

Special thanks for their efforts in the development of this Plan go to  
Members of the Open Space Committee: Phil Gleason (Chairman),  
Bill Stiles, Bob Vail, Lisa Cowan, Beth Howe, Sally Stockwell, Dan Caputo,  
George Turner, Patty Berg, and Mark Kuntz (Town Council Representative),  
Town Planner Donna Larson, and Terry DeWan of Terrance DeWan Associates.

Maps by Cynthia Magnuson

Cover art by Adam Ogden



# CUMBERLAND OPEN SPACE PLAN

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April 2000



# **TOWN OF CUMBERLAND**

## **Open Space Plan**

### **Introduction**

This Plan is the result of recommendations made in the Cumberland Comprehensive Plan adopted by the Town Council on June 22, 1998, and certified by the State of Maine in August 1998. Preserving Cumberland's rural character is a goal identified in the Comprehensive Plan, and in previous comprehensive plans dating back to 1949. The Comprehensive Plan indicates that rural character results from a mix of agriculture and forest land, and large areas of contiguous undeveloped land for use by wildlife, for resource protection, and for outdoor recreation. Spaces worthy of protection may include important natural resources and scenic open spaces, and might have low density development interspersed among fields and woodlands. This Plan attempts to identify those areas that are unique to Cumberland, and that the loss of which would result in Cumberland becoming a community indistinguishable from other, more heavily developed, towns in the region.

Early in the development of this Plan, it became apparent that the factors used for evaluating land in mainland Cumberland were not necessarily appropriate on Chebeague Island. For example, preservation of active farmland is a top priority on the mainland, but is less important on Chebeague, where there are few long-time working farms. On the other hand, maintaining waterfront access is perhaps a more critical issue on Chebeague than it is on the mainland. Accordingly, a separate Open Space Plan for Chebeague will be developed at a later date.

The Plan is intended to supplement the comprehensive plan, and to serve as a guide for the Town Council in land acquisition discussions and in deciding whether to offer an owner financial incentives to keep a parcel of land undeveloped, and as a tool for the Planning Board in reviewing subdivision and other development proposals.

The Plan is organized in seven different sections: 1) active agricultural land, 2) oceanfront property, 3) forest land, 4) locally significant wildlife habitat, 5) scenic areas (landscapes and vistas, special features, historic and cultural resources, scenic roadways, and gateways), 6) negative visual areas, and 7) existing open space. Each section includes a brief narrative explaining why these areas should be preserved, a map or series of maps identifying where the land in that category is located, recommendations on how the land might be preserved, and, in certain cases, a method of rank-ordering lands of the same type. A glossary of terms is included at the end of the Plan.

The Plan does not identify specific parcels for action by the Council. The omission of a parcel from the inventory is not intended to preclude the landowner from participation in any programs that might be developed, although it is likely that such land would receive a lower priority than inventoried land. Similarly, the identification of a parcel as "significant" for any reason is not intended to prohibit, preclude, or otherwise limit its development.



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## The Open Space Committee

The Plan has been developed by the Open Space Committee, composed of Phil Gleason (chairman), Bill Stiles, Bob Vail, Lisa Cowan, Beth Howe, Sally Stockwell, Dan Caputo, George Turner, Patty Berg, and Mark Kuntz (Town Council representative), with the assistance of Town Planner Donna Larson. Landscape Architect Terry DeWan of Terrance DeWan Associates in Yarmouth assisted in policy development and provided the data for the scenic areas and negative visual features sections of the Plan. Sally Stockwell, Dave Cowan, and Jennifer West supplied the data and policy for the wildlife habitat section. Cynthia Magnuson, special assistant to the Planner, created the inventory maps using Cumberland's geographic information system (GIS).

The Committee began by identifying broad goals for the Plan, as follows:

- Preservation of significant land for future generations
- Preservation or postponement of development
- Preservation of the visual "look" of Cumberland
- Expansion of recreational opportunities for the residents
- Preservation of wildlife habitat and corridors
- Provision of connections between neighborhoods and Town facilities
- Provision of access to bodies of water, in particular the ocean
- Preservation of view corridors

During the course of its discussions the Committee considered developing a system by which land would be rank-ordered by giving weighted value to certain characteristics. For example, if a parcel was used for agricultural purposes it would get a certain number of points, and the larger

the parcel, the more points it would get, and so on. As different point systems were considered, it became apparent that this approach was far too mechanical. Instead, the Committee opted for the more conceptual approach contained in this document.



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## **I. Preserving Active Agricultural Land**

Farming is the cornerstone of Cumberland's past, and thus it was a relatively easy decision for the Committee to give this category a top priority. While several farms have been lost to development in the past, there are opportunities to ensure that the existing farms can be saved. This goal is not unique to Cumberland, and is indeed part of larger State and national trends. Cumberland has already taken steps to assist its resident farmers, such as organizing and subsidizing a seasonal farmers' market.

The economics of farming has changed dramatically. To compete, farmstands need to have a more diverse product line, and typically need to bring in products grown elsewhere. Farmers are increasingly offering recreational activities like animal petting areas, cross country skiing, and hayrides. Zoning regulations that restrict farmers from using their land for such purposes should be reconsidered.

Cumberland farmers are faced with high property values because of the Town's desirability as a place to live. State taxation laws require that farms be assessed the same as non-farming properties, resulting in high tax bills. The best way for farmers to lower their property taxes is to enroll in the state farmland program. Most Cumberland farmers have done this.

The Committee identified the following reasons for preserving active farmland in Cumberland:

- To retain the “look” of farms
- To maintain what is left of Cumberland’s agricultural heritage
- To prevent the irreversible conversion of farmland
- To promote multiple-use values: agriculture, wildlife habitat, stormwater management, forest production, and aesthetics;
- To keep land out of development

The attached map that inventories active farmland (land used for producing row crops, raising livestock and associated pastures, and orchards) includes commercial farmland. Many residents raise farm animals and other fruits and vegetables primarily for their own use; these lands have not been included in the inventory. Hayfields are also identified, but are not considered to have quite the same high value that the farms have. Nonetheless, any loss of hayfields results in extreme difficulties for livestock producers, and hayfields are therefore an integral part of livestock production. Also included in the inventory are those parcels currently enrolled in the Farmland tax program, and a map showing prime soils as determined by the Soil Conservation Service.

Preserving farmland means preserving an industry; therefore, the recommendations listed below are multi-faceted:

- Purchase of development rights or conservation easements
- Purchase of agricultural conservation leases for a specific period of time
- Create a low-interest, revolving loan fund for farmers to use to diversify and/or modernize, and to maintain their structures and equipment

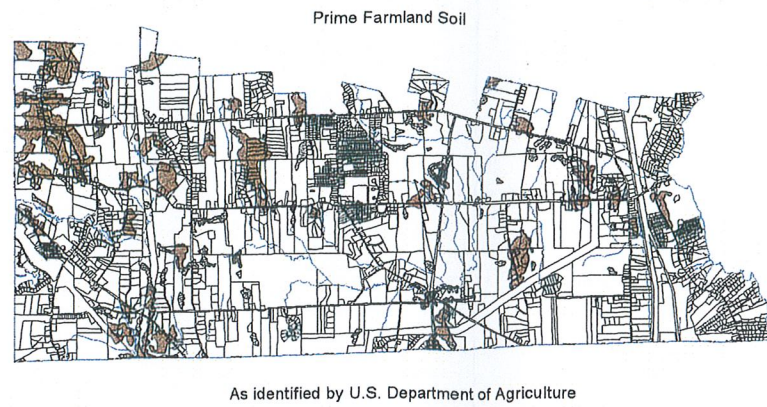
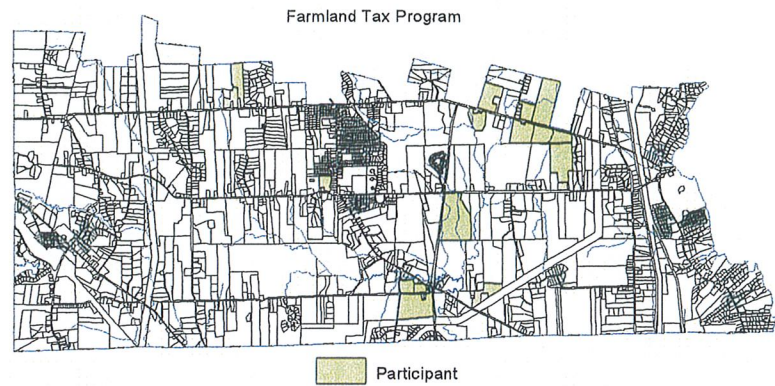


- Active encouragement and support of the farmers' market;
- Promotion of zoning that allows farmers to diversify their activities in non-agricultural areas such as offering educational and recreational services, hay and sleigh rides, petting zoos, and the sale of prepared food on the premises
- Encouraging the use of the Farmland tax program
- Require "cluster" residential development, so that the best farmland is preserved and continues to be actively farmed (this would require a Subdivision Ordinance amendment)
- Participation in the new State tax program to preserve scenic lands and historic properties.

To rank the value of more than one piece of agriculture land, the following priority system is suggested:

- The more acreage, the higher the value
- The more visible, the higher the value
- Farms on scenic roadways (see map) are of highest value
- An active farm is more valuable than a parcel that is solely a hayfield
- Agricultural land which
  - preserves a high-value wildlife habitat, and/or,
  - provides a trail link, and/or,
  - provides important buffers between development, and/or,
  - is part of a Town-wide greenbelt system
 would be more highly valued than land that meets fewer of these criteria.

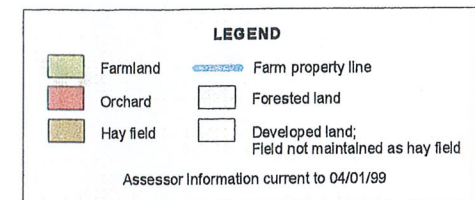




# TOWN OF CUMBERLAND

## OPEN SPACE PLAN

### Inventory of Active Farmland



**SPRING BROOK FARM**  
 Pasteurized milk in returnable glass bottles; butter, cheese, beef and vegetables sold to the public on the premises  
 22 acres

**L. C. WORMELL AND SONS LIVESTOCK**  
 Wholesale livestock and dairy production; hay sold to the public on limited basis  
 88 acres, combined farm and forest

**TERISON'S ORCHARD**  
 Apples and cider produced and sold to the public on the premises  
 45 acres, combined orchard and forest

**DOUBLE T ORCHARD**  
 Pick-your-own apples  
 51 acres, combined orchard and forest

**C. J. ORCHARD**  
 Pick-your-own Macintosh and Cortland apples; pumpkin and squash also available to the public  
 8 acres

**PLEASANT VALLEY ACRES**  
 Certified organic vegetables and meats, and maple syrup; produced and sold to the public on the premises  
 58 acres, combined farm and forest

**SWEETSER'S APPLE BARREL**  
 Thirty-three varieties of apples, pumpkins, squash and gourds; produced and sold to the public on the premises  
 13 acres

**SUNRISE ACRES FARM**  
 Natural lamb, natural beef, organic chicken, and yarn  
 148 acres, combined farm and forest

**PLEASE NOTE:**  
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 Active farms determined by windshield survey. Acreage for farmlands derived from tax records; actual area may differ. Information on farm products obtained from the farmers and the 1999 flyer produced by the Cumberland Farmers' Market.

Prepared by Cumberland Planning Department  
 January 2000



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## II. Oceanfront Property

While Cumberland has over two miles of coastline, the only points of public access to the ocean are at the end of Town Landing Road and Old Town Landing. The distance between the Casco Bay and Route 88 prohibits even views to the water except in very few locations. Cumberland's coastline, for the most part, is characterized by productive clam flats.

Gaining access to the water for public use is both desirable and expensive. The value of waterfront property has increased much faster than any other type of land. For that reason, purchase by the Town of large tracts of oceanfront land may be unrealistic. As an alternative, acquisition of narrower bands of land to allow pedestrian and/or bicycle use should be pursued.

The Committee identified the following reasons for gaining access to the ocean:

- Aesthetic value
- Recreational value
- Access to valuable shellfish beds
- Access for small boats
- To keep land out of development

The attached map inventorying oceanfront property includes occupied parcels greater than 10 acres (all four of these properties have at least one house on them), privately owned open space, and vacant parcels regardless of size.

Methods of gaining access to the ocean are listed below:

- Purchase right-of-first-refusal
- Acquisition of land
- Acquisition of right-of-ways or easements to water (narrow bands)
- If land is to be developed, require clustering so that water frontage is preserved, and purchase by the Town of the open space
- Consider participating in recent State tax program to preserve scenic lands and historic properties.

To rank the value of more than one piece of oceanfront property, the following priority system is suggested:

- The larger the parcel, the more valuable it is
- The more shore frontage, the better
- Land adjacent to productive shellfish beds is considered a higher priority than land that is not
- Land that provides the most diverse recreation and conservation opportunities.



**TOWN OF CUMBERLAND**  
**OPEN SPACE PLAN**  
**Inventory of**  
**Oceanfront Property on the Mainland**

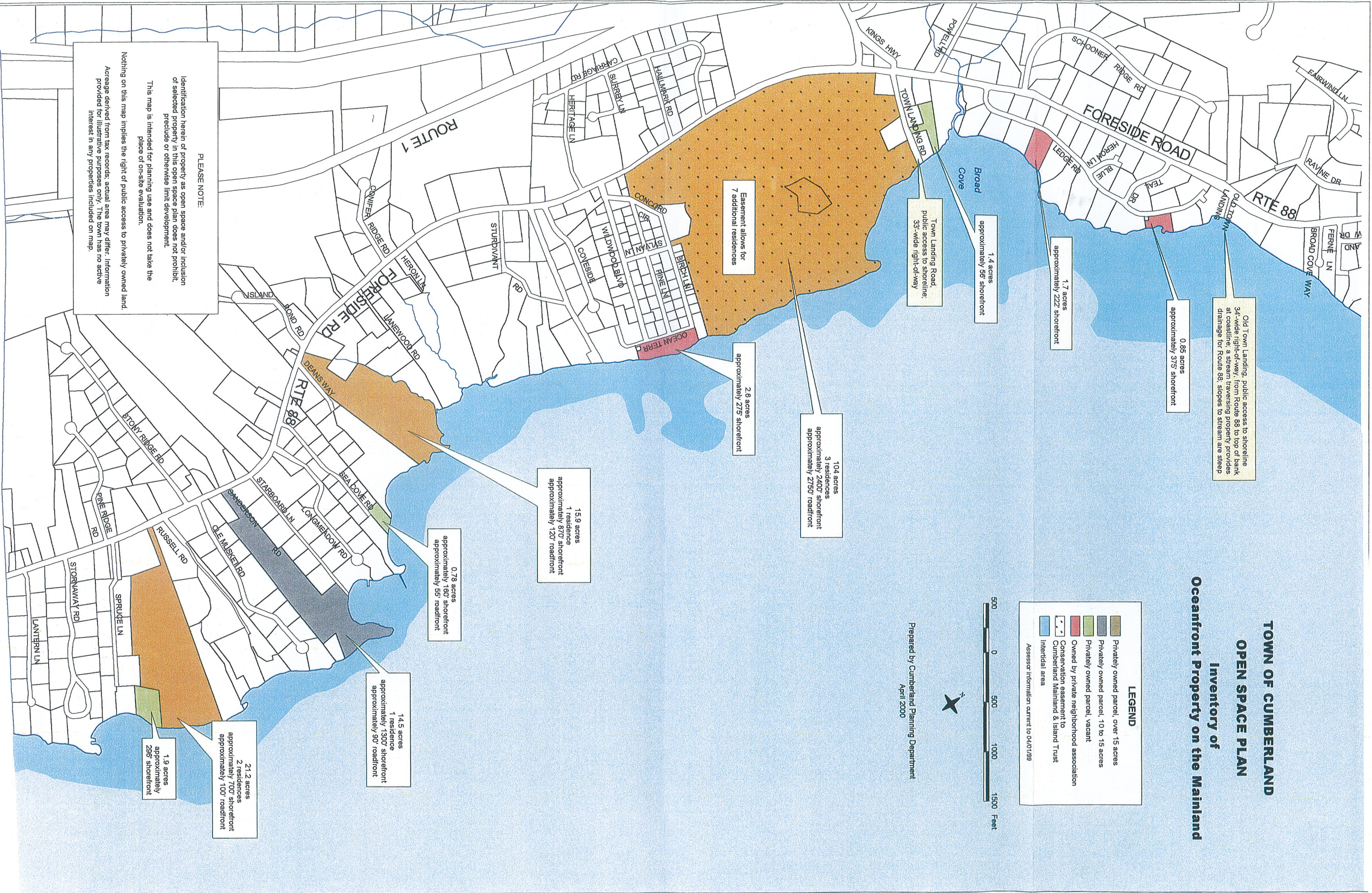
**LEGEND**

- Privately owned parcel, over 15 acres
- Privately owned parcel, 10 to 15 acres
- Privately owned parcel, vacant
- Owned by private neighborhood association
- Conservation easement to Cumberland Mainland & Island Trust
- Intertidal area

Assessor information current to 04/01/99



Prepared by Cumberland Planning Department  
April 2000



Old Town Landing, public access to shoreline 34'-wide right-of-way, from Route 88 to top of bank at coastline, a stream traversing property provides drainage for Route 88; slopes to stream are steep

0.85 acres  
approximately 375' shorefront

1.7 acres  
approximately 222' shorefront

1.4 acres  
approximately 56' shorefront

Town Landing Road,  
public access to shoreline;  
33'-wide right-of-way

104 acres  
3 residences  
approximately 2400' shorefront  
approximately 2750' roadfront

2.6 acres  
approximately 275' shorefront

Easement allows for  
7 additional residences

15.9 acres  
1 residence  
approximately 870' shorefront  
approximately 120' roadfront

0.78 acres  
approximately 160' shorefront  
approximately 55' roadfront

14.5 acres  
1 residence  
approximately 1300' shorefront  
approximately 90' roadfront

21.2 acres  
2 residences  
approximately 700' shorefront  
approximately 100' roadfront

1.9 acres  
approximately 296' shorefront

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Acreage derived from tax records; actual area may differ. Information provided for illustrative purposes only. The town has no active interest in any properties included on map.



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### III. Preserving Forest Land

Cumberland is fortunate to have a few remaining large tracts of forest land, one in excess of 900 acres, and several smaller tracts. The Committee identified the following reasons for preserving tracts of forest land:

- To preserve the aesthetics of large wooded tracts of land
- To keep land out of development
- Preserve wildlife habitat
- Preserve historic trails
- Preserve woodland as an economic base
- Prevent the further fragmentation of contiguous forestland
- Establish a greenbelt buffering the developed parts of Cumberland from the less developed areas.

The attached map inventorying forest lands includes tracts of forest not interrupted by roads or development and independent of private property boundaries, individual parcels that have more than 50 acres of forested land, and the parcels that participate in the Tree Growth Tax Program.

To promote the preservation of forest the Town should:

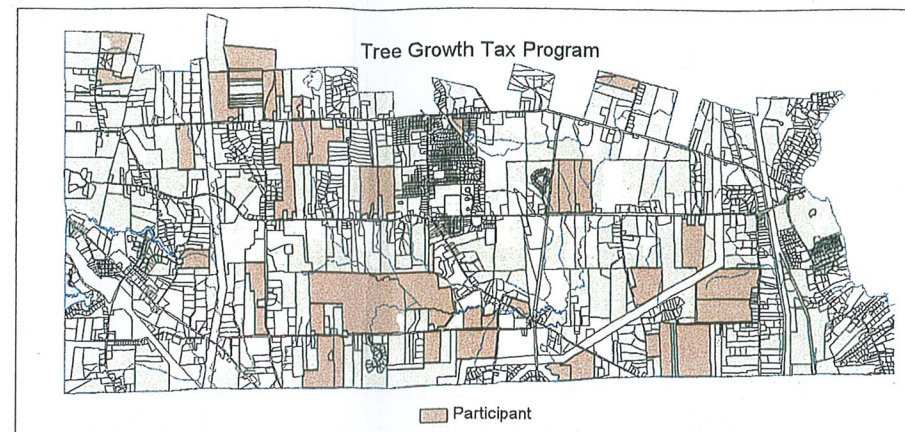
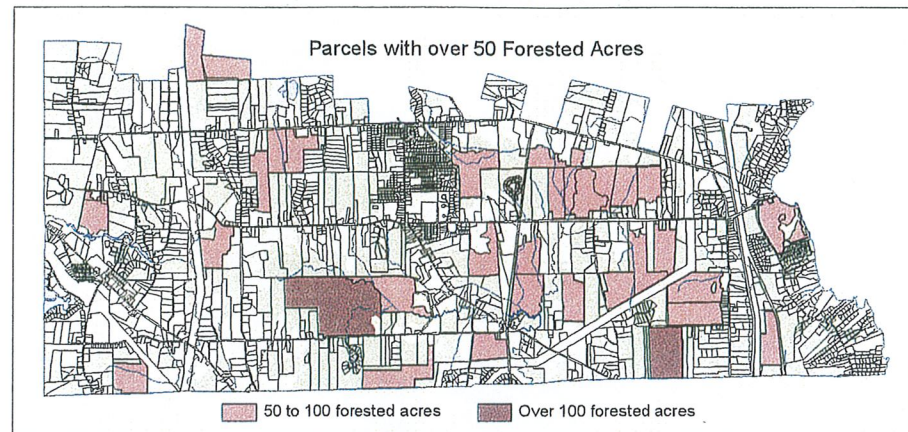
- Encourage property owners to use the State “Tree Growth” program
- Purchase conservation easements, or leases for a specific period of time
- Purchase rights-of-first-refusal; if acquired, consider a limited development scheme either for Town use or for use in a limited residential development to help cover the cost of acquisition
- If development is proposed, require clustering so that best wildlife habitat and trails are preserved. Maintain public access of trails if appropriate.

To rank the value of more than one piece of forested property, the following priority system is suggested:

- The more acreage, the higher the value
- The forest land that meets more of these criteria:
  - is a wildlife habitat
  - has historic trails, or would help connect two or more trails
  - is contiguous to other forested lands

would have higher priority than forested property that meets fewer criteria.

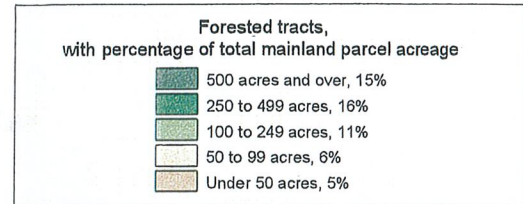




# TOWN OF CUMBERLAND

## OPEN SPACE PLAN

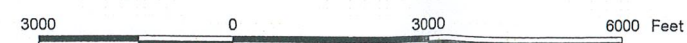
### Inventory of Forest Resources



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Location of forestland derived from interpretation of aerial photographs taken by James W. Sewell Company in April 1995. Loss of forestland due to recent development is estimated. Harvesting of timber resources is an allowable use within residential and commercial zoning districts.



Prepared by Cumberland Planning Department  
January 2000



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#### IV. Preserving Wildlife Habitat and Other Natural Resources

Large blocks of forest provide habitat for many more species than do small blocks, especially if streams and wetlands traverse them. Many species cannot breed in forest tracts smaller than 500 acres. Riparian areas (land along streams and wetlands) provide essential food, cover, and drinking water, as well as a travel corridor for movement between habitats. Freshwater and anadromous fish (those which ascend rivers from the sea in order to breed), waterfowl wading birds, and amphibians all need clean water for feeding and breeding. Uncultivated fields, and those hayed late in the season, provide habitat for a variety of birds and larger animals such as deer.

The Committee identified the following reasons for preserving wildlife habitat:

- To maintain healthy populations of a diversity of species native to Cumberland
- To provide adequate natural habitats for animals may help minimize the need for animals such as deer to feed on gardens, shrubs, apple trees, etc.
- To protect wetlands and riparian areas as wildlife habitat also helps minimize groundwater pollution while naturally managing stormwater.

The attached map inventorying wildlife habitats is a combination of areas identified for both state and local significance. Riparian areas, streams, and wetlands were identified as important wildlife habitat by the US Fish and Wildlife Service. The deer wintering areas were identified as high value by the Maine Department of Inland Fisheries and Wildlife. The habitats of local significance include buffering around streams and wetlands, large tracts of forest land and any fields that are adjacent to large forest tracts.

To promote the preservation of wildlife habitat the following steps are proposed:

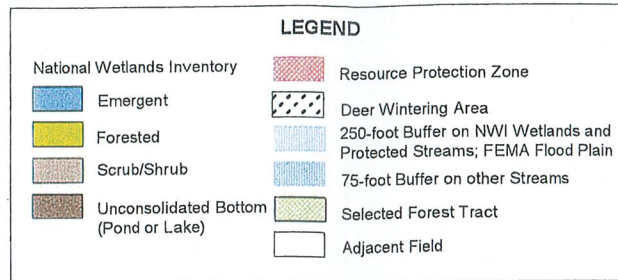
- Purchase development rights to preserve large tracts of forest and fields, and to manage the land as habitat
- Purchase conservation easements stipulating no development, and ensuring public access for recreation (including hunting and fishing), wherever compatible
- Provide a list of licensed foresters with a working knowledge of how to incorporate managing forests for both wildlife and timber harvesting
- Offer a workshop for landowners using *Biodiversity in the Forests of Maine, Guidelines for Land Management*, published by the Maine Forest Biodiversity Project
- If development is proposed, require clustering; steer development away from the more important wildlife resources, maintaining connections between remaining forest tracts
- Purchase rights-of-first refusal on property that includes the most significant habitats
- Share map with neighboring towns and with local land trusts.

To rank the value of more than one piece of wildlife habitat, the following priority system is suggested:

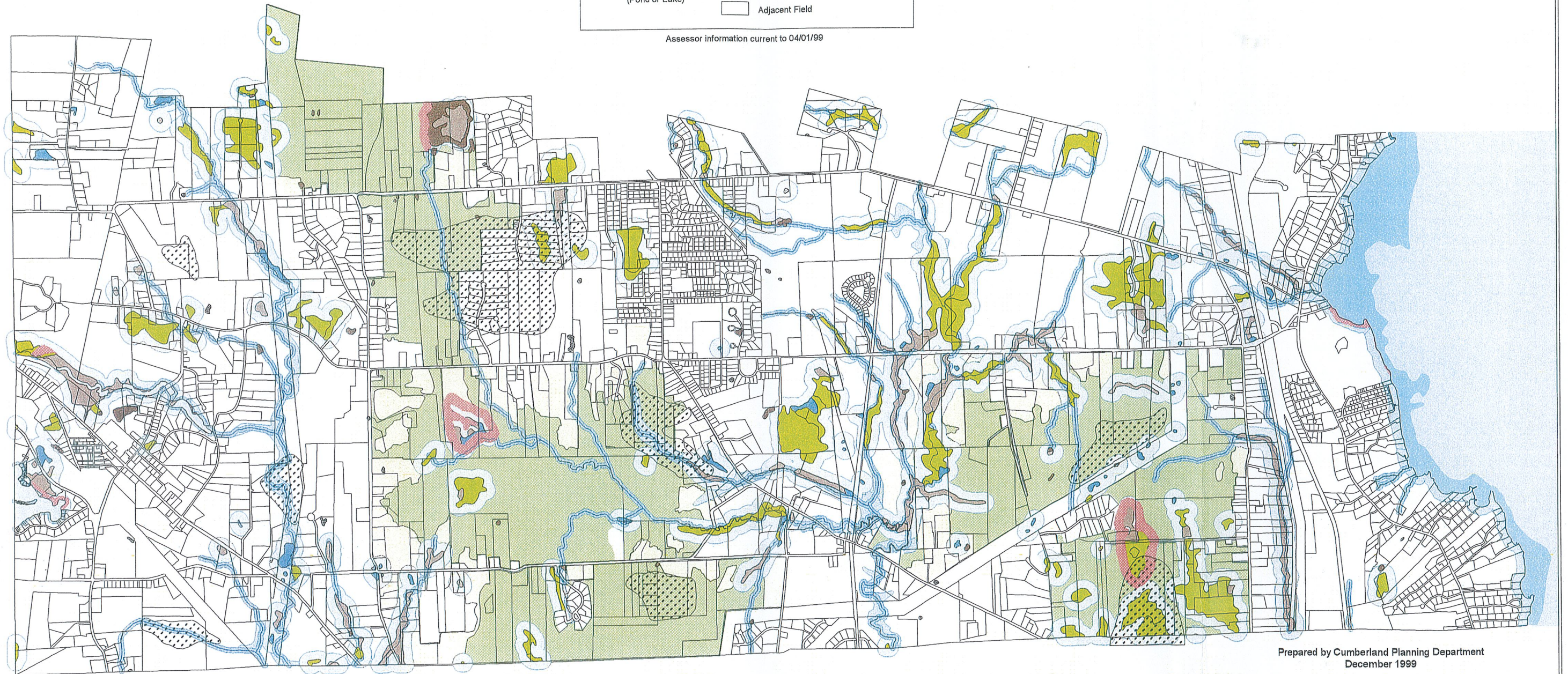
- A parcel that is part of a larger tract of forest, has more value
- Uncultivated fields or fields that are hayed late in the season are more valuable than others
- Lands with multiple wildlife resources are more valuable; for instance, forest tracts with wetlands, streams, or a deer yard would be more valuable than those without
- Lands that also provide recreational opportunities, such as walking, hunting, fishing, cross-country skiing, or snowmobiling are of higher priority
- Land that is adjacent to other conservation land is more valuable than land that is not



# TOWN OF CUMBERLAND OPEN SPACE PLAN Inventory of Wildlife Habitat



Assessor information current to 04/01/99



Prepared by Cumberland Planning Department  
December 1999

3000 0 3000 6000 Feet



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## SOURCES:

Wetlands included in Resource Protection rated as high or moderate value wildlife habitat by Department of Inland Fisheries and Wildlife (DIF & W) in 1988. Deer wintering data also from DIF & W. Buffering and wetlands information based on 1992 National Wetlands Inventory of U.S. Department of the Interior, Fish and Wildlife Service. Field and forest information derived from 1995 aerial photographs taken by James W. Sewall Company and interpreted by Greater Portland Council of Governments.



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## V. Preserving Scenic Areas

Scenic areas encompass a wide range of land characteristics and features. A scenic area may be an open field surrounded by woods, a favorite spot along the road where the ocean can be seen, an old stone wall lining a field or woods, a stately stand of trees along a road, or buildings that have been well maintained and include distinctive architectural features of past eras. Scenic areas tend to be the places that are enjoyed daily, in many cases while driving or walking down a road. In many cases, the significant feature is one small part of the property, not the entire piece.

The committee identified the following reasons for preserving scenic areas:

- To preserve the aesthetics of the community
- To preserve historical and cultural resources
- To preserve vistas

The inventory of maps has been divided into four separate maps: scenic landscapes and vistas, scenic features, historic and cultural resources, and gateways. Terrance DeWan Associates submitted all of the data included in these maps.



# TOWN OF CUMBERLAND OPEN SPACE PLAN Inventory of Scenic Landscapes and Vistas

LEGEND	
Significant View or Landscape	Significant Scenic Element
Primary	Scenic Riverway
Secondary	Scenic Roadway
Open Land Type	Scenic Viewpoint
Forest	Scenic and/or Rural Vista (greater than 1/2 mile)
Field	
Developed	

Assessor information current to 04/01/99



Prepared by Cumberland Planning Department  
January 2000

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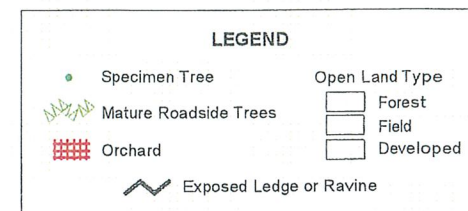
Scenic roadway designations based on field evaluation of scenic features and relative absence of negative elements. Scenic viewpoints limited to points along public roads and property, with the exception of those in the area commonly known as Blueberry Hill. Open land information derived from interpretation of aerial photographs taken by James W. Sewall Company in 1995. Number and/or selection of viewpoints and vistas may change with season. Field inventory for open space plan was completed during spring, summer and early fall 1999.



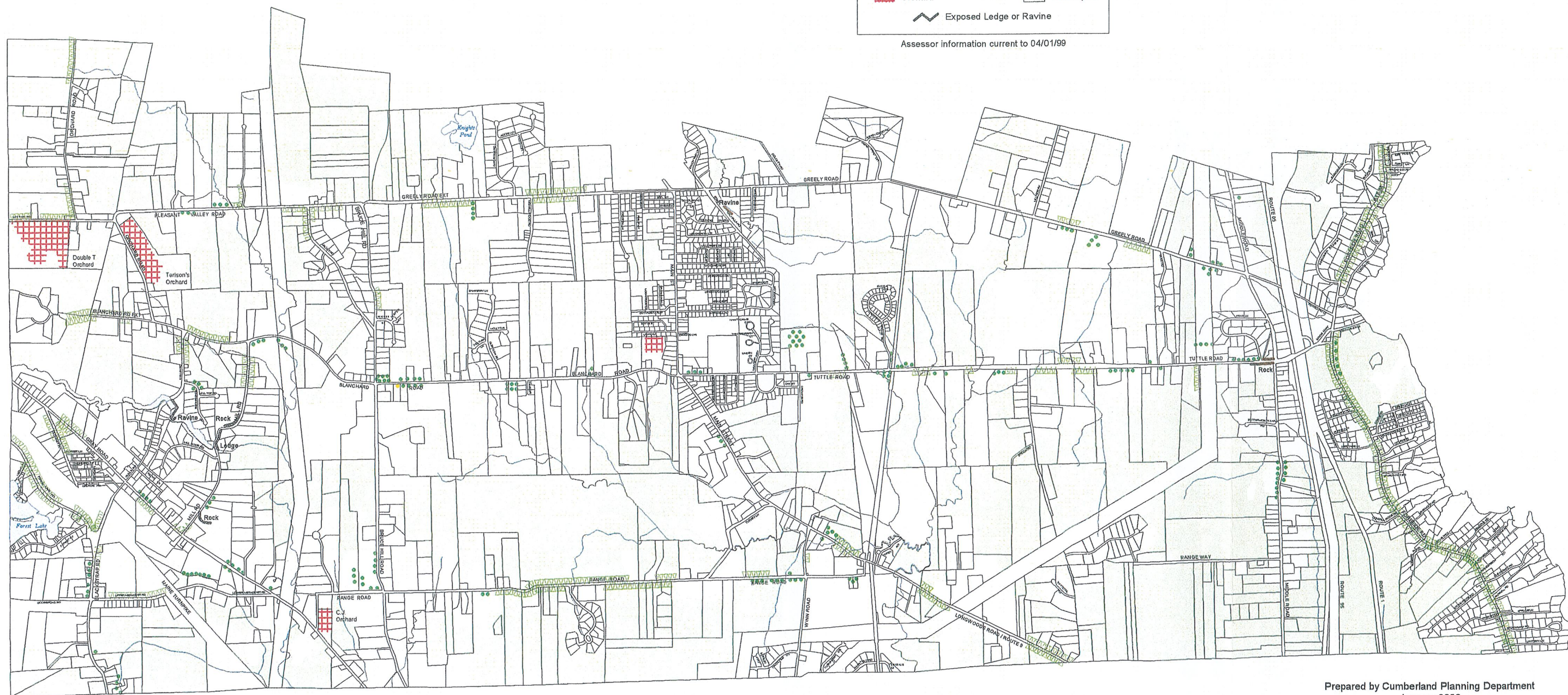
# TOWN OF CUMBERLAND

## OPEN SPACE PLAN

### Inventory of Scenic Features



Assessor information current to 04/01/99



Prepared by Cumberland Planning Department  
January 2000

4000 0 4000 8000 Feet



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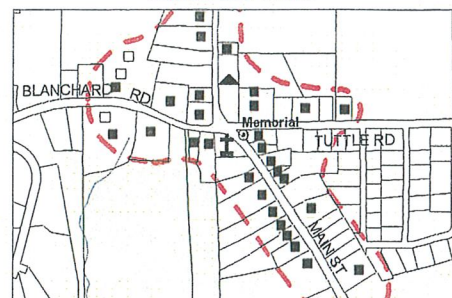
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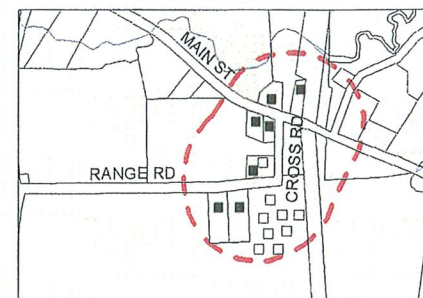
Information derived from field evaluation and interpretation of aerial photographs. A database was developed detailing species, condition and relative size of specimen trees. Scenic feature data is preliminary; field evaluation concentrated on major roads and those identified as scenic. Further field investigation may reveal additional scenic elements which contribute to the town's open space character.



INSET 1  
Cumberland Center



INSET 2  
Cumberland Junction



# TOWN OF CUMBERLAND

## OPEN SPACE PLAN

### Inventory of Historic and Cultural Resources



2000 0 2000 4000 Feet



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Information on historic properties obtained from Tax Assessor's Office and field verified. Field inventory concentrated solely on resources within view of public roads. Additional historic and cultural resources may exist on private roads and/or driveways set back from main roads. Map symbols are not representative of actual size or exact location.

**LEGEND**

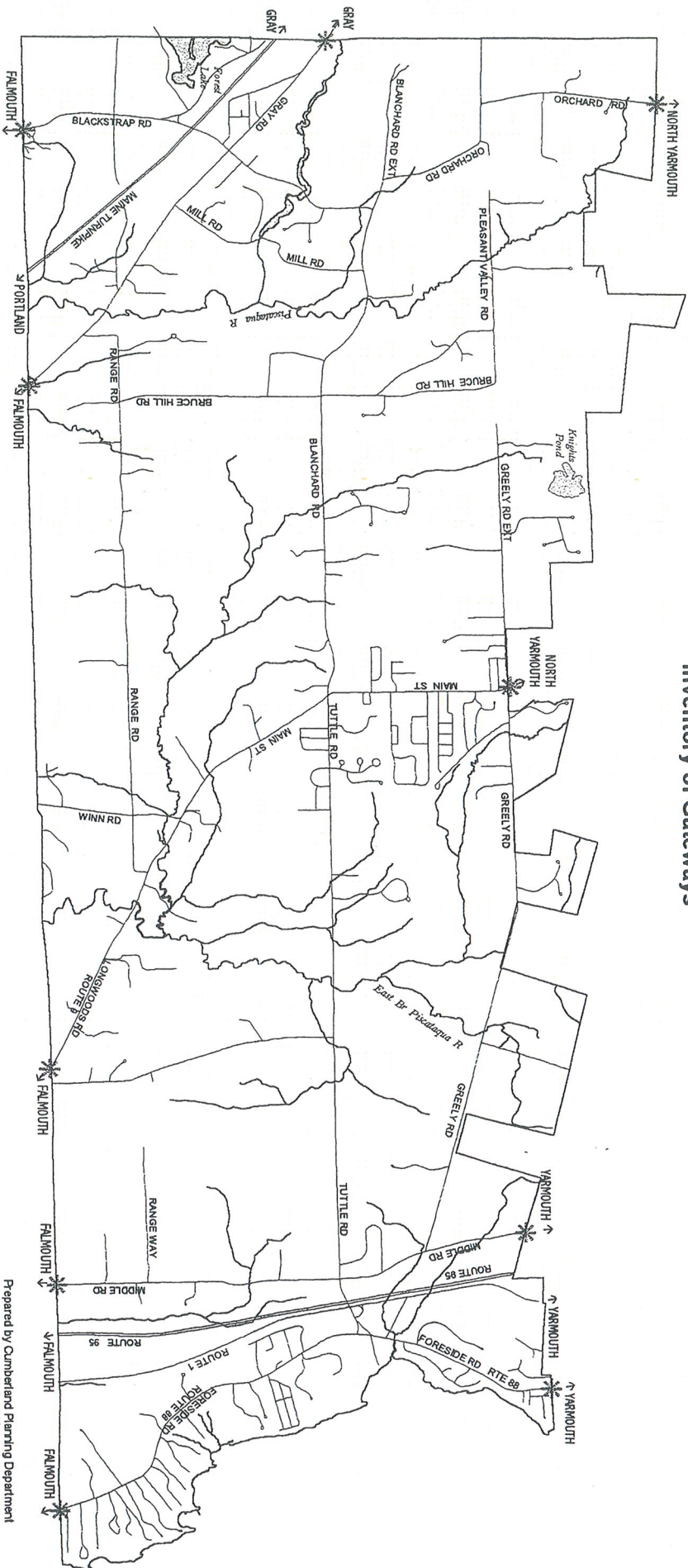
Historic Resource (with total # located on map)	Historic Village or Building Cluster
□ Barn (66)	Stone Wall
⋈ Church (4)	Open Land Type
■ Pre-1930 Home (236)	Forest
▲ Cemetery (5)	Field
⊙ Other Cultural Feature (9)	Developed

Assessor information current to 04/01/99

Prepared by Cumberland Planning Department  
January 2000



# TOWN OF CUMBERLAND OPEN SPACE PLAN Inventory of Gateways



Prepared by Cumberland Planning Department  
April 2000

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Gateways on map  
indicated by \*



Proposed sign to mark each gateway

Gateways are significant points of entrance into Cumberland. Neither minor roads nor dead-end roads are included in this inventory. The 'Welcome to Cumberland' sign is a prototype for signage to mark each gateway location. More visible gateways (e.g., Foreside Road, Middle Road) may be further emphasized with larger signs, stone walls and vegetation management.



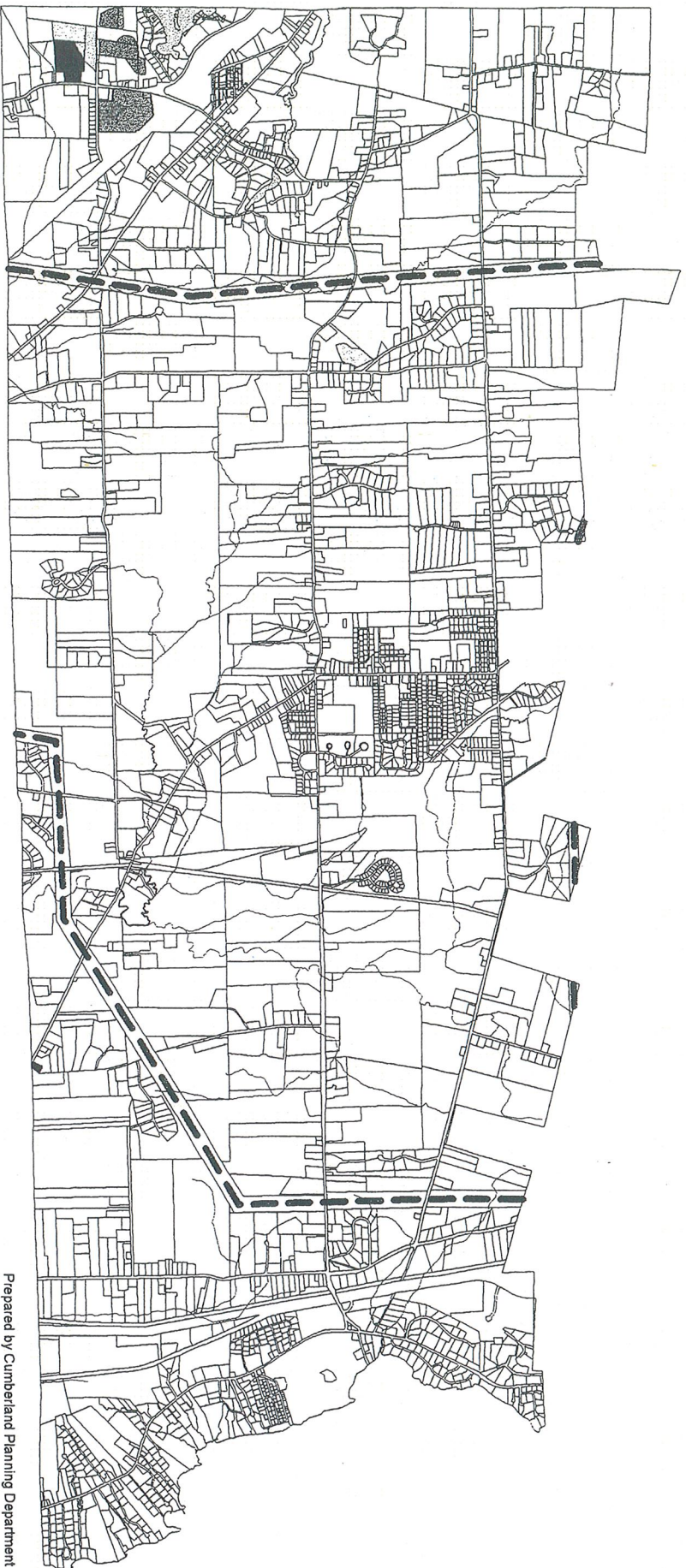
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## **VI. Negative Visual Features**

The Plan focuses on physical features that should be preserved. However, in any landscape there may be features that detract from value. The Committee identified power lines, gravel pits, junkyards and salvage yards as “negative visual features”. If development is proposed on property containing any of these features, the project should be designed so that the negative feature is buffered from either the view from the road or from adjacent properties.



# **TOWN OF CUMBERLAND** **OPEN SPACE PLAN** **Inventory of Negative Visual Features**



Prepared by Cumberland Planning Department  
 April 2000

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Single conductor transmission lines and local distribution lines are not included in this inventory. Information derived from field evaluation and interpretation of aerial photographs.



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## VII. Existing Open Space

The Town has accumulated several pieces of land and easements over the years. Some land is dedicated to the Town as required open space in clustered subdivisions, some land is donated, and some parcels have been acquired when taxes haven't been paid. The easements allowing public access to a limited portion of any property have mostly been provided as the result of requests from the Planning Board during the course of subdivision or site plan review, although some easements were negotiated outside of the review process by the Town.

The attached map identifies all of the known easements that have been given to the Town, and all of the properties currently owned by the Town. In addition, privately owned open spaces (i.e., those lands owned by the Cumberland Mainland and Islands Trust or by private homeowners' associations) are shown. Although access to the public may be restricted or even prohibited on these privately owned lands, their existence for conservation purposes is important. The historic trails identified by the now defunct Greenbelt Committee have also been added to the Plan, as a guide to where existing trails are and might be connected in the future.

The attached map is intended to provide an inventory of all of these places. In most cases, the use of the land is listed on the map. While the primary use of publicly owned property may be a building, such as a fire station or library, there often are opportunities for recreational trail uses, or other less intensive land uses; therefore, all such lands are listed. Typically, open fields are better suited for active recreation (i.e., ball fields), and wooded areas are more suitable for passive recreation (i.e., trails).



The easements shown on the map are taken directly from approved subdivision plans. In most cases there are no trails within these easements, but the presence of an easement is an opportunity for the Town to create a trail or path in the future. The recreation easements designated as "ownership unknown" are shown on a subdivision plan approved by the Planning Board but no recorded deeds can be located. The Town Council has the authority to accept the dedication by Council Order.

Recommendations:

Continue to document easements on the map and develop a database that records information on all of the easements, such as width, restrictions on use, etc.

Accept the dedication of recreation easements designated as "ownership unknown" by order of the Town Council.



# TOWN OF CUMBERLAND

## OPEN SPACE PLAN

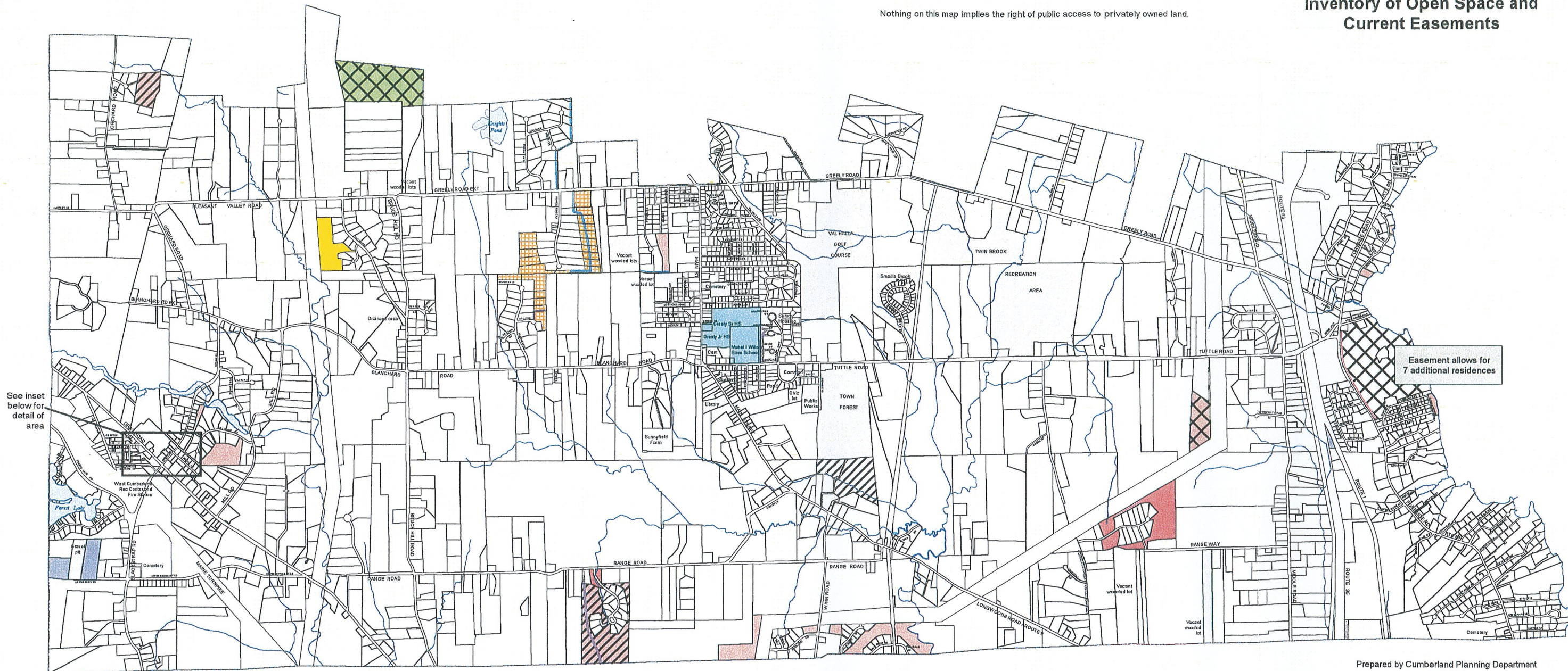
### Inventory of Open Space and Current Easements

#### PLEASE NOTE:

Identification herein of property as open space and/or inclusion of selected property in this open space plan does not prohibit, preclude or otherwise limit development.

This map is intended for planning use and does not take the place of on-site evaluation.

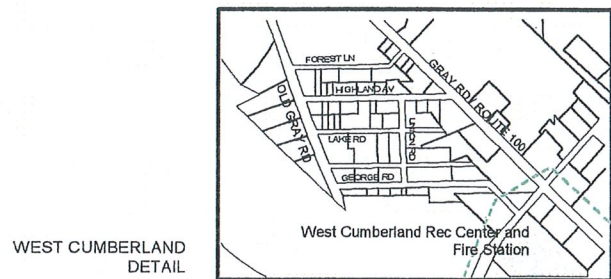
Nothing on this map implies the right of public access to privately owned land.



See inset below for detail of area

Easement allows for 7 additional residences

Prepared by Cumberland Planning Department  
April 2000



#### LEGEND

- |  |   |
|--|---|
| Privately owned open space                                       | Historic trail  |
| Town-owned open space  | Pedestrian easement to town   |
| M.S.A.D. 51  | Pedestrian easement to CM & IT  |
| CM & IT-owned in perpetuity (Cumberland Mainland & Island Trust) | Recreation easement -- ownership unknown  |
| State-owned property   | Conservation easement in perpetuity to town   |
| Federally owned property   | Conservation easement in perpetuity to CM & IT  |
| Intended to be dedicated to town                                 | Conservation easement in perpetuity to DIF & W (Department of Inland Fish & Wildlife) |

Assessor information current to 04/01/99



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## Financing

Financing the acquisition of open space, in fee or otherwise, is potentially expensive. The limited funds available are in competition with other public programs such as schools, libraries, roads, and police. Therefore, a program that is able to preserve many acres of land requires a variety of funding sources and careful purchases. Listed below are some recommended sources of funding. Other sources may be available and should also be pursued.

- 1)       **Annual budget item** – The Council should set aside a certain amount of money each year to be used toward the acquisition of land, easements, conservation easements, etc. Maintaining a fund for this purpose is critical to leveraging unanticipated grant opportunities that come up during the budget year. Typically, grant money requires a local match of some amount. If the funds exist, the application is considerably stronger than one that would offer funds not yet appropriated.
- 2)       **General obligation bonds** – Bonds allow a community to raise much larger sums of money, and because the debt is paid over several years, future residents pay a portion for the benefit received. Cumberland's excellent bond rating keeps the interest on the loan at a low rate. A bond may be appropriate if several parcels were selected for acquisition, or to create a revolving loan fund for farmers.
- 3)       **Impact fees for open space** – Impact fees are assessed on all new residential construction, in both subdivisions and on single lots. The amount of the open space fee would reflect the amount of current open space, its value, and the cost of purchasing additional open space to keep the same ratio of persons per acre of open space. To assess such a fee the Town Council would have to adopt an Impact Fee



Ordinance for Open Space. The collected fees would be held in a separate account by the Town, and would have to be spent within five years from the time they are paid. Impact fees are typically paid at the time a building permit is issued; however, any variety of payment plans could be established by ordinance.

- 4)       **Management of the Town's woodlots**– The Town could use timber-harvesting revenues to fund open space preservation. The Town owns several wooded parcels of varying sizes, uses, and locations. Many haven't been harvested since they were first acquired. The Town could hire a qualified forester to develop management plans for all Town-owned woodlots, using the inventories included in this Plan as a guide for the management plan development. For example, if a woodlot is a significant wildlife habitat, then care needs to be taken to harvest while protecting and possibly improving the habitat qualities of the land. If the parcel could provide a recreational trail link, then the location and condition of skid trails are important. The proceeds for the harvesting could then be used to fund the preservation of additional open space.
- 5)       **Donations of land or cash** – Conservation-minded residents may desire to give the Town land or cash to purchase land. This Plan will help in the decision of whether to accept land and how it would best be used. Cash donations may provide a federal tax reduction to the donor, and as such may provide a desirable charitable giving option. The Town would need to establish a special fund for this purpose, and develop a system to ensure that all donors are able to get the full tax benefits for their gifts.
- 6)       **Bargain sales** – This option involves purchasing a piece of property, but at a reduced rate. The difference between the full market rate and the reduced rate would provide a federal tax break to the seller.



- 7) **Cooperative purchases with conservation groups** (e.g., Cumberland Mainland & Islands Trust, New England Forestry Foundation, Maine Coast Heritage Trust, The Nature Conservancy, Corporate Conservation Council, Trust for Public Land.) – Various local, regional, and national land trusts and conservation groups can provide a tremendous amount of assistance to landowners wishing to keep their property undeveloped. Once land is accepted by a trust, stewardship of the property tends to be excellent. The Trust for Public Land (TPL), a national land trust, is able to move quickly with willing landowners and can provide the necessary legal assistance to complete the transaction. TPL is particularly helpful with larger more expensive pieces of property that are threatened for development.
- 8) **Transportation enhancements** – Recent Federal transportation funding includes provisions for providing for “alternative methods of transportation” such as walking and bicycling. The Town has previously used these funds for paving the shoulders of Tuttle Road for bike lanes. The program allows for acquisition of land, usually long, narrow bands that would provide connections to public places or other recreational areas. The purpose of these funds is to allow people to get from one place to another without having to drive.
- 9) **Federal and state matching grants for acquisition of land for recreation** – Grant programs for developing open space and recreational areas are regularly offered to the Town by various governmental and non-profit groups. The presence of a plan that inventories land for various purposes strengthens an application. Typically, a local match of some percentage of the total is required. The existence of a land acquisition fund assists in the preparation of grant applications.



- 10)       **Limited residential development** – The Town might consider recovering some or all of the cost of land by selling some lots for residential use. For example, if a large tract of land were being considered for acquisition, a portion could be set aside for residential development. The Town would have the ability to limit where the houses would be and how many would be allowed on each parcel. This option may also be beneficial if a desirable piece of property has a house on it. In this case, the Town may want to sell the house with a small piece of land, keeping the balance of the property for Town use. Such limited development schemes can allow the Town to stretch the open space dollars that are available. In this case, the Town could act as the developer of the land, or sell the land to a developer with restrictions. (see addendum 1)



TOWN OF CUMBERLAND  
 OPEN SPACE PLAN  
 HYPOTHETICAL FULLY  
 BUILT PLAN

SCENIC OPEN  
 SPACE

NEW CONST.



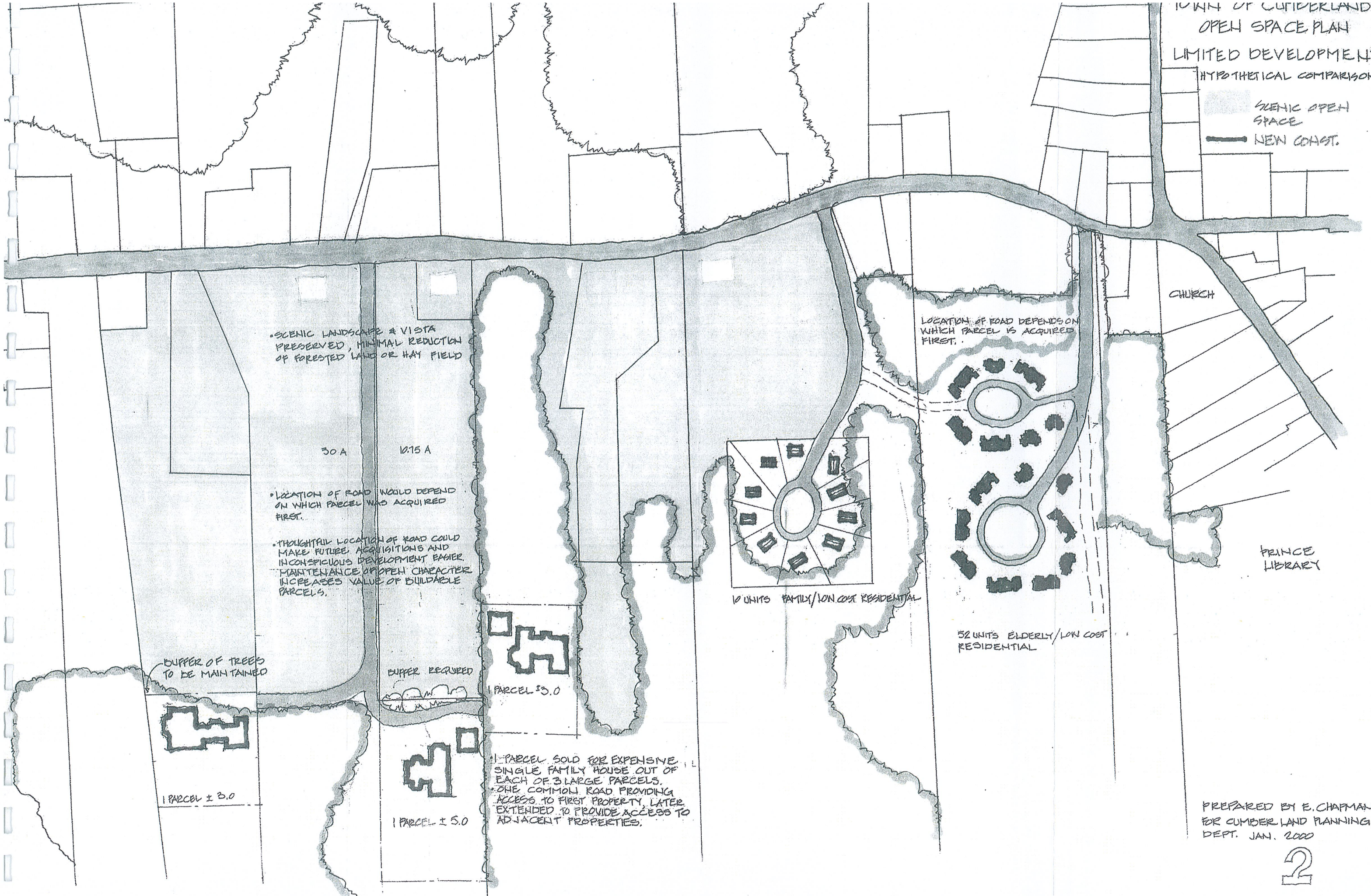
# ADDENDUM 1

PREPARED BY E. CHAPMAN  
 FOR CUMBERLAND PLANNING  
 DEPT. JAN. 2000



TOWN OF CUMBERLAND  
OPEN SPACE PLAN  
LIMITED DEVELOPMENT  
HYPOTHETICAL COMPARISON

SCENIC OPEN SPACE  
NEW CONST.



PREPARED BY E. CHAPMAN  
FOR CUMBERLAND PLANNING  
DEPT. JAN. 2000



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## **Glossary of Terms**

**Acquisition in Fee** – Acquisition in Fee is the outright purchase of land when the Town has determined that it is a valuable piece of property. In negotiating with landowners, some options are available:

1. **Life tenancy** – the property would be purchased or donated to the Town, but the owner of the land retains the right to occupy the land for the remainder of their lives.
2. **Sale and leaseback agreement** – the Town can purchase property and then lease it back to the original owners who maintain the land under the terms or a conservation easement. The agreement can stipulate that the land continues to be used for farming or forestry. The amount of the lease is negotiable, but may be as little as one dollar a year.
3. **Installments** – with installments the Town would purchase land over time to ease the capital gains burden to the seller. At the same time, the financial burden to the Town is spread out over time.
4. **Bargain sale** – land is purchased at an amount that is less than the full market value. The difference between the sale price and the full market value is considered a charitable contribution for income tax purposes.

**Clustered Residential Development** (clustering) – A clustered residential development allows the developer to create lots smaller than the minimum lot size in return for leaving at least 25% of the lot in open space. The density of the development is not greater than would be allowed for a traditional development. The benefit to the developer is reduced infrastructure costs (shorter roads and utility lines) and the creation of lots adjacent to preserved open space. In Cumberland,



developers have the option to give the open space to a homeowners' association, a land trust, or the Town. If the open space is land that the Town prefers to own, and it hasn't been offered as a donation, acquisition may be necessary.

**Conservation Easement** – Conservation easements are a legal means by which landowners voluntarily or sell permanent limitations on the future use of land, and are authorized by Maine law under Title 33 M.R.S.A. § 476 et seq. An owner can still use and/or sell the land; however, if the land is sold, it remains subject to the terms of the easement. The terms of an easement are set forth in covenants that are tailored to suit the unique characteristics of the land. For example, land may be restricted to “forever wild” (remain as nature leaves it), to allowing for limited residential development, farming, or properly managed timber harvesting. The easement may cover the entire piece of land or just a portion. To be effective the easement must run to a third party such as a land trust. State law allows for a reduction in the assessed value of a property if a conservation easement is in place; in turn the re-sale value of the land typically declines. The fair market value of property adjoining conservation easement property tends to increase due to the buffering that is provided.

**Conservation Lease** – Conservation leases would restrict development of a property for a specific period of time. The lease reduces the value of the property; however, because the lease is for a limited amount of time, the reduction will not be as great as an easement and will, in fact, diminish with each year that the lease grows closer to termination. Given the limited period of time a landowner is restricting development, it is less expensive for the Town to purchase a lease than an easement.



**Donations of Land** – Donations are the simplest form of land transfers to the Town, except that acceptance by the Town Council is necessary and that once the land is transferred, property taxes are no longer paid. Donations can be accomplished in different ways depending on the landowner's situation. As a result of the donation, the donor of the land most likely will receive a tax benefit.

**Limited Development** – With limited development, the Town may sell a portion of publicly owned land to a developer with the restriction that the number of lots created would be significantly less than if the Town were not involved. The Town may opt to develop the land and sell the lots, if appropriate. This is an opportunity to slow growth, recoup some, if not all, of the acquisition costs, and control where development happens on a piece of property.

**Purchase of Development Rights** –This program enables property owners to sell their development rights to the Town, while holding the fee simple title and to continue current use, for example farming or timber harvesting. The value of the development rights is some part of the difference between the value of the land in its current use (farming) and its highest and best use (house lots). The Town doesn't acquire the right to use the land, only the right to prevent development. Once the development rights are purchased, the restrictions continue to run with the title to the land.



**Right-of-first-refusal** – A right acquired or donated to the Town, where the Town would have the first option to purchase a piece of property when an owner decides to sell. The Town would not be obligated to purchase the property, but would have a limited amount of time to decide if there was interest in purchasing the land.



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## **Roles and Responsibilities**

### **Town Council**

The Town Council is the policy and decision maker for any action taken regarding this Plan. The Plan has specifically avoided recommending particular properties for action by the Town Council, but rather suggests how similar parcels may be prioritized. This approach was taken to give the Council the most flexibility, given that the ability to take action regarding open space has to be weighed against other competing demands. In addition, goals can change over time.

### **Planning Board**

The Planning Board's primary role in implementing the Plan is to ensure that valuable and special places are preserved as best possible when development plans are proposed. The Plan makes recommendations that could be incorporated into the Subdivision and Zoning Ordinances. The Plan recommends requiring clustering for land destined for development that is an active farm, waterfront property, or is part of a significant forest tract or wildlife habitat. Clustering groups houses in a smaller area and by doing so, maintains a portion of the land as open space. In instances where a significant stand of trees, or a view exists on a particular parcel, the project can be designed to avoid and possibly enhance the feature. The designation of scenic roads also gives the Planning Board the opportunity to develop standards such as setback and buffering requirements to maintain the look of a road.



### **Conservation Commission**

The Conservation Commission's role in implementing the Plan is to conduct site walks on properties as requested by the Town Council and to submit a report regarding the natural resources of a property, and to make recommendations on how a piece of land may best be used.

### **Cumberland Mainland & Islands Trust**

The Trust plays a significant role in the preservation of land, especially environmentally sensitive land such as wildlife habitat. It may be prudent for the Town Council to discuss in more definitive terms how the two groups can work together to achieve the goals of this Plan. For example, the Town may not have the resources available to be a steward of environmentally sensitive land, but would prefer to entrust this responsibility to a land trust.



