroad tracks. The second area would be the timber in the trail systems on the Tuttle Road side of Twin Brook. The cutting could be done over a 2 or 3 year time frame. I would recommend the Sabrina Brook north as the first area to be harvested.

On the Greely Road side of Twin Brook two areas of staging are possible – one at the end of the Greely Road parking lot for the timber around Sabrina's Brook. This would cover all the timber along the stream and behind and next to the Gorman's. The other staging area would be hopefully granted by Greg Fowler to use the back corner of his property to load trucks, this would cover the timber next to the railroad tracks.

At this date I would recommend that we seek approval for one of the two areas north of Sabrina's Brook for this year (2004). This job could be done in less than a week and would not create a negative impact for winter use enthusiasts.

This topic could trigger a discussion about forest management and the machinery used to harvest the timber. It would be ideal if we could develop a plan for all Town property that would use less obtrusive equipment and be ongoing, a small harvest each year.



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

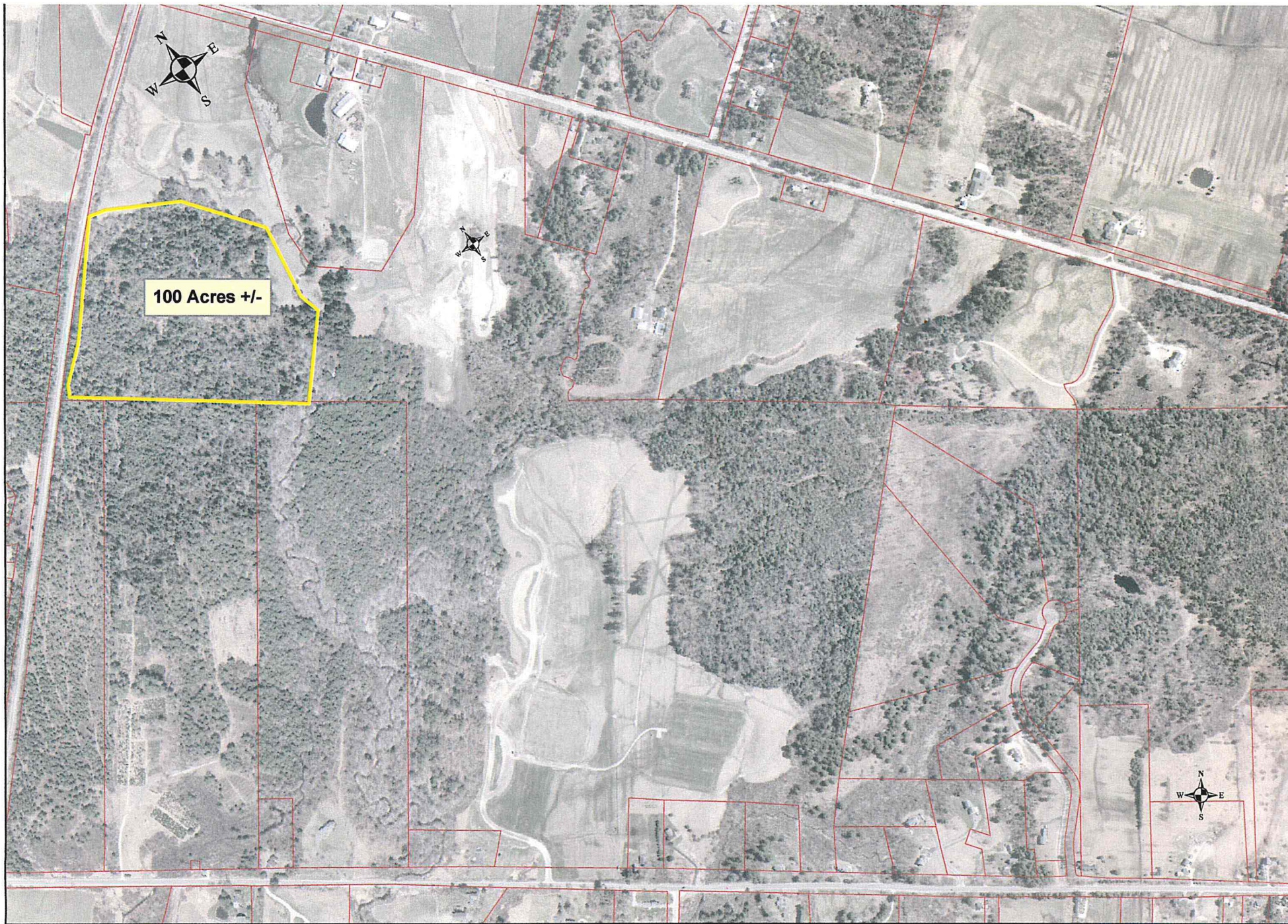
**To:** Lands & Conservation Commission  
**From:** William R. Shane, Town Manager *WRS*  
**Date:** December 24, 2003  
**Re:** Forestry Work- Twin Brook February 2004  
**cc:** Town Council

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At their December 22, 2003 meeting, the Town Council asked me to forward for input the Town staff's request to begin tree work in the Twin Brook forest area. I have enclosed a map for your use of the proposed area for thinning and the report submitted to Bill Landis. Bill will be at your January 12<sup>th</sup> meeting and hopes to be able to meet with the Council on January 26<sup>th</sup> to relay your comments and concerns. I am planning to begin work in early February and be completed within 3 weeks. After the end of February posted roads make it difficult to haul the wood off the property.

Please let me know if my staff can provide any additional information prior to your January 12<sup>th</sup> meeting. Phil Wentworth and Bill Landis will be present to answer questions.

Happy Holidays!



100 Acres +/-

0 1,000 2,000 Feet