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Cumberland Town Lands and Conservation  
Commission

Cumberland, Maine

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2012

## Cumberland Lands and Conservation Commission Documents 2012

Cumberland Town Lands and Conservation Commission

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**Cumberland Lands and  
Conservation Commission  
Documents 2012**

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Tuesday, January 03, 2012 12:28 PM  
**To:** David Young; Ellen Hoffman; Penny Asherman; Ted Chadbourne  
**Cc:** Bill Shane; Brenda Moore; Steve Moriarty; Tom Gruber  
**Subject:** CLCC meeting Wed (tomorrow) 1/7/2012 at 7:00 PM

Folks, our first meeting of the year is tomorrow night!

The agenda will focus on:

1. Town Forest plan implementation: Immediate trail signage requirements, phased additional signage  
Specific trail modifications  
Integration with the Bateman project
2. New member search
3. New business

If you cannot make the meeting, please let Ellen or me know so we can ensure a quorum.

Thanks, Sam

**AGENDA**  
**Cumberland Lands and Conservation Commission**  
**Wednesday, January 4, 2012**  
**East Conference Room, Town Hall**  
**7:00 p.m.**

- I. Welcome and roll call
- II. Approval of minutes
- III. Town Forest plan implementation: Immediate trail signage requirements, phased additional signage
  - Specific trail modifications
  - Integration with the Bateman project
- IV. New member search
- V. New business
- VI. Adjournment

## Cumberland Town Lands and Conservation Commission

Date: January 24, 2012 (\* = Chair; + = liaison TC; ++=Town Mgr.)

To: CTL&CC members: Tom Gruber + (late) Bill Shane++  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne(late) Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman

Re: Meeting Jan 4th, 2012

- Minutes from December meeting were approved.
- Town Forest
  - Doesn't look like they will be able to cut this year.
  - Public Works will make the directional signs – hopefully within the month.
  - What to do with informational and interpretive signs? Need to take picture of current signs and their location so can fix/replace/remove.
  - Idea of signs explaining invasive species.
  - Ask Sally about informational signs.
  - Town will inventory existing signs
  - EH will email Bill Shane GPS track of Town Forest trail where intersects with snowmobile trail.
  - How will snowmobile trail connect with Bateman project?
  - Bill S and code enforcement officer will walk part of Bateman project soon – inspection of clearing limits. (?)  
*to town forest (side walk) & connect.*
- Penny mentioned Land Trust received gift of farm land: Meeting House Farm – Stokley property.
- Idea of consolidating committees – problem of membership. EH will talk with Bill Green see if he has any ideas for members. Idea of student member.
- Ideas for Goals for 2012 (no significance in order)
  - Invasive species education – Bob Bittenbender – late Sept time frame
  - Celebrate Arbor Day – through school program? PA will see about getting saplings again.
  - Schedule a walk with the Maine Tree Club late Oct time frame.
  - Update Trail Guide
  - Town Garden – need more support

- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions.
- Look into grants for invasive species
- Increase membership. TG suggested advertising through Shopping Notes, Town Crier and Forecaster.
- **Next meeting February 1st 7:00**

# AGENDA

**Cumberland Lands and Conservation Committee**

**Wednesday, February 1, 2012**

**East Conference Room, Town Hall**

**7:00 p.m.**

- I. Welcome and roll call
- II. Approval of December 7, 2011 meeting minutes
- III. Town Forest activity update
- IV. New Commission member discussion
- V. Prioritization of 2012 goals
- VI. New business
- VII. Adjournment

## Cumberland Town Lands and Conservation Commission

Date: February 13, 2012 (\* = Chair; + = liaison TC; ++=Town Mgr.)  
To: CTL&CC members: Tom Gruber + (abs) Bill Shane++  
Penny Asherman (abs) Ellen Hoffman \*Sam York  
Ted Chadbourne (abs) Steve Moriarty + David Young (abs)

From: Ellen Hoffman  
Re: Meeting Feb 1st, 2012

- Minutes from January meeting were not brought up for approval.
- Brian Stearns attended meeting to see if he wanted to join.
  
- Town Forest
  - Doesn't look like they will be able to cut this year.
  - Bill sent around pictures of signs and their location. It was decided the old school signs of the freedom trail should be removed.
  - The benches are in good shape – the plaques are hard to read.
  - Public Works made some blue blaze directional markers and put on trees. A few more are still needed.
  - The remains of the old bridges should be removed (by Public Works). The newer bridges are all in good shape.
  - Idea of signs explaining invasive species.
  - Ask Sally about informational signs.
  - Ask Jay best way to handle tree roots – cut or fill between. Also does it matter if tree live or dead.
  - Bill S and code enforcement officer will walk part of Bateman project soon – inspection of clearing limits. Waiting on other work – this currently isn't top priority. Want to see how snowmobile trail will connect Bateman with Town Forest.
  - What about hunting?
  - Need grant for invasive species. Bill walked forest – maybe cutting 40% is a bit aggressive.
  
- Sat (2-4) meeting in Cape about New England Cottontail 10-12 if anyone can attend.
  
- March 10<sup>th</sup> meeting at Town Hall about conservation subdivision 9-noon.
  
- Ideas for Goals for 2012 (no significance in order)
  - Invasive species education – Bob Bittenbender – late Sept time frame
  
  - Celebrate Arbor Day – through school program? PA will see about getting saplings again.



- Schedule a walk with the Maine Tree Club late Oct time frame.
  - Update Trail Guide
  - Town Garden – need more support
  - See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions.
  - Look into grants for invasive species
  - Increase membership. TG suggested advertising through Shopping Notes, Town Crier and Forecaster.
- 
- **Next meeting March 7th 7:00**

## Cumberland Town Lands and Conservation Commission

Date: March 22, 2012(\* = Chair; + = liaison TC; +=Town Mgr.)  
To: CTL&CC members: Tom Gruber + Bill Shane++  
Penny Asherman) Ellen Hoffman \*Sam York  
Ted Chadbourne (abs) Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman  
Re: Meeting March 7th, 2012

- Minutes from January and February were approved.
- Town Forest
  - A few additional trail markers still need to be put up.
  - Still questioning need to cut 40%-talk to Jay about this. Goal is health of forest not money to eradicate invasive species.
- March 10<sup>th</sup> workshop at Town Hall about conservation subdivision 9-noon – Town Council, Planning Board and Lands Committee invited.
- Penny mentioned Brian Stearns would give a presentation to the Land Trust at the Town Hall April 10<sup>th</sup> discussing trail corridors in Cumberland. Time TBD.
- Ideas for Goals for 2012 (no significance in order)
  - Invasive species education – Bob Bittenbender – Sam will try and schedule Bob for Saturday September 15<sup>th</sup> 12-2 at Town Hall. Think about a gift for doing presentation. Need to advertise. Town supply snacks?
  - Celebrate Arbor Day – through school program? TG will see about getting saplings again.
  - Schedule a walk with the Maine Tree Club late Oct time frame. TG will contact Amy Witt to schedule walk September 30<sup>th</sup> Sunday afternoon. Need to advertise – also parking across street at Idlewood. Organize snacks.
  - Update Trail Guide. Look at Falmouth Trail map instead of redoing guide.
  - Town Garden – need more support. PA will speak with Karen Mardyn let her know we are available.
  - See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions.
  - Look into grants for invasive species – Spring project

- Increase membership. TG suggested advertising through Shopping Notes, Town Crier and Forecaster.
- **Next meeting April 4th 7:00**

## Ellen Hoffman

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**From:** Sam York <[sdcyorks@gmail.com](mailto:sdcyorks@gmail.com)>  
**Sent:** Thursday, March 29, 2012 7:22 PM  
**To:** Ellen Hoffman  
**Subject:** Fwd: Good Forestry (e.g. for Cumberland, vs. misconception in April 7 minutes draft)

Hi, Ellen,

For some reason I was not able to put anyone on copy for my reply to Ted. I did want to get it out, so am sending it separately. I have a call into Jay to get his input.

Sam

----- Forwarded message -----

**From:** Sam York <[sdcyorks@gmail.com](mailto:sdcyorks@gmail.com)>  
**Date:** Thu, Mar 29, 2012 at 7:12 PM  
**Subject:** Re: Good Forestry (e.g. for Cumberland, vs. misconception in April 7 minutes draft)  
**To:** [ted.chadbourne@gmail.com](mailto:ted.chadbourne@gmail.com)

Ted, I think you misinterpreted the minutes a little bit. The context of the minutes summary line was a longer discussion about the look of the forest along the trail and how removing 40% would affect that look and feel. Each person could envision wide open spaces and that gave us pause. Hence, a call to Jay was suggested to get his read on this. I don't know if you were present at the meeting when Jay indicated that the amount of removal was flexible and not necessarily immediately adjacent to the trail. The 40% removal was an estimate for a break even point equal to the invasive species removal costs. It was suggested that these costs could be offset by other sources of revenue such as grants.

Having been out of town for the last couple weeks, I have not yet contacted Jay for his opinion, but hope to have an answer for the meeting next week.

Consider this your meeting reminder!

Sam

On Tue, Mar 27, 2012 at 1:32 AM, Ted Chadbourne <[ted.chadbourne@gmail.com](mailto:ted.chadbourne@gmail.com)> wrote:

On Fri, Mar 23, 2012 at 8:25 AM, Ellen Hoffman <[EllenHoffman@maine.rr.com](mailto:EllenHoffman@maine.rr.com)> wrote **March 7 minutes.doc** including:

Town Forest . . . "Still questioning need to cut 40% - talk to Jay about this. Goal is health of forest\* not money to eradicate invasive species."

**Had there been an agenda item, quorum, and motion to re-consider our thoroughly-discussed (with 8? present and without dissent vote) our decision selective cutting - especially in the formerly un-managed part of the town forest, I'd have defended the recommendation and our decision-with-quorum, to remove 40% of that, as we previously agreed, I believe unanimously (including David Young, who came to support that best-sustainable-practice forestry advice) \* for the health of the forest !** (I realized after writing it, the same phrase was used by you, above).

That portion has more neglected and defective trees than any other portion! Also, as discussed when we made our decision (with a quorum), we concurred with both the professional forester and our Town Manager not only for the forest improvement to be economically viable and raise funds for control of invasive species, but because we'd never get the two species most favored for aesthetics as well as value growth if we remove less than 40% there. A major reason for this truth is that neither white pine nor white birch will grow over 20 feet high (by which time each dies) without adequate sunlight on the forest floor. The growth of those species has so much greater value than the other hardwoods and hemlock that it is the only way a forest of that size can be self-sufficient. As you know, the cost to control the invasive species is so large, that town forests could be a burden on the taxpayers until we bring them back to being both healthy and economically viable. Those two qualities are complimentary, not contradictory.

Well managed town forests have a history of making a net positive impact on town budgets all over Maine! How can Cumberland afford less?

You may also recall the agreement among professionals that healthy growth in a properly-thinned, managed forest permits it to absorb more carbon dioxide and release more oxygen than one stagnant due to past neglect. We're fortunate to have Bill's interest.

Ours needs to catch up, in no small part because of the burden of that part formerly un-managed. Bear in mind, also, that when the fixed quantity of sunlight and water interact with the fixed quantity of minerals in the soil, if there are fewer trees they grow more vigorously in a healthy way, increasing the volume per tree.

When the best trees are selected by selective cutting, the value per acre of annual growth increases and hence the return on investment. To look at any Chadbourne Tree Farm, including my personal 750 acres and the 33,000 for which I've been on a management team employing three professional foresters, you'll see that a well-managed forest can be very much a handsome park-like setting. For any who are interested I can help you find examples in either Cumberland or Oxford County, where we have more.

It was in another role, on the separate *New England* Lumbermen's Association (not NELMA, below) that I was principal author of the model law drawn up for the six New England states, which advocated significant protection against clear-cutting with several hundred feet of lakes, rivers, and numbered State and all Federal highways.

**As I support the professional forester whom Bill Shane chose,** others might cite my experience as a Director of the Maine Forest Council, my terms as President of the *Northeastern* Lumber Manufacturers Association, and as a member of the Environmental Policy Comm. of Maine Audubon Society (under the superb leadership of Comm. Chair Barbara Trafton and President Sherry Huber), an outfit (MAS) which has disappointed many by later turning away from **conservation** (wise use of resources) to **preservation** (non-use of resources.)

Respectfully shared, Ted Chadbourne

**Ellen Hoffman**

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Friday, March 30, 2012 8:57 PM  
**To:** Asherman, Penny; Chadbourne, Ted; Gruber, Tom; Hoffman, Ellen; Moriarty, Steve; Shane, Bill; Young, David  
**Subject:** Discussion with Jay B about Town Forest un-managed area harvesting

I spoke with Jay today confirming that the 40% cutting level in the subject zone was an approximation. The actual level is expected to be somewhat less but can be significantly less if we wish to extend the thinning operation over a longer period. As previously stated, the area adjacent to the trail can be left essentially untouched without impacting the overall goal of encouraging desirable tree growth.

Hopefully, this will render detailed discussion on this subject unnecessary at the 4/4 meeting.

Sam,

**AGENDA**  
**Cumberland Lands and Conservation Committee**  
**Thursday, April 4, 2012**  
**7:00 p.m.**  
**East Conference Room**

- I. Welcome and roll call
- II. Approval of minutes
- III. Town Forest
- IV. Review of 2012 Goals
- V. New business
  - Invasive species education
  - Arbor Day celebration
  - Maine Tree Club walk
  - Trail Guide update
  - Town Garden
  - Surrounding towns and commissions activities review
  - Invasive species grants search
  - Increasing the CL&CC membership ranks
- VI. Adjournment

## Cumberland Town Lands and Conservation Commission

Date: April 6, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.)

To: CTL&CC members: Tom Gruber + Bill Shane++ (abs)  
Penny Asherman) Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman

Re: Meeting April 4th, 2012

- Minutes from March were approved, though Ted mentioned that he would have been able to attend the very end of the meeting but could not get into the building.
- Town Forest – discussion/clarification around Jay's proposal to cut 40%; talked about health of forest and money to fight invasive species.
- Penny mentioned online survey about the reader's usage of Twin Brooks. There were also a few questions on survey about Rines Forest and the Town Forest.. The survey was in the Town Crier and sponsored by the Cumberland Parks Dept. It was mentioned that had we known that a survey was planned, we could have come up with a few additional questions.
- Penny mentioned Brian Stearns would give a presentation to the Land Trust at the Town Hall April 10<sup>th</sup> discussing trail corridors in Cumberland. Time 7:15 (after some Land Trust items).
- Blueberry Hill logging – Sam mentioned he got a call from the forester who is involved with the Blueberry Hill project. He invited Sam (and other committee members?) to walk area to explain what will be logged. Penny wondered if area was under the Tree Growth program and if the forest needed to be cut (there are multiple land owners). Also questioned if there was a forest management plan. Logging operation planned for some time mid to late April. Sam will forward time of site walk when available.
- Ideas for Goals for 2012 (no significance in order)
  - Invasive species education – Bob Bittenbender – Sam will try and schedule Bob for Saturday September 15<sup>th</sup> 12-2 at Town Hall. Think about a gift for doing presentation. Need to advertise. Town supply snacks?
  - Celebrate Arbor Day - TG will see about getting saplings again. Penny will see if 4<sup>th</sup>/5<sup>th</sup> grade interested.
  - Schedule a walk with the Maine Tree Club late Oct time frame. Amy Witt replied that September 30<sup>th</sup> (and Sundays in general) not good. TG will try and schedule the walk for a different date. Need to advertise – also parking across street at Idlewood. Organize snacks.



- Update Trail Guide. Look at Falmouth Trail map instead of redoing guide. (Brian Stearns presentation).
- Town Garden – need more support. PA will speak with Karen Mardyn let her know we are available. Talked about trying to keep produce in town. Last year went to Freeport. Cumberland food pantry does not have refrigeration and only open limited hours. Maybe tie in with Farmer's Market?
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions.
- Look into grants for invasive species – spring project. Sam will forward info to members that he has received.
- Increase membership. TG has possible candidate.
- **Next meeting May 2nd 7:00**

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Sunday, April 08, 2012 9:49 PM  
**To:** William Shane  
**Cc:** Ellen Hoffman; Penny Asherman; Ted Chadbourne; Thomas Gruber; Steve Moriarty; David Young  
**Subject:** Re: Blueberry Hill area walk day signup

Bill, it is good to get your email! I had received a phone message from Eric Grove introducing himself and suggesting that we meet him this coming week for a walk of the properties that he is coordinating for a logging operation. My assumption was that you or someone else in the higher echelons of Cumberland government had given him my name and number.

He mentioned that there were several owners he was working with on properties on Blueberry Hill and along Pleasant Valley Road. His intent was to begin operations on/or about April 30th ( the expected lifting of the heavy equipment ban). Based on the feedback from those on the cc list, I was prepared to tell Mr. Grove we would walk it on Friday, 4/13, when his logger will be present or later in the day whichever would be most appropriate.

I do not have any indication from him concerning his expectations of my and/or the CL&CC involvement. I have to assume that as a professional forester, he would know we only have an advisory role to you and the Town Council.

Since I have only observed the tree markings on the Knight/Leland property, I took a stroll through the properties adjacent to Pleasant Valley Road including those under the aegis of the CCLT and saw no markings similar to the ones on the SE side of the ridge.

Right now Ted Chadbourne and I are the only ones available to walk it this coming week or weekend, giving us time to respond in a meaningful way prior to the end of the month. We also felt it was important, as well, to come see the maps and application on file at Town Hall prior to the walk.

My plan, at Ted's urging, is to obtain a copy of the application and maps of the logging area as well as definition of terms and color codes of the attachment for review prior to the walk. We certainly welcome your input and guidance! And to be perfectly clear, we would act only as a collector of information for input to you and the Council within the bounds of the CL&CC's stated mission .

Sam

On Sat, Apr 7, 2012 at 3:18 PM, William Shane <[wshane@cumberlandmaine.com](mailto:wshane@cumberlandmaine.com)> wrote:  
Hi All,

Can someone give me a quick overview of why the Commission is doing the site visit? Is it an educational offer presented by the Forester? That's great if that is the case. If it is something else, particularly if you are representing the Town please let me know some additional details.

I know the Forester has spoken to the Town and Code Officer and has or will apply for the necessary permits for the cutting.

Thank you!

Bill

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

From: Ellen Hoffman [mailto:[EllenHoffman@maine.rr.com](mailto:EllenHoffman@maine.rr.com)]

Sent: Sat 4/7/2012 8:22 AM

To: Sam York; Penny Asherman; Ted Chadbourne; Thomas Gruber; Steve Moriarty; William Shane; David Young

Subject: RE: Blueberry Hill area walk day signup

Unfortunately I cannot make either of those days - college visit on Friday and a wedding on Saturday, sorry.- Ellen

From: Sam York [mailto:[sdcyorks@gmail.com](mailto:sdcyorks@gmail.com)]

Sent: Friday, April 06, 2012 11:05 PM

To: Asherman, Penny; Chadbourne, Ted; Gruber, Tom; Hoffman, Ellen; Moriarty, Steve; Shane, Bill; Young, David

Subject: Blueberry Hill area walk day signup

I spoke with Eric Grove from Southern Maine Forestry Service today. We have a choice of anytime on Friday (4/13, 4/14) or Sat afternoon from 12:00 PM onward, at least at this time. On Friday we might be going out with the Eric and his logger in prep for the late April or May time frame.

Let me know if one of these dates and your preferred time frames would work for you. I didn't ask if these were the only dates he had open; but, we might not have time to respond to any concerns if it is much later.

Sam

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

**AGENDA**  
**Cumberland Lands and Conservation Committee**  
**Thursday, May 2, 2012**  
**7:00 p.m.**  
**East Conference Room**

- I. Welcome and roll call
- II. Approval of minutes
- III. Town Forest updates and final payment to IFM for plan
- IV. Review of 2012 goal updates
  - Invasive species education
  - Arbor Day Celebration
  - Maine Tree Club Walk
  - Trail Guide update
  - Town Garden
  - Surrounding Towns and Commission activity review
  - Invasive species grant search
  - Increasing the CLCC membership ranks
- V. Blueberry Ridge forestry/logging activities
- VI. New business
- VII. Adjournment

## Ellen Hoffman

---

**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Friday, May 04, 2012 9:58 PM  
**To:** Penny Asherman  
**Cc:** Ellen Hoffman; Tom Gruber (CCC); Ted Chadbourne; William Shane  
**Subject:** Re: Invasive Species Grant  
**Attachments:** Fish & Wildlife Fed grant proposal.htm

Thanks, Penny, for this info and for the other info sent to me today. I started the funding pre-application info, since it has to be submitted by May 18 to be considered for the final round.

I invite anyone and everyone to send me your thoughts on the attached entries. Limiting it to 200 keystrokes makes it relatively easy staying concise and on-point!

In the request for proposals there is a contact person identified. I would contact him about the amount of funding requested before final submission. I threw \$20,000 in as a placeholder, \$5k of which we would have to put in cash, or other as with Project Canopy. There was a statement in the boiler plate that indicated the grants range from \$15k - \$75k.

There are other grants available from within the Nat'l Fish and Wildlife Federation that we could go after; but, first things first. Talk about earmarks and the federal trough!

Sam

On Fri, May 4, 2012 at 4:36 PM, Penny Asherman <pennyash@maine.rr.com> wrote:

### THE PULLING TOGETHER INITIATIVE

**Pre-proposals due: Friday, May 18th, 2012**

The Pulling Together Initiative seeks proposals that will help control invasive plant species, mostly through the work of public/private partnerships such as Cooperative Weed Management Areas. PTI applications are accepted from private non-profit (501)(c) organizations, federally recognized Tribal governments, local, county, and state government agencies, and from field staff of federal government agencies. Individuals and for-profit businesses are not eligible to receive PTI grants, but are encouraged to work with eligible applicants to develop and submit applications to PTI. PTI applications must provide a 1:1 non-federal match for their grant request.

Read the Request for Proposals [here](#).

May be worth our time for the Town Forest.

Penny

## Cumberland Town Lands and Conservation Commission

Date: May 8, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++ (abs)

To: CTL&CC members: Tom Gruber + Brian Restuccia  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne (abs) Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman

Re: Meeting May 2nd, 2012

- Minutes from April were approved
- Welcomed new member – Brian Restuccia. Tom will get him a new member binder.
- Town Forest - Need to look at grants to fight invasive species and grants to rebuild trail system. Sam will forward grant info that he has received.
- Blueberry Hill logging – Sam mentioned he got a call from the forester who is involved with the Blueberry Hill project. He invited to walk area to explain what will be logged. Walk was later cancelled. Logging operation planned for some time mid to late April. TG will try and get info from Fred Kenny – one of the land owners. Sam will touch base with Bill Shane to talk to Rebecca Leland about acquiring easement. Penny mentioned that Steve Moriarty has been the point person on this. Sam handed out sketch of area where marked trees were.
- Projects/goals for 2012
  - Invasive species education – Bob Bittenbender – Sam will try and schedule Bob for Saturday September 15<sup>th</sup> 12-2 at Town Hall. Trying to schedule around the tree walk. Think about a gift for doing presentation. Need to advertise. Town supply snacks?
  - Celebrate Arbor Day - TG will see about getting tree plugs through Cooperative Extension in Augusta; need 325. Penny contacted NYMS and 13/15 classes of 4<sup>th</sup>/5<sup>th</sup> graders interested.
  - Schedule a walk with the Maine Tree Club. Amy Witt replied that September 30<sup>th</sup> (and Sundays in general) not good. TG will try and schedule the walk for a different date. We need to settle on date soon so can schedule Bob for invasive species talk. Also need to work around Land Trust events. Need to advertise and organize snacks.
  - Update Trail Guide. Discussion if should be online instead of printed copy. Perhaps give different information to residents (sign in with a password); follow Falmouth's example. Brian Stearns gave presentation to Land Trust about regional trail idea. He is trying to organize another meeting. Penny will bring Falmouth guide to next meeting. Set as top priority for next meeting.

- Town Garden – need more support. PA will speak with Karen Mardyn let her know we are available if needed. Talked about trying to keep produce in town (last year produce went to Freeport for distribution). TG mentioned that there have been improvements at the Cumberland food pantry which will allow produce to stay within Cumberland.
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
- Increase membership. TG has come through for us but still need a few more.
- **Next meeting June 6<sup>th</sup> 7:00**



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

WILLIAM H. BEARDSLEY  
COMMISSIONER

May 29, 2012

Mr. William Shane  
Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland Center, ME 04021-9321

Dear William Shane:

In light of events that have prevented the Town of Cumberland from fulfilling the requirements of the 2010 Project Canopy Grant, we are hereby extending the term of the Grant through March 30, 2013. All activity must be complete by the end of the extended grant period or March 30, 2013. All reporting and request for reimbursement must be submitted to the Maine Forest Service within 30 days of the close of the grant.

Please feel free to contact me with any questions at 207-287-4987 or [jan.santerre@maine.gov](mailto:jan.santerre@maine.gov). We look forward to the finished product and making an on-site inspection. If you need any on the ground assistance please do not hesitate to call. I am available in addition to your State District Forester, Ken Canfield, to make on site visits. Thank you for your continued interest in Project Canopy.

Sincerely,

Jan Santerre  
Project Canopy Coordinator

MAINE FOREST SERVICE  
DOUG DENICO, DIRECTOR

PHONE: (207) 287-2791 OR 1-800-367-0223  
FAX: (207) 287-8422  
[www.maineforestservice.gov](http://www.maineforestservice.gov)

We help you make informed decisions about Maine's forests



## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Monday, June 04, 2012 9:44 AM  
**To:** Bill Shane; Brenda Moore; Brian Restuccia; David Young; Ellen Hoffman; Penny Asherman; Steve Moriarty; Ted Chadbourne; Tom Gruber  
**Cc:** Pam Bosarge  
**Subject:** June 6, 2012 CL&CC meeting

June is here! This means we have a meeting this Wednesday, June 6, at 7:00 PM at which we will cover the usual shown below; plus we have a potentially hot item called the One Steel Recycling, Inc. junkyard Board of Appeals approval on April 12, 2012 per Section 415; 603.2.3 and 603.2.7 of the Zoning Ordinance. This yard is slated for 12 Blackstrap Road.

Pam will be leaving at her desk the data package being sent to the Planning Bd for their meeting on June 19, 2012. I will bring it to our Wed meeting but anyone can review it at Town Hall until Wed morning. Thank you, Pam, for your help!

1. Any Town Forest updates including any updates and final payment to IFM for their plan
2. Reviews of 2012 goal updates
  - Invasive species education
  - Arbor Day celebration
  - Maine Tree Club walk
  - Trail Guide update
  - Town Garden
  - Surrounding towns and commission activities review
  - Invasive species grant search
  - Increasing the CL&CC membership ranks
3. Blueberry Ridge forestry/logging activities
4. New business (including One Steel Recycling, Inc.'s junkyard permit)

See you there,

Sam

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Monday, June 18, 2012 9:01 AM  
**To:** Carla Nixon; Pam Bosarge  
**Cc:** Bill Shane; Brian Restuccia; David Young; Ellen Hoffman; Penny Asherman; Sally S Stockwell; Steve Moriarty; Tom Gruber; wlongley@cumberlandmaine.com  
**Subject:** Planning Board review items for June, 2012: Maeve's Way, Coastal Lawncare, OneSteel

Carla, The Cumberland Lands and Conservation Commission has reviewed packages for three items scheduled for the Planning Board June meeting and are discussed below.

Maeve's Way - No adverse findings for what appears to be simply an accommodation of property line adjustment to meet code requirements.

Coastal Lawncare/ C&E Properties - Several areas of concern were discussed. The first was the question of the effects from melting of the snow storage and contaminants commonly found in plowed snow: road salts, oils from vehicles and common spills, as well as volatiles such as motor fuels. The entire pit is sitting over a major aquifer that should be protected at all costs from contamination.

Similarly, the vehicle parking areas are sources of fuel, oil and grease contamination. In addition, the fueling pad containment and cleaning areas for equipment are subject to failure and lack of maintenance.

The proposed protection from oil and grit contamination relies on a proposed separator and filter system which may work initially but degrades quickly when not maintained properly. And since there is no reliable way of enforcing the required maintenance in a pro-active mode, there is a real threat of irreversible damage to this important aquifer. In an instant, a mistake or failure, human or otherwise, can destroy a billion-gallon reservoir essentially forever. And when the initial enthusiasm and watchfulness subsides and we become comfortable in the operation, mistakes and relaxed maintenance will happen.

There is also the possibility that stockpiles of lawn soil, compost, and lawn chemicals will find their way onto the property further increasing the risk of aquifer contamination.

There is no fine or threat which can prevent the mistakes that can reverse the loss of the underlying aquifer which can sustain our town, county or even larger area when we eventually reach the limits of the Sebago Lake water resources or lose it due to massive contamination.

OneSteel Metal Waste Processing Plant - A discussion of this application/operation by licensed engineer, David Young, is included here followed by a series of questions that support Mr. Young's comments and provide additional perspectives for the Planning Board to consider.

There needs to be a comprehensive maintenance plan in place assuring the catch basin filter media is maintained in perpetuity. What is the plan for soluble toxic materials that pass through the mechanical media filter in the basis? And what is the monitoring plan for storm water outflows including a required schedule which cannot be legally abridged?

What is the plan to ensure the detention pond water remains in the containment and is not released into the sand and gravel aquifer? If there is no plan to treat this water, what is the plan to remove it from the site? Baseline testing of the pit materials and of the aquifer water needs to be completed to ensure that ongoing testing cannot be disputed and dragged out in the court of law.

Are batteries to be removed prior to site arrival and all fluids removed and flushed from the vehicles and tanks. And is each vehicle and tank inspected prior to site arrival. What are the operational plans to handle such abnormal practices? Have visits to other OneSteel operations been made or anticipated and neighborhood interviews been conducted?

Buffering of the site using Eastern White Pines is inadequate, since the lower branches naturally die off leaving clear lines of visibility into the operation. And if the transfer operations are allowed after closing hours, there will be continued light and noise pollution which cannot be screened off from residential abutters. Appropriate fencing would also be required to keep unauthorized people including neighborhood children from entering the area.

An unidentified crane is shown on the site plans but not listed as part of the operational equipment. What additional burden does it place on the site for environmental and buffering controls?

Finally, there is no detailed discussion of the ISO 9001:2008 provisions for activities "without design". And why would exceptions to Cumberland Zoning ordinances, Sections 45, 603.2.3 and 603.2.7, be granted for such an undesirable business with no historical ties to Cumberland other than the existence of other junk yards?

There are certainly other areas in town or further away that do not present the same set of problems and are not located over a major aquifer connected directly to the surface through a gravel "pipeline".

Respectfully submitted,

Sam York, Chairperson: Cumberland Lands and Conservation Commission

I have looked over the application, listened to the recording of the Board of Appeals meeting and briefly visited the site. It appears that this facility will act as a transfer station to prepare locally collected junk vehicles, appliances and other scrap metals for shipment to a larger facilities in Bangor or Augusta for further processing.

As the site already contains a large aggregate processing facility operated by Chase Excavating which creates substantial traffic, noise and dust, the major impact of the proposed recycling facility appears to be potential aquifer contamination from oil, antifreeze, fuel, PCBs, etc. As the water table is at ground level in areas of the pit, control of storm water penetration and runoff will be the main focus of the independent review by the Town's consultant who I expect will raise concerns with the storm water controls as proposed. As with all pollution control programs they are only effective if well maintained.

While Onesteel has guidelines for preparation of junk vehicles to be accepted at the site it would appear that inspection of incoming loads will be done on the pit floor where it will be too late if they are already leaking fluids upon arrival. The vehicle preparation guidelines are contained in the project description in the application as well as in Tab 4 of the application. They were also discussed at the Appeals Board meeting and all three versions are some what different.

It has been my observation that some of the small scrap metal collectors that would utilize this facility have vehicles that are not well maintained and subject to leaking fluids upon arrival on the pit floor. Onesteel is hoping to accept up to 150 vehicles per day for off loading scrap.

While Onesteel appears to be a reputable nationwide operation and would probably be a good neighbor, the choice of this site is unfortunate as it is right on the aquifer level and subject to contamination by accidental spills which happen occasionally at even the best managed facilities. In short it seems like there must be a better location in town for this facility from an environmental standpoint

David Young

#### Additional Considerations:

This operation as proposed will be an outside storage, breakdown and recycling operation where materials will be subject to all of the weather conditions Maine has to offer, including 100-year rainfall and flood levels. Are the so-called storage pads able to withstand these limits? What do the MEDEP reports indicate will happen. How effective are Best Management Practices in storm-water control as well as in normal operation, let alone the cleaning operations that will employed to maintain the heavy equipment operating in the pit?

And when did compacted gravel present an impervious surface that can withstand the movement of heavy equipment? Liquids have a way of getting through any material, including sand and gravel. How is the metals transfer pad to be maintained in clean and undamaged condition over its lifetime? What is the lifetime?

When the metal has been processed and loaded for transport, will Blackstrap Road and Route 100 be capable of supporting the pounding they will take on the way to the turnpike entrance in W. Falmouth or Gray? This operation over time could well cost the towns, county and state more in road maintenance and upgrades than any amount of tax revenues, let alone the legal and monitoring costs of ensuring compliance to the laws.

## Cumberland Town Lands and Conservation Commission

Date: June 18, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++ (late)  
To: CTL&CC members: Tom Gruber + (abs) Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young

From: Ellen Hoffman  
Re: Meeting June 6th, 2012

- Minutes from May meeting were approved.
- Town Forest - Sam submitted grant request to National Fish and Wildlife to help fight invasive species. The request was denied. Sam thinks the reason is that we are too small of an organization. Plus most of the grants were awarded for projects on the west coast. Sam will try and get the exact reason(s). We can use what was done for this towards another application. Sam will also contact Project Canopy and see if there is any money available to help with invasive species and / or trail building and maintenance.
- Blueberry Hill logging – Sam reported there has been no cutting but a lot more trees have been marked. Concerned about the 250 foot setback around pond. Sam will contact Bill Longley – code enforcement officer - and mention all the trees that are marked within the 250 feet from pond. Issue will this be rezoned from 250 to 100 feet? Town still needs to approve zoning change. We (Lands Committee) should comments on not allowing to be rezoned. Bill Longley needs to go back out and see what is marked to cut. Talked about what is the incentive to not cut within shore land zone area. Perhaps the penalty (unsure of what that is) should be increased.
- Planning Board
  - Several projects off Blackstrap Rd – Scrap metal junk yard (recycling facility). Concern about aquifer. Not consistent with comprehensive plan – not good idea for Cumberland. DY will put together comments. Bill S mentioned that Cumberland should revisit usages in industrial zone.
- Projects/goals for 2012
  - Invasive species education – Bob Bittenbender – Sam will try and schedule Bob for Saturday September 15<sup>th</sup> 12-2 at Town Hall. Think about a gift for doing presentation. Need to advertise. Town supply snacks?
  - Celebrate Arbor Day - TG and PA distributed 350 Balsam Fir seedlings to 4<sup>th</sup> and 5<sup>th</sup> graders at NYMS end of May. They also gave a presentation about the importance of trees and how to take care of them and what happens if you cut them all down. They explained what it meant to be a good environmental steward and stressed the importance of volunteering. PA mentioned that it would be better if this was done every other year since it would be a whole new batch of kids.

- Schedule a walk with the Maine Tree Club. We need to wait until the end of July and request a date then; waiting for a new person to come aboard for them. Ideally want to schedule something for end of September.
- Update Trail Guide. Cumberland's trails are individual trails and not connected so no real trail map. Penny will bring Falmouth guide to next meeting. Both Yarmouth and Falmouth are building trails and would like to connect through Cumberland. Brian Sterns is spear heading some of this effort.
- Discussion of foot trail to connect Falmouth trail with Rines Forest. Problem is property owner's driveway is on right of way. Need to flag boundary. Issue is easement says no cutting – but would need to cut some to make trail. Meeting scheduled for next weekend (16<sup>th</sup>).
- Town Garden – Becoming very active; there is now a kids' program through summer rec. PA offered Karen our support if needed. Want food to stay local.
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
- Increase membership. (Is Brian still with us?)
- **Next meeting July 11<sup>th</sup> 7:00**



# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: William Shane- Town Manager  
From: William C. Longley Jr. CEO  
Subject: SHORELAND Overlay District-Map Zone Change requested Knight's Pond Area  
Date: 07-05-2012  
CC: Carla Nixon, Town Planner

In the year 2006 the State of Maine decided to modify and update the Shoreland Zoning requirements statewide. Part of these changes included a new map that showed where the High / Moderate value wetlands are in the Town of Cumberland. The only new area shown was around Knight's Pond. The Town of Cumberland had to change the zone from Limited Residential (shown in yellow on old map) to Resource Protection (shown in green on the old and new maps) due to the significant wildlife value of the wetlands.

During this process many towns had issues with the maps and the inclusion of many new areas that had not previously been shown as a Resource Protection Zone and the State allowed an additional year to make the changes. Our map was changed in 2009 after public hearings with both the Town Council and Planning Board.

A local land owner by the name of John Paynter questioned the Town and the State about the designation and we attended multiple meetings at his property along the East side of Knight's Pond. We met with State of Maine Biologists who work for Maine Inland fisheries and Wildlife as well as State Senators and the DEP. During these meetings the need for this protection was conveyed to the landowner and we moved on.

During the change of administration the Governor conducted town meetings around the State and after testimony from John Paynter and others the State DEP was authorized to change these requirements to be at the discretion of the Town instead of a State mandate. After a lengthy rule making process the changes are now complete and the Town can now decide if this area should be Limited Residential at it was or leave it Resource Protection.

If you have any questions in regards to this please let me know.

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Tuesday, July 10, 2012 12:04 AM  
**To:** Brian Restuccia; David Young; Ellen Hoffman; Penny Asherman; Ted Chadbourne  
**Cc:** Bill Shane; Brenda Moore; Steve Moriarty; Tom Gruber  
**Subject:** July 11 meeting CL&CC at 7:00 PM

Yes, due to a widespread demand, we will have a meeting this Wednesday, July 11, at 7:00 PM at which we will cover the usual shown below; plus we will review the hot item called the One Steel Recycling, Inc. junkyard Board of Appeals approval now slated for the July Planning Bd meeting per Section 415; 603.2.3 and 603.2.7 of the Zoning Ordinance. This junkyard is proposed for 12 Blackstrap Road.

Pam will be leaving at her desk the updated data package being sent to the Planning Bd for their July meeting. I will bring it to our Wed meeting but anyone can review it at Town Hall. Thank you, Pam and Carla, for your help!

1. Any Town Forest updates including any updates and final payment to IFM for their plan
2. Reviews of 2012 goal updates
  - Invasive species education
  - Arbor Day celebration
  - Maine Tree Club walk
  - Trail Guide update
  - Town Garden
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  - Invasive species grant search
  - Increasing the CL&CC membership ranks
3. Blueberry Ridge forestry/logging activities
4. New business (including One Steel Recycling, Inc.'s junkyard permit)

See you there,

Sam





# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: William Shane- Town Manager  
From: William C. Longley Jr. CEO  
Subject: SHORELAND Overlay District-Map Zone Change requested Knight's Pond Area  
Date: 07-05-2012  
CC: Carla Nixon, Town Planner

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A local land owner by the name of John Paynter questioned the Town and the State about the designation and we attended multiple meetings at his property along the East side of Knight's Pond. We met with State of Maine Biologists who work for Maine Inland fisheries and Wildlife as well as State Senators and the DEP. During these meetings the need for this protection was conveyed to the landowner and we moved on.

During the change of administration the Governor conducted town meetings around the State and after testimony from John Paynter and others the State DEP was authorized to change these requirements to be at the discretion of the Town instead of a State mandate. After a lengthy rule making process the changes are now complete and the Town can now decide if this area should be Limited Residential at it was or leave it Resource Protection.

If you have any questions in regards to this please let me know.

## Cumberland Town Lands and Conservation Commission

Date: July 15, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++ (late)  
To: CTL&CC members: Tom Gruber + (abs) Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman  
Re: Meeting July 11th, 2012

- Minutes from June meeting were approved.
- Most of meeting was discussing rezoning around Knights Pond. Land owner John Paynter bought property along Knights Pond 2007 – house plus about 30 acres. 2009 DEP changed zoning from limited residential to resource protection. This new zone changes setback from 75 feet from upland body of water (not water's edge) to 250 feet. There is no building in a resource protected area. Mr. Paynter protested, complained to state (his is the only lot affected by this change). Mr. Paynter wants to possibly build 2 house lots. Says this is taking without compensation. 2012 DEP agreed to reverse decision and change zoning back to limited residential. Town now needs to decide if they will allow the change to go back to limited residential. Reason it was changed to resource protection was because migratory birds. Town had requested recommendation from Lands Committee.

PA suggested that we first approach Mr. Paynter and see if he is interested in either selling the property or some sort of easement over property so Town gains access to pond. Knights Pond is man-made thought classified as a great pond. Bill S. will discuss with John first to see if he has any interest in selling. Penny will approach from Land Trust side- talk to Rob (Land Trust) first. Land Trust has been in discussions with Mr. Paynter earlier about options for property. Bill S suggested that if Mr. Paynter is interested in selling easement then maybe Town will be able to pay over time – not all at once.

If Mr. Paynter is not interested in selling then Lands Committee should hold a public meeting with Mr. Paynter and abutters to discuss issue so we can make a recommendation to Town Council by their September meeting. We also need to know what happened to make DEP change their mind. Bill S suggested we have Steve Moriarty facilitate meeting so Sam could participate.

The feeling of this committee was to not support the change back to limited residential (leave as resource protected). We need give reasons when we give recommendation; should tie into documents such as Beginning with Habitat maps, Open Space Plan and Comprehensive Plan. PA suggested we search through old minutes of Planning Board and Town Council meetings where Blueberry Hill and Knights Pond were discussed to show significance to town.

- Blueberry Hill logging – no logging to date; probably not until winter.
- Planning Board

- OneSteel Recycling requesting major site plan approval for a junkyard at 77 Blackstrap Road in the West Cumberland Business Park. The application as it currently stands is incomplete. Major concern to this committee is the lacking of information on ground water monitoring which is a huge problem since site is over major aquifer. Sam will send letter to Carla that we feel the plan should not be approved due to the fact that we cannot gauge environment impact without all the facts. Aquifer is a major town resource that needs to be protected. We feel that OneSteel's use of this site is incompatible on top of aquifer. Should table issue. Sam will draft letter and get to Carla before Tuesday 17<sup>th</sup>.
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting.
- Sam will contact Bob Bittenbender to make sure he is all set to do invasive species talk to Town Saturday September 15<sup>th</sup> 12-2 at Town Hall.
- Projects/goals for 2012
  - Invasive species education – Bob Bittenbender – Sam will try and schedule Bob for Saturday September 15<sup>th</sup> 12-2 at Town Hall. Think about a gift for doing presentation. Need to advertise. Town supply snacks?
  - Celebrate Arbor Day - TG and PA distributed 350 Balsam Fir seedlings to 4<sup>th</sup> and 5<sup>th</sup> graders at NYMS end of May. PA mentioned that it would be better if this was done every other year since it would be a whole new batch of kids.
  - Schedule a walk with the Maine Tree Club. We need to wait until the end of July and try to schedule walk for end of September.
  - Update Trail Guide. Cumberland's trails are individual trails and not connected. Penny will bring Falmouth guide to next meeting. Both Yarmouth and Falmouth are building trails and would like to connect through Cumberland. Brian Sterns is spear heading some of this effort.
  - Discussion of foot trail to connect Falmouth trail with Rines Forest. Problem is property owner's driveway is on right of way. Need to flag boundary. Issue is easement says no cutting – but would need to cut some to make trail. Meeting scheduled for next weekend (16<sup>th</sup>).
  - Town Garden – no input from Lands Committee needed.
  - See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
  - Increase membership.
- **Next meeting September 5<sup>th</sup> 7:00 (no meeting in August)**



# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: William Shane- Town Manager  
From: William C. Longley Jr. CEO  
Subject: SHORELAND Overlay District-Map Zone Change requested Knight's Pond Area  
Date: 07-05-2012  
CC: Carla Nixon, Town Planner

In the year 2006 the State of Maine decided to modify and update the Shoreland Zoning requirements statewide. Part of these changes included a new map that showed where the High / Moderate value wetlands are in the Town of Cumberland. The only new area shown was around Knight's Pond. The Town of Cumberland had to change the zone from Limited Residential (shown in yellow on old map) to Resource Protection (shown in green on the old and new maps) due to the significant wildlife value of the wetlands.

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A local land owner by the name of John Paynter questioned the Town and the State about the designation and we attended multiple meetings at his property along the East side of Knight's Pond. We met with State of Maine Biologists who work for Maine Inland fisheries and Wildlife as well as State Senators and the DEP. During these meetings the need for this protection was conveyed to the landowner and we moved on.

During the change of administration the Governor conducted town meetings around the State and after testimony from John Paynter and others the State DEP was authorized to change these requirements to be at the discretion of the Town instead of a State mandate. After a lengthy rule making process the changes are now complete and the Town can now decide if this area should be Limited Residential at it was or leave it Resource Protection.

If you have any questions in regards to this please let me know.

## Ellen Hoffman

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**From:** William Shane <wshane@cumberlandmaine.com>  
**Sent:** Wednesday, July 25, 2012 5:07 PM  
**To:** Lands & Conservation Committee  
**Cc:** bmoore@cumberlandmaine.com  
**Subject:** Knights Pond - Paynter Property

Good Afternoon Sam,

The Town Council does not wish to pursue any purchase or easement options on the Paynter property off Greely Road Extension at this time. They informally indicated they would support his request to change from RP back to LR . I did state that it is highly likely they would receive an "ought not to change" recommendation from the L&CC after your meeting in September.

Since this has to go to the Town Council and the Planning Board for public hearings, I would not recommend a Public Hearing type of format for your September meeting. I would continue with the type of meeting you have held and place this item first on the agenda so people can testify if they wish and you can make your recommendation to the TC.

I have called John to inform him of the Town Council's decision. Please let me know once you have formalized the September Agenda so Brenda can get the meeting noticed in the Forecaster the week before.

Thank you,

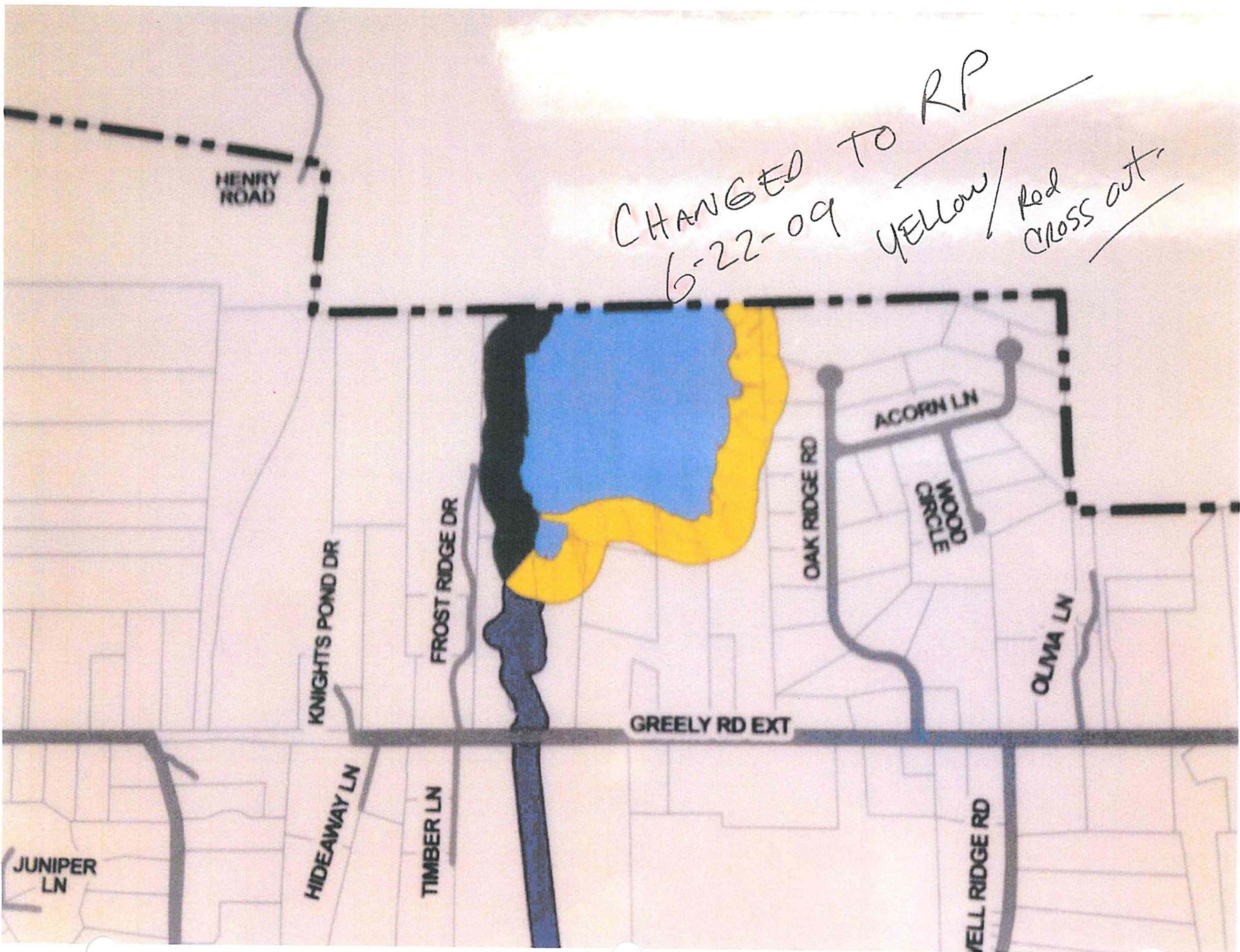
Bill

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021

Tel: 207-829-2205  
Fax: 207-829-2224  
Cell: 207-232-5258

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

CHANGED TO RP  
6-22-09 Yellow/Red  
CROSS out



New MAP DATED 6-22-09



HENRY ROAD

KNIGHTS POND DR

FROST RIDGE DR

GREELY RD EXT

PLEASANT VALLEY RD

JUNIPER LN

HIDEAWAY LN

TIMBER LN

HOMESTEAD

BRUCE H

NEWELL RIDGE RD

LAUREL LN

ACORN LN

WOOD CIRCLE

OLIVIA LN



# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: William Shane- Town Manager  
From: William C. Longley Jr. CEO  
Subject: SHORELAND Overlay District-Map Zone Change requested Knight's Pond Area  
Date: 07-05-2012  
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If you have any questions in regards to this please let me know.



## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Wednesday, August 01, 2012 11:45 PM  
**To:** BRADFORDHILTON@aol.com  
**Cc:** Bill Shane; Pam Bosarge; Ellen Hoffman  
**Subject:** Re: Question for Lands & Conservation Commission

Brad, thank you for being persistent! I apologize for your having to struggle to find us when, in fact, we want to be as visible as possible to our community. Obviously, we have some holes to fix and will do so immediately. We, as a committee, normally take August off because of lower activity and higher absences due to vacation. Our next meeting will be on Wed, September 5, at 7:00PM in the East Conf Room.

Any time you need to communicate with the Commission please contact Ellen, our able secretary, or me as a points of contact. You can also call me at 829-4716.

Now, for your questions: Ellen or I will get back to you on answers to both A and B. I believe that the trails in question are maintained by the snowmobile associations that have over the years obtained property-owner permissions. This year there was significantly less activity in use and maintenance due to the weather conditions and the economy. If the pond is the one I am thinking about, I exercise my yellow lab there and thank you for making it available!

In any case we will work with you to assist in your goals. We appreciate the property owners who regularly allow others to enjoy their lands and will help you to husband and conserve the same. The idea of connecting Blanchard to Greely Road extension and making it available for training and running is exciting.

Ellen, I will be out of town the remainder of this week. If you could check on the maps and GPS info so that we can identify the trails and see if the Snowskimmers are maintaining them, then we can meet with Brad next week as a first step. Brad, would you be available next week either after work or another time for a site walk?

Thanks, Brad, for getting in touch and we will plan to make contact next week.

Sam, Chairperson CL&CC

On Wed, Aug 1, 2012 at 7:36 PM, William Shane <[wshane@cumberlandmaine.com](mailto:wshane@cumberlandmaine.com)> wrote:  
FYI

Sent from my iPhone

Begin forwarded message:

**From:** [BRADFORDHILTON@aol.com](mailto:BRADFORDHILTON@aol.com)  
**Date:** August 1, 2012 7:31:54 PM EDT

**To:** [Wshane@cumberlandmaine.com](mailto:Wshane@cumberlandmaine.com)  
**Cc:** [pbosarge@cumberlandmaine.com](mailto:pbosarge@cumberlandmaine.com)  
**Subject: Re: Question for Lands & Conservation Commission**

Bill,

I am struggling with getting the questions below presented to anyone --- and about ready to abandon my effort.

This evening I tried to attend the highly advertised [town web site / Notes] Lands & Conservation Committee at Town Hall [Aug 1 @ 7]. Town Hall was lock and no-one was meeting.....and no note of any change on door!!

When will LCC meet again?

Regards,

**Brad**

In a message dated 14/05/2012 4:42:39 P.M. Eastern Daylight Time, [pbosarge@cumberlandmaine.com](mailto:pbosarge@cumberlandmaine.com) writes:

Brad,

I will talk with Bill Shane and make sure the correct person to send this too. I will get back to you after Wednesday.

Pam

---

**From:** [BRADFORDHILTON@aol.com](mailto:BRADFORDHILTON@aol.com) [mailto:[BRADFORDHILTON@aol.com](mailto:BRADFORDHILTON@aol.com)]  
**Sent:** Monday, May 14, 2012 4:06 PM  
**To:** Pam Bosarge  
**Subject:** Question for Lands & Conservation Commission

Pam,

I could not find an email contact for this committee --- could you please forward the following questions to them??

Hi, I own land on Blanchard Road [U12, lot 7A] that goes half way to Greely Road Ext..... and the back of this lots abutts to R6, lots 15 and 16, land owned by the Town. One Town lot used to be listed as a Town Forest. I need guidance in contact for questions below.



# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: William Shane- Town Manager  
From: William C. Longley Jr. CEO  
Subject: SHORELAND Overlay District-Map Zone Change requested Knight's Pond Area  
Date: 07-05-2012  
CC: Carla Nixon, Town Planner

In the year 2006 the State of Maine decided to modify and update the Shoreland Zoning requirements statewide. Part of these changes included a new map that showed where the High / Moderate value wetlands are in the Town of Cumberland. The only new area shown was around Knight's Pond. The Town of Cumberland had to change the zone from Limited Residential (shown in yellow on old map) to Resource Protection (shown in green on the old and new maps) due to the significant wildlife value of the wetlands.

During this process many towns had issues with the maps and the inclusion of many new areas that had not previously been shown as a Resource Protection Zone and the State allowed an additional year to make the changes. Our map was changed in 2009 after public hearings with both the Town Council and Planning Board.

A local land owner by the name of John Paynter questioned the Town and the State about the designation and we attended multiple meetings at his property along the East side of Knight's Pond. We met with State of Maine Biologists who work for Maine Inland fisheries and Wildlife as well as State Senators and the DEP. During these meetings the need for this protection was conveyed to the landowner and we moved on.

During the change of administration the Governor conducted town meetings around the State and after testimony from John Paynter and others the State DEP was authorized to change these requirements to be at the discretion of the Town instead of a State mandate. After a lengthy rule making process the changes are now complete and the Town can now decide if this area should be Limited Residential at it was or leave it Resource Protection.

If you have any questions in regards to this please let me know.

MEMO TO: Carla Nixon, Town of Cumberland

FROM: Lands and Conservation Commission – Sam York, Chair

DATE: August 12, 2012

SUBJECT: **Coastal Businesses Spill Prevention, Control and Counter Review**

**Summary:** Many of the materials stored within Coastal's businesses are there to support vehicle repair, maintenance and vehicle body work – not landscaping and maintenance and some concrete-related products. This non-related business activity should be done off-site at an environmentally less sensitive site.

The word "should" is used to suggest the proper course of action or procedure to use. To avoid confusion in a future interpretation the word "must" would make it clear what action or course will be taken during an event.

**Introduction:** The plan should be allowed to be amended with the approval of **both** the company and the Town Engineer.

**Storage of Product:** Secondary containments should be of non-flammable, heat-stable, vibration-stable materials. Plastic is not. And fire suppression is not mentioned.

The "small quantities" of maintenance products and concrete treatment products add up to large quantities and should have to be stored in at least secondary containments.

The amount of calcium chloride and magnesium chloride for dust and ice control needs to be identified and if he use is only for on-site use or is also for the snow removal and ice control portion of the business. What is the toxicity of these chemicals that will remain over the aquifer on a yearly basis?

**Site Drainage:** There is a significant amount of chemicals listed in the Index that should be contained and isolated from the aquifer; yet there are no catch basins to capture the contaminated runoff. There is also no specified plan to maintain the Oil/Grit Separator and to monitor a potential over-flow condition.

MEMO TO: Carla Nixon, Town of Cumberland

FROM: Lands and Conservation Commission – Sam York, Chair

DATE: August 12, 2012

SUBJECT: **OneSteel Supplemental Submittal 3 Review**

The overall goal of the town and surrounding area is that the underlying aquifer must be protected at all costs; and this submission shows that the current plan is still flawed. There is still no absolute protection from human and mechanical failings even when given complete and accurate directions. In fact, how many operators could follow, from memory, some of the sets of directions provided in the submission to prevent mistakes each time and every time? And after the directions are learned and repeated over and over, boredom and carelessness sets in. There is no procedure that will prevent a catastrophic contamination of the aquifer.

When the procedure itself is faulty, the risk escalates. Such an example is the automobile preparation policy that states that mercury switches must be removed prior to entry to the facility, then later states if they are not removed prior to entry they can be removed on-site and placed in a special bin. There are more inconsistencies in the plan as well. The capture of the various types of contaminants on structural steel have not been in this submittal.

Mitigation of risk could be achieved if the preparation for acceptance of vehicles and other types of metals were performed at another less environmentally sensitive site prior to delivery to the processing and transport site.

### **Water Quality Monitoring Plan**

Sampling Frequency : Twice yearly for critical parameter monitoring is simply not frequent enough given the porous nature of the gravel over the aquifer. Monthly would be more appropriate for some of the organics arriving on-site.

The suggestion that any monitoring program that does not detect any violation of limits should be eliminated after a certain time period is truly faulty. The risk never goes away; in fact, it increases due to aging equipment, over-confidence in a level of success and just plain carelessness in watching the numbers.

Protection from this trap could be achieved in the form of a bonded requirement to reclaim and restore the subsurface to its original state.

## **Surface Water Monitoring**

**Sampling Frequency and Analysis:** Surface water monitoring is no less critical than groundwater and should have the same frequency and no elimination over time for zero failures. The benchmarks should be established prior to issuing an operation permit and they should be considered the limitations to be met for the life of the project.

## **Oil Spill Prevention, Control and Countermeasure Plan 8/12**

**Five-Year Plan:** This should be done on an annual basis to ensure it is current with the best proven technology and not waiting 5 years for it to be implemented.

**Introduction:** The site overlays a major aquifer and should be protected to the extent possible. Further, given a spill the goal should not be to “mitigate” the impacts but to eliminate them.

**Product Storage:** Tertiary treatment is insufficient when dealing in larger containments – there should be sufficient reinforcement and a film encasement to prevent cracking and leakage into the ground below.

**Discharge Discovery, Response and Cleanup :** There must be a clear statement of immediate response and 24-hour coverage using leak sensors and automatic calls. There should also be daily, not monthly, checks of all critical components of the spill/leak prevention system. Quarterly inspections by both the company and the town should be required.

**Personnel Training:** All personnel should receive training and certification on all aspects of the job and safety prior to actually performing assigned tasks.

**Bulk Storage Containers:** There should be a normal replacement date for any bulk storage tank installed on-site based on its contents and known industry statistics.

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Monday, September 03, 2012 10:31 PM  
**To:** Bill Shane; Brian Restuccia; David Young; Ellen Hoffman; Penny Asherman; Steve Moriarty; Ted Chadbourne; Tom Gruber  
**Cc:** Brenda Moore  
**Subject:** Busy week reminders for CLCC

Now that we are all well rested and back in the saddle from our August break, I wanted to remind you as early as possible of our Sept 5 CLCC meeting for which I am sure Brenda will fill in the blanks after she turns on the lights tomorrow. We will be reviewing John Paynter's request to reclassify his Knight's Pond property back to the original zoning from its present Resource Protection to maximize the the number of building lots he can create. Hopefully, there will be some info available prior to the meeting to familiarize ourselves with some of the basics. Bill and Brenda: will you be able to make some info available either to review at Town Hall or as a take-away and let us know when it is available? That might eliminate some phone calls to you! I am guessing that even with some prep, we may have to suspend our 8:30 adjournment rule.

Also, this week we are going to try to squeeze in a walk with Brad Hilton tentatively scheduled for Friday before dark to review his ideas about connecting and improving trails on his Blanchard Road property leading to the extensive snowmobile/hiking trails in the area. Because this activity may be more closely aligned with the Land Trust, I have asked Penny to invite a couple members along to provide a level of experience most of us do not have. Please let us know if this coming Friday 9/7 in the 5:00 - 7:30 PM range works for you or suggest another time/day/date. If we just cannot get a good consensus, maybe Brad can host two forays. He is also will give us a tutorial/tour of his windmill and solar application efforts to get off the grid.

Finally, we need to remain vigilant on the West Cumberland scrap metal transfer (OneSteel) permit request which was tabled at the last Planning Board meeting.

Another "final" note: Bob Bittenbender cannot lead the invasive plants class on September 15, but is looking at alternative dates - maybe a week later on 9/22.

Sam

**AGENDA**  
**Cumberland Lands and Conservation Committee**  
**Wednesday, September 5, 2012**  
**7:00 p.m.**  
**Town Council Chambers**

- I. Welcome and roll call
- II. Approval of minutes
- III. Review of John Paynter's request to reclassify the property around Knight's Pond back to Limited Residential (LR) from its present Resource Protection (RP)
- IV. New business
  - Brad Hilton's proposed trail extension and improvement
- V. Adjournment



## Ellen Hoffman

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**From:** Penny Asherman <pennyash@maine.rr.com>  
**Sent:** Sunday, September 09, 2012 9:06 PM  
**To:** DWY123@aol.com  
**Cc:** sdcyorks@gmail.com; tgruber@maine.rr.com; EllenHoffman@maine.rr.com; tedchadbourne@gmail.com; Cnixon@cumberlandmaine.com  
**Subject:** Re: Review of Maeve's Way II subdivision

Thank you David.

On Sep 9, 2012, at 8:35 PM, [DWY123@aol.com](mailto:DWY123@aol.com) wrote:

Sam,

I did a cursory review of the subject subdivision and it appears the developer has addressed most issues of concern to our committee fairly well.

There are lots of forested buffers for various reasons proposed on the site. As most buyers never see the development plans I think accidental and intentional cutting of the buffers will continue to be an enforcement problem. I think they will have to be marked as well as included as restrictions in the deeds so subsequent buyers will be aware of the restrictions.

It is not clear to me if the road will be private or public. The plan says private while the application says only the roads and sidewalks will be public. While it would be a cost savings if the Town does not have to maintain a private road the public will not retain any walking rights if privately held.

If Cumberland Foreside needs more housing this site offers the advantages of very little natural resources impact, having public water and sewer, being located near existing school bus routes, maintaining a high percentage of open space, does not require a new entrance onto Route 88, and is located in an area that is heavily developed.

David Young

Members of the Committee; Thank you all for being here today.

My name is John Paynter and I'm from Cumberland, Maine.

My story is fairly simple.

In 2004 I bought an old, run-down farmhouse and about 30 acres of meadows and woods and part of a large pond in Cumberland. Some of the back land had views of the pond and marsh. I thought it was a good investment.

In 2004, the pond and land around it was in the 'Shoreland - Limited Residential Zone.' The pond is a man-made pond with a concrete and earthen dam built in the 1950's I believe. Beavers had recently added to the dam and increased the pond depth and size. When I looked at this property, I realized that I would not be allowed to build within 75' of the water's edge under the Shoreland Zoning's Limited Residential Zone rules. Also, I knew that building activities were allowed, but regulated and limited within 250' of the pond. The Shoreland rules sounded reasonable to me and I thought it was a good law for waterfront and habitat conservation. There was buildable land along the shore of the pond, possibly 3 lots in the Cumberland 2 acre zone, with water views, giving the land some future value. So, I decided to buy the property. I borrowed money and used money from my savings to buy this property. I restored the farmhouse and meadows around the house and moved in the next year, 2005. I have lived there ever since.

In the Spring of 2009, I received notice in the mail from the town that the Shoreland Zoning designation of the pond and my land near the pond was changed by the state to 'Resource Protection' and 'Moderate or High Value Waterfowl and Wading Bird Habitat' based on aerial photographs of the area. The most important part of this notice was that the new setback for construction on newly subdivided lots would now be 250' rather than the old 75'. Because of the narrow shape of the parcel, any possibility of building near the pond was wiped out by this new setback. The 3 future/possible building lots were gone. A large portion of my investment and life savings was wiped out by this new designation.

I contacted a land-use lawyer and we tried to get the designation put back to the old Shoreland Limited Residential Zone, which it was when I bought the property. We met with officials from the Department of Environmental Protection, Inland Fisheries and Wildlife Agency, the Cumberland Code Enforcement Officer, and

my State Representative and State Senator. All of the meetings were fruitless as the officials from State of Maine DEP and IF&W refused time and time again, to change the designation. We found no other appeal process. This was despite the fact that the pond is man-made, rises and falls with beaver activity and still shows evidence that it was originally a forested area, with old stumps cut by chain saws when the dam was built. My state representatives agreed that the law needed to be changed and was unfair to me and thousands of landowners across the state of Maine.

It is wrong that valuable waterfront and waterview land can have its value stripped away by such a law. Not only are the landowners hurt, but cities and towns lose property tax revenue when the value of water front and water view property is taken away. There must be a more friendly way to preserve our waterfront and wildlife areas. We will not make many friends for conservation and environmental concerns by making laws that essentially take away property and wipe out people's investments in real estate by suddenly prohibiting one's ability to use and improve their property.

So, what does this have to do with business in Maine? We all know that the engine of business is money and investment, not only for big business, but for the small home and land owner like me. I happen to like the original concept of the Shoreland zoning law. However, people must be able to invest long term in Maine property and business with confidence that new and suddenly variable regulations won't take away the value of those investments. We should standardize the setbacks in the Shoreland Zone laws at 75'. People's investments in shoreland properties must be protected, not threatened by our state's Shoreland law.

I am a long time friend of environmental causes and I support the basic premise of our original Shoreland Zoning laws which carefully regulate construction in environmentally sensitive and scenic natural areas. I have served on nature center boards and volunteer for ecology education efforts here in Maine. I hope we all can work together to come up with fair and balanced laws and revisions that, while encouraging conservation, also encourage investments in real property and protect the homeowners and business investors who often put their life's work and savings into these properties.

Thank you for your consideration of this issue.

John W. Paynter 445 Greely Rd. Ext., Cumberland, Maine 04021 207-829-5074

CLCC Review of Emerald Commons Major Subdivision Plan for Planning Board  
Submitted by Sam York 9/6/12

1. The allocation for Open Space, limited as it is, appears to be reserved, in part, for “snow storage” while it should be available to the residents. Also, the snow will have some level of snow removal salts in it, creating a risk of contaminating the underlying aquifer.
2. The change in zoning from commercial to residential will affect the amount and type of traffic and increase the distance of school bus travel.
3. The increase in projected waste water flow over that expected in a commercial zone increases the risk of contaminating the gravel aquifer sited below the multiplex, high density building plan.

Is the 600 gpd design sufficient for the maximum capacity of a 6-bedroom complex?

4. Do the run-off calculations take into account the paved surface area and the footprint of the buildings as impervious services?
5. Given the spot zoning change and allowance of residential units will left-turning traffic create an increased accident-prone condition, since the MDOT entrance permit reduced the sight distance from 840 feet to 767 feet and appears not to have required a defined left-turning lane?

## Ellen Hoffman

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**From:** Sam York <sdcyorks@gmail.com>  
**Sent:** Thursday, September 06, 2012 2:37 PM  
**To:** Carla Nixon  
**Cc:** David Young; Ellen Hoffman; Penny Asherman; Brian Restuccia; Ted Chadbourne; Tom Gruber  
**Subject:** Cumberland Lands and Conservation Commission comments on the Emerald Commons contract zone subdivision  
**Attachments:** CLCC Review of Emerald Commons Major Subdivision Plan for Planning Board.doc

Carla, I have attached our comments on the Emerald Commons contract zone subdivision.

I am particularly concerned about the contract zone itself. The Route 100 committee and its advisers spent a lot of hours over an extended time developing a cohesive plan for the area. We should be very careful what and how we change it to accommodate some immediate request. One goal that comes to mind is the desire to concentrate the population density near the center of town and focus commercial development on Routes 1 and 100. We now have 3 major housing activities on the outer edge of West Cumberland!

Sam

7/5

## Knight's Pond Resource Protection Zone

### Background

Knight's Pond is a 46.66 acre body of water located off of Greely Road Extension in Cumberland. The majority of the Pond is located in Cumberland, although a portion of the northern side is located within the Town of North Yarmouth. Throughout recent history Knight's Pond has consistently been regarded by the Town of Cumberland and its citizens as a high value resource for conservation and recreation. Knight's Pond is one of a few designated Resource Protection areas in the Town of Cumberland.

The Town of Cumberland Open Space Plan inventoried the town's natural resources with a goal of preserving them "to maintain healthy populations of a diversity of species" and "to protect wetlands and riparian areas as wildlife habitat to also help minimize groundwater pollution while naturally managing stormwater." The observed diversity of Knight's Pond is enumerated below.

The most recent Town of Cumberland Comprehensive Plan (a required 10-year town growth plan) has the support of 85% of the town population in its efforts to have stricter requirements for protecting wetlands and wildlife habitats. To this end, five goals were spelled out:

- Goal 1:** Protect critical natural resources, including, but not limited to wetlands, wildlife and fisheries habitat, shoreland areas, aquifer recharge areas, and unique natural areas.
- Goal 2:** Require future subdivisions be designed to preserve and protect natural resources, environmentally sensitive land and scenic areas....
- Goal 3:** Ensure that all shoreland areas are adequately protected.
- Goal 4:** Preserve and protect vernal pools.
- Goal 5:** Strive to protect healthy populations of native wildlife and plants and their natural habitat.

In addition, one of the Recreation and Open Space Goals/Actions in the Comprehensive Plan states:

**Action:** Consider working with Knight's Pond abutters to develop a conservation easement that can then provide a location for a nature center to educate residents of all ages about the area's important natural resources to wildlife.

Not only is Knight's Pond locally significant to our Town, but it is also significant regionally and statewide. The State of Maine Inland Fisheries and Wildlife has ranked this water body as being of high value regionally and of high-moderate value statewide. The Pond also drains into the Presumpscot River Watershed and Casco Bay.

## **Issue**

The State of Maine updated its Shoreland Zone requirements statewide in 2006 requiring the Town of Cumberland to change the zoning around Knight's Pond to a Resource Protection Zone because of the significant wildlife value of the wetlands. In 2009 after public hearings, the Town of Cumberland Planning Board and Town Council reviewed and adopted the zone change to Resource Protection. Subsequently, the Le Page Administration made some changes to the Natural Resource Protection Act regulations giving discretion to the municipalities to make the determination regarding the zoning change. A property owner has petitioned the Town to reduce the zoning protection from Resource Protection to Limited Residential, which would allow for development closer to the Pond (I believe it is a 250 vs. 100 foot setback difference). The Town has the discretion to keep the current designation as Resource Protection.

## **Knight's Pond Habitat Values**

Knight's Pond has local, regional and statewide significance due to its unique and excellent habitat. Knight's Pond has been designated by the Maine Inland Fisheries and Wildlife Department as high value Inland Wading Bird and Waterfowl Habitat regionally and ranked high to moderate value statewide (score was 12 and a 13 is considered high value statewide).

### **The reasons for this ranking are:**

- 1) The size of the water body is large (46.66 acres).
- 2) The shoreline is relatively undeveloped. Most comparable areas in Cumberland and York Counties are more developed. Knight's Pond is unique in our region.
- 3) The variety and quality of habitat is excellent. Knight's Pond has open water, boggy areas, scrub shrub areas, fringing marsh areas and scattered vegetation. The types and diversity of the habitat are what makes the Pond such high value. The wildlife biologist said that Knight's Pond represents "everything we look for in a excellent wetland habitat."
- 4) Birds and waterfowl are abundant. Knight's Pond serves as breeding habitat for several types of birds and waterfowl such as wood ducks, black ducks, mallard ducks, great blue herons, and king fishers among other species. Knight's Pond is also a migratory feeding habitat for ring neck ducks and golden eye ducks among other species. Ospreys have also been spotted around the Pond. Muskrat, beavers, frogs, fish and turtles live at the Pond as well.
- 5) Water quality is high. The water quality is high because of the undeveloped shoreline. Not only is the water quality significant locally, but Knight's Pond drains through streams in Cumberland into the East Branch of the Piscatiqua River to the Presumpscot River, and then into Casco Bay.
- 6) Large wetlands help minimize groundwater pollution and naturally manage stormwater.

## Options

1) The Town of Cumberland can choose to keep the zoning designation in Resource Protection as recommended by the Inland Fisheries and Wildlife Department and in keeping with the Town of Cumberland Comprehensive Plan and Open Space Plan. Other Towns have chosen to maintain stronger zoning – The Towns of York, Kennebunk, Falmouth, North Yarmouth, and Gray for example. **The Town of North Yarmouth maintains the zone around Knight's Pond as Resource Protection.**

2) The Town of Cumberland could also pursue conservation options with property owners surrounding Knight's Pond. The Town could partner with the Chebeague & Cumberland Land Trust, and other conservation organizations, to negotiate a conservation easement around the Pond to protect the habitat and allow public access for wildlife observation and recreation.

The Town of Cumberland, with partners, could explore grant opportunities through the **Maine Natural Resource Conservation Program**, which is a wetland mitigation fund. Entities impacting natural resources make a payment to DEP's Natural Resource Conservation Fund which is administered by The Nature Conservancy. In 2010, the Fund distributed over \$2,000,000 in grants to 23 organizations to protect wetland areas. The monies collected in the mitigation bank are distributed *within* the county in which the project occurs. The Town of Falmouth, Yarmouth, Brunswick, Harpswell, and York among other communities have received grants through this funding source for wetland and upland protection. The wildlife biologist at Inland and Fisheries and Wildlife thought that Knight's Pond would rank very favorably in the grant process.

3) The Town of Cumberland could change the zoning from Resource Protection to Limited Residential thereby allowing for more development around the Pond.



## Cumberland Town Lands and Conservation Commission

Date: September 8, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++  
To: CTL&CC members: Tom Gruber + Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young

From: Ellen Hoffman  
Re: Meeting September 5th, 2012

- Minutes from July meeting were approved.
- Most of meeting was spent discussing rezoning around Knights Pond. Knights Pond is designated as a Great Pond. Land owner John Paynter was in attendance to present his side of the story. History: Mr. Paynter bought property along Knights Pond 2007 – house plus about 30 acres. 2009 DEP changed zoning from limited residential to resource protection. This new zone changes setback from 75 feet from upland body of water (not water's edge) to 250 feet. There is no building in a resource protected area. Mr. Paynter protested, complained to state (his is the only lot affected by this change). Mr. Paynter wants to possibly build 2-3 house lots. Says this is taking without compensation. 2012 DEP agreed to reverse decision and change zoning back to limited residential. Town now needs to decide if they will allow the change to go back to limited residential. Reason it was changed to resource protection was because migratory birds. Town had requested recommendation from Lands Committee.

Penny put together a white paper (Knight's Pond Resource Protection Zone 9/5/2012) explaining the background of the issue, the issue itself and what's at stake: Knight's Pond habitat value (as laid out in the Town's Open Space Plan). Her paper pointed out that according to the Town's most recent Comprehensive Plan, 85% of the Town's population support the Town's efforts in protecting wetlands and wildlife habitats. The goals and actions needed to protect the Town's wildlife habitats; specifically working with Knight's Pond abutters to educate residents about the area's important natural resources to wildlife were outlined.

The paper also listed the options available to the Town:

1. The Town of Cumberland can choose to keep the zoning designation in Resource Protection as recommended by the Inland Fisheries and Wildlife Department.
2. The Town of Cumberland could also pursue conservation options with property owners surrounding Knight's Pond. The Town could partner with other organization to try and negotiate a conservation easement around the Pond. The Town could also explore grant opportunities through the Maine Natural Resource Conservation Program (which is a wetland mitigation fund).
3. The Town of Cumberland could change the zoning from Resource Protection to Limited Residential thereby allowing for possibly more development around the Pond.

There was much discussion on this matter. Most felt that Mr. Paynter was wronged by the State – that he was not adequately compensated for what he calls the "taking"

of his property since his land is now in resource protection it is no longer buildable and hence worth less monetarily than when he purchased it 5 years ago.

Since we are the Cumberland Town Lands Committee we needed to weigh what is in the Town's best interest over our sympathies for Mr. Paynter. Penny made a motion to leave Knight's Pond in Resource Protection (option 1) and suggested that the Town Council pursue conservation options with Mr. Paynter (option 2). Ellen seconded motion. Motion accepted 3/2. Planning Board will hold a public hearing on the issue 3<sup>rd</sup> Tuesday in October (16<sup>th</sup>). We need to have our recommendation to Carla 2 weeks prior to meeting.

- Blueberry Hill logging – no logging to date; probably not until winter.
- Site walk of Ben Hilton's property Friday (7<sup>th</sup>) off of Blanchard (look for the windmill) 5:45. Ben is interested in maintaining the extensive trail system that transverses his property.
- Planning Board
  - OneSteel Recycling – issue tabled
  - Maeve's Way 10-lot subdivision off of Rt 88. Dave Y will review plans and give feedback. Presence of Variable sedge?
  - Emerald commons – off of Rt 100 want to change zoning from commercial to residential. Concern that the Town is once again deviating from establish plan for the Rt 100 corridor. Sam will do write-up.
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting.
- Sam will contact Bob Bittenbender to see if another date in September or early October will work for him to do a talk on invasive species.
- Projects/goals for 2012
  - Invasive species education – Bob Bittenbender
  - Celebrate Arbor Day - TG and PA distributed 350 Balsam Fir seedlings to 4<sup>th</sup> and 5<sup>th</sup> graders at NYMS end of May. PA mentioned that it would be better if this was done every other year since it would be a whole new batch of kids.
  - Schedule a walk with the Maine Tree Club. We need to wait until the end of July and try to schedule walk for end of September.
  - Update Trail Guide. Cumberland's trails are individual trails and not connected. Penny will bring Falmouth guide to next meeting. Both Yarmouth and Falmouth are building trails and would like to connect through Cumberland. Brian Sterns is spear heading some of this effort.

- Discussion of foot trail to connect Falmouth trail with Rines Forest. Problem is property owner's driveway is on right-of-way. Need to flag boundary. Issue is easement says no cutting – but would need to cut some to make trail. Meeting scheduled for next weekend (July 16<sup>th</sup>).
- Town Garden – no input from Lands Committee needed.
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
- Increase membership.
- **Next meeting October 3<sup>rd</sup> 7:00**

# CLCC Review of Oct,2012 Planning Board Agenda Items

## I. Contractors' Shop – minor site plan review

1. The septic system design is not included and may be required to handle vehicle and equipment washing/cleaning. If not, then an alternative system must be provided since the type of contractor operation is not defined.
2. Parking and turning space for trucks normally used for the contractor operations must be considered.
3. Specific vegetation must be defined for use as an effective road and building screen.
4. Current planting instructions for root ball plants recommend the removal of wire and burlap after each plant has been placed in the earthen hole.

## II. Morrison's Hill Subdivision – Major Subdivision

1. Drainage, erosion control procedures and maintenance are said to be reportable every five years to the "department" without specifying which department or authority.
2. In the Landscape Plan legend red pine is called out . This specie is non-native and should not be used for anything other than commercial forestry.
3. The existing trail running through the property is being abandoned in favor of a sidewalk adjacent to the main access paved road. This is not an acceptable alternative to a natural path which could easily be located on the backside of the uphill building lots. There is also no obvious land access donated to public use by the developer in the subdivision plan.
4. This residential subdivision was never a part of the Cumberland 2009 Comprehensive Plan which supported the Route 100 Plan for commercial development. Subversion of the plan through the use of contract zoning is a short-sited abrogation of responsible town government, particularly so early after approval of the Comprehensive Plan .

The result, if this request is approved, is the establishment of significant new residential housing in a space designated for commercial development. The implication is that the town should reduce its plan for business development or force the it into another part of town not currently slated or appropriate for commercial use.

Furthermore, the Comprehensive Plan supported the development of new residential space near the Town Center to avoid increasing travel and distributed utility costs, as well as additional school bus routes, thus further increasing school costs.

## Ellen Hoffman

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**From:** Penny Asherman <pennyash@maine.rr.com>  
**Sent:** Wednesday, October 17, 2012 7:31 AM  
**To:** Sam York York; William Shane; Ellen Hoffman; Ted Chadbourne; David Young (CCC); Tom Gruber (CCC)  
**Subject:** Fwd: Invasive Plant Management

This is worth exploring....especially since he is aware of current funding opportunities!

Penny

Begin forwarded message:

**From:** Kyle Rosenberg <[kylerosenberg@hotmail.com](mailto:kylerosenberg@hotmail.com)>  
**Subject:** Invasive Plant Management  
**Date:** October 16, 2012 10:07:10 PM EDT  
**To:** <[pennyash@maine.rr.com](mailto:pennyash@maine.rr.com)>, <[leilabisharat@gmail.com](mailto:leilabisharat@gmail.com)>

Hello,

I am writing to inquire if you folks have any interest in management of invasive plants within the natural areas you are responsible for or would be willing to pass along my info to interested parties?

As you know, invasive species such as honeysuckle, asiatic bittersweet, muliflora rose, and many others directly impact the forest floor by out competing native trees and shrubs for light and other resources. Eventually, a single species understory can develop hindering the natural regeneration of an affected forest stand.

Currently the NRCS/USDA has funding opportunities to manage invasive plants.

I have been involved with two projects this season: a 12 acre project for Barry Brusilla in Warren and a 41 acre project in Belfast. I live in Bowdoin, Maine. My outreach to you folks is to ask if you may be interested in a group forest walk (or office meeting) to discuss invasive plant management? And perhaps discuss opportunities to work together in this facet of land management/conservation.

If you have any questions or would like to discuss this topic in greater detail please feel free to contact me by email or phone.

Take Care,

Kyle Rosenberg  
207-651-2861

**Cumberland Town Lands and Conservation Commission**

Date: October 18, 2012 (\* = Chair; + = liaison TC; ++=Town Mgr.) Bill Shane++ (abs)  
To: CTL&CC members: Tom Gruber + Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman  
Re: Meeting October 3rd, 2012

- Minutes from September meeting were approved.
- Question about site walk on Mauve's Way: when and who was invited. Issue of trails that connect or are near Island Pond Rd. Walk possibly Oct 15<sup>th</sup>.
- Mr. Paynter's property on Knight's Pond. Next step issue goes to Planning Board. Public can speak at the Planning Board meeting. The Planning Board has our recommendation to keep as Resource Protection. The Planning Board will then make a recommendation to Town Council whether to keep Knight's Pond zoned under Resource Protection or revert to limited residential.
- Blueberry Hill logging – no logging to date; probably not until winter.
- Brad Hilton trails, connect Blanchard Rd to Greely Rd over a town owned property. Need to follow up – PA suggested writing him note – letting him know we will follow up with the Town Council. TG will get a card for us to sign (at Brenda's desk in Town Hall) as a good will gesture.
- Penny mentioned Land Trust site walk of Farwell Forest Oct 20<sup>th</sup> (145 Blanchard Rd) 11 am.
- Planning Board
  - Sam will do a separate write up (Contractors' Shop and Morrison's Hill Subdivision). Issue of trails and not following comprehensive plan for Rt 100.
- Draft aquifer ordinance in the works (result of OneSteel)?
- Question about follow up from conservation workshop.
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting.
- Invasive species grant search – wait until spring. Need for trail maintenance as well.
- Projects/goals for 2012

- Invasive species education – Bob Bittenbender was unable to do presentation this fall so try and schedule something for April 16-May 16 (both indoors and out). Sam will contact him.
- Schedule a walk with the Maine Tree Club. TG will contact Amy Witt and try and schedule something for next year.
- Update Trail Guide. Cumberland's trails are individual trails and not connected. Penny will bring Falmouth guide to next meeting. Both Yarmouth and Falmouth are building trails and would like to connect through Cumberland. Brian Sterns is spear heading some of this effort. –Status?
- Discussion of foot trail to connect Falmouth trail with Rines Forest. Problem is property owner's driveway is on right-of-way. Need to flag boundary. Issue is easement says no cutting – but would need to cut some to make trail. Meeting scheduled July 16<sup>th</sup>. –Status?
- Town Garden – TG will contact Karen about rules for Town Garden.
- See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
- Increase membership – join up with North Yarmouth CC or Energy Commission? TG has a few possible candidates in mind.
- **Next meeting November 7th 7:00**



# CLCC Review of Nov,2012 Planning Board Agenda Items

## I. Morrison's Hill Neighborhood follow-up Review

### Comment 9.

The Open Space plan is not documented as such on Sheet C100. It is un-buildable wet lands. There is no provision for public parking at the so-called Open Space.

## II. R&N Woods Subdivision, Phase II ( Originally Maeve's Way II) follow-up

The Open Space designated area appears to be inaccessible and un-usable space, contrary to the provisions for Open Space.

## III. Castle Rock Homes

### Section 4 Contract Zoning Agreement

- The Comprehensive Plan of 2009 specified this area as VOC1 and RR1 with the intent to provide a business friendly area in Cumberland along a state highway slated for growth.
- Small homes at low cost with price ranges with architecture commensurate on lots which are half of the allowed density was not part of the 2009 Plan..
- Dense housing away from schools and town center was specifically rejected by the 2009 Comprehensive Plan.
- The "Aesthetic, Cultural and Natural Values" of the property was reviewed in 2006 for business zoning not residential.

### Section 6

- The developer must absolutely preserve pedestrian and snowmobile access.

### Section 11

- Standards for erosion, sediment control and Storm water Management was approved for VOC1 And RR1 zoning, not for the current proposed CZA residential application with more impervious surfaces from the residential roads.

Section 13

- Is there a legal HOA document signed by each new homeowner at time of closing to ensure proper maintenance of storm water management facilities?

Subdivision Plans/Layouts

- There is no provision for public access to land deeded to the Town of Cumberland in the original subdivision plan.
- There is no parking space provided for general public access to the deeded land for recreational use re. Lots 9, 10.

# AGENDA

**Cumberland Lands and Conservation Committee**

**Wednesday, November 7, 2012**

**7:00 p.m.**

**East Conference Room**

- I. Welcome and roll call
- II. Approval of minutes
- III. Review of the 2012 goals, revised target dates and considerations for 2013
- IV. Review of upcoming Planning Board items: Maeve's Way, Morrison Hill subdivision, and Castle Rock
- V. Update on Blueberry Hill and Knight's Pond activities
- VI. US F&W Service is looking for volunteers to go out this winter to identified sites in Cumberland to look for New England cottontails
- VII. New business
- VIII. Adjournment

## Cumberland Town Lands and Conservation Commission

Date: November 20, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++  
To: CTL&CC members: Tom Gruber + Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman  
Re: Meeting November 7th, 2012

- Minutes from October meeting were approved.
- Mr. Paynter's property on Knight's Pond. Property walk scheduled for Saturday 10<sup>th</sup> 8:30. Public hearing on 26<sup>th</sup> to discuss keep property zoned as resource protected and not revert back to limited residential.
- Blueberry Hill logging – no activity to date (on hold for now). Rebecca Leland owns west side of Knights Pond and Blueberry Hill. She recently approached the town and Land Trust to see if interested in purchasing. Many parties at the table now. Option on property to purchase – will take several years to raise funds. Trust for Public Land has skill and resources to help with this.
- Brad Hilton trails, connect Blanchard Rd to Greely Rd over a town owned property. Sent thank you card after site visit as a good will gesture. Penny also left some information with him; she will touch base to see if he has any questions. Need pedestrian easement – passive recreation. Next steps?
- Planning Board
  - Sam separate write up (Contractors' Shop and Morrison's Hill Subdivision). Issue of trails and not following comprehensive plan for Rt 100.
- Draft aquifer ordinance in the works (result of OneSteel)? – Status?
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting. -Status?
- Invasive species grant search – wait until spring. Need \$\$ for trail maintenance as well.
- New England cottontail – state endangered species. Training sessions Saturday Dec 1<sup>st</sup> 9-11 at Maine Audubon and Thursday Dec 6<sup>th</sup> 9-11 at Log Cabin in Yarmouth. Contact Penny if interested.
- Projects/goals for 2012 – mentioned to Bill that we should be given status/stage of projects so that we know where things stand.

- Invasive species education – Bob Bittenbender was unable to do presentation this fall so try and schedule something for April 16-May 16 2013 (both indoors and out). Sam will contact him.
  - Schedule a walk with the Maine Tree Club. TG will contact Amy Witt and try and schedule something for late September 2013.
  - Update Trail Guide. Sam will contact Brian Sterns to see status of trail system. No more info about trail to connect Falmouth trail with Rines Forest. Penny mentioned Norcross Foundation had grants to upgrade field equipment. Get GPS units to help map trails.
  - Town Garden – Karen will give update on operation and food pantry (when/to whom?).
  - See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives.
  - Increase membership – join up with North Yarmouth CC or Energy Commission? TG has a few possible candidates in mind (Brad Hilton and Bill Mullen). TG will find out who is chairman of NY CC.
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- **Next meeting December 5th 7:00**

# AGENDA

**Cumberland Lands and Conservation Committee**

**Wednesday, December 5, 2012**

**7:00 p.m.**

**East Conference Room**

- I. Welcome and roll call
- II. Approval of minutes
- III. Update on status of 2012 projects
- IV. Review of 2013 projects
- V. New business
- VI. Adjournment

## Cumberland Town Lands and Conservation Commission

Date: December 25, 2012 (\* = Chair; + = liaison TC; +=Town Mgr.) Bill Shane++  
To: CTL&CC members: Tom Gruber + Brian Restuccia (abs)  
Penny Asherman Ellen Hoffman \*Sam York  
Ted Chadbourne (abs) Steve Moriarty + (abs) David Young (abs)

From: Ellen Hoffman  
Re: Meeting December 5th, 2012

- Minutes from November meeting were approved with some clarifications of status on some issues.
- Two potential members: Bill Mullin and Brad Hilton sat in on the meeting.
- Sue Ellen Bardwell and Andrew Faveru from Yarmouth stopped by to give a brief presentation on bike path connectivity between Yarmouth and Cumberland. They talked about the East Coast Greenway (inter town system from Calais Maine to Key West Florida) and US Bike Route 1 (a federally run a national bike system on the road along the eastern seaboard). They wanted to basically raise awareness of a bike network between the towns and the issue of transportation planning. They also mentioned the West Side trail - a multiuse trail that runs from Cousin's Island to North Yarmouth on the west side of town (Yarmouth). Said that there several organizations that are creating trails along the power line corridor – multiuse. TG said that he will discuss with the Rec dept. and see where this issue belongs. Open up a line of communication.
- Mr. Paynter's property on Knight's Pond – at issue is to keep property zoned as resource protected and not revert back to limited residential. Meeting with the neighbors in early December. DEP was at the site to look at the ditch that was dug and is draining the pond.
- Blueberry Hill logging – no activity to date (on hold for now). Rebecca Leland owns west side of Knights Pond and Blueberry Hill. She recently approached the town and Land Trust to see if interested in purchasing. Many parties at the table now. Option on property to purchase – will take several years to raise funds. Trust for Public Land has skill and resources to help with this.
- Brad Hilton trails, connect Blanchard Rd to Greely Rd over two town owned properties. Bill Shane is currently doing an inventory on town owned properties. How do we preserve this trail network?
- Draft aquifer ordinance in the works. Work in progress. There is an ordinance committee which Steve Moriarty chairs until the end of the year.
- Need to make annual request for funding to combat invasive species in Town's open space parcels. Should make request for \$20,000 so Town Council will have in budget by their November meeting. Budget hearing December 10<sup>th</sup>. TG will see if our request has been put in.

- Invasive species grant search – wait until spring. Need \$\$ for trail maintenance as well.
- New England cottontail – state endangered species. Looking for evidence of NEC north of Portland. Last survey over 5 years ago. Training sessions took place, and volunteers were assigned parcels.
- Remaining projects/goals for 2012:
  - Invasive species education – Bob Bittenbender was unable to do presentation this fall so try and schedule something for April 16-May 16 2013 (both indoors and out). Sam will contact him.
  - Schedule a walk with the Maine Tree Club. TG will contact Amy Witt and try and schedule something for last Sunday in September 2013.
  - Update Trail Guide. Sam will contact Brian Sterns to see status of trail system. No more info about trail to connect Falmouth trail with Rines Forest. Penny mentioned Norcross Foundation had grants to upgrade field equipment. Get GPS units to help map trails.
  - See what projects other towns are taking on. Also look into what is happening through Maine Conservation Commissions. Sam will forward any info he receives. TG spoke with Steve Palmer chair of North Yarmouth Selectmen. Discussed some common issues (invasive species – funding to combat, grants and education, and connection of trails) and possibly work jointly on these issues.
- **Next meeting January 2nd 7:00**