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Commission

Cumberland, Maine

2005

Cumberland Lands and Conservation Commission Documents 2005

Cumberland Town Lands and Conservation Commission

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**Cumberland Lands and
Conservation Commission
Documents 2005**

Cumberland Town Lands and Conservation Commission

Date: February 7, 2005

To: CTL&CC members: (* = Co Chair ++ = inactive members)
Penny Asherman (absent) *Sally Stockwell (absent) David Young (absent)
Cindi Farris Betty Surgi (absent)
Bob Heyner Bill Ward John Eldredge ++
Ellen Hoffman *Jennifer West James Hanley ++

From: Ellen Hoffman

Re: Meeting January 10th, 2005

- Last month's minutes were approved with a note of a date correction on the agenda (from May 10th 2004 to January 10th 2005).
- JW mentioned that members will need to be re-interviewed as their terms expire. JW will get list of member's term expiration dates from Nadine. The issue also came up about members who have not been attending any of the meetings and have not given any indication they are still interested in serving on this committee. JW will try talk to Nadine or Jeff Porter to get some guidance on this matter.
- Town Forest and Twin Brooks properties walk scheduled 2:00 January 14th with Rob Ryan of the Audubon Society. Meet at Town Forest. SS will invite Kelly Welch who received grant to study the Town Forest.
- Rines Forest (JW) – No update.
- Committee updates
 - Soil and erosion control – PA will set up meeting with Bill Longley.
 - Town Forest – (CF) Town will do bridges – safety issue. CF will talk to boy scouts about doing a boardwalk.
 - Subdivision and wetlands on hold.
- Upcoming planning board projects (PA) (There was no agenda available)
 - Chebeague Island lot – issue of trails. Proposed subdivision – 3 lots.
 - Lucinda's Day Spa – Powell Rd and Rt 1. Entrance will be off of Rt 1. Burning bushes will be added as landscaping buffer planted on a berm. JW mentioned that they are an invasive species. She will send of note about this to Carla.
 - Rockwood senior housing (phase 3) approved
 - Cumberland Foreside village – public hearing next month. Rt 1 – residential 55 and older. 35 homes – continue in phases.
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**
CF – Feb 15th EH – Mar 15th PA – Apr 19th
- Next meeting: Monday February 10, 7:30.

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting February 14, 2005
7:30 pm

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

1. Approve last months minutes.

2. New Items

- New members?
- New items: Draft Trail map; student project

3. Updates

- Erosion & Sediment control committee meeting with Bill Longley, CEO.
- Forest Walk with Rob Bryan, Audubon Society, postponed due to rain. Reschedule date.
- Presumpscot River Watershed Committee
- Rines Forest Committee

4. Projects before the Planning Board -

- ◆ Update on January meeting by Sally.
- ◆ Cindi will attend February meeting- note that it is on February 15 and March meeting (March 15) is the day after the CTLCC meeting.
- ◆ See attached page

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)

Planning Board- February 15, 2005

Hearings and Presentations

- 1. Public Hearing – Minor Site Plan Review and Section 433 – Telecommunication Facilities, to co-locate antennas and equipment in the existing tower of the Cumberland Congregational Church, at 282 Main Street, Cumberland, Tax Assessor Map U11, Map 47 in the Medium Residential district; New Cingular Wireless PCS, LLC, applicant; Barry J. Hobbins, Hobbins & Gardner, LLC, representative.**
- 2. Inventory & Analysis - Major Site Plan Review – Seafax Company, Tax Assessor Map R01, Lot 11B, representative Ann Archino Howe, SYTDesign Consultants, owner, Peter Kennedy.**
- 3. Inventory & Analysis – Major Site Plan Review – Norton Financial Services, Cumberland Business Park, Tax Assessor Map R02D, portion of Lot 1, Scott Decker, SYTDesign Consultants, representative, Charlotte Maloney, Gawron Turgeon Architects, Guidi Flash Holdings, Inc., owner.**
- 4. Public Hearing – Amendments to Subdivision Ordinance Sections 4.1 - General Procedures; 4.2 - Pre-Application Conference; 4.3 B - Procedures for Minor Subdivision; 4.4 - Review and Approval of Major Subdivisions.**
- 5. Public Hearing – Amendments to Section 206 of the Zoning Ordinance; Site Plan Review - Section 206.6 - Review Procedures.**

Cumberland Town Lands and Conservation Commission

Date: March 1, 2005

To: CTL&CC members: (* = Co Chair ++ = inactive members)
Penny Asherman *Sally Stockwell David Young (absent)
Cindi Farris Betty Surgi (absent)
Bob Heyner Bill Ward John Eldredge ++
Ellen Hoffman *Jennifer West

From: Ellen Hoffman

Re: Meeting February 14th, 2005

- Last month's minutes were approved.
- JW mentioned terms expire at the end of the year. James Hanley should be removed from list – he has moved out of town. JW will find out Betty Surgi's status. If she is no longer a member will try and get her reinstated.
- PA – meeting with Mr. Longley – code enforcement officer re draft on soil and erosion control. He seemed very enthusiastic and supportive of the ordinance. He currently hands out erosion notices to developers. He felt there needed to be a processing fee attached (\$35-\$50). He thought it fit best in zoning ordinance. Need to talk to town attorney, and then get input from planning board before going to Town Council. Want across the board requirement for single family, subdivision, and commercial developers: refer to same location in section 409 of zoning ordinance. Bill will get back to PA with comments on her memo (our version of the ordinance). Would like to hold a workshop with contractors.
- 10:00 Tuesday 22, Betty Williams of Soil and Water Conservation District will speak at a meeting of local area towns. See if she will also speak when PA presents soil and erosion ordinance in front of Town Council – maybe in the spring. Also talk to Betty about educational materials to hand out to every applicant – what is the most important bits of information.
- Mentioned that we should send copy of minutes to Steve Moriarty who is our liaison to the Town Council – keep him abreast of what we're up to.
- Committee updates
 - Town Forest
 - SS will try and set a new date for a forestry walk.
 - Bill Shane said Town will do bridges over winter and ready to go in the spring.
 - March 17th 7 pm Historical Society second grade class presentation.
 - High School class also got grant to do a management plan for Twin Brook. SS get in touch with teacher and will invite to forestry walk.
 - Middle school – 6 7th graders doing a management plan for Town Forest.
 - Subdivision and wetlands on hold.

- Presumpscot River watershed- Beginning with Habitat presentation with Colleen Ryan. Large track of land in several neighboring towns (Windham, Gray, Falmouth, and Cumberland) interested in protecting large tracks of land. Which parcels in Cumberland? Maybe do a joint meeting with PRW (Open Space Committee), Lands Committee and the Land Trust. Categorize effort. Prioritize parcels in Town. Need to be proactive.
- Rines Forest Committee (PA): met with Land Trust in January. 3rd party holder of conservation easement. Simple easement to prevent any future development. Land trust see if template to "borrow" to set this up. Town paying for property over 15 years. Could lease go into effect until Town owns property? Hopefully done by end of 2005.
- (JW) Student from Waynflete needs to research a town issue and present before a town committee. Needs to decide on what to focus on – possibly something with wetlands. Recommendation on wetlands "value" using Beginning with Habitat maps. Value to towns. Use wetlands characterization map.
- BH – Jim Hodges at Val Halla interested in Audubon Cooperative Sanctuary Program with golf courses. Environmentally sound land management practices. Jim Hodges plan of action: install a wash pad; limit pesticides; put up bird boxes.
- Trail Map – not sure what it is a map of, possibly snow mobile trails. Doesn't include trails from trail guide. Trails also need to be verified. No date on map.
- Upcoming planning board projects (SS)
 - Terison orchard – Carla said DEP doesn't require soil testing – only water and water tested ok. Carla will check files on a previous proposed orchard project and soil testing. There are still some issues with a back lot – legal battle.
 - New dock on Chebeague Island.
 - Co-locate antenna in church in center of town. Only space for 2. Need an equipment shed outside.
 - Subdivision Rt 1 (Kennedy) commercial and residential – SeaFax.
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**
 - CF – ~~Feb 15th~~
 - EH – Mar 15th
 - PA – Apr 19th
- Next meeting: Monday March 14th, 7:30.

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting March 14, 2005
7:30 pm

Penny Asherman Bob Heyner Bill Ward
John Eldridge Ellen Hoffman Jennifer West
Cindi Farris Sally Stockwell David Young
Betty Surgi
Town Council: Steve Moriarty

1. **Approve last months minutes.**
2. **New Items**
 - SWCD representatives RE: proposed erosion & sediment control ordinance.
 - New items: Scheduling meeting with CMIT (Penny?)
3. **Updates**
 - Forest Walk with Rob Bryan, Audubon Society, postponed due to rain. Reschedule date.
 - Presumpscot River Watershed Committee
 - Rines Forest Committee
4. **Projects before the Planning Board -**
 - ◆ Update on February meeting by Cindi.
 - ◆ March Planning Board meeting (March 15) is the day after the CTLCC meeting. Ellen will attend.
 - ◆ See attached page
5. **Committee Updates**
 - A. Stewards of Town Properties (BH, EH)
 - B. Erosion & Sediment 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)

Cumberland Town Lands and Conservation Commission

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

15 March 2005

Carla Nixon
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Carla and members of the Cumberland Planning Board,

I am writing on behalf of the Cumberland Town Lands and Conservation Commission regarding the permit application for the Seafax Company, a new commercial development proposed for Lot 11B, Map R-01 on US Route 1.

After reviewing preliminary site plans and architectural drawings of the building proposed for the site, we recommend the Planning Board ask Seafax once again to map out and present the following changes as an alternative to the originally proposed plan:

1. Access the property from a shared driveway with the lot just to the north of this lot to minimize habitat destruction and total impervious surface.
2. Retain at least a 75' vegetated buffer between the edge of the DOT right of way along US Route 1 and the building.
3. Rotate the building 180° to minimize the domineering view from Route 1 and to maximize passive solar gain.
4. Reduce the total number of parking spaces and place the parking spaces to the south of the building, along the long axis of the building. This will further reduce the total area of impervious surface.

Thank you for considering our suggestions.

Sincerely,

Jennifer West
CTLCC Co-Chair

Sally Stockwell
CCTLC Co-Chair



Cumberland County Soil and Water Conservation District

201 Main St., Suite 6 - Westbrook, ME 04092 - Phone (207) 856-2777 - Fax (207) 856-2796

March 15, 2005

Town of Cumberland
Bill Shane, Town Manager
290 Tuttle Road
Cumberland, Maine 04021

Dear Bill,

I am happy to inform you that the Town of Cumberland has been chosen to receive Cumberland County Soil & Water Conservation District's Outstanding Conservation Leadership award! The Conservation District has selected your community based on your commitment to the protection of natural resources.

In particular, the Town of Cumberland has repeatedly stepped up to support watershed projects both at the local and regional scale. The Land & Conservation Commission has shown initiative in undertaking a review of the Town's ordinances to ensure protection of the Town's natural resources. Of particular note is the work of Land & Conservation Commission members and the Town's Code Enforcement Officer. It reflects well on the town that you have both staff and volunteers who stay informed on the pertinent issues and take actions to address them.

We would be honored to have up to a few representatives of the Town of Cumberland and the Land & Conservation Commission attend the District's Annual Meeting on April 20th at the North Scarborough Grange from 5:00 to 8:00 p.m and receive your Outstanding Conservation Leadership of the Year award. Dinner will be served. Please RSVP by April 6.

Sincerely,

Richard Wood
Chairman, Board of Supervisors

cc: Bill Longley
Bob Heyner
Penny Asherman

Cumberland Town Lands and Conservation Commission

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

15 March 2005

Carla Nixon
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Carla and members of the Cumberland Planning Board,

I am writing on behalf of the Cumberland Town Lands and Conservation Commission regarding the permit application for Apple Grove Estates, a new subdivision proposed for the Terison Orchard on Orchard Lane.

We remain deeply concerned that residual pesticide levels may be high in the soils on the site and ask the planning board to wait to approve this subdivision until soil testing, analysis, and evaluation can be completed. It is our understanding that when the soils at the apple orchard on Whitney Road were tested in 2000, several dangerous pesticides were found at the site, including DDT, DDE, dieldrin, lindane, and endosulphin sulfate. Many of these chemicals are highly toxic and persistent and could cause serious problems for future homeowners, pets, livestock, and/or wildlife if not properly identified, removed, and treated. Pesticides that are locked up in the soils now could be released into nearby waterways once excavation begins; taken up by plants in vegetable gardens; or ingested directly by pets and livestock scratching or digging in the ground. Once these pesticides accumulate in the body, they can adversely affect behavior, neurology, the immune system, reproduction, and development.

We do not believe discovery of pesticides should be left up to future homeowners. If "high levels" of residual pesticides are discovered at a later date and begin to pose problems, the town could find itself in the position of having to clean up contaminated soils and/or bring in a new water supply. This would be extremely costly at the very least, problematic since there is no public water access anywhere near the site, and potentially pit the town against its residents. The best way to avoid this problem is to require soil testing, analysis, and evaluation before approving the subdivision.

Thank you for seriously considering our request.

Sincerely,

Sally Stockwell
CTLCC Co-Chair

Jennifer West
CCTLC Co-Chair

EA

Planning board meeting 3/15

Hearings and Presentations

1. Public hearing- preliminary plan review – Major 8-lot subdivision, Apple Grove Estates at 36 Orchard Road (Tom Terison). Project has been going on for a while. Started Oct 04; did site walk Dec. Lot 9 not on Orchard Rd – private rd; has since been removed from plans.
 - a. Requested 2 waivers – storm waters – number of issues remains. Drain onto other properties; Cumberland County soil and water review – erosion control measures. They are not building a road – why asking for a waiver? Carla recommended both be denied
 - b. Pesticide concern – ground water quality ok. Need static soil testing – not required on federal level.
 - c. No trails proposed - **NONE on Greenways map.**
 - d. No open space – traditional subdivision
 - e. Issue of what to do with apple trees both on the individual lots and on road front. Doesn't warrant protection by developer. But if remove then need buffering – landscaping along Orchard road.
 - f. Culvert design – replace middle culvert – detention basin lot 5. Address in final plan

Terison says not same chemicals used on his orchard. Said SS has an agenda – there are no standards. He wants test info – how deep, when done, by whom, and results.

Phil Hunt mentioned there are several farms and orchards that have been developed: Drowne road school, Wilson School, Sunnyfield farm, Trelaven – see what was required on these projects. Not historically required a lot of detail. The comfort level depends on type of project. Further well testing? Soil testing will be a condition of approval.

Soil and water report and sediment erosion report (storm water drainage) needs to be done prior to final plan – Planning Board won't waive that requirement.

Finding of fact

- Scenic feature or natural beauty – no information.
- Need landscaping plan- retain trees along road?
- No water, stream or brook on site
- Adequate security needs to be provided – not just in bank.

*Storm water – landscaping and toxicology – preliminary approval on these conditions.

2. SeaFax Company – U.S. Route 1. Public hearing (Peter Kennedy). 1st official review (prior was conceptual discussions). 2 story building – no waivers.
 - a. Entrance driveway. Shared preferred by town. They want driveway on other side to have southern exposure for atrium. Possibly connect parking lots.
 - b. Not New England architecture (flat roof)
 - c. See side of building not front. Very residential area- should be residential style.
 - d. Town suggestions:
 - Suggested break up windows.
 - Our letter was read.
 - Issue of setback but that may be moot now because of sewer line and DOT manhole cover. This may cause a problem with the detention basin and the wetlands in the back of the parking lot.
 - Town prefers fewer parking spaces; revisit issue. Also look at drainage options.
 - Landscaping questions
 - Preserve pathway easement over parcels.
 - No finding of fact yet (too preliminary)
 - Use a wooden guardrail instead of metal.
 - Unified parking and circulation between the 2 lots as well as drainage.
- d. Abutters concerns – buffer, storm water – runoff into Truesprings farm. Look at traffic along Route One corridor.
3. Goose Pond Road Subdivision – Major 20 lot subdivision – sketch plan (Hutchins owner).
 - a. Add value to site. 26/46 acres mined. Negative visual feature; tire disposal; undesirable activity.
 - b. 20 “good” acres. Preferred clustered. Small wetlands in back, no other waters. Moderate priced homes and variable pricing. Possibly use open space for an athletic field (soccer or football)
 - c. Water quality issue – source contamination
 - d. Existing trails on property
 - e. Maybe tie in with Old Colony Project
 - f. Sidewalks.
4. Foreside Road – major 4-lot subdivision: discussion – concept plan (Fowler owner).
 - a. Public water and sewer on 1 of the lots
 - b. 1.5 minimum lot size
 - c. Relocate existing house
 - d. Question of rural vs. urban design – want it low key – open space not doable. No trails on Greenbelt map. Ordinance question (pay for sewer anyway. Town suggest hook up to sewer.

Cumberland Town Lands and Conservation Commission

Date: March 24, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman *Sally Stockwell David Young (absent)
Cindi Farris Betty Surgi (absent)
Bob Heyner (absent) Bill Ward John Eldredge ++
Ellen Hoffman *Jennifer West Steve Moriarty +

From: Ellen Hoffman

Re: Meeting March 14th, 2005

- Last month's minutes were approved.
- Betty Williams from the Cumberland County Soil and Water Conservation District attended meeting. Talked about the proposed soil and erosion ordinance. Mentioned that Cumberland and Raymond both will receive an award for conservation leadership. Kudos to Penny! Betty says she supports the ordinance. Said there are small grants available to be used for educational purposes. These are regional challenge grants through the state planning offices. Can be used for written materials and training for contractors. Bill Laflum from the Maine DEP and SWCD hold a contractor certification program. Invite Planning Board and Town Council to attend. Probably at Jan/Feb 2006 time frame. Add focus to what contractors need to know to work in town, not just the ordinance. Betty will also give PA some specific comments about ordinance and is willing to help with a power point presentation to go before the Planning Board and Town Council. She noted that other towns charge a fee. The erosion control inspection is done along with other inspections and the erosion control measures need to be in place. Betty will send PA electronic copies of educational materials she has.
- PA- will try and arrange a joint meeting with the Land Trust and this commission – discuss areas we are concerned about; try and be proactive on focus areas.
- Committee updates
 - Town Forest - Forestry Site walk scheduled for Mon 21st 3:30-5:30; start at Town Forest
 - Subdivision and wetlands on hold.
 - Presumpscot River watershed (BH)- No update
 - Rines Forest Committee (PA): No update
- Trail Map – This issue needs to be revisited!
- Upcoming planning board projects (CF)
 - Goose Pond Rd – sand pit I West Cumberland. Offered open space – useless. Drains toward Forest Lake watershed
 - 4 lot subdivision on Foreside Rd – question of zoning in area

- Terison – public hearing. Soil issue – water quality tested ok. DEP doesn't require a soil test. Check other orchard developments for contaminants. SS spoke with Carla – letter from independent testers on prior Whitney farms proposal DDT, DDE, and other chemicals Dona Larson (Town planner at that time) sent test results to state toxicology lab, but not response on file. Buyer withdrew deal. We feel town should request testing JIC. EH attending next Planning Board meeting and will submit letter written by SS and JW to Phil Hunt about previous findings of soil containments. Request a condition on approval.
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**
CF – Feb 15th EH – Mar 15th PA – Apr 19th
- Next meeting: Monday April 11th, 7:30.

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting April 11, 2005
7:30 pm

Penny Asherman Bob Heyner Bill Ward
John Eldridge Ellen Hoffman Jennifer West
Cindi Farris Sally Stockwell David Young
Betty Surgi
Town Council: Steve Moriarty

1. Approve last months minutes.

2. New Items

- Assign attendance at planning board meetings for the next 6 months.
- New items: Scheduling meeting with CMIT (Penny?)

3. Updates

- Forest Walk with Rob Bryan, Audubon Society.
- Presumpscot River Watershed Committee
- Rines Forest Committee
- CMIT potential meeting (Penny)
- Review draft town trail map

4. Projects before the Planning Board -

- ◆ Update on March meeting by Ellen.
- ◆ See attached page

5. Committee Updates

- A. Stewards of Town Properties (BH, EH)
- B. Erosion & Sediment 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)

Cumberland Town Lands and Conservation Commission

Date: April 21, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman *Sally Stockwell David Young (absent)
Cindi Farris (absent) Betty Surgi
Bob Heyner Bill Ward (absent) John Eldredge ++
Ellen Hoffman *Jennifer West Steve Moriarty +

From: Ellen Hoffman

Re: Meeting April 11th, 2005

- Last month's minutes were approved.
- Bill Longley (code enforcement officer) attended meeting. Presented notice about the Town being awarded the Cumberland County Soil and Water Conservation District's Outstanding Conservation Leadership award. Bill was also present to discuss conversation with Bill Shane re: soil erosion control ordinance. There is still a question if it should be a stand alone ordinance or a section of the zoning ordinance. The process of review, feedback and acceptance is different depending on which approach is taken. A stand alone ordinance would go before the Planning Board for review and then the Town Council for approval. If part of an existing ordinance, would need to be "written" by the Planning Board – it would be in their hands. More information is needed; maybe have Carla sit in on a meeting? BH stressed that it has already been 2 ½ years.
- PA– will try and arrange a joint meeting with the Land Trust and this commission – discuss areas we are concerned about; try and be proactive on focus areas (Open Space Plan priorities, farmland, forests, and priorities within habitat types.). CMIT is very interested in having a joint meeting. They meet 2nd Tuesday of month; but later boat on Wednesday. Maybe May 25th (Wednesday) or 26th (Thursday) 7:00 or June 1st (Wednesday), June 15th (Wednesday) or June 29th (Wednesday).
- Committee updates
 - Town Forest - Forestry Site walk had a good turnout. JW took copious notes and will update us all. Forest
 - Subdivision and wetlands on hold.
 - Presumpscot River watershed (BH)- No update – meeting in April.
 - Rines Forest Committee (PA): Work started on draft of conservation easement with Town and Land Trust.
- Trail Map – This issue needs to be revisited! Possibly intern to look at trails in town (snowmobile, horse and walking).
- SS and JW met with Meg McCloud, student from Waynfleet. She has a very rigid outline to file – environmental aspects from different points of view. Also interested in wetlands project. Existing ordinance – identify high value wetlands referring to the

Beginning with Habitat maps. Educational materials for landowners. Coming up with recommendations – good first step dealing with wetlands.

- Planning Board project (EH) – handed out notes
- Upcoming planning board projects (PA)
 - Public hearing – preliminary plan review – major 4-lot subdivision – Roy Hill Rd. Chebeague.
 - Public hearing – major site plan review – Seafax Company U.S. Route One.
 - Inventory and Analysis – Major Site Plan Review – Planet Dog, Lots 4&5 of the Cumberland Business Park, Route One.
 - Public Hearing – major site plan review – Norton Financial Services – Cumberland Business Park, Route One.
 - Sketch Plan Review – Major 19-lot Clustered Subdivision – Foreside Crescent.
 - Public Hearing – to recommend to the Town Council the adoption of amendment to the Route One Design Guidelines, regarding the 75' front setback.
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**

PA- Apr 19 th	JW – May 17 th	EH – June 21 st
BH-July 19 th	DY – Aug 16 th	SS – Sept 20 th
PA – Oct 18 th	CF- Nov 15 th	
- Next meeting: Monday May 9th, 7:30.

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting May 9, 2005
7:30 pm

Penny Asherman Bob Heyner Bill Ward
John Eldridge Ellen Hoffman Jennifer West
Cindi Farris Sally Stockwell David Young
Betty Surgi
Town Council: Steve Moriarty

1. Approve last months minutes.

➤ New Items

➤ .

2. Updates

- Meeting with CMIT: What are the Committee's priorities for conservation in town
- Proposed Soil Erosion & Sediment Control
Comments from Committee on ordinance.
Process to present proposal, what should be our approach?
- Presumpscot River Watershed Committee
- Rines Forest Committee
- Review draft town trail map- on-hold till we get a copy.

3. Projects before the Planning Board -

- ◆ Update on April meeting by Penny.
- ◆ See attached page

4. Committee Updates

- A. Stewards of Town Properties (BH, EH)
- B. Erosion & Sediment 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)

Cumberland Town Lands and Conservation Commission

Date: June 7, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman *Sally Stockwell David Young (absent)
Cindi Farris (absent) Betty Surgi (absent)
Bob Heyner (absent) Bill Ward (absent) John Eldredge ++
Ellen Hoffman *Jennifer West Steve Moriarty +

From: Ellen Hoffman

Re: Meeting May9th, 2005

- Last month's minutes were approved.
- Most of the meeting was concerned with Soil Erosion ordinance – if should be a stand alone ordinance or part of existing ordinance. Thoughts: If added to exiting ordinance would need to be approved by Planning Board – though we could still write the ordinance. Our concern is what if the Planning Board wants to rewrite it. This committee reports to the Town Council but act in an advisory role to the Planning Board. If stand along ordinance, Town Council would want Planning Board to review before adapting. Could send to Town Council and then cc the Planning Board for consideration. Do a joint workshop with the Planning Board and Town Council re: zoning ordinance. General requirements for all and have other sections refer to it. If put within existing ordinance, needs to come from Planning Board. Same requirements for commercial, subdivision and single family development. Where in ordinance should it go? Want it uniform for all 3 types of development. Need to amend to checklist and added to building permit for single family. Also mention looking at broader influence outside of Town – economic impact – example fisheries. Should pull the resources together of what would be effected (is this for joint workshop?)
- PA– Joint meeting with the Land Trust and this commission – May 25th (Wednesday) 7:00 here. Need to discuss focus areas. The Land Trust hasn't set focus areas either. Members should bring Open Space Plans. PA will bring Habitat maps.
- Committee updates
 - Town Forest - We are all still waiting for copies of JW's copious notes on walk with forester. Public Works said it would cost \$20,000 to fix bridges in the Town Forest. SS will discuss with Bill Shane
 - Subdivision and wetlands on hold.
 - Presumpscot River watershed (BH) - No update – meeting in April.
 - Rines Forest Committee (PA): Work almost completed on draft of conservation easement between Town and Land Trust. Draft will go before the Rines Forest Committee for input next week.
- Trail Map – This issue needs to be revisited! Possibly intern to look at trails in town (snowmobile, horse and walking).

- SS and JW met with Meg McCloud, student from Waynfleet – no update
- Planning Board project (PA) – handed out notes
- Upcoming planning board projects (JW)
 - Public hearing – Minor site plan review – Calder’s Clam Shack, at 108 North Road Chebeague.
 - Public hearing – Shoreland Zoning Permit – fixed pier 81 Spruce Point Road Chebeague.
 - Public hearing – Major Site Plan Review – Seafax Company, U.S. Route One.
 - Public hearing - To recommend to the Town Council the adoption of the Recreational Overlay Zones; Val Halla Recreational Overlay District.
 - Public hearing - To recommend to the Town Council the adoption of the Recreational Overlay Zones; Twin Brook Recreational Overlay District.
 - Public hearing - To recommend to the Town Council the adoption of the Recreational Overlay Zones; West Cumberland Recreational Facility Overlay District.
 - Public hearing – to recommend to the Town Council the adoption of amendment to Sections 204.2.1 (Low density residential District) and 204.8 (Office Commercial District) of the zoning ordinance (related to the required 75’ buffer).
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**

PA- Apr 19 th	JW- May 17 th	EH – June 21 st
BH-July 19 th	DY – Aug 16 th	SS – Sept 20 th
PA – Oct 18 th	CF- Nov 15 th	
- Next meeting: Monday June 13th, 7:30.

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting June 13, 2005
7:30 pm

Penny Asherman Bob Heyner Bill Ward
John Eldridge Ellen Hoffman Jennifer West
Cindi Farris Sally Stockwell David Young
Betty Surgi
Town Council: Steve Moriarty

1. Approve last months minutes.

➤ New Items

➤ .

2. Updates

- Meeting with CMIT: June 22, at 7pm, Town Office Council Chambers
*****What are the Committee's priorities for conservation in town***** Bring ideas to the meeting!
- Proposed Soil Erosion & Sediment Control
- Presumpscot River Watershed Committee
- Rines Forest Committee
- Review draft town trail map- on-hold till we get a copy.

3. Projects before the Planning Board -

- ◆ Update on May meeting by Jennifer.
- ◆ See attached page for PB agenda

4. Committee Updates

- A. Stewards of Town Properties (BH, EH)
- B. Erosion & Sediment 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)

Planning board meeting 6/21/2005

- Public hearing – Minor site plan review – Copp Motors, to build an addition for a showroom on the Gray Road. – Tabled.
 - Public hearing – Major Site Plan Review – Norton Financial Services, Cumberland Business Park, U.S. Route One.
 - Has been before the board back in February and April. Problem portion of building is outside the building envelope. They reoriented the building so it is parallel to Rt. 1.
 - Rear buffer preserved
 - Waiting on wetlands permits.
 - Comments:
 - number of parking spaces less than the number of employees
 - Lot 2 possibly share entryway
 - Have an extra sewer user permit
 - Paved 4 ft shoulder.
 - Mixed building materials
 - Signage
 - Question of setback cutting buffer
 - DEP criteria on buffer should be noted
- Granted approval on stated conditions (which I didn't catch)

- Public hearing – To recommend to the town Council a proposed contract zoning agreement for an increase in the number of rental units at 371 Tuttle Road.
Increase in density need to have contract zoning.
 - Preserve historic architecture in design and especially the arch way
 - Huge issue what is affordable housing – some members say this isn't a Planning Board issue, but a policy issue.
 - Want "Preference" explained in contract.
 - Lack of sidewalk – site work needed. (sidewalk issue in Town Center is currently being addressed)

Goes in front of the Town Council

- Public hearing – Preliminary Plan Review for a Major 6-lot subdivision at 52 Foreside Road. Had previously been before the Board. Now will use Town sewer and water. House will remain on Lot 1 – barn will be removed. All lots are 1.5 acres except for lot 1 which is 2 acres. Underground utilities; paved private road (mixed rural/urban design).
 - Trail on lot 5. Want Lands Committee review
 - Traditional subdivision – no open space.
 - Working with neighbors on screening and drainage issues
 - Question of road placement near undeveloped land.
 - Few waivers requested (depends on what Public works says)
 - Future share road if possible.

- Question of ledge and blasting (requires permit) before and after videotaping required.
 - Which trees will be left? Want to keep lots private and “natural”
 - Wildlife corridor (neighbor’s comments). Forested area.
 - Site walk scheduled July 6th 6:30
- Public hearing – Preliminary Plan Review – for a Major 17-lot clustered subdivision, at Goose Pond Road. Will have private wells and septic; underground utilities; not sidewalks; no waivers.
 - Ground water concerns – sewer location
 - Preserve the nice trails on property
 - Possibly link trails up with adjoining property
 - Contamination of wells to east – but no contamination within this site
 - Property is not w/in Forest Lake watershed
 - Mentioned work some issues with Tom Sossigier?
 - Site Walk July 6th 5:30
- Public hearing – Preliminary Plan Review – Major 8-lot subdivision, Apple Grove Estates, Orchard Rd. Previously before the board. Address issue of pesticide residue. They changed the building envelopes and will do soil remediation in the building areas. NOTE – the septic system is outside the building envelopes. Currently waiting on test results and a few other things. Also mention to add buffer zones in deed restrictions.
- Public hearing – to recommend to the Town Council the adoption of amendment to add Section 206.7.4.13 to Zoning Ordinance.
- Public hearing – to recommend to the Town Council the adoption of amendment to the Subdivision Ordinance to add Section 7.6B; Appendix C 16 and Appendix D B.20 – Route One Buffer.

Cumberland Town Lands and Conservation Commission

Date: June 22, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman *Sally Stockwell David Young (absent)
Cindi Farris Betty Surgi (absent)
Bob Heyner (absent) Bill Ward John Eldredge ++
Ellen Hoffman *Jennifer West Steve Moriarty +

From: Ellen Hoffman

Re: Meeting June 13th, 2005

- Last month's minutes were approved.
- Need to change meeting day from 2nd Monday of the month. This time was set so that we could get information about upcoming project before the Planning Board. But most months the information is not available. Also conflict with BH's schedule. JW will check with Pam Bosarge (Board Clerk) to see best day to get needed info. Also need to make sure room is available at new time.
- Soil Erosion ordinance –Proposed new language to Cumberland Zoning Ordinance. Sect 409 Soil Erosion and Sediment Control. Got feedback from Carla Nixon (Town Planner). She was concerned about additional fee, excessive costs and that this would take up a lot of Bill Longley's (code enforcement officer) time. Maybe try and coordinate with other towns similar requirements. Want ordinance uniform- all in 1 section for single family, commercial and subdivision developments. JW + PA will meet with Carla, Bill Longley and Bill Shane before Planning Board/Town Council/Lands Committee workshop. Recommendation as part of existing ordinance. Adapt our version of ordinance. JW check on definition of wetlands and streams – time frame – September for workshop
- PA– Joint meeting with the Land Trust and this commission – June 22 (Wednesday) 7:00 Council Chambers. PA and SS will come up with goal and structure of meeting. Common priorities of conservation; areas of acquisition, land owner issues: forestry tax, easements; Issues with neighboring towns – link up with other parcels – conservation on a regional scale; and education. Members should bring Open Space Plans. PA will bring Habitat maps.
- Discussion of "Sports Complex" – Greely side of Twin Brooks. SAD51 did not have a permit to put up structures (goal posts, fences and dugouts). Neighbors (Fowlers) are unhappy. Want structures removed. Ongoing workshop. Result will go in front of Planning Board or Board of exceptions. Should they be made to remove the structures? SS mentioned that 'Open Space' is a loaded term. Possibly be a second Planning Board meeting July 26 – trying to get approval after the fact. CF with help from SS will draft a letter:
 - Open Space interpretation;
 - Town think carefully making good on unwritten agreements between Fowlers and Town in spirit of the agreement;
 - Written record certain activities were approved and some were not – Planning Board should not feel obliged to grant approval;

- Overuse of area a problem – maybe Town should look at other areas; and
- This commission recommends that the dugouts, goal posts and yellow fencing be removed after the season.

- Committee updates
 - Town Forest - **We are all still waiting for copies of JW's copious notes on walk with forester.** Public Works said it would cost \$20,000 to fix bridges in the Town Forest. SS will discuss with Bill Shane. Where does this stand re: scouts?
 - Subdivision and wetlands on hold.
 - Presumpscot River watershed (BH) - No update.
 - Rines Forest Committee (PA): redrafting conservation easement between Town and Land Trust.
 - Trail Map – This issue needs to be revisited! JW will check with Carla Nixon about getting map.

- Upcoming planning board projects (EH) - were not discussed at meeting
 - Public hearing – Minor site plan review – Copp Motors, to build an addition for a showroom on the Gray Road.
 - Public hearing – Major Site Plan Review – Norton Financial Services, Cumberland Business Park, U.S. Route One.
 - Public hearing – To recommend to the town Council a proposed contract zoning agreement for an increase in the number of rental units at 371 Tuttle Road.
 - Public hearing – Preliminary Plan Review for a Major 6-lot subdivision at 52 Foreside Road.
 - Public hearing – Preliminary Plan Review – for a Major 17-lot clustered subdivision, at Goose Pond Road.
 - Public hearing – Preliminary Plan Review – Major 8-lot subdivision, Apple Grove Estates, Orchard Rd.
 - Public hearing – to recommend to the Town Council the adoption of amendment to add Section 206.7.4.13 to Zoning Ordinance.
 - Public hearing – to recommend to the Town Council the adoption of amendment to the Subdivision Ordinance to add Section 7.6B; Appendix C 16 and Appendix D B.20 – Route One Buffer.

- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**

PA – Apr 19 th	JW – May 17 th	EH – June 21 st	BH – July 19 th
DY – Aug 16 th	SS – Sept 20 th	PA – Oct 18 th	CF – Nov 15 th

- Next meeting: Monday July 11th, 7:30. – this could change to Thursday July 7th 7:30

**Cumberland Mainland & Islands Trust
&
Cumberland Town Lands & Conservation Commission
Joint Meeting
June 22, 2005**

AGENDA

I. Welcome and Introductions

II. Purpose and Goals

III. Open Time to Review Maps Provided

IV. Focused Time

- Agricultural Land
- Oceanfront and Chebeague Island
- Forest Land
- Wildlife Habitat and Wetland/Riparian Areas
- Scenic Areas
- Other Bordering Towns (Falmouth, North Yarmouth, Yarmouth)

V. Identifying Areas of High Conservation Value

- Statewide criteria/model (Sally)

VI. Prioritization of "Focus Areas"

- Conservation Commission (Comprehensive Plan, Open Space Plan, Zoning, Acquisition and Easements)
- Land Trust (Conservation Easements and Acquisition)

VII. Stewardship of Existing Properties and Future Acquisitions

EN

June 28, 2005 Unofficial notes

Re: Joint meeting between Cumberland Lands Committee and Cumberland Mainland Island Trust. June 22, 2005

Attendees:

Penny Asherman (chair – member both committees)

Cumberland Lands Committee:

Bob Heyner	Sally Stockwell
Ellen Hoffman	Jennifer West

Cumberland Mainland Island Trust

Susan Burgess	Jonathan Labaree	Jeff Sloan
Rob Crawford	Michael Porter	

Purpose and goals:

CMIT (RW) – Look at long range plan. Reflect on what is working and what isn't. In the past, the trust has been reactionary; more of a stewardship role. There hasn't been a way to prioritize or rank holdings.

CTL&CC (SS) - Advisory committee to council. Responsible to provide advice and stewardship of Town owned properties. Provide input to the Planning Board. Provide considerations and recommendations for new acquisitions and projects. Promote ideas from the Open Space Plan. There are a number of issues of interest.

Chebeague (MP) – Access to water; historical trails on island; development

Purpose of the meeting is to coordinate efforts between the two groups. See what the common goals are and formalize important areas within the town using the Open Space plan and the Beginning with Habitat maps and also areas in surrounding towns. Eventually identify high criteria areas; in the short term come up with a set of criteria for specific areas.

Express need for large open space maps and use of aerial photography and overlay maps. Open Space plan has not been updated. There was also a resistance to prioritization of areas by the Open Space committee rather simply identified known high value areas. It was also noted that an Open Space plan for Chebeague was never done.

Areas:

1. Conserving active farms – very difficult. Hay fields are important for both product and habitat (nesting birds).
2. Ocean frontage + Chebeague Island. No options to protect shore land for public. Need working waterfront access. Beach access. Affordable. Boatyard up for sale – what about vacant areas noted on map?
3. Forests. Rines property has a CMIT easement. Linking large areas, also with neighboring towns. Knight's pond – trails. Notify property owners of high conservation areas. Rines area – large land track – others in area.
4. Wildlife Habitat – New England Cottontail – species of concern. Prefer low brushy areas. Also large wetlands areas by Rines property. Better protection of shore land and riparian areas.
5. Scenic – open vistas and open fields are high value from an aesthetic point of view by not necessarily high values in terms of conservation.

The state did an eco-regional study and came up with state-wide criteria for evaluating properties. Can't just take what comes along. Problem is that ranking properties doesn't reflect what people care about.

The CTL&CC – tools: Town Ordinances, Open Space plan and Comprehensive plan.
The Trust – tools: Easements and acquisition.

Need to act both reactively and proactively on areas we've identifies as high value areas. The Conservation Commission and Planning Board – idea on what we want preserved; overlapping priorities. The Conservation Commission needs to come up with recommendations on areas.

Cumberland Town Lands and Conservation Commission

Date: July 27, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman *Sally Stockwell (absent) David Young
Cindi Farris (absent) Betty Surgi (absent)
Bob Heyner Bill Ward (absent) John Eldredge ++
Ellen Hoffman *Jennifer West Steve Moriarty +

From: Ellen Hoffman

Re: Meeting July 7th, 2005

- Last month's minutes were approved.
- Discussed status of bridges in Town Forest. Last time this was discussed it was decided that too involved a project for the scouts but they could possibly do a boardwalk over the wet areas. The bridges should be the town's responsibility and they said they could build / repair them in the winter. But it turned out that it would cost the town \$20,000. BH questioned if this cost included town employee time – which is already being paid for. Question came up as to status of our budget and if we could put some money toward repair. SS will speak to Bill Shane about this and the true cost of repairing bridges. Currently the status is unknown.
- There is still the open issue of the trail map.
- Goose Pond development – BH mentioned that it was within the Forest Lake watershed. He is concerned about storm water of homes and property. Also about waterfront (dedded) beach access to Forest Lake since the property owner owns property on Forest Lake. DY recommended a larger retention pond. Development is over an aquifer – why not larger lots?
- Fowler property – Foreside – Carla (town planner) proposed an alternate plan with open space in back. Heavily wooded. Also need to blast. Drains toward Rt. 88. Retention pond where house currently is. Un-fragmented woodlands mapped to west of site – it would be nice to maintain it. Would end up losing 1 lot. Nice trail. What about variable sedge?
- See notes on Planning Board review. Also issue of American Eel re Cumberland Business Park.
- Soil Erosion ordinance – no update
- PA – Joint meeting with the Land Trust and this commission. We need to plan our objectives – map and open space plan. Focus in on a property. Maybe we should dedicate a meeting to this. Preserving corridors – where are these? Help CMIT to identify them. Need overlay maps. Will have a follow-up meeting sometime in September – need maps. August meeting – work on planning board projects. September meeting focus on land trust.

- Committee updates
 - Town Forest - **We are all still waiting for copies of JW's copious notes on walk with forester.**
 - Subdivision and wetlands on hold.
 - Presumpscot River watershed (BH) - No update.
 - Rines Forest Committee (PA): - No update
- Trail Map – This issue needs to be revisited! JW will check with Carla Nixon about getting map.
- Upcoming planning board projects (BH) - were not discussed at meeting
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**

PA – Apr 19 th	JW – May 17 th	EH – June 21 st	BH – July 19 th
DY – Aug 16 th	SS – Sept 20 th	PA – Oct 18 th	CF – Nov 15 th
- Next meeting: Thursday August 4th, 7:30.

Cumberland Town Lands and Conservation Commission

Date: August 26, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman (absent) Ellen Hoffman David Young (absent)
Ted Chadbourne (new) *Sally Stockwell (absent) *Jennifer West
Cindi Farris (absent) Betty Surgi (absent) John Eldredge ++
Bob Heyner Bill Ward Steve Moriarty +

From: Ellen Hoffman

Re: Meeting August 4th, 2005

- Last month's minutes were approved. This month was just to discuss August 16th Planning Board agenda.
 - Public Hearing – Preliminary Plan Review – Minor 4-lot subdivision – Roy Hill Woods, Chebeague Island. Old farmstead. Leave old farmhouse. Heavily wooded. ~~Top~~ not really an issue. Wetlands an issue – wet all year round.
 - Public Hearing – Preliminary Plan Review – Major 6-lot subdivision, 52 Foreside Rd. Traffic concerns. Wetlands in back. Site distance problem. Variable sedge in back – heavily forested.
 - Public Hearing – Final Plan Review – Major 8-lot subdivision, Apple Grove Estates, Orchard Rd. Carla wants us to send a letter with our concerns re: soil testing. Possible for us to see report? Ask for a 3rd party review. Next meeting 16th.
 - Public Hearing – Preliminary Plan Review – Major 17-lot clustered subdivision, Goose Pond Road. BH said it is not in Forest Lake watershed – but he is very concerned that the water from property stays on property. Also what is the capacity of retention pond; runoff capacity. BH also questioned amenities to lake – deeded lake access? What about the lots in wetlands area, septic systems? Disturb natural wetlands.
- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month – 7:00). **And JW will remind us.**

PA – Apr 19 th	JW – May 17 th	EH – June 21 st	BH – July 19 th
DY – Aug 16 th	SS – Sept 20 th	PA – Oct 18 th	CF – Nov 15 th
- Next meeting: Thursday September 1st, 7:30.

Ellen Hoffman

From: David Young [dyoung@sytdesign.com]
Sent: Wednesday, August 31, 2005 2:18 PM
To: Jennifer West; eaglesky@maine.rr.com; Bettyrand@aol.com; Ellen Hoffman; jeldrid1@maine.rr.com; sallys@maine.rr.com; summitfab@aol.com; csfarris@maine.rr.com; pennyash@maine.rr.com; jwest2@maine.rr.com; smoriarty@nhdlaw.com; tedchad@maine.rr.com
Subject: RE: September 1 meeting

Jennifer,

I will not be able to attend the Sept.1 meeting however I did attend the August 16th Planning board meeting and the following is a summary of my notes.

RT 88 SUBDIVISION- Tabled for reason I did not catch.

TERISON SUBDIVISION- Tabled because town manager was not satisfied with the storm water analysis. Wants completion of review by town engineer, Tom Saucier. There was some discussion of disposition of arsenic contaminated soils prompted by your letter to Carla. Applicant proposes to strip and spread soils in areas of the orchard that are outside of the building envelopes and says that will meet required standards. Board seemed uneasy with this approach.

GOOSE POND SUBDIVISION- Bob can fill you in.

David Young

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

From: Jennifer West [mailto:jwest@normandeau.com]
Sent: Monday, August 29, 2005 9:40 AM
To: eaglesky@maine.rr.com; Bettyrand@aol.com; ellen.hoffman@delorme.com; jeldrid1@maine.rr.com; sallys@maine.rr.com; summitfab@aol.com; csfarris@maine.rr.com; pennyash@maine.rr.com; jwest2@maine.rr.com; dyoung@sytdesign.com; smoriarty@nhdlaw.com; tedchad@maine.rr.com
Subject: September 1 meeting

Attached is the agenda for this weeks meeting. I am hoping to review the submissions to the planning board before our meeting. If anyone is interested in helping with the review please let me know. I would like to be at the town office by 6:45pm. I need to arrange with Bob to get the key.

Bob can you get there early or should I plan to pick up the key?

See you Thursday

Jennifer

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting September 1, 2005
7:30 pm

Penny Asherman Bob Heyner Bill Ward
John Eldridge Ellen Hoffman Jennifer West
Cindi Farris Sally Stockwell David Young
Betty Surgi Ted Chadbourne
Town Council: Steve Moriarty

1. Approve last months minutes.

- Welcome new member, Ted Chadbourn
- Planning Board site walk- There will be a site walk on Monday, September 12th of the proposed village center property (AKA the Doane property). The walk will begin at 6:00 p.m. After the walk there will be a workshop in the Council Chambers with the Town Council to discuss the project. Please park at the end of Drowne Rd. in the Public Works garage area. We will walk in from there.
- **New Items.**

Follow-up to CMIT meeting to prioritize properties, wildlife corridors, sensitive habitats, etc. on the mainland and the island. Set our objectives and timeline for the review and establish a committee to focus on the work.

2. Updates

- Proposed Soil Erosion & Sediment Control Ordinance
- Presumpscot River Watershed Committee- confirm annual meeting and Presumpscot River Fest, date- Sept. 22, time- 3-7pm, place?
- Rines Forest Committee- Public Hearing and vote (hopefully) on proposed conservation easement on September 12th (date to be verified).
- Review draft town trail map- on-hold till we get a copy.
- Town Forest- bridge repair status.

3. Projects before the Planning Board -

- ◆ Update on August meeting by David and Bob.
- ◆ Review submissions prior to meeting, meet at 6:45pm. (Bob I need to coordinate with you on getting the key unless you can make it at 6:45?)
- ◆ Set schedule for attendance at P.B. meetings starting in December.

4. Committees

- A. Stewards of Town Properties (BH, EH)
- B. Erosion & Sediment 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)

Cumberland Town Lands and Conservation Commission

Date: October 3, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman (absent) Ellen Hoffman David Young (absent)
Ted Chadbourne (new) *Sally Stockwell (absent) *Jennifer West
Cindi Farris Betty Surgi (absent) John Eldredge ++
Bob Heyner Bill Ward (absent) Steve Moriarty +

From: Ellen Hoffman

Re: Meeting September 1st, 2005

- Last month's minutes were approved.
- Welcomed our newest member Ted Chadbourne.
- Mentioned nominating Betty Surgi as a member emeritus.
- Planning board – work shop and site walk September 12th Doane Property – village center proposal. Conflict with Rines Property public hearing on acceptance of easement.
- Need to setup a subgroup to work on what parcels in town we would like to see the Land Trust try to acquire easements to protect them. Also need to prioritize .
- Erosion control ordinance – PA and JW will try and get a workshop together with Planning Board and Town Council by next month.
- Discussed village center on Doane property. Wetlands issues. Also BH mentioned possibly marine clay – which an affect building.
- Presumpscot River Watershed Committee – no update. Riverfest 3-7 on Sept. 22
- Update from August Planning board meeting (BH and DY)
 - Public Hearing – Final Plan Review – Major 8-lot subdivision, Apple Grove Estates, Orchard Rd. Apple trees along the road will be replaced. Still issue with heavy metals and pesticides in soil. Carla sent JW a copy of the document that was sent to Terison as to what was done on a school project on a formal apple orchard in town.
 - Public Hearing – Preliminary Plan Review – Major 17-lot clustered subdivision, Goose Pond Road. Property is right on the line of the Forest Lake watershed – but BH is very concerned that the water from property stays on property. Question as to whether the retention basin needs to be larger. Engineers don't think so. The new property owners will not have access to Forest Lake. Back lots are in wetlands – we question if they will actually be able to fit a house within lot. JW sent letter to Planning Board voicing our concerns.

- Schedule set up for members of this committee to attend planning board meetings (3rd Tuesday of the month - 7:00). **And JW will remind us.**

~~PA - Apr 19th~~

~~JW - May 17th~~

~~EH - June 21st~~

~~BH - July 19th~~

~~DY - Aug 16th~~

~~SS - Sept 20th~~

PA - Oct 18th

CF - Nov 15th

- Next meeting: Thursday October 6th, 7:30.

From: "penny asherman" <pennyash@maine.rr.com>
To: "Sally Stockwell" <sstockwell@maineaudubon.org>, "Jennifer West \(\ccc\)" <jwest@normandean.com>
Subject: Terison's
Date: Tue, 18 Oct 2005 20:41:16 -0400
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-Virus-Scanned: Symantec AntiVirus Scan Engine

Hi Sally & Jennifer,

I stopped by the Town Hall today to review the Terison soils report, the warranty deed, and the recommended conditions of approval.

A) The soils report issued by R.W. Gillespie & Associates had 3 major findings:

- 1) Arsenic levels in the top 6 inches of soil in all 8 test sites exceeded DEP residential guideline levels in DEP's Remedial Action Guidelines for Contaminated Soils.
- 2) Arsenic levels below 6 inches dropped within DEP recommended levels.
- 3) Test results for barium, chromium, lead, mercury, 4,4-DDD, 4,4 DDE and 4,4-DDT were all below residential guideline levels as stated in the DEP Remedial Action Guidelines for Contaminated Soils.

The following proposed recommendations were made in the Gillespie report for mitigation:

- 1) As a minimum, the removal of the top 6 inches of soil within the building envelopes prior to occupancy,
- 2) Removed soils should be appropriately moved to the rear of Lot 7 and at completion of removal, the removed soils should be covered with at least 4 inches of topsoil and hydro seeded.
- 3) Placement of clean fill on top of the existing ground surface and planting of a thick lawn or dense ground cover in the building envelope are suggested to reduce potential exposure to arsenic containing soils.

B) Our concerns were the following:

- 1) That the soils data be submitted to and reviewed by DEP or some other 3rd party because the arsenic levels exceeded the DEP Remedial Action Guidelines for Contaminated Soils.
- 2) That DEP review and approve the remedial action plan (or at a minimum provide evidence that the plan follows DEP regulations/rules/guidelines/best management practices.)
- 3) Notice to potential homeowners (particularly subsequent buyers) of the contaminated soils.

C) As a result of my review and conversations with Carla the following actions were taken to meet our concerns:

- 1) Condition of Approval #7 - states that the applicant must provide evidence that DEP has approved the remediation plan, or that they have no jurisdiction.
- 2) Condition of Approval #8 - states that all general notes on the plan must be complied with (notes #26 & 27 on the Plan clearly state that the arsenic levels in the soils exceed DEP residential standards and describe the remediation plan - this ensures that the remediation will take place)
- 3) They added a statement in the Warranty Deed which refers the buyer to look at the soil

Cumberland Town Lands and Conservation Commission

Date: October 23, 2005

To: CTL&CC members: (* = Co Chair; ++ = inactive members; + = liaison TC)
Penny Asherman Ellen Hoffman David Young (absent)
Ted Chadbourne *Sally Stockwell *Jennifer West (absent)
Cindi Farris Betty Surgi (absent) John Eldredge ++
Bob Heyner (absent) Bill Ward (absent) Steve Moriarty +

From: Ellen Hoffman

Re: Meeting October 6th, 2005

- Last month's minutes were approved.
- Erosion Control ordinance – PA email Bill Shane, Bill Longley and Carla Nixon asking them to let us know when will be a good time that we could meet with them. We prefer the new few weeks. We are looking for suggestions before the workshop with the Town Council and Planning Board.
- Land Trust – PA mentioned it would be nice to hold an event around the Land Trust acquiring the easement on the Rines Forest property. Possibly a walk. Question as to whether it would be too confusing since the trails aren't clearly marked. Might turn people off. Possibly end of October on a Sunday.
- News items: Town of Brunswick wildlife habitat plan was rejected. Very progressive plan. It was another requirement developers would have to follow. Town of Falmouth Open Space plan and vernal pools also mentioned.
- Town Forest - Kevin Haush had students work on a Town Forest management plan last year. Too late to present to Town Council. SS will try and get a copy. Problem with bridges in the forest was brought up again. CF will talk with Adam Ogden about the status of the bridges. Also issue of trail maintenance – to what standards? Boy Scouts have historically maintained the trails and bridges.
- Parcel on Rt 100 across from Skillings – substandard size lot. We need to double check property. Looks OK from Beginning with Habitat Maps.
- Cottontail rabbits – habitats need to be protected. SS will contact the NFW and see if any more info is available and then maybe do some sort of outreach to property owners.
- Discussed village center on Doane property – test results on soil and wetlands should be available in October. Results will impact how this will proceed. Right now only a concept plan form landscape architect. Could any of this property be added to Town Forest?
- SS will talk to Carl Nixon and find out where the Terison orchard development stands. CF Nov 15th meeting (3rd Tuesday of month 7 pm). Need new schedule.
- Next meeting: Thursday November 4th, 7:30.

From: "penny asherman" <pennyash@maine.rr.com>
To: "Jennifer West" <jwest@normandeau.com>,
"Sally Stockwell" <sstockwell@maineaudubon.org>
Subject: Re: Meeting Thursday 12/1
Date: Wed, 30 Nov 2005 21:39:43 -0500
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
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Hi Sally & Jennifer,

I will not be able to come Thursday night. I did meet with Carla and Bill regarding the soil erosion control ordinance in early November. In general, they were supportive and did not see any major obstacles ahead. They did agree that updating Section 409 of the Zoning Ordinance was the appropriate place for the new language. They also felt that the Planning Board and the Town Council would be supportive. However, Carla does not want to change the subdivision ordinance and was reluctant to change the Zoning Ordinance section 206 (Commercial projects), so having uniform language for all applicants might not happen. Carla felt that since professional engineers create the soil erosion control plans for subdivisions and commercial projects, and the Soil & Water Conservation District as well as the Town engineer sign off on the plans, that it really is overkill already. I can appreciate her point. As far as the next steps are concerned, Carla is going to take a stab at editing the language, then will discuss the proposal with Bill Shane. Then, we will be added to a Planning Board agenda. Once the PB approves the change, then it will be presented to the COuncil for approval. She did not feel that we need to do a workshop or involve the Council earlier. She said that these changes are routine and frequent. We discussed an appropriate amount for a fee - \$50. Carla was concerned about educating the contractors to make the improvements at the sites. Apparently Betty Williams of the SWCD organized a day long soil erosion seminar for contractors this week at Val Halla, but we were all concerned that it might not be well attended. Carla said we need to have s shorter seminar, handouts, or an on-line seminar. Bill agreed that translating the requirements into action will be a challenge. Bill will talk with the Falmouth CEO to see how their process is going and ask for any suggestions.

I will keep in touch.

Penny

----- Original Message ----- From: "Jennifer West" <jwest@normandeau.com>
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Sent: Monday, November 28, 2005 10:38 AM
Subject: Meeting Thursday 12/1

Agenda attached. See you on Thursday.
Jennifer

Cumberland Town Lands and Conservation Commission

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
Meeting Thursday, December 1, 2005
7:30 pm

Penny Asherman	Bob Heyner	Bill Ward
John Eldridge	Ellen Hoffman	Jennifer West
Cindi Farris	Sally Stockwell	David Young
Betty Surgi	Ted Chadbourne	
Town Council: Steve Moriarty		

1. Approve last months minutes.

➤ New Items.

Follow-up to CMIT meeting to prioritize properties, wildlife corridors, sensitive habitats, etc. on the mainland and the island. Set our objectives and timeline for the review and establish a committee to focus on the work.

2. Updates

- Proposed Soil Erosion & Sediment Control Ordinance
- Presumpscot River Watershed Committee-
- Rines Forest Committee
- Review draft town trail map- on-hold till we get a copy.
- Town Forest- bridge repair status.

3. Projects before the Planning Board -

- ◆ Review submissions prior to meeting, meet at 6:45pm. (Bob I need to coordinate with you on getting the key unless you can make it at 6:45?)
- ◆ Set schedule for attendance at P.B. meetings starting in December.

4. Committees

- A. Stewards of Town Properties (BH, EH)
- B. Erosion & Sediment 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)