

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**Monday, February 13, 2023**

**6:00 P.M.** Workshop

**7:00 P.M.** Call to Order

**6:00 P.M. WORKSHOP** re: Affordable Housing TIF District Discussion

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

January 9, 2023

### **III. MANAGER'S REPORT**

Legislative Policy Committee update from Councilor Segrist

### **IV. PUBLIC DISCUSSION**

*Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.*

### **V. LEGISLATION AND POLICY**

**23 – 006.** To hear a report from the Housing Task Force.

**23 – 007.** To appoint Devon Galvan as Aging in Place Director and to hear a report re: Aging in Place program.

**23 – 008.** To hear a report from the Lands & Conservation Commission re: Rines Forest

Management Plan and to consider and act on acceptance of the plan.

**23 – 009.** To authorize the Lands & Conservation Commission to spend the \$50,000 Community Resilience Partnership Community Action grant.

**23 – 010.** To hold a Public Hearing to consider and act on a liquor license renewal for Flannel Shirt Food Company, LLC (d/b/a/ Dara Bistro) for the period of March 27, 2023 to March 27, 2024.

**23 – 011.** To appoint Jennifer Doten, Registrar of Voters.

**23 – 012.** To reappoint a member to the Planning Board.

**23 – 013.** To consider and act on sending a Town Council resolution to the Rail Use Advisory Committee and the Commissioner of the Maine Department of Transportation.

**23 – 014.** To set a Public Hearing of February 27<sup>th</sup> to consider and act on the formation of an Affordable Housing TIF District, as recommended by the TIF Committee.

## **VI. NEW BUSINESS**

- Ordinance Committee Update:
  - LD2003 - Accessory Dwelling Units
  - Route One Design Standards
  - Demolition
- Town Council Budget Workshop Dates:
  - Monday, March 27<sup>th</sup> 5 – 7 p.m.
  - Monday, April 10<sup>th</sup> 5 – 7 p.m.



- Monday, April 24<sup>th</sup> 5 – 7 p.m.
- Saturday, May 6<sup>th</sup> 8 a.m. to completion

## **VII. BUDGET REPORT**

## **VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**Monday, January 9, 2023**

**6:00 P.M. Call to Order and Executive Session**

## **6:00 P.M. Call to Order**

Present: Councilors Copp, Edes, Filson, Foster, Segrist, Storey-King and Vail

### **I. EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A. Section 405 (6)(E) consultation with the Town Attorney.

Motion by Councilor Segrist, seconded by Councilor Storey-King, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 405 (6)(E) consultation with the Town Attorney.

VOTE: 7-0 UNANIMOUS

TIME: 6:05 P.M.

Reconvene to regular session at 7:00 P.M.

### **II. APPROVAL OF MINUTES**

Motion by Councilor Filson, seconded by Councilor Vail, to accept the December 12, 2022 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Filson, seconded by Councilor Vail, to accept the December 19, 2022 Special Meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

### **III. MANAGER'S REPORT**

Town Manager Shane said that he is pleased to introduce three Greely students, Charlie Moore, Shawn Allen and Max Allen. They hold a fundraiser every year to raise money for the food pantry. This year they raised \$8,000 and donated gas and Hannaford gift cards to the food pantry. Charlie and Shawn are juniors this year, and Max will take over the program when they graduate.

Town Manager Shane reported that a presentation was given to the School Board at their last meeting regarding the solar project. The school will work with Revision Energy and have them come back with a letter of intent that will be presented to the School Board next week. 15 to 20 acres of land would be needed for this project, and this is just the beginning of a 2-year process.

### **IV. PUBLIC DISCUSSION**

No public discussion.

**V. LEGISLATION AND POLICY**

**23 – 001 To hear a presentation from the Prince Memorial Library Advisory Board and Library Director re: Library Capital Improvement Plan.**



**Part I: CIP Requests**

- 1. Temporary space expansion
- 1. Minerva implementation

**Request #1: Temporary Space Expansion**



**Aerial Rendering**



**Accommodating High-Demand Programs**



**Utilizing Other Community Spaces When Available**



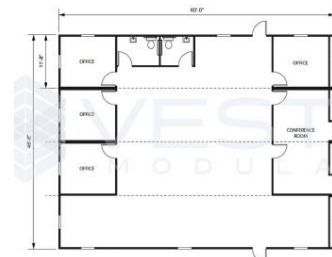
**Space Analysis**

Estimated at ~\$5,000, the intended outcomes would be:

- 1. determining the best option for designated programming space to eliminate the ongoing disruption to other PML-patron activities,
- 2. identifying a viable space for the PML Friends to eliminate the currently-hazardous arrangement of frequenting the PML basement, and
- 3. carving out and preserving quiet individual space(s).

*The addition of a temporary space installation may be the most efficient and viable option for meeting these needs until a permanent expansion can be secured.*

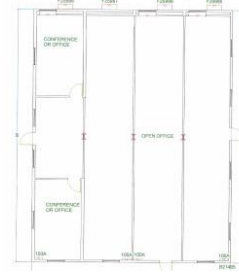
**Temporary Space Option #1: Vesta 48' x 60'**



Temporary Space Option #2: Vesta 60' x 60'



Temporary Space Option #3: Schiavi 60' x 60'



Leasing vs. Purchasing

48' x 60' Options	60' x 60' Options
Installation: \$108,675	Installation: \$143,500
Steps/Decks/Ramps: \$ 35,000	Steps/Decks/Ramps: \$ 35,000
Annual Lease: <u>\$ 51,600</u> (\$4,300/mo)	Annual Lease: <u>\$ 63,600</u> (\$5,300/mo)
<b>1) \$195,275 (year)</b>	<b>1) \$242,100 (year)</b>
Purchase + Installation: \$431,000	Purchase + Installation: \$536,000
Steps/Decks/Ramps: <u>\$ 35,000</u>	Steps/Decks/Ramps: <u>\$ 35,000</u>
<b>(total) \$466,000</b>	<b>(total) \$571,000</b>
<i>(total) *Any selected option will need to be outfitted with the necessary technology.</i>	

Request #2:  
Minerva Implementation

MINERVA: A Shared Library System

- Brings together over 60 libraries and over 6 million items from across the state
- Patrons can request materials without having to appear in person
- Easy access to more books, DVDs, audiobooks, magazines, and music CDs
- Library staff can easily and quickly order interlibrary loans for patrons
- The statewide delivery service, which is subsidized by Minerva reduces postage costs and shortens delivery time

Capital costs

- New 14-digit barcodes for existing items: \$3,000
- Receipt printers & barcode scanners: \$300

Part II: Non-CIP Considerations

1. Minerva implementation costs
2. Additional staffing needs
3. A potentially-outdated vision

Subsequent Consideration #1:  
Other Costs with Minerva

Initial Migration	Annual/Ongoing
Catalog record cleanup: \$13,500	Membership fee: \$ 4,300
Scoping services: <u>\$ 2,950</u>	Increased van delivery: \$ 1,384
<b>\$16,450</b>	Additional PTE: <u>\$20,000</u>
	<b>\$25,684</b>

Subsequent Consideration #2:  
Additional Staffing Needs

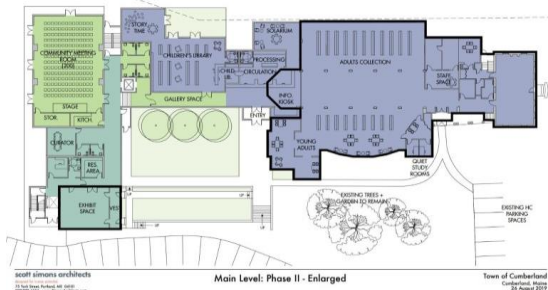
- Additional program staffing for the temporary space, particularly in the areas of Youth & Teen Services and Children's programming
- Currently the former is staffed at 30 hours, and there is no specific designation for the latter

Subsequent Consideration #3:  
A Potentially-Outdated Rendering and Vision

The PML staff and Advisory Board see the need for:

- Engaging in an updated community needs assessment
- Aligning the resulting data with the space -assessment recommendations
- Forging additional local and regional partnerships
- Avoiding the expectation of the town or its citizens being the fiscal agent for a permanent expansion to PML

**2019 Proposed Expansion is Potentially Outdated**



**Moving Forward**

Any permanent expansion would need to reflect and updated vision and be represented in an updated set of architectural plans.

A different strategy for fundraising would potentially include:

- Public-private partnerships (i.e. industry, Veterans Services)
- State and federal grants (i.e. regional programming, Community Resilience Partnership Climate Action Grant)
- An intentional combination of funding sources

**Guiding Principles**

Ongoing PML strategic planning emphasizes:

- Seeking avenues for improving and expanding PML's physical, virtual, and human resources
- Responding the community's diverse and growing needs
- Leveraging existing and potential partnerships
- Offering PML's experience and energy to the community's future planning efforts

**Questions or Feedback?**

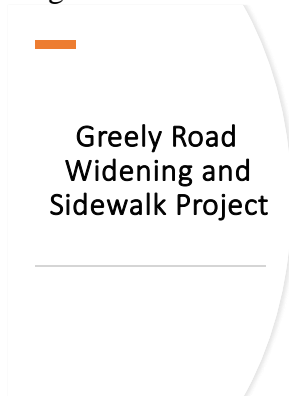
Thomas Bennett, Director, Prince Memorial Library  
tbennett@cumberlandmaine.com

Paul Dexter, Chair, Prince Memorial Library Advisory Board  
pauldexterj@gmail.com

*(And make sure to sign up for and read the weekly PML-newsletter!)*

**23 – 002 To hear a presentation from the Assistant Town Manager re: Public Services and Val Halla Capital Improvement Plan.**

Assistant Town Manager, Chris Bolduc, presented the following:



**Purpose**

- The project would focus on making the 3.2 mile stretch of Greely Road, from Main Street to Middle Road, safer for bicyclist and pedestrians and improve the condition of the roadway for vehicle traffic.

**Project Specifics**

- Upgrade 2 Stream Crossing's to improve water flow and fish passage, this will mitigate flooding issues to improve the integrity of the road and would allow for the widening of the road.
- Identify and mitigate isolated drainage issues.
- Add a section of sidewalk connecting the Main Street Sidewalk to Valhalla Road which would complete an existing loop to the neighborhoods.
- Improve the ValHalla Road and Greely Road intersection to make it safer.
- Add 2-to-3-foot paved shoulders and pavement overlay the entire length of Greely Road to make it safer for pedestrians, cyclist and motorists.



## Upgrade Stream Crossings



Maxfield Brook



Windell Brook



Corey Road (box culvert / fish passage)

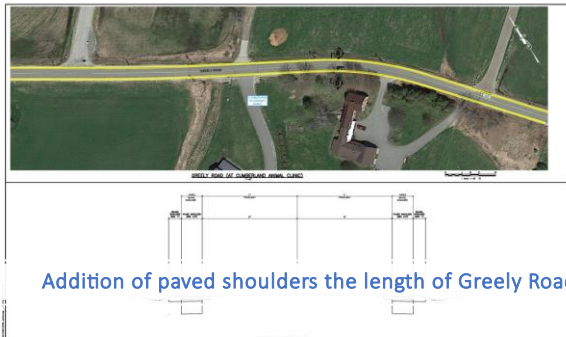
### Greely Road / Valhalla Road Intersection Reconstruction



## Addition of a Sidewalk from Main Street to Valhalla Road



### Current Condition Greely Road Shoulders



Addition of paved shoulders the length of Greely Road

## Estimate of Cost and Funding

	Cost	Funding
Sidewalk, Intersection and Shoulders	\$1,420,000.00	• Potentially use TIF funds for paving.
Pave Entire Road	\$580,000.00	
Drainage	\$450,000.00	• Bond for drainage and infrastructure improvements.
Stream Crossings (with Grant Funding)	\$250,000.00	
Contingency / Engineering	\$400,000.00	• DEP Fish Passage Culvert Grant for the two stream crossings.
<b>Total</b>	<b>\$3,100,000.00</b>	



Public Works and SAD 51 Transportation Administrative Building

## History

- The administrative building was proposed and approved to replace the existing breakroom, bathrooms and office space in a building that was built in 1968 and was incorporated into the current garage space.
- The existing space was determined to be inadequate to accommodate the addition of 20+ bus drivers and administrative staff that was going to now be occupying part of the facility.
- In 2019 went out to Bond to build an addition on the existing Public Works Garage and build an administrative building.
- 2020 prices of materials escalated during construction causing the garage expansion to go over budget and funding of the Administrative Building was differed.
- All utilities were installed and stubbed for the building, and parking and site work was completed as planned

## Need Assessment

- Space for Administrative offices currently housed off site.
- Breakroom/kitchen space to accommodate more than 10 employees.
- Space for separate male and female bathrooms and ADA compliant.
- Space for the public to meet with the Public Works and School Transportation Administrative Assistants.
- On site training space for employees.
- Adequate locker facilities.

## Current Facility



Locker Room

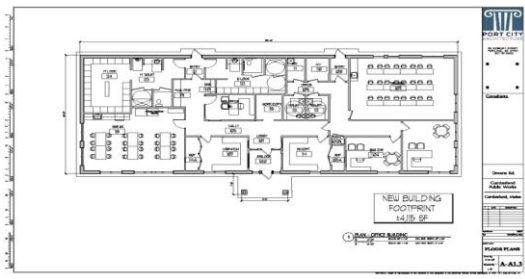


Bathroom



Breakroom / Training Room

## Proposed New Space



## Proposed Facility Site



## Funding



Proposed facility is estimated at \$1 million dollars due to the cost of materials and restrictions on commercial public infrastructure requirements.



Recommending bonding at \$80,000 a year.

Golf Course Superintendent, Toby Young, presented the following for Val Halla:



### ABOUT US

Val Halla started as a 9-hole golf course in 1965 before being purchased by the Town in the early 1970's. In 1986, the second 9 was opened, creating the 18-hole golf course we have today. The course sits on a 153.5-acre parcel consisting of roughly 90 acres of maintained turf.





**BUILDINGS & STORAGE**



There are currently 3 buildings on the property used for the maintenance and storage of over 50 pieces of equipment, 14 utility vehicles, a dozen PTO attachments and 65 golf carts. Parks Dept. equipment is also serviced at Val Halla.

**CURRENT BUILDINGS & STORAGE**



**MAINTENANCE**  
40'x60' Metal building.  
1/3 of the building is heated workspace.  
2/3 of the building is cold storage.

Est. 1985



**COLD STORAGE**  
30'x40' Metal building.  
Used for storage of equipment, irrigation supplies, chemicals and fertilizers.

Est. 1998

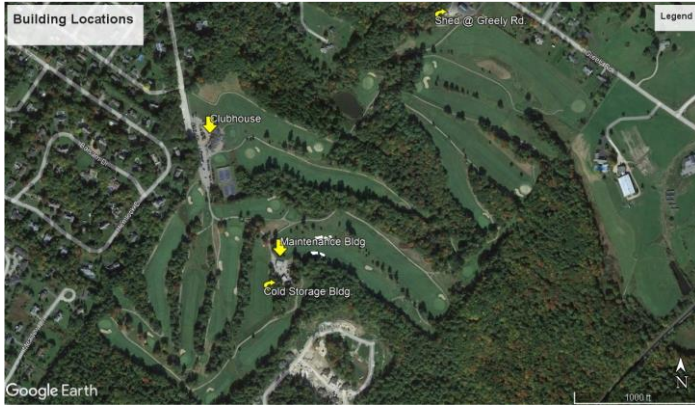


**COLD STORAGE**  
40'x60' Quonset hut.  
Used for equipment storage. Relocated from PW.  
Shared use of space with PW & Parks.

Est. 2021



**OUTDOOR STORAGE**  
Remaining equipment, tractors and PTO attachments.



**PROBLEMS**

**INSUFFICIENT STORAGE**  
As our operation continues to grow and equipment is added, more equipment is forced to be left outside in season.

**INSUFFICIENT STORAGE**  
Packing buildings full for winter means equipment must be shuffled frequently for maint.

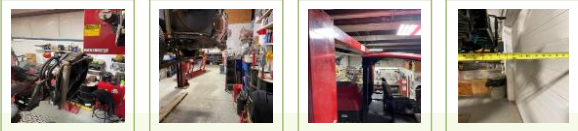
**INSUFFICIENT WORKSPACE**  
Small shop area limits work on certain pieces of equipment and creates tight working conditions.

**INSUFFICIENT WORKSPACE**  
1/10 of total storage space is heated. Waiting for parts on one machine can render what little heated space we have useless.

**INSUFFICIENT WORKSPACE**  
In order to keep working on other equipment while waiting for parts, staff must use portable heaters on the cold storage side which is often colder than the outside temp.



CLEARANCE & LIFT LIMITATIONS



**HEATER CLEARANCE**  
The heater currently limits how high certain equipment can be lifted.

**FRONT CLEARANCE**  
Equipment depth on lift must be situated to allow for room to walk around.

**ROOF CLEARANCE**  
Leaving room to walk around the lift limits working height.

**REAR CLEARANCE**  
Large equipment on the lift can leave as little as 14" clearance and workspace.

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SOLUTION

**1.) 40'x60' COLD STORAGE BUILDING**  
Create a new 40'x60' cold storage building across from existing 40'x60' maintenance building.

**2.) MOVE EQUIPMENT**  
Move equipment from cold storage portion of maintenance building to new cold storage building.

**3.) HEAT COLD STORAGE PORTION OF MAINT. BLDG.**  
Insulate remaining 40'x40' cold storage portion of maintenance building and heat. \*Current heater is sufficient in size.

**4.) MOVE EQUIPMENT LIFT**  
Move equipment lift from 20'x40' heated portion to newly heated 40'x40' area, allowing for better access and increased maintenance area.

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ACTION STEPS & FUNDING



**QUOTES**  
Get quotes on a 40'x60' (2,400 sq. ft.) metal building.  
Approx. \$300,000



**INSULATION**  
Insulate remaining 40'x40' portion of maintenance building. Funded out of existing building maintenance accounts.



**CAPITAL RESERVES**  
Establish a Building Capital Reserve account funded by golf course revenues.



**GENERAL FUND**  
Supplement costs with the General Fund.

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IRRIGATION SYSTEM

The Irrigation system is comprised of over 650 individual heads, 200+ valves, ~10 miles of pipe and 14 miles of wire. It is powered by 2, 50HP main pumps and 1, 30HP pressure maintenance pump producing a combined total of over 1,000 GPM.

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PROBLEMS, ISSUES & CONCERNS



**LIFE EXPECTANCY**  
Ave. life expectancy of PVC pipe used for irrigation in the Northeast is 20 years.



**SYSTEM AGE**  
Current system was installed in 2008 and has seen 14 years of use. Some main lines are over 25+ years old.

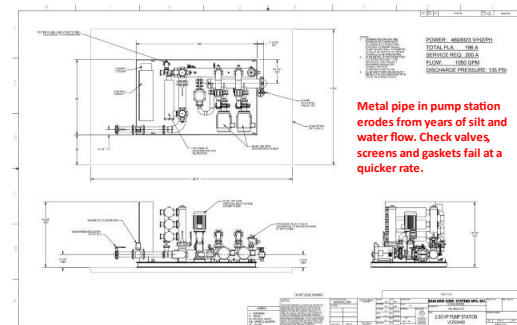
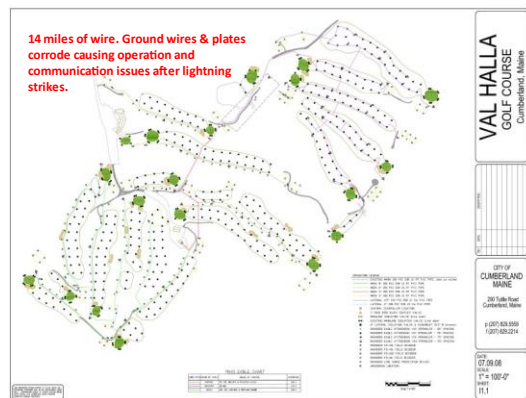
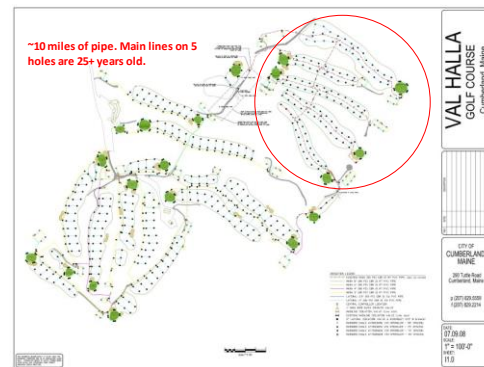


**WEAR & TEAR**  
PVC wears down after years of pressurization and winterization, silt erodes pump station and lightning damages wires/sensors.



**INCREASED MAINT.**  
Pipe breaks, worn out or broken irrigation heads, electrical issues and pump failures all require increased labor in addition to the cost of parts & materials.

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ACTION STEPS & FUNDING



AUDIT

Conduct an irrigation system audit to test for pressure, flow rates, uniformity, voltage, efficiency and state of pipe.



DETERMINE

Determine need for an update (combination of heads, valves, pumps, wire & select pipe) or a total overhaul.



DESIGN

Complete a pump station and irrigation system design.



QUOTES & BOND

Get quotes on materials and put out an RFP for complete installation.

Funded by \$1 -1.5M bond.

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QUESTIONS?



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**23 – 003 To consider and act on authorizing the Town Manager to execute an Administrative Consent Agreement with Lakeside Concrete Cutting, Inc.**

Town Manager Shane explained there is an access road that connects two lots on Route 1 from Skyview Drive to Casco Bay Drive. As businesses were built there, driveway entrances along Route 1 were developed and the thought was that the access road wouldn't be used much. Recently, more and more construction vehicles were starting to go through the adjacent parking lots and out to Skyview Drive. That was never the intent and we shared that with the owner of Lakeside Concrete and made it a condition of approval to not use Skyview Drive as an exit. The activity continued and we issued a notice of violation to Lakeside. We have been working with Lakeside and their attorney, and have agreed to the Consent Agreement that is before the Town Council this evening.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Vail, seconded by Councilor Segrist, to authorize the Town Manager to execute an Administrative Consent Agreement with Lakeside Concrete Cutting, Inc.

VOTE: 7-0 UNANIMOUS

**23 – 004 To authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$150.00 on property identified as Map U19/Lot 18.**

Town Manager Shane explained that that this property owner is trying to get caught up on their taxes. The property is in foreclosure and the Town Council has to approve the acceptance of any tax payments.

Chairman Foster asked for any public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$150.00 on property identified as Map U19/Lot 18.

VOTE: 7-0 UNANIMOUS

**23 – 005 To appoint members to boards and committees.**

Motion by Councilor Copp, seconded by Councilor Segrist, to reappoint:

- Andrew Black, Ronald Copp, Sr., and Matthew Manahan to the Board of Adjustments and Appeals
- Alan Johnson and James Thomas to the Board of Assessment Review

- Doug Pride and Steve Sloan to the Board of Sewer Appeals
- Ivy Frignoca and David Witherill to the Coastal Waters Commission
- Bill Hansen and Bill Stiles to the Cumberland Housing Authority
- Mike Schwindt to the Lands and Conservation Commission
- Gordon Lichter and Sally Stockwell to the LCC Forest Subcommittee
- Brian Sterns to the LCC Trails Subcommittee
- Bridget Perry and Joshua Saunders to the Planning Board
- Chris Fitzpatrick, Rhonda Grigg and Melissa Cott to the Parks and Recreation Commission
- Alfred Butler to the Personnel Appeals Board
- Jill O'Connor and Bill Stiles to the Prince Memorial Library Advisory Board
- Michael Brown to the Shellfish Conservation Commission

**I move to appoint:**

- David Cowan to the Lands and Conservation Commission
- Brian Cashin, Stacie Daigle, Hillary Doane, Rita Farry, Deborah Gray, and Mike Kemna to the Aging in Place Committee

VOTE: 7-0 UNANIMOUS

**VI. NEW BUSINESS**

**Councilor Storey-King** – Congratulations to our Chief of Police who was recently appointed to serve on the Ethics Committee of the International Association of Chiefs of Police.

In response to the recent social media posts that she has seen saying that the Town of Cumberland would give the school 10 acres of land on Stiles Way for a new school, she wants to be clear that it is our responsibility to protect the taxpayers of Cumberland. We are working with the school district to find a suitable site for a new school. North Yarmouth will still have to pay its share, but the Town of Cumberland is not giving away land.

She would like to introduce a resolution for the Town Council to consider regarding the Rail Use Advisory Committee. There has been overwhelming support from the bicycle community, and the property abutters are getting railroaded over this whole ordeal. The more she digs into this, the more she is convinced that she is right. There is signage all over town for a bike route around Cumberland that already exists. These signs were posted by the East Coast Greenway. They are an organization of 16 states, they are headquartered in North Carolina, and Dick Woodbury from Yarmouth and a huge pusher of the Casco Bay bike path, is their treasurer. The more she looks into this, she realizes that there is big lobby, and big money behind it, and the landowners have still not been involved in the process. She drafted the following resolution:

**Town of Cumberland Resolution in Support of Rail**

*Whereas the Town of Cumberland was asked to support the Rail Use Advisory Council established by Maine LD 1133, and*

*Whereas Cumberland Town Councilors supported creation of the RUAC so that Cumberland “could have a seat at the table,” and*

*Whereas a Cumberland Town Councilor was not appointed to the RUAC by Commissioner Bruce Van Note as was a condition of our support of the RUAC, and*

*Whereas the landowners abutting this land corridor were not represented on the RUAC, and*

*Whereas the Town of Cumberland currently has no public access to the Portland to Auburn rail land, and*

*Whereas the Town of Cumberland does not expect to gain any economic benefit from the establishment of a trail, and*

*Whereas the Town of Cumberland has more important budget requests, and*

*Whereas the Town of Cumberland has two parallel transportation arteries (Route 1 and Route 88) with paved shoulders that are safely ridden by bicycles, and*

*Whereas the State of Maine is seeking to aggressively address Climate Change, and reestablishing a passenger rail among the communities from Portland to Auburn would be an actionable step in meeting these goals:*

*Now, therefore be it resolved that the Cumberland Town Council rejects the RUAC majority recommendation to create a recreational bike path on the SLR rail corridor, and furthermore,*

*The Cumberland Town Council supports the establishment of a commuter rail from Portland to Auburn, including stops in desiring communities between.*

She would like the Town Council to discuss this at their next meeting.

**Councilor Edes** – no new business.

**Councilor Segrist** – The Housing Task Force has completed a draft of their report to the Town Council. They will be presenting it at our January 23<sup>rd</sup> meeting and followed by a Town Council workshop on February 13<sup>th</sup> to discuss their recommendation.

**Councilor Vail** – In response to Councilor Storey-King's draft resolution, he looks forward to that discussion and feels that it is worthy of our attention.

**Councilor Filson** – The Lands & Conservation Commission met last week and as always, they have many irons in the fire.

She is also looking forward to discussing the rail to trail issue.

**Councilor Copp** – He and his friend Dean donated to the 4-H fund that benefits the Food Pantry. He urged others to give to this very worthy cause. He thanked the 3 young gentlemen who were here at the beginning of the meeting for the good work they did for our Food Pantry. Their parents and the community should be very proud.

**Chairman Foster** – The Lands & Conservation Commission will be before the Town Council on February 13<sup>th</sup> to present the Rines Forest forestry plan. The forestry plan for Knight's Pond will have to go to the

Joint Standing Committee before it comes to the Town Council. The plan for Twin Brook is not completed yet and Mike Schwindt is going to follow up with the Town Forester to see when we can expect it.

**VII. ADJOURNMENT**

Motion by Councilor Vail, seconded by Councilor Segrist, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:26 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

# 23-006

To hear a report from the Housing Task Force



# **CUMBERLAND HOUSING TASK FORCE**

## **AFFORDABLE HOUSING RECOMMENDATIONS TO TOWN COUNCIL JANUARY 23, 2023 BY UNANIMOUS VOTE**

### **CUMBERLAND HOUSING TASK FORCE MEMBERS:**

**Jamie Broder – Chair**

**Lou Gallaudet, Vice Chair**

**Brian Cashin**

**Richard Doane**

**Betsey Harding**

**Mark Lapping**

**Katie Magoun**

**Eben Sweetser**

**Gail Witherill**

**Justin Wood**

### **Town Council Liaisons:**

**Bob Vail**

**Mark Segrist**

### **Town Staff:**

**Carla Nixon, Town Planner**

**Christina Silberman, Admin. Asst.**

## **COVER LETTER**

### **HOUSING TASK FORCE CHAIR JAMES BRODER**

Transmitted herewith is the unanimous report of the Affordable Housing Task Force including a number of specific recommendations for your consideration. While the core of these recommendations revolves around the strengthening of existing municipal entities, we take note that every other Town and City in the County and in the State are dealing with the same issues. Other regional entities, such as GPCOG, and the HUD funded Cumberland County Community Development Program are addressing these same issues. Just read the paper every day for stories on the shortages of affordable housing and the rise of homelessness as a result. We are watching a not so slow motion societal disaster. No community is immune.

Regional and State players are beginning to come to grips the issue. Where concrete and reasonable proposals from regional bodies are made and an opportunity for our Town to participate in startup funding is offered, we ask that the Council respond favorably.

Respectfully Submitted,

James Broder, Chair



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Exhibit 2: Committee Assignments and Meeting Minutes

Exhibit 3: Affordability Definitions by Program

Exhibit 4: Maine Statute Governing the Creation and Operation of Municipal Housing Authorities

Exhibit 5: Council Resolution Creating the Cumberland Housing Authority

Exhibit 6: Organizing Documents for the Cumberland Housing Authority

Exhibit 7: Selective Sample of Maine Municipal Housing Authorities Accomplishments

Exhibit 8: LD 2003 Statute and Interpretive Materials

Exhibit 9: Affordable Housing Tax Increment Financing Materials

Exhibit 10: Cumberland County Community Development Program Application for Funding  
Exhibit 11: Town of Cumberland Growth Map

Exhibit 12: Introduction to Low Income Housing Tax Credits ("LIHTC")

Exhibit 13: HUD Section 202: Low Income Housing for the Elderly with Services

Exhibit 14: Rural Development Section 515 Low Income Housing Loan Program

Exhibit 15: Housing Coop Case Study: Portland, Maine

## AFFORDABLE HOUSING TASK FORCE RECOMMENDATIONS

### **Chapter 1: Mandate and Process**

On July 26, 2022, the Cumberland Housing Task Force (“Task Force”) was sworn in as authorized by order of the Town Council and attached as Exhibit 1. Members are James (Jamie) Broder, Brian Cashin, Rick Doane, Lu Gallaudet, Betsey Harding, Mark Lapping, Katie Magoun, Eben Sweetser, Gail Witherill, and Justin Wood. Council Liaisons are Councilor Bob Vail and Councilor Mark Segrist. Staff support was provided by Town Planner, Carla Nixon and Christina Silberman, Administrative Assistant. The Task Force convened in Town Council Chambers with a mandate to come back to the Council no later than December 15, 2022 (extended to January 23, 2023) with its recommendations. This Report is the response to the Council’s charge.

The Task Force thanks Carla and Christina for very strong support of our efforts by providing historical context, a large number of relevant documents, and excellent advice and counsel on what exists, and how it came to be. Most importantly, they were able to communicate the extensive efforts that have gone on over the years, the progress made, and lessons learned. We could not have done this work without them.

Thanks to Mark and Bob for attending each meeting and playing a critical role by making sure that the Council’s processes and views were understood.

Huge thanks to Town Manager Bill Shane who advised us when asked on history, ongoing processes, programmatic options and brought us into the loop on possible projects that might help support the needs identified by the Task Force.

The Task Force elected Jamie Broder as Chair and Lu Gallaudet as Vice Chair. Our process strongly valued consensus and our deliberations sought that goal. The Task Force split into subcommittees to do deep dives on the issues initially identified by the group: Existing and proposed Affordable Housing in Cumberland; Review of the Comprehensive Plan and Zoning; Infrastructure Funding Sources; Land Acquisition, Specific Federal and State Affordable Housing programs; Role of the Cumberland Housing Authority (“CHA”), Housing Tax Increment Financing (“AHTIF”); Impacts of LD2003; and Innovative and Creative Responses to Small Scale Development.

Each of these subcommittees brought their thoughts to the Task Force Meetings for discussion. By mid-November apparent consensus was reached and the Chair was tasked with preparing a brief written executive summary of proposed recommendations and that executive summary served as the focus of the following meeting. Two more detailed, revised iterations of the recommendations were drafted and became the primary agenda item for subsequent meetings. The minutes of all these meetings are attached as Exhibit 2.

This Report reflects the unanimous consensus view of the Task Force. We respectfully submit this Report to the Council for its consideration and action.

## **Chapter 2: The Center of Excellence Concept and the Role of the Cumberland Housing Authority**

In reviewing the information, we have gathered, we are struck by the historical and continuing mention of housing affordability as a strongly held value in Cumberland. No wonder, as median housing prices in Cumberland continue to skyrocket far out of reach of the vast majority of our citizens, or their children, something needs to change. It was clear in the recent Town Survey that Affordable Housing remained a core value across a broad spectrum of residents. It is in our Comprehensive Plan, and in our Zoning. We even have a Housing Authority whose statutory powers are very broad indeed, but which lacks a broad mission statement. What Cumberland needs most is to use the structure it already has with a broader mission to meet today's municipal needs. The recommendations we now propose can have the effect of creating a Center of Excellence within an existing structure of municipal government with a new broad but clear mission, and the designated human resources necessary to accomplish that mission. That body is the CHA.

Note to Readers: The definition of the terms "Affordable" and "Work Force Housing" (whether in lower case or capitalized) are closely tied to the financing and/or subsidy program or programs associated with the project. There is no universal definition. If a project arises that has no mandated definition of these terms, we recommend that the CHA consider and determine the appropriate definitions for such a project on a case-by-case basis. See Exhibit 3 for program specific affordability standards.

### **Center of Excellence Concept:**

It is true that there is broad participation in the policy and development process of affordable housing from the Town Councilors individually and as a Council, to the Town Manger, the Code Enforcement Officer, the Planning Board and the Town Planner. While they all play a role, no one can claim affordable housing development as their primary mission. The result is that the Town is often forced to be reactive to the approach of developers with ideas rather than affirmatively approaching the issue.

We propose a more proactive process in which the first step is for the Town to decide what it wants and needs, to identify appropriate locations, and then issue Requests for Interest (RFI) from the development community to better focus these efforts. With broad input and the identification of needed assets, the Town decides whether the need can be best met by the CHA , with or without for profit or non-profit partners, or by the marketplace. The Town identifies any incentives that may be associated with such a project. Competitive Requests for Proposals (RFP) to qualified bidders would then be held. As will be noted in detail below, we propose CHA as the Center of Excellence.

Such a process should be the next step after this Task Force expires.

Such a process will establish means and methods to assure that housing developed as affordable stays that way for the long term.

Such a process will give the Town the benefit of competition.

### **The Cumberland Housing Authority: History and Accomplishments**

On July 16, 1991, a Special Meeting of the Town Council heard a report of the Cumberland Affordable Housing Alliance, a distant predecessor to this Task Force, to establish the CHA, and to adopt its bylaws. See Exhibit 4. The immediate purpose of creating the CHA was the development, financing and operation of the 30-unit Cumberland Meadows Senior Housing, and the CHA continues to monitor the operations of Cumberland Meadows.

That being said, the CHA was granted the full range of powers granted under Maine Law. Among the powers granted to the CHA include authority:

1. to build and to operate housing on its own account **or in combination with other private persons corporations, government agencies, or other appropriate body**. Please note the invitation to collaborate with others, both developers, non-profits, and governmental entities without limitation, and the opportunities for creativity in responding to identified needs, are all subject to municipal consultation and approval requirements as set forth below.
2. to conduct studies of housing need and creative means and methods of meeting such needs and making such studies public; thereby keeping a finger on the pulse of the housing needs of the community;
3. to contract for a broad range of services;
4. to lease, rent, insure and pledge any interest to support financing; and
5. to seek and to receive Federal, State and County grants, gifts and other funds, to hold and invest funds in instruments issued or insured by the United States or agencies thereof and to utilize these funds in part to defray initial increased staff costs for the implementation of the Center of Excellence concept, as well as for approved projects and the other purposes set forth above.

With the above discussion in mind, we propose the following recommendations:

### **Chapter 3: Recommendation**

**3.0 CHA: Expand the purposes of the CHA and implement structural leadership within town government as a Center of Excellence through a reinvigorated, fully functioning, and staffed CHA with a minimum of one (1) experienced development officer, with the focus of overseeing and performing the following critical functions:**

- 3.1 to develop and implement proactive processes for the identification of needs and solutions through its own research as well as Requests for Interest (“RFI”) and Requests for Proposals (“RFP”);

- 3.2 to administer Affordable Housing obligations under developer and owner covenants using token interests in projects to give it “signature authority” describing its right to enforce such obligations;
- 3.3 to continue to expand its role in the management/supervision of Affordable Housing projects;
- 3.4 to exercise its role as a Center of Excellence, by serving as the administrative contact and facilitator for the use by CHA, non-profits, and developers in the community of programs administered by the Maine State Housing Authority (MSHA), Low Income Housing Tax Credit (LIHTC) 4% and 9% financing, as well as other Department Housing and Urban Development (HUD) 202 grants, HUD mortgage insurance, Section 8 subsidies, Redevelopment Agency (RDA) 515 programs and other federal and state programs; (Please refer to exhibits for additional information.
- 3.5 to serve as the Town’s representative to regional organizations, such as Greater Portland Council of Governments (“GPCOG”) or Cumberland County, dealing with Affordable Housing Policy and Cooperation and as the contact point for urgent or emergency housing needs;
- 3.6 to create and to administer an Affordable Housing Trust Fund and to seek supplemental grants and other non-municipal funding to meet the broad base of CHA mission requirements;
- 3.7 to conduct studies and continue research on creative approaches and best practices and affordability options; and
- 3.8 for the avoidance of doubt, as an agency of the Town of Cumberland, the CHA may utilize the powers granted to it under Maine Law in support of the above, shall comply strictly with the statutory obligation to coordinate its actions with the appropriate municipal office or agency shall include, but not be limited to, requiring prior Town Manager or Council approval for any Project (whether sponsored by only the CHA or in conjunction with any third party), or proposed CHA financial obligations; and that the Executive Director of the CHA shall report directly to and serve at the pleasure of the Town Manager. Pursuant to the Organizing Resolution of 1991, Commissioners of the CHA already serve at the pleasure of the Council.

#### **Chapter 4: Recommendation**

**4.0 Near Term and Long-Term Goals for Affordable Housing: Given the urgent need for affordable housing in Cumberland and the long lead time associated with the development process for such projects, we recommend a near term goal of 150 units of affordable housing**

to include a mix of workforce housing, age restricted, and non-age-restricted units. The Planning Staff and Town Manager have identified several potential developments that, when complete, will meet a substantial portion of the present unmet demand for affordable housing. The Task Force will also recommend affordability standards for other future projects or portions thereof that are not mandated by other programmatic requirements.

- 4.1 **Establish Affordable Housing Overlay zones** (to include workforce housing) in at least three (3) discrete areas of Town (e.g., West Cumberland, Cumberland Center, Cumberland Foreside) for the development in the near-term goal. The creation of these overlay zones should provide incentives such as density bonuses, AHTIF Districts for infrastructure development, and flexibility in other dimensional requirements as approved by the Planning Board. Projects developed in this zone shall not be eligible to make opt out payments in lieu of development of affordable units. The location of these Affordable Housing Overlay zones shall be the same as the growth areas depicted on the Comprehensive Plan Growth Area Map, attached as Exhibit # 5.
- 4.2 **Promote and support the development of one (1) significant development of at least fifty (50) affordable units in each Affordable Overlay Zone** area with all or a substantial percentage of units being Affordable (including workforce housing) and to be completed within the next three (3) – four (4) years.
- 4.3 **Require a minimum of twenty (20%) of units in any new housing development of 10 or more units in any zone other than the Affordable Overlay Zone allowing such development to be Affordable (to include workforce housing)** for a period of not less than forty-five (45) years to be enforced through deed restrictions and other mechanisms deemed appropriate, to be monitored and enforced by the CHA. Waivers of this requirement may be approved for good cause shown by the joint decision of the Planning Board and CHA for a reasonable portion of the Affordable requirement provided that an opt-out payment to the Housing Trust Fund in lieu of development for each unit granted such a waiver is paid before the issuance of a Building Permit for any unit. The amount of such opt-out payment shall be a material percentage of, but no less than 20% of, the cost of the affordable units waived, as determined by the CHA. These funds will be available for the CHA to develop additional affordable Housing units for unmet needs as determined by the CHA and approved by the Town Manager. There shall be no opt-out option for multiplex developments.
- 4.4 **Recommend the aggressive implementation of the Affordability and/or density mandates set forth in LD2003** through ordinances to include reasonable Affordable Housing obligations, as well as density bonuses

related thereto in all the categories of housing under LD2003. We also propose that the Town review and revise its Accessory Dwelling Units (“ADU”) requirements to comply with LD2003 and to consider changes in size limitations based on percentage of existing dwelling. We ask the Council to convene a workshop in the near term to facilitate these discussions.

- 4.5. Recommend the CHA amend the tenant eligibility standards at Cumberland Meadows to be non-age limited and to become income/asset based for all subsequent residents not currently residing therein.

#### **Chapter 5: Recommendation**

**5.0 Housing TIFs: Generally, support the establishment of AHTIF Districts as a tool to support the development of eligible infrastructure. Actively participate in the creation of Affordable Housing TIF Districts as State law now permits. These AHTIFs are administered by the Maine State Housing Authority (“MSHA”) which also administers the Low-Income Housing Tax Credit (“LIHTC”), and such participation increases the proposed project’s scoring and likelihood of an approval. These AHTIF districts are authorized to create a Housing Development Revolving Loan Fund as well as an Investment Fund to purchase property by the municipality. See attached materials in Exhibit 6.**

#### **Chapter 6: Recommendation**

**6.0 Empowerment of Local Volunteer Resources and Creative responses to Affordable Housing Needs: As part of the Center of Excellence concept, the Task Force recognizes the continuing mission of non-profits organizations to meet the needs of Cumberland residents. We propose that the CHA support and facilitate the research on, placement of and participation in the development of creative housing options proposed by non-profit organizations. Programs such as the HUD Section 202 Capital grant program focused entirely on non-profit sponsored projects has developed over 250,000 units of housing with services for low-income elderly people. Several of these projects exist in the Portland Metro area today. Technical assistance in these efforts was critical to their success. Many of the ideas brought to the attention of the Task Force are already happening in the region. For example, a limited equity housing coop in Portland sponsored by the Cooperative Development Institute; Tiny Homes up to 600 square feet in size created by 3-D printers at the University of Maines Advance Materials Laboratory; and Transitional Housing sponsored by GPCOG, and similar programs and facilities to meet emerging and emergent needs of Cumberland residents, as circumstances arise.**

#### **Chapter 7: Recommendation**

**7.0 Support Housing for Cumberland Residents and Their Families: The development of Cumberland Meadows in 1991 was a reaction to the needs of many Cumberland elders who could no longer live safely in their own homes. It has met that mission, but it is not enough. In 2022, given the cost to buy a house and the lack of even reasonably priced apartments to come home to and start a family, the ability of our grown children and extended families to come**

**back home to Cumberland is very limited. How much of Cumberland's work force can afford to live in Cumberland? We support reasonable priorities for occupancy by residents of Cumberland and their families and non-residents who work in Cumberland as consistent with requirements of the Fair Housing Act.**

## **Chapter 8: Summary and a Note on Process**

There is a housing affordability crisis in the nation, in Maine, in Cumberland County, and in our Town. That isn't a question, it is a fact. The Council recognized this situation and asked the Housing Task Force, a group of ten Cumberland residents, to examine these issues and to come together to make recommendations to the Council. This was no small task.

We are a diverse bunch. Some of our families have ancestors buried in Cumberland, and others came to Town very recently. Some are young and some are old. Some have or will have kids in school and some have or will have grandkids who live here or away and would love to come home. We live in the Center, on the Foreside and in West Cumberland. Our experiences vary widely as do our values, and our opinions. Some of us are Republicans and some Democrats or Independents. This kind of diversity can sometimes become a barrier to consensus, as world views and politics can vary widely. We all held our views passionately, but yet, here we are with a unanimous report, a finding of common ground based on common values.

Politics is "the art of the possible." The possible starts with trust, and respect for each other's views. If there is no trust, there is no way to reach an agreement. If there is no respect, there is no way to reach agreement. There is just conflict. We began this process by sharing each of our backgrounds, and why we wanted to be on this Task Force, as we were all volunteers. We spent the whole first meeting and much of the second in that process sharing our substantive views and our desires to make a difference. At the end of the second meeting, the group elected its leaders. The third meeting was an overview of the issues, resources, programs, and discrete challenges we would face and the creation of sub committees to deal with one or more of those issues. Each member was asked to listen to the overview and then, at the end of the meeting, select from the list of issues those which they found most important or interesting. Everyone selected at least one area of interest and many took on multiple issues.

Then we went to work.

Ideas morphed into proposed solutions and solutions into recommendations. The next series of meetings had reports of the subcommittees and discussions of the ideas and proposals with the whole task force who shaped and refined the proposals until it became clear that there was an emerging consensus on an approach if not yet on all the details of implementation. We examined a brief outline level first draft attempt to synthesize the recommendations in outline form and presented that for discussion at the next meeting. Most of the recommendations were accepted by the group, but with many amendments. The next draft was a much more detailed version and several issues with a broad range of views were crafted into acceptability by the group. The report above is the result of the final editing process and unanimous acceptance.



This process was an essential exercise of the political process. No one has all the answers. Everyone was invited to participate. By sharing, by listening with open minds, and by trusting the good will of all around the table, we were able to craft a thoughtful and actionable set of recommendations that build on the institutions and processes that have already existed for years in our Town.

Chairs Comment: I am honored to have had the chance to work with all the members of the Task Force, our Liaison Council Members and the Town staff in this effort. First and foremost you showed up: first by volunteering, then with very consistent attendance by all at meetings, and doing the committee level of work that broke the issues into digestible morsels and the willingness to discuss all the issues openly and frankly and to work to find common ground. I am more convinced than ever that the level of government that governs best is that closest to the people being governed.

Respectfully Submitted,

Housing Task Force Members (in Alphabetical Order)

\_\_\_\_\_  
James Broder, Chair

\_\_\_\_\_  
Brian Cashin

\_\_\_\_\_  
Rick Doane

\_\_\_\_\_  
Lu Gallaudet, Vice Chair

\_\_\_\_\_  
Betsy Harding

\_\_\_\_\_  
Mark Lapping

\_\_\_\_\_  
Katie Magoun

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Eben Sweetser

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Gail Witherill

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Justin Wood

**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 1:  
COUNCIL MADATE**

CUMBERLAND TOWN COUNCIL CHARGE  
TO THE  
**HOUSING TASK FORCE**  
ADVISORY COMMITTEE

The Cumberland Housing Task Force shall consist of up to 7 (seven) Cumberland residents appointed by the Cumberland Town Council to provide recommendations on ways to facilitate the development of affordable housing in the community.

The actions of the Housing Task Force shall include, but shall not necessarily be limited to, the following:

1. Review the results of the 2022 Community Survey to determine the level of concern that respondents expressed regarding the availability of affordable housing.
2. Review the 2020 U.S. Census data regarding demographics of the town and data related to the existing number, and types of, housing units.
3. Review the 2014 Comprehensive Plan to determine if the Housing chapter needs to be updated to reflect current conditions.
4. Review the 2014 Comprehensive Plan to determine if the current designated “Rural” and “Growth” areas should be revised to reflect new public utility locations, potential for public transit, and available land for development.
5. Make recommendations to the Cumberland Town Council on ways to facilitate the creation of affordable housing such as increasing density, reducing minimum lot sizes and expanding infrastructure (roads, water sewer).
6. Review the potential for development of all types of housing to include single family, duplex, multiplex, accessory dwelling units, tiny homes, and manufactured homes, which includes single-wide mobile, double-wide mobile and modular homes.

The Task Force shall submit a final report to the Cumberland Town Council for consideration and action no later than **December 15, 2022**.



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 2:  
COMMITTEE ASSIGNMENTS  
AND  
MEETING MINUTES**

## CUMBERLAND HOUSING TASK FORCE ASSIGNMENTS

### Member Task Assignments:

- 1. Gather information on existing/proposed Cumberland projects:** Please focus on process for these programs' approvals and how they did or did not prove to be effective in maintaining affordability and ways in which the approach could be approved.

Justin Wood

- 2. Review of Comprehensive Plan:** Please examine Goals and implementation to determine effectiveness in meeting affordability objectives. Are the assumptions of the CP valid any more especially in the realities of prices for housing and increased population, not decreasing population. If something wasn't done, please look at why and what could be done to improve result.  
Consider objective of meeting the needs of existing Cumberland residents or children of residents while addressing reality of increasing population and need for more affordability across the board.

Rick Doane

Betsey Harding

- 3. Review current Cumberland zoning requirements:** Please look at Town's process of implementing mandates of LD2003 and advise on how to assure affordability of housing that results from these mandates. (With Bob Vail and Mark Segrist. See #10 below) Please examine the feasibility of Affordable Housing overlay zones in parts of the Town with available infrastructure to support higher density development. What is the future of 4 acre minimum lot sizes?

Please examine the historic use of the Contract Zone Agreement (CZA) for development whether as a safety valve or a substitute for the adopted zoning map.

Eben Sweetser

Lu Gallaudet

Betsey Harding

Brian Cashin

- 4. Explore infrastructure funding sources:** Review available Town Federal and State funding for water and sewer service extensions to support affordable housing development.

Jamie Broder

- 5. Investigate specific housing programs:** Examine the availability and the use of US HUD, RDA, Maine State Housing Authority and other state and local programs for use or facilitation for the production and long term viability of affordable housing.

Jamie Broder

Katie Magoun

Lu Gallaudet

- 6. Look into the Cumberland Housing Authority (CHA):** Examine the legal powers of the CHA to develop, to own and to operate affordable housing including the issuance of bonds, possible grant eligibility from state and federal agencies and the practicality of deploying some of all of that authority to provide affordable housing in Cumberland.

Gail Witherill  
Eben Sweetser  
Town Attorney Natalie Burns

- 7. Investigate Tax Increment Finance Districts:** Look at the availability of TIF derived funding already in the pipeline and Housing TIFs for future projects.  
Rick Doane  
Jamie Broder
- 8. Investigate land acquisition:** Consider possibly available appropriate sites which are already owned or possibly available of a size and in locations consist with affordability goals. Including, but not limited to a Route 1 site and already owned site on Drowne Road.  
Justin Wood  
Eben Sweetser
- 9. Explore creative ideas such as tiny houses, co-housing and other proven approaches to the development of affordable housing at a small scale:** Examine successful models of small scale or scalable development of housing, such as, but not limited to tiny houses and co-housing  
Mark Lapping  
Gail Witherill  
Katie Magoun  
Betsey Harding
- 10. Research LD2003 and effects to affordable/elderly housing:**  
Bob Vail  
Mark Segrist  
(Also see # 3 above)

**Note from Chairman Bruder:** Thanks to all of you for volunteering for these tasks. Please feel free to ask Carla or Christina for support. Please keep me apprised of any meetings (live or zoom) of your group that are scheduled. I do not want your meetings to be scheduled taking my availability into consideration, but I will try to participate if asked and if I am available at that time. I'd like it if each group could give a brief (5-10 minute) update on their process and progress at future meetings.

**Cumberland Housing Task Force  
July 26, 2022 Meeting Minutes  
6:30 p.m. Town Council Chambers**

Members present: Robert Vail, Council Liaison, Mark Segrist, Council Liaison, James Broder, Brian Cashin, Rick Doane, Lu Gallaudet, Betsey Harding, Mark Lapping, Katie Magoun, Eben Sweetser, Gail Witherill, Justin Wood.

Staff present: Carla Nixon, Town Planner. Absent: Christina Silberman, Administrative Assistant.

Councilor Robert Vail opened the meeting, welcomed the committee members and explained his vision for the work to be done by the committee.

Carla Nixon, Town Planner, asked that each member provide a brief personal background and explain why they were interested in serving on the committee.

Ms. Nixon reviewed the Town Council charge for the committee and the requested deadline date for submitting its final report (December 15, 2022).

Ms. Nixon provided a description of previous affordable housing projects that the Town either developed or facilitated.

The committee agreed to elect a chair and vice chair at the next meeting. James Broder expressed willingness to chair the committee and Lu Gallaudet stated she would be willing to serve as vice chair.

The committee agreed to meet the second and fourth Wednesday of the month.

The committee asked that the Town Planner provide the following information for the next meeting:

1. A list and map of all Town-owned properties.
2. Information on what the term “affordable” means for the Town of Cumberland.
3. Information on previous affordable housing projects in Town.
4. A copy of LD 2003 (the recently enacted state law regarding affordable housing development).
5. Information on sewer capacity.
6. When available, results of the community survey. (Projected to be August 8<sup>th</sup>).

The committee adjourned at 8:40 pm.



**Cumberland Housing Task Force  
August 9, 2022, Meeting Minutes  
6:30 p.m. Town Council Chambers**

Members present: Robert Vail, Council Liaison, Mark Segrist, Council Liaison, James Broder, Lu Gallaudet, Mark Lapping, Katie Magoun, Justin Wood, Gail Witherill.

Members absent: Eben Sweetser, Brian Cashin, Rick Doane, Betsey Harding.

Staff present: Carla Nixon, Town Planner; Staff Absent: Christina Silberman, Administrative Assistant.

Carla Nixon, Town Planner, opened the meeting and stated that the first item on the agenda is approval of the minutes for the July 26, 2022, meeting. Lu Gallaudet asked if the committee would be using Roberts Rules of Order. Councilor Segrist offered to continue the meeting using Roberts Rules of Order. A motion to approve the minutes was made by Mark Lapping and seconded by Gail Witherill. The vote was unanimous of members present.

Councilor Segrist stated that the second item of the agenda is election of chair and vice chair. Bob Vail moved to nominate James Broder as chair and Lu Gallaudet as vice chair. Gail Witherill provided a second to the motion. The vote was unanimous of members present.

Mr. Broder took over the meeting and stated that all senior housing done to date has been high end. Ms. Nixon stated that three of the past projects were not high end: Cumberland Meadows Senior Housing, Drowne Road School Apartments and the 96 apartment units on Route 1.

Mark Lapping stated that the committee should start of with knowing what type of community we have. He stated that housing for teachers, firefighters, etc. was needed. That was the “sweet point” to be looking at.

Lu Gallaudet suggested that the committee be provided with background data. She asked that Ms. Nixon provide a list of previous affordable housing projects that the Town either developed or facilitated.

Chairman Broder stated that HUD’s Section 202 offers funding for low income elderly. The appropriation this year is for 1100 units. He asked Gail Witherill about the feasibility of the Cumberland Congregational Church partnering with the Retirement Housing Foundation (which has used HUD funds in the past and has an affiliation with the United Church of Christ which is associated with Cumberland Congregational Church) on low income housing for the elderly. Ms. Witherill said she would look into it.

Lu Gallaudet stated that the types of housing could include:

- Low Income: Ownership or rental.
- Affordable workforce housing.



- Senior assisted living.
- Housing for homeless.
- Immigrant/asylum seekers.
- Subsidized ownership.

Mark Lapping suggested the committee look at co-housing developments such as the one in Brunswick where different ages lived together.

Ms. Nixon suggested that in order to create more affordable “units” (without designating the projects/units as being one type only, such as senior housing) that long-term affordability was important and that it seems that doing projects on Town-owned land would be one way to do that.

Mark Segrist shared an idea that the Town could relocate the Little League field on Drowne Road to the new brush dump area and use that land to develop affordable housing.

Mark stated that the Community Survey results had been tabulated and that many residents supported the creation of affordable housing, especially for seniors.

Ms. Nixon summarized what she believed to be the “action items” in preparation for the next meeting:

1. Chairman Broder to gather information on specific state and/or federal programs with funding for affordable housing.
2. Gail to explore the Congregational Church option.
3. Ms. Nixon to provide a list of existing and proposed affordable housing projects.
4. Everyone to review the Housing Chapter of the Comprehensive Plan.
5. Ms. Nixon will try to get the survey report out to the committee, asap.

The committee adjourned at 8:50 p.m.

**Cumberland Housing Task Force  
August 23, 2022, Meeting Minutes  
6:30 p.m. Town Council Chambers**

**Call To Order:** Chair Broder opened the meeting at 6:30.

**Roll Call:** Present: Chair James Broder, Vice Chair Lu Gallaudet, Brian Cashin, Rick Doane, Betsey Harding, Mark Lapping, Katie Magoun, Eben Sweetser, Gail Witherill, Justin Wood, Council Liaisons: Mark Segrist & Robert Vail (Councilor Vail arrived at 7:12 pm). Staff Present: Carla Nixon, Town Planner & Christina Silberman, Admin. Asst.

**Approval of Minutes of last Meeting:** Ms. Witherill moved to approve the minutes of the August 9, 2022, meeting as amended, seconded by Ms. Harding and **VOTED**, all in favor.

**Chair's Report and Discussion:** Chair Broder outlined the process for future meetings. Chair Broder said he would like to give assignments to Task Force members to look at a particular thing and share information with the group.

Chair Broder lead discussion regarding the following items.

**a. Approach to Scope and Priorities:** Chair Broder stated that it is the Housing Task Force's job to facilitate creative ways to develop affordable housing and provide for long-term availability for those people in Cumberland that need it. Chair Broder said the mission is to deal with all people in Cumberland that have a need. Chair Broder noted that "affordable" means different things in different programs.

Chair Broder referred to the recent municipal survey that provided specific questions on affordable housing and showed that a solid majority are in favor of this.

The Housing Task Force reviewed existing housing projects as follows:

- Smalls Brook Crossing, with 49 single family homes, had a \$20,000 silent second mortgage. Some of the silent mortgages have been paid off and some are still in the program. Ms. Nixon will check to see how many of these properties are still in the program.
- Cumberland Meadows Senior Housing consists of 30 rental units with one or two bedrooms. This was done in 1991 by the Housing Authority. Chair Broder said this program looks to be successful with rents that are comparatively low. There are three subsidized units. Some MSHA (Maine State Housing Authority) money was used to develop this project but MSHA is no longer involved. The Town gives first preference to Cumberland residents on the waiting list when a unit is available.
- Village Green at Drowne Rd. School is a tax credit project with 59 units that are for low-income people that are 62+ or people that are disabled of any age. Phoenix Management is a private company that owns/manages the building and leases the land from the Town.
- Cumberland Foreside Village Apartments are privately owned with 96 units located on US Route 1. A minimum number of senior tenants is required. These are market rent units. Mark Lapping noted that Cumberland Foreside Village was originally for commercial development. The developer later requested residential development and the Town Council bargained to have a certain number of the units for the elderly.

The Task Force discussed the above projects and other projects that were done through a contract zoning agreement (CZA).

**b. Comprehensive Plan Changes:** Chair Broder said the Comprehensive Plan showed at the time that the population was going down. Maine's population is now going up. Chair Broder said the Task Force is not looking to put limits on how many people can come to Cumberland. Ms. Magoun noted that there may be some push back regarding impacts to schools.

Mr. Doane said that the data used in 2009 showed the average median home price was under 300K. This is no longer accurate. Chair Broder said the Comprehensive Plan has to be reconceived and the Task Force can make suggestions based on realities.

Mr. Lapping asked if the Task Force should recommend to the Town Council that the Town revisit the Comprehensive Plan. Chair Broder said the basis of the housing and infrastructure pieces are based on data that is no longer accurate. The Task Force can look at the Comprehensive Plan to see what should change.

The Zoning and Overlay Zoning Maps were reviewed.

Councilor Vail arrived at 7:12 pm. Council Vail noted that he spoke with Councilor Segrist previously and they both wish to be active participants in the Housing Task Force.

**c. Impacts of LD 2003 and other Zoning and Planning Issues:** Chair Broder said that by Statute the Town has the authority to tell every landowner what they can or can't do with their land and where things can go. There are concerns with zoning, such as exclusionary zoning. The State has passed a law that mandates changes in an area that was exclusively within the purview of the Town. Chair Broder said that zoning is now being changed by State law to increase density and other things.

Chair Broder said a workshop is scheduled with the Town Council and Planning Board on October 26<sup>th</sup> to meet with the Town Attorney to discuss the requirements and implementation of LD 2003. Chair Broder asked if the Task Force should present their concerns and recommendations to the Town Council and Planning Board and ask to be part of the meeting. Chair Broder said zoning changes that may be needed to change the approach from contract zones to something policy driven are a big deal. Councilor Segrist shared the Town Attorney's summary of LD 2003 with Task Force members.

Mr. Wood noted that the two successful projects, from an affordability standpoint, are on Town owned land or owned by the Town. Mr. Wood said to make a meaningful impact he thinks the easiest path would be to assess Town owned land for some type of development.

Ms. Gallaudet said LD2003 is trying to get more affordable housing by putting four houses on a one-acre lot and this would make them less expensive. Mr. Wood noted that this may not be true. Ms. Magoun said having more housing supply is key. There are not many options for people looking for a one-bedroom. Accessory dwellings may be the answer. Ms. Magoun said that anything not specifically restricted to being affordable is not going to stay affordable long-term.

Mr. Lapping reported on a Housing Opportunity Fund created under this LD and said the Town needs to understand how to apply to this fund.

**d. Infrastructure planning and funding:** Chair Broder said it is the Town that decides where public water and sewer is extended. The more property that is served, the more opportunity there is for housing to be built. Chair Broder said infrastructure needs, as part of the Comprehensive Plan, have to be looked at to facilitate more housing. Chair Broder said he believes there are grants associated with this kind of infrastructure and the Task Force needs to understand what is available.

The Task Force reviewed locations of public water and sewer. Chair Broder asked Councilor Vail to get information on the sewer capacity for the Town.

Chair Broder outlined a potential housing project in Heritage Village that has a CZA. There is additional land available for residential development and Chair Broder said this is something to look at. Chair Broder said he visited the Route 100 area and there are a lot of places where an elderly or affordable housing overlay could be meaningful.

**e. Cumberland Housing Authority:** Chair Broder said the Cumberland Housing Authority last did a project in 1991 with 30 units and runs the facility nicely. Chair Broder would like the Task Force to look at what the Cumberland Housing Authority's powers are and what it can do.

**f. Federal and State Programmatic Resources:** Chair Broder reviewed handouts of three programs; HUD's Section 202 – Housing for the Elderly, Rural Housing Service's Rural Rental Housing Loans Section 515 and the Congressional Research Service's Low-Income Housing Tax Credit.

Councilor Segrist was excused from the remainder of the meeting.

**g. TIF Funds:** TIF Funds will be reviewed at a future meeting.

**h. Land Acquisition:** Chair Broder noted that land acquisition has been discussed during review or prior items.

**i. Creative options; Tiny House, Co-housing:** Chair Broder said these would not provide great numbers but a lot of people are interested in these options and they are worthwhile to consider.

**j. Assignments and Deadlines:** Chair Broder outlined assignments and asked for two to three committee members to volunteer to work together on each assignment.

**Assignments:**

1. Gather information on existing/proposed Cumberland projects: Justin Wood & Brian Cashin
2. Review of Comprehensive Plan: Katie Magoun, Rick Doane & Betsey Harding
3. Review current Cumberland zoning requirements: Eben Sweetser & Lu Gallaudet Betsey Harding
4. Explore infrastructure funding sources: Jamie Broder
5. Investigate specific housing programs: Jaime Broder, Katie Magoun & Lu Gallaudet
6. Look into the Cumberland Housing Authority: Gail Witherill & Eben Sweetser

7. Investigate Tax Increment Finance Districts: Rick Doane
8. Investigate land acquisition: Justin Wood & Eben Sweetser
9. Explore tiny houses and co-housing: Mark Lappin, Gail Witherill & Katie Magoun
10. Research LD2003 and effects to affordable/elderly housing: Bob Vail & Mark Segrist

**Administrative Matters:** Ms. Nixon reported that the Housing Task Force will not be using SharePoint because it didn't work for everyone and suggested members create a folder in their email to save their Housing Task Force information.

**Adjournment:** The meeting adjourned at 8:30 pm.

**Cumberland Housing Task Force  
September 13, 2022, Meeting Minutes  
6:30 p.m. Central Fire Station Community Room**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call:** Present: Chair James Broder, Vice Chair Lu Gallaudet, Rick Doane, Betsey Harding, Mark Lapping, Gail Witherill, Absent: Brian Cashin, Katie Magoun, Eben Sweetser, Justin Wood, & Town Council Liaisons Mark Segrist & Robert Vail  
Staff: Carla Nixon, Town Planner & Christina Silberman, Admin. Asst.

**Approval of Minutes of last Meeting:** Mr. Doane moved to approve the minutes of the August 23, 2022, meeting, seconded by Ms. Gallaudet and **VOTED**, all in favor.

**Progress Reports:**

Betsey Harding noted that she asked to be included on the assignment to explore creative ideas and Chair Broder added her to the group.

**Member Task Assignments - revised:**

**1. Gather information on existing/proposed Cumberland projects:** Please focus on process for these programs' approvals and how they did or did not prove to be effective in maintaining affordability and ways in which the approach could be approved. *Justin Wood & Brian Cashin*

**2. Review of Comprehensive Plan:** Please examine Goals and implementation to determine effectiveness in meeting affordability objectives. Are the assumptions of the CP valid any more especially in the realities of prices for housing and increased population, not decreasing population. If something wasn't done please look at why and what could be done to improve result. Consider objective of meeting the needs of existing Cumberland residents or children of residents while addressing reality of increasing population and need for more affordability across the board.

*Katie Magoun, Rick Doane & Betsey Harding*

**3. Review current Cumberland zoning requirements:** Please look at Town's process of implementing mandates of LD2003 and advise on how to assure affordability of housing that results from these mandates. Please examine the feasibility of Affordable Housing overlay zones in parts of the Town with available infrastructure to support higher density development. What is the future of 4 acre minimum lot sizes?

Please examine the historic use of the Contract Zone Agreement (CZA) for development whether as a safety valve or a substitute for the adopted zoning map. *Eben Sweetser, Lu Gallaudet & Betsey Harding (With Bob Vail & Mark Segrist, see #10)*

**4. Explore infrastructure funding sources:** Review available Town, Federal and State funding for water and sewer service extensions to support affordable housing development. *Jamie Broder*

**5. Investigate specific housing programs:** Examine the availability and the use of US HUD, RDA, Maine State Housing Authority and other state and local programs for use or facilitation for the production and long term viability of affordable housing. *Jamie Broder, Katie Magoun & Lu Gallaudet*

**6. Look into the Cumberland Housing Authority (CHA):** Examine the legal powers of the CHA to develop, to own and to operate affordable housing including the issuance of bonds, possible grant eligibility from state and federal agencies and the practicality of deploying some of all of that authority to provide affordable housing in Cumberland. *Gail Witherill & Eben Sweetser*

**7. Investigate Tax Increment Finance Districts:** Look at the availability of TIF derived funding already in the pipeline and Housing TIFs for future projects. *Rick Doane & Jamie Broder*

**8. Investigate land acquisition:** Consider possibly available appropriate sites which are already owned or possibly available of a size and in locations consistent with affordability goals. Including, but not limited to a Route 1 site and already owned site on Drowne Road. *Justin Wood & Eben Sweetser*

**9. Explore creative ideas such as tiny houses, co-housing and other proven approaches to the development of affordable housing at a small scale:** Examine successful models of small scale or scalable development of housing, such as, but not limited to tiny houses and co-housing. *Mark Lapping, Gail Witherill, Katie Magoun & Betsey Harding*

**10. Research LD2003 and effects to affordable/elderly housing:** (Also see # 3) *Bob Vail & Mark Segrist*

Mr. Doane reported that the group assigned to review the Comprehensive Plan has not met yet. Ms. Nixon explained that updates to the Comprehensive Plan were made based on the 2010 census. The housing goals in the Comprehensive Plan are broad and Ms. Nixon said she doesn't think there is anything that will preclude what the Housing Task Force recommends. Mr. Doane said a weakness in the Comprehensive Plan, and in the recent survey, is that people can vote for everything.

Mr. Lapping said that the new LD is going to push towns to make decisions and be decisive. Mr. Lapping reported that his group looked at Cape Elizabeth's housing study and he recommended that everyone see it. Ms. Nixon will share a copy of the study with the Task Force.

Ms. Gallaudet reported that there are many different zones, most allow single family homes and multiplex and there are about ten overlay districts. Cumberland's median income is \$112,700, this is high. Ms. Gallaudet said the law, LD2003, relates to three categories; affordable housing density, single family housing density and accessory dwellings and the State is telling towns they must amend their ordinances to allow more density.

Ms. Gallaudet reviewed the following zoning suggestions:

- Tighten ordinances so contract zones are rarely used.
- Change the RR1 zone to a 2 acre zone.
- Encourage the use of back acreage to help maintain rural character. This could require putting a road in but current frontage requirements restrict this.
- Allow alternative construction, perhaps in an overlay district, for tiny houses or prefab houses.
- Limit restrictive covenants in HOAs, such as house size and requiring a garage, that could cause increases in the cost of homes. Chair Broder commented that this is a delicate issue for high-end market subdivisions. Mr. Lapping suggested having energy and water saving requirements.
- Require that every new project have some workforce or more affordable housing included. Mr. Doane suggested creating overlay districts for housing density for appropriate senior, workforce or low income housing.
- Focus on projects with no age restrictions, enough is being done, or will be done, for seniors. The Housing Task Force does not all agree on this.



Chair Broder reported that he met with the Town Manager recently and learned that there is enough sewer capacity to do whatever the Housing Task Force wants to do. How to get the water and sewer extensions built, and who pays for this, is the issue. Chair Broder said they need to look at whether there is sufficient money and sufficient demand in a particular area to extend water and sewer. Mr. Broder referred to a proposed project off Sky View Dr. for affordable, senior housing and reported that the cost to put in water, sewer and other utilities for 400 feet into the project is about \$500,000.00.

Mr. Doane said it is important to him to give preference to Cumberland residents but this may limit access to certain funding. Mr. Broder said there are ways to ensure this happens. Ms. Harding referred to a point system that could be used. Ms. Witherill said she would like to look at the affordable housing issue regionally and hopes projects are not exclusive to other towns residents.

Ms. Witherill reported that she worked with Mr. Sweetser to learn about the Cumberland Housing authority and has talked with Ms. Nixon and Mr. Shane. They have reached out to Housing Authority members and are in the midst of looking at what other housing authorities in comparable size communities do. Ms. Witherill said there does not appear to be a written document outlining the Cumberland Housing Authority's guiding principles. The Town through Ms. Nixon administers the Authority's finances and proposes projects, prepares a budget and proposes rent increases. The Authority votes on these at their annual meeting.

Ms. Witherill said the Town cannot find information in the Town Council minutes regarding the Cumberland Housing Authority creation. There are some members of the Housing Authority who have concerns about their purpose. The Cumberland Housing Authority currently has nine members and State statutes say there should be seven. Maine statutes have a lot of guidance. Chair Broder said housing authorities have two purposes, to build things and to operate things. Chair Broder said the Town could give the Authority a new job. Mr. Doane said to bond anything, there have to be bylaws and authorizations. Ms. Nixon noted that Cumberland Housing Authority is not a 501C3. The Town administered a MSHA bond for the development of the Cumberland Meadows Senior Housing project.

Mr. Lapping excused himself from the remainder of the meeting for a family matter.

Chair Broder said the Task Force needs to learn what additional capacity the Housing Authority may have. Ms. Witherill asked if the Authority's purpose relates to providing affordable housing according to HUD or something else and if the Authority has interest in doing something else. There are concerns in not having the Authority's organizing documents or guiding principles.

Ms. Witherill said she will be away for a couple of weeks but her group will continue looking at other housing authorities and what they do.



Ms. Harding reported on creative ideas. There are a fair number of conservative people in Town that may not see the need for affordable housing and the public will need to be convinced there is a need. Ms. Harding suggested collaborating with vocational schools to build tiny houses. Ms. Harding said they looked at co-housing projects and these were not affordable. Ms. Harding said there could be a town-wide overlay for workforce housing to require that for every 5 units, one has to be workforce housing or the developer has to contribute to a housing trust fund.

The creative ideas group looked at panel housing that goes up quickly and at a project that incorporated many different housing types into one building. The group suggested looking at tax exempt properties like a church with extra space that could collaborate to add housing. Ms. Harding feels it is important to blend age groups.

Chair Broder said it will be interesting to see how affordability is dealt with in LD2003. Ms. Harding said LD2003 seems to deal with income levels under 80% and people looking for lower cost housing in Cumberland are not going to find it here. Ms. Gallaudet said this is a beginning guideline. The Town doesn't know where they will get money to build anything. There are programs that require a 50% income level. The Task Force discussed funding options.

Ms. Gallaudet suggested publicizing information on help available through programs such as first time home buyers. Ms. Gallaudet reported on challenges with housing vouchers not being accepted because housing is so hard to find. Ms. Witherill referred to issues with Air BnB and said there don't seem to be a lot in Cumberland. The State recommends Towns are careful in allowing accessory dwelling units that they don't become an Air BnB.

Chair Broder suggested looking at the possibility of affordable housing projects in three locations; the Route 1 site of the proposed senior affordable project, the Town Center and West Cumberland along the Route 100 corridor.

The next meeting of the Task Force will be September 27<sup>th</sup>. Chair Broder would like to see reports that have real substance on plans that members would like to see move forward.

**Administrative Matters:** Ms. Nixon reported that the Housing Task Force will not be using SharePoint because it didn't work for everyone. Ms. Nixon suggested members create a folder in their email to save their Housing Task Force information.

**Adjournment:** The meeting adjourned at 8:38 pm.

**CUMBERLAND HOUSING TASK FORCE**  
**September 27, 2022, Meeting Minutes**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call:** Present: Chair James Broder, Vice Chair Lu Gallaudet, Brian Cashin, Rick Doane, Betsey Harding, Katie Magoun, Eben Sweetser, Justin Wood, Council Liaisons Mark Segrist & Robert Vail and Christina Silberman -Admin. Asst. Absent: Mark Lapping & Gail Witherill.

**Approval of Minutes:** The amended minutes of the September 13, 2022, meeting were accepted.

**Chair Comments:** Chair Broder said the work of the Housing Task Force is moving along well with a lot of good ideas. The next meeting will focus on coming to a consensus on the broad principles at the core of the Task Force's mission. Chair Broder said his hope is that after the Oct. 25<sup>th</sup> meeting the Task Force can start drafting recommendations.

Ms. Magoun asked if the Task Force should seek public input. Chair Broder replied that the meetings are open to the public. The Task Force has no legislative authority. Their needs to be a consensus on recommendations to the Town Council and there is a tight timeline. Councilor Vail noted that the work of the Task Force is reported on at the Town Council meetings. Councilor Segrist replied that the Task Force members are the representation of the community tasked to come up with the recommendations and then the Town can have whatever public hearings are necessary.

**Progress Reports:**

Chair Broder said the Task Force needs to deal with the ability to create a requirement of some kind for affordability within the Town. Some ideas are to create density increases for meeting social needs or to require that a portion of all new development be affordable. This could give the marketplace opportunity for more density and result in not having to deal with each project ad hoc, time after time. Chair Broder said this can be done in a lot of different ways. The Task Force should consider mechanisms for affordability and for keeping things affordable.

The following Creative Ideas & Solutions Committee report, shared earlier today by Ms. Harding, was reviewed.

Creative Ideas & Solutions Committee report, for discussion on 9-27-2022

We continued to gather, examine, and discuss data, ideas and options for varied housing opportunities in Maine and other areas, trying to discover why some affordable, workforce, or moderate income housing proposals have failed in Maine, and how we could propose solutions suitable for Cumberland.

We are still in the examination stage of our work. Among the questions we need answers to are:

- What long term controls would work here without overburdening the Cumberland Housing Authority? Can we rely on deed restrictions, as many towns do?
- For rental housing – ADUs would be controlled by the owner, probably with no income level set. In rental complexes, most likely the landlord would be responsible for finding tenants who qualify for the housing units.
- Given that many want to live in a neighborhood but still appreciate a rural community, what types of co-housing would be popular here, and what sorts of funding could help to produce affordable co-housing units?
- What types of housing could fit into the area between the schools and Tuttle Road near Dara Restaurant?
- If we aim to address housing needs of people with an income range of 80 to 120% of the Median Income for this area – would we be serving local people who would want the housing? (See 2020 Census data on household incomes and housing costs, attached.) What is a typical salary range for local teachers, fire department workers, restaurant cooks and waiters, library workers, police, physical therapists, etc.?
- How can we ensure that some of the housing units Cumberland needs could be built within our community – not just placed along Routes 1 and 100, at the edges of Cumberland? We like the idea of having an inclusionary housing ordinance that would encourage or even require new housing developments to include some lower cost homes through use of a density bonus.

- What is a reasonable density bonus for our area, one in every 10 or 11 units?
- How can we encourage some desirable clustered developments while retaining the rural feel here? To what extent does our current zoning encourage sprawl?
- We like a mix of ages in housing complexes – possibly through a shared housing program, an apartment complex not restricted to those over 55, or housing units of varying sizes. Could the Route 1 complex have such a mixture?
- We are learning that lingo matters – apparently “moderate income” housing may be more appealing than “workforce housing.”
- Again, the primary effort must be to encourage “buy-in” among Cumberland’s current residents!

Chair Broder said creating a program with deed restrictions could work if the Task Force wants to do this. Ms. Harding said this would take the burden off the Town. Chair Broder questioned how the deed restriction would be enforced for subsequent owners. At times the covenants are ignored. Ms. Magoun said this would work well where there is a non-profit housing authority partner. Ms. Magoun referred to a successful program in MDI that is focused on home ownership. Chair Broder said that MDI has a non-profit housing authority that has first refusal on home sales. Mr. Wood asked if this would apply to new development and how would it be dealt with retroactively. Chair Broder said it could not be retractive. Chair Broder said it is possible to have the Cumberland Housing Authority be the vehicle for enforcement of the covenants by giving them certain powers and/or a right to acquire the property. Mr. Doane referred to the OceanView model and said this could have inconsistent results. Mr. Wood said having the Town involved would help to ensure long-term affordability. Councilor Vail said he does not want to lose sight, in talking about affordable housing, to include affordable rents.

Mr. Cashin explained how his cooperative ownership in NY works and questioned if the Town could develop a cooperative. Chair Broder said this could be a risk for the Town and cooperatives have not worked in Maine. Ms. Harding said Ms. Witherill has investigated cooperatives in Maine and none include workforce or affordable housing.

Ms. Magoun noted that 96% of Cumberland is single family homes and in order to have a breadth of opportunity for people, higher density is needed where it makes sense. The focus should not be just on single family homes. The Task Force should determine how and where to encourage density. People are not building starter homes because the land is too expensive. Ms. Magoun thinks the Task Force should think about how to add more units on a smaller space.

Mr. Sweetser said in working with the existing rules, ADUs are a good process to follow and would not requiring waiting for ordinance changes. Mr. Sweetser suggested a survey asking why residents don’t take advantage of building ADUs as a source of income. Mr. Doane noted that ADUs can be costly to build. Ms. Magoun reported on a grant program being considered in Kittery to encourage people to build ADUs that would have an affordability stipulation.

Councilor Vail suggested offering density bonuses for developments offering affordability and said costs to bring utilities to a single unit are nearly the same as for a multi-unit building.

LD2003 has language regarding affordability. Chair Broader gave an example of a single family lot that now could have three units, rental and/or affordable, and the Town could control the terms and conditions by which this happens. The law takes the power away from the Town to be more restrictive or exclusionary in zoning. Chair Broder said the Town now has a mandated legal structure of creating more density but this doesn’t say it can’t be denser. The Town has the ability now to change ordinances for the setback requirements to allow for more units.

LD2003 defines affordability. Ms. Magoun noted the Comprehensive Plan defines affordability. The LD2003 summary references what affordability means for rentals and for home ownership. This can be used as a starting point. LD2003 defines housing costs as affordable if within 28-33% of household income. The cost to build a house can be over \$400,000. Discussion was had about what the base amount is for affordable housing in Cumberland. Councilor Segrist reported that the Town Manager said the affordable housing cost would be under \$2,000.00 per month.

Ms. Magoun said the affordable housing definition talks about 80% of the County median income and there is a big difference between the County and the Town of Cumberland's median incomes. Councilor Vail said the work force can't afford to live in Cumberland. The Town needs rental housing at an affordable rate or to find an entity to pay a portion of the rent. There could be income maximums to screen tenants with the means to afford a higher rent elsewhere. A suggestion was made to run the senior housing program at a net gain to help fund other projects.

Councilor Vail said there is merit in the Town acting as a general contractor and a piece of Town owned property to develop some number of units to turn over to the Housing Authority. Chair Broder said the Housing Authority could build something affordable.

Chair Broder said tax credit incentives for private developers are enormous and the amount available has tripled. This is allocated by the State and is not just for senior programs. Funding will be needed through the bond market, low lending rates and/or tax incentives to have revenue to acquire and scale affordable housing in Town. Chair Broder said the benefits of having an active housing authority are substantial.

Ms. Gallaudet recapped the following discussion; ADUs are expensive but the Town could publicize them, the Housing Authority can be repurposed, create a policy to regulate short-term rentals to ensure permanent housing, and the use of contract zoning is too prevalent – the Town should preserve the underlying zoning.

Councilor Segrist said the Town can do something systemically at the route of our ordinances to make it easier for developers to come to Cumberland and build affordable housing. Chair Broder suggested looking areas of Town where affordable housing would be appropriate and creating an overlay zone.

Councilor Segrist shared an idea for using TIF funds for the infrastructure to relocate the ballfields next to the Drowne Rd. school in order to develop the area for more affordable housing. The two ball fields could be moved to the ten acre area where the brush dump is now.

Ms. Gallaudet suggested a townwide overlay to require new developments to include a certain number of lower cost homes. Ms. Harding suggested a requirement for workforce housing also. Mr. Doane said he would favor an impact fee with funds going to the housing authority for a public purpose.

Ms. Harding said restricting requirements in HOAs could be an opportunity to keep the housing costs down. Ms. Magoun suggested finding a way to incentivize developers to build starter homes.

Mr. Broder reported on the proposed Skyview Dr. development for 55 units of senior, affordable housing that looks to be moving forward as a tax credit project. This would leave 65 units of residential development for non-single family homes in this contract zone and leaves a significant portion for commercial development.

Councilor Vail read an email received from former Town Councilor Mike Perfetti.

Councilor Segrist said the Town can make some serious progress if focused on some zoning changes and a few key projects.

**Adjourn:** The meeting was adjourned at 8:30 pm.

**TOWN OF CUMBERLAND HOUSING TASK FORCE MINUTES**  
**October 11, 2022, at 6:30 pm**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm

**Roll Call: Present:** James Broder – Chair, Lu Gallaudet – Vice Chair, Rick Doane, Justin Wood, Mark Lapping, Gail Witherill, Katie Magoun, Town Councilor Bob Vail, Town Planner Carla Nixon & Admin. Asst. Christina Silberman. **Absent:** Brian Cashin, Betsey Harding, Eben Sweetser & Town Councilor Mark Segrist.

**Approval of Minutes:** Mr. Doane asked that revisions be made to the prepared minutes. The minutes were not approved and Chair Broder will suggest revisions for consideration at the next meeting.

**Chair Comments:** Chair Broder reported that the Housing Task Force is engaged and communications are good. Focus tonight is on the Cumberland Housing Authority and the issue of accessory dwelling units and what policies could make ADUs more interesting for a greater number of people. The Housing Task Force's work will be done December 15<sup>th</sup> then the Town Council will deal with the Task Force's recommendations.

Chair Broder referred to the Cumberland Housing Authority and said it is a legally empowered organization that could do an enormous amount of additional work. Chair Broder asked what is needed to turn the Housing Authority into an activist authority, such as staffing and a new mission statement. Ms. Nixon said she is the Executive Director of the Housing Authority. The Housing Authority is there to oversee the housing available for one project, the Cumberland Meadows Senior Housing program with thirty units. Chair Broder said if it develops more housing, than the existing Housing Authority is likely to be involved with it. Ms. Nixon asked how the Authority would help with the process of creating more housing because the Authority may have the potential to do more but they would not go out and start a project.

Ms. Witherill noted that she looked at Westbrook Housing Authority that has a spinoff organization, the Westbrook Development Corp., which has done non-profit projects. Ms. Witherill noted the projects were for families also, not just seniors. Some projects included bring in services Head Start and Meals on Wheels.

Councilor Vail said that Cumberland is in a unique position. Cumberland's history is agriculture and farms and the Town did not have workforce housing built. Chair Broder noted housing authorities and have power of eminent domain power and other broad powers that can be used how the Town wants them used. Mr. Broder said it would be impactful to engage in conversation to create a meaningful, active, housing authority.

Ms. Magowan said she finds most creative non-profit housing authorities include a fundraising component. Ms. Gallaudet said the Authority would need a staff. Mr. Broder noted that housing authorities can create revenue.

Mr. Doane said the idea of creating a housing authority, not like the one Cumberland has now, makes sense. This would need the blessing of the Town Council.

Mr. Lapping said no matter what the Task Force recommends, the housing problem is not going away. There is a need for continuity, to keep addressing the issue over the years. This is a regional problem, not just in Cumberland. Mr. Lapping said Cumberland should be prepared to liaise and connect with other towns for regional solutions. Mr. Lapping said the Housing Authority should be a creature of the Town and not a separate entity. The Task force could recommend what the Housing Authority such as work with developers, apply for financing and be attached to the Planning Department.

Councilor Vail agreed that affordable housing is a regional problem and said trying to solve the problem as a community is a challenge. Councilor Vail said Cumberland should not shirk from the task. Councilor Vail's goal is that people who have lived in the community their entire life have somewhere to go. Councilor Vail likes the idea of giving the Housing Authority license to grow and said not to lose sight of

people in need. Chair Broder said the purpose of the Housing Authority can be to focus on people in need.

Mr. Wood asked about the Task Force's scope of work and noted there is not much time to produce recommendations. Chair Broder said the Task Force is looking to make recommendations on a number of levels. The Task Force can recommend what the Housing Authority ought to be able to do and can recommend some real projects. Chair Broder said he would like to figure out why ADUs aren't doing what they were intended to do and to look at individual projects to create a substantial number of units.

Ms. Gallaudet said the Zoning and Comprehensive Plan Subcommittee members are looking at ideas individually and then will meet to look at specific issues to have a hard list.

Chair Broder noted that the Task Force should start drafting final recommendations after the next meeting. At the next Task Force meeting, each group should have their proposals ready for the Task Force to go through to develop a consensus and move to drafting recommendations.

Mr. Broder reviewed some suggestions provided by Mr. Doane for the Zoning and Comprehensive Plan Subcommittee such as investigating options for a Cumberland Housing Authority partner, partnering with other entities, ensuring projects meet the definition of affordability and to have Housing Authority projects have a preference of serving people with a connection to Cumberland.

Ms. Magoun said she does not agree with the idea of giving preference to Cumberland residents and that this seems like nativism. Mr. Doane said that when spending Town tax dollars, the Town should be providing to their constituents. Mr. Broder said it cannot be exclusionary. Mr. Doane said he is not averse to the Town providing some affordable housing to outsiders but he doesn't see paying taxes to support people outside of the community. Ms. Magoun noted that York Housing Authority has a requirement that applicants live within a certain distance of their town. Ms. Magoun said if the Housing Authority is more government funded, then she can see having a preference to people with Cumberland connections. Councilor Vail said Cumberland is a very affluent community and he likes the idea of providing a mix of diversity of incomes, this will need to be a community dialogue.

Mr. Wood said the Task Force should come up with recommendations that give a little something to everyone so there is a higher likelihood of being acceptable. The Task Force needs to be sensitive that what is recommended to have broad appeal to people to get them on board.

Ms. Witherill said mixed use zoning can have businesses on the bottom and residences on top. Councilor Vail said the Town is looking at this for West Cumberland.

Chair Broder asked Ms. Nixon why ADUs are not working in Cumberland. Ms. Nixon replied that the Town looked at ADUs several years ago and requires the owner to be one of the occupants. Ms. Nixon said LD2003 does not have a parking requirement and the Town ordinance does require that parking be available to add an ADU. Ms. Nixon said more there are not more ADUs being built because of the high cost of materials. Ms. Nixon noted that many Cumberland residents do not have a need for a second source of income and it is not desirable to have a tenant. Ms. Gallaudet noted that the Town ordinance or ADUs says there needs to be a parking space for every bedroom and Mr. Sweetser has suggested this be changed to requiring just one parking space.

Chair Broder said the impact of LD2003 on zoning is material to the Task Force's work. There will be a joint Town Council and Planning Board workshop to review the impacts of LD2003 on October 26<sup>th</sup>. The Housing Task Force will meet again on October 25<sup>th</sup>.

Mr. Lapping said a function of housing authorities is to promote new technologies and materials and he referred to an article in Planning magazine about successful innovations to bring down costs in construction.

Ms. Nixon said that it seems the Task Force envisions the Housing Authority as more of a Board of Directors with a staff and questioned whether the Town Council would be supportive of this. Chair Broder replied that housing authorities generate funds in a lot of ways and there are efficient ways to develop



housing. The Housing Authority would have to amend their organizing documents and define their mission and this could be subject to Town Council approval. Mr. Doane said that if the Town empowers the Housing Authority to become a 501c3 non-profit to seek grants and partnerships with other agencies this would not resemble the housing authority the Town has now. Councilor Vail said this would be a dynamic change. Mr. Doane said this new housing authority would need a staff person that understands this work and a Board of Directors making policy recommendations.

Chair Broder referred to a comment made about ensuring the Town's current senior housing program is for low income. Mr. Doane said there should be a movement for senior housing to have a low or moderate income test for new tenants.

Mr. Lapping said he is concerned with families and suggested a program where the family nets some equity. Mr. Wood said home ownership is a reasonable path to net worth building and long term affordability is a good thing and providing one time affordability can be okay too. Ms. Magoun said there is a movement with models for rentals and cooperatives where some money goes into an investment fund that tenants can then take when they leave the property. Ms. Magoun noted that not everyone can be a homeowner, single family home buying has been done in Cumberland but a lot of people can't afford this. Ms. Magoun feels that the Town is doing a disservice if not paying attention to meeting a range of housing needs. Mr. Doane proposed a condominium type property with thirty to forty units geared to be affordable and to build equity in partnership with the owner, maybe through the Housing Authority.

Ms. Gallaudet said she likes the idea of requiring new developments to have a percentage of starter homes or affordable homes. Ms. Witherill said she is in favor of this. Mr. Doane said the requirement could be to include affordable units or pay a certain amount into a housing fund dedicated to affordable housing. Ms. Gallaudet said there can be a requirement for smaller homes. Mr. Lapping proposed smaller lot sizes. Chair Broder said the Town will see some smaller lots with the State Statute going into effect next year.

Chair Broder said it is important for Task Force members to go to the Oct. 26<sup>th</sup> Town Council/Planning Board joint workshop.

Councilor Vail suggested offering density increases for projects that have an affordability aspect. Mr. Doane said if the Town requires affordability, this will kill growth because developers can't build something and then sell it at a lower price.

Mr. Doane said if public water is extended in West Cumberland, there could be many units being built there. Chair Broder said the Task Force can look at projects in the Foreside, Town Center, and West Cumberland. Chair Broder said there will need to be a program to create revenue for the Housing Authority to do work.

Mr. Wood asked about the West Cumberland proposal. Ms. Nixon said there is an affordable housing overlay district in the area of the Chase gravel pit where housing is being proposed if the public water can be extended.

Ms. Witherill reported on a cooperative affordable housing project in Portland that will be developed with fifty units of energy efficient homes on small lots on Lambert St.

Discussion was had about the impact to the property tax rate for a proposed new school for MSAD #51. The increase to the property tax rate due to the construction of a new school will likely hinder the Town's ability to raise revenue for municipal projects.

**Administrative Matters:** The next meeting of the Housing Task Force will be Oct. 25<sup>th</sup>. Chair Broder expects that subcommittees will put together what they want to see put forward for recommendations and the Task Force will debate what will be included.

**Adjourn:** The meeting was adjourned at 8:25 pm.



**TOWN OF CUMBERLAND HOUSING TASK FORCE MINUTES**  
**October 25, 2022**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call: Present:** James Broder – Chair, Lu Gallaudet – Vice Chair, Brian Cashin, Rick Doane, Betsey Harding, Mark Lapping, Katie Magoun, Eben Sweetser, Gail Witherill, Justin Wood, Town Councilors Bob Vail & Mark Segrist and Admin. Asst. Christina Silberman. **Absent:** Town Planner Carla Nixon

**Approval of Minutes:** The revised minutes of the September 27, 2022, Housing Task Force meeting and the prepared minutes of the October 11, 2022, Housing Task Force meeting were accepted.

**Chair Comments:** Chair Broder noted that tomorrow night is the workshop with the Town Attorney, Town Council, Planning Board and Housing Task Force for review of LD2003. Chair Broder read Town Councilor Allison Foster's email regarding the procedures for the workshop.

The Housing Task Force reviewed the Town Attorney's workshop presentation slides provided by the Town Manager and prepared questions.

Councilor Segrist reported that he recently started on the Legislative Policy Committee with Maine Municipal Association that has seventy members with two representatives from each State Senate District. The Committee met earlier in the month and LD2003 and LD 290, a tax forgiveness program for people 65 and over, were a couple of the topics reviewed. Some members of the Committee felt these need to be repealed and others felt changes are needed. Councilor Segrist said if he learns more, he will share the info with the Housing Task Force.

Mr. Cashin asked if density vs. fire suppression and water access has been considered. Councilor Segrist said this was not discussed. Councilor Vail said that statistically new homes don't burn, the building code is so much greater and burnable materials don't exist as they do in a 100 year old house. Mr. Cashin said new homes are larger with an open design that do not provide for fire separation.

Mr. Sweetser asked if they should think about how the existing growth areas match with this new rulemaking. Chair Broder said the growth areas are intended to be the areas where the Town would encourage development and where infrastructure should go. The current growth area map was reviewed.

Chair Broder referred to two outlines submitted by the Zoning and Comprehensive Plan Subcommittee and the Tiny Homes and Co-Housing Subcommittee and said both had a lot of reaction to the Cumberland Housing Authority.

Chair Broder said the Housing Task Force will submit their report to the Town Council in mid-December and will then go on with their lives and the Council will go on to other issues. Chair Broder said he suspects that absent some significant changes in the structure of town government, the issue of affordable housing will never come back up to the top unless the Town takes advantage of the existence of the Cumberland Housing Authority. The Housing Authority has the potential to become a place where the issue of affordable housing is dealt with on a regular basis.

Chair Broder said that the Housing Task Force can play strong role in redefining what the Cumberland Housing Authority is. Housing authorities have a lot of powers under State Statute and the Cumberland Housing Authority uses about 2% of these. The Cumberland Housing Authority Articles of Incorporation are needed to review for recommendations for changes.

The following recommendations from the Zoning and Comprehensive Plan Subcommittee were discussed.

1. Reorganize the Cumberland Housing Authority to be a robust entity (with a mission statement) that initiates, partners with, and stewards new projects to increase Cumberland's stock of affordable housing. Council should decide if a staff person is

needed. There was consensus of the Task Force for this recommendation. Chair Broder noted that a staff person would be needed.

2. Cumberland Meadows should shift to low and moderate income housing only. This shift should be realized through attrition. Because of the proximity to schools these units should be available to all ages. There was consensus from members of the Task Force for these units to have a low to moderate income cap and a general consensus for changes to allow the units to be available to all ages. Councilor Vail said he would want to see the addition of senior housing units to replace any units that are no longer designated for seniors.

3. Planning Board should review all zones and overlays and consider merging RR1 and RR2 to one 2 acre RR zone. The RR1 Zone currently requires a minimum of 4 acres per lot and the RR2 requires minimum a 2 acres per lot. Changing the RR1 Zone to a 2 acre minimum lot size will allow for more housing. A suggestion was made for the RR1 zone to allow for 2 acre lots only for affordable homes. A previous community survey showed that the majority of residents wished to keep the 4 acre minimum zone.

The Housing Task Force discussed how many affordable units the Town wants to incentivize. A reasonable number is needed to keep pace with surrounding Towns. There was a suggestion for 72 units but this number needs to be confirmed.

Chair Broder referred to the specific projects the group has discussed for three parts of Town and said that if the Town creates an entity to plan for and coordinate with the Town Council, non-profits and other organizations then the Housing Task Force will have done a good job of protecting the future of affordable housing.

**Administrative Matters:** Chair Broder will not be available to attend the meeting scheduled for Nov. 8<sup>th</sup> and this is Election Day. The Housing Task Force suggested meeting on Wednesdays, Nov. 16<sup>th</sup> and Nov. 30<sup>th</sup> instead of Tuesdays, Nov. 8<sup>th</sup> and Nov. 22<sup>nd</sup>. Ms. Silberman will confirm the availability of meeting space for the new meeting dates.

**Adjourn:** The meeting adjourned at 8:35 pm.

## TOWN OF CUMBERLAND HOUSING TASK FORCE MINUTES November 16, 2022

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call: Present:** James Broder - Chair, Lu Gallaudet - Vice Chair, Brian Cashin, Rick Doane, Betsey Harding, Mark Lapping, Eben Sweetser, Gail Witherill, Justin Wood, Town Councilors Bob Vail & Mark Segrist and Admin. Asst. Christina Silberman.

**Absent:** Katie Magoun & Town Planner Carla Nixon

**Approval of Minutes:** The prepared minutes of the October 25, 2022, Housing Task Force meeting were accepted.

**Chair Comments:** Chair Broder said the Town already has an agency with the authority to do a lot of things and noted that the Housing Authority creation documents were located.

The following draft of an executive summary prepared by Chair Broder was distributed and partially discussed.

Draft Cumberland Affordable Housing Task Force Preliminary Executive Summary

**1. Introduction and Background:**

- a. Authorizing Resolution (Mission Statement), Members, Leadership, Meeting Dates, Subcommittee Structure, Process for Adoption and Minority Views; Summary of Organizations and Individuals Consulted; Role of Designated Town Staff (Carla and Christina), Bill Shane, and Town Council Members (Mark Segrist and Bob Vail)
- b. Review of Comprehensive Plan and Zoning
- c. Review History of Efforts and Growing Need: Mixed Results
- d. The Cumberland Housing Authority (CHA)

Note: The final Report will include a full record of our meetings and deliberations.

**2. Recommendations:** Bracketed highlights some discussion items

- a. CHA: Repurpose CHA and implement structural leadership within town government through a reinvigorated, fully functioning and staffed CHA with a minimum of one (1) experienced development officer, with the focus of overseeing and performing the following critical functions:
  - i. The enforcement of Affordable Housing obligations under developer and owner covenants;
  - ii. the spin off of non- profit development companies as needed to assure (i) above;
  - iii. to continue to expand its role in the management/supervision of Affordable Housing projects;
  - iv. to serve as the administrative contact for the use of programs administered by the Maine State Housing Authority (MSHA), Low Income Housing Tax Credit (LIHTC) 4% and 9% financing, as well as other Department of Housing and Urban Development (HUD) 202 grants, HUD mortgage insurance, Redevelopment Agency (RDA) 515 programs and other federal and state programs, and for meeting urgent or emergency housing needs;
  - v. to create and to administer an Affordable Housing Trust Fund; and
  - vi. to continue research on best practices and affordability options.
- b. Set near and long-term Affordable Housing Goals and Implementation protocols through:
  - i. the establishment of Affordable Housing Overlay zones (to include workforce housing) in at least three (3) discrete areas of Town (e.g., West Cumberland, Cumberland Center, Cumberland Foreside) for the development of significant numbers of units in the near term and with a mandate for the development of at least three (3) significant developments of

- more than fifty (50) units each with all or a substantial percentage being Affordable (including workforce housing) and to be completed within the next three (3) years;
- ii. a requirement of a minimum of [20%] of units in any new housing in any zone allowing development of [ten (10)] or more units be Affordable (to include workforce housing) for a period of not less than [forty-five (45)] years to be enforced through deed restrictions and other mechanisms deemed appropriate by the CHA; and
  - iii. providing incentives such as density bonuses, Affordable Housing Tax Increment Financing (TIFs) to support such projects and to allow flexibility on other requirements as proposed by the CHA and reviewed and permitted by the Town's Planning Board.
- c. Recommend the aggressive implementation of the Affordability and/or density mandates set forth in LD2003 through ordinances to include reasonable Affordable Housing obligations, as well as density bonuses related thereto.
  - d. Support the establishment of Affordable Housing TIFs as a tool to support the development of Affordable (including workforce) Housing.
  - e. Through the CHA, support and facilitate the research on, placement of and construction of Tiny Homes, coop housing, co-housing, and similar programs and facilities to meet emerging and emergent needs of Cumberland residents, as circumstances arise.
  - f. Support priorities for occupancy by residents of Cumberland and their families and non-residents who work in Cumberland consistent with requirements of the Fair Housing Act.

Chair Broder said that the Task Force can make recommendations for what should be done within a certain period of time. A new housing authority could be appointed if the current Cumberland Housing Authority members do not want to serve on a revised authority. Housing authorities can have subgroups to focus on certain projects. Chair Broder suggested that the Housing Authority be structured to require approval from the Town Council before taking on financial obligations. Ms. Witherill questioned whether there is the will to have a more active Housing Authority and said the Task Force should offer other recommendations as well.

Mr. Lapping suggested that an Assistant Town Planner be hired under the Planning Dept. to be responsible for the revised/new Housing Authority. Chair Broder said there should be a person to do the work of the Housing Authority and this person should not come under the Planning Department.

Mr. Wood asked what other options there are for the Task Force recommendations. Oversight of affordability requirements for new developments was discussed. Mr. Doane said he doesn't want to see changes get in the way of private sales. Zoning changes to allow for higher density in certain areas if certain affordability requirements are met were proposed. Chair Broder predicted that most affordable housing projects will be rentals.

A suggestion was made for having a reserve for emergency needs, such as purchasing tiny house kits. Ms. Gallaudet said she wouldn't want to see money spent on tiny house kits. Ms. Witherill said that it is important that the Town look at the regional issue of homelessness. The Town will benefit if people stay here and get jobs. Ms. Witherill said Cumberland is part of the region and homelessness is a regional issue and it is important to be part of the solution. Chair Broder suggested there be language to recommend that the Town participate in regional efforts. Councilor Segrist said that it is



important to allow the Cumberland Housing Authority to deal with the most vulnerable people.

Councilor Vail reported that at the Planning Board review for the proposed 55 unit senior development he asked what happens if people don't want to leave and need elder care and will this be a problem for the community. The Town lacks funding for assisted living and nursing homes. Chair Broder said that housing for the elderly is about who is going to pay the bill. When an elderly person is no longer a resident but a patient, then insurance pays.

Mr. Doane said he likes the idea of providing housing for a variety of things, including emergencies, but it is not the Housing Task Force's mission to solve homeless needs.

Ms. Harding suggested expanding areas of increased density rather than spreading it out throughout the Town. Mr. Lapping said he is concerned about sprawl and how to protect areas that people say they like about Cumberland while balancing affordability. Mr. Sweetser said there are lots in Town that wouldn't be allowed to exist now because they don't meet the standards but they are working today.

**Administrative Matters:** The next meeting is scheduled for Wednesday, November 30<sup>th</sup> to fine tune and draft recommendations.

**Adjourn:** The meeting adjourned at 8:35 pm.

**TOWN OF CUMBERLAND HOUSING TASK FORCE MINUTES**  
**Tuesday, November 30, 2022, at 6:30 pm**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call: Present:** James Broder - Chair, Lu Gallaudet - Vice Chair, Brian Cashin, Rick Doane, Betsey Harding, Katie Magoun, Eben Sweetser, Gail Witherill, Justin Wood, Town Councilors Bob Vail & Mark Segrist and Admin. Asst. Christina Silberman.

**Absent:** Mark Lapping & Town Planner Carla Nixon.

**Approval of Minutes of last Meeting:** The minutes of the November 16, 2022, Housing Task Force meeting were accepted.

**Chair Comments:** Chair Broder said he would like to go through his prepared draft of recommendations and noted that he tried to include all appropriate comments and concerns.

**Review of Draft Recommendations:** The Housing Task Force began review of Chair Broder's draft recommendations. Chair Broder said that a lot of focus has been put on having a point of contact where people can get information that has community interaction, support of local organizations and the statutory authority to build and finance projects and enter into partnerships with other entities. Chair Broder referred to the powers of the Housing Authority listed on page two of his draft. Chair Broder said he wants to make sure that the powers of the Housing Authority are communicated effectively to the Town Council.

Mr. Doane suggested that a statement be added to the Housing Authority section to soften the wording because it reads as if the Housing Authority didn't do what they should have done and they did what they were asked to do. Other Task Force members agreed with this. Councilor Vail suggested that a Council Liaison be assigned to the Housing Authority. Ms. Witherill asked if a conversation should be had with the Housing Authority regarding the recommendation. Mr. Wood said that the Task Force envisions what the Housing Authority can be, not what it is, and the recommendation can clearly delineate this. Councilor Segrist said that the Housing Authority was developed for a purpose that was needed at the time but times have changed. Mr. Sweetser asked if the outcome with the Town Council would change if the Task Force treads lightly versus goes full steam ahead. Councilor Segrist said the Task Force should stick to the facts of what has been determined and not lay blame. Chair Broder said he will redraft this section.

Chair Broder explained the recommendation to hire a competent advisor. Ms. Magoun suggested an intern with a background in urban development. Chair Broder said there needs to be someone with experience. Councilor Vail said the Housing Task Force needs to sell their recommendations to the Council and proposed suggesting the new position be funded for one year only to see how it works. Mr. Wood added that the revised Housing Authority could operate to be self-funded. Chair Broder said the organization would have revenue sources to pay for staff but it could take a while to get things up and running. Mr. Wood said it would be helpful to include some numbers/cost

estimations with the recommendations. Councilor Segrist referred to page three, item six of the draft for an affordable housing trust fund and suggested adding examples of where the funds would be derived from.

Mr. Doane suggested defining how many units the community should be creating and then saying at that point and time, thoughtful stewardship will be needed. Chair Broder said being realistic about what can be done in the near term is important. Mr. Doane said the Town needs to be careful about how much new development is being created. Chair Broder said this is not a part of the Task Force's mission. Mr. Doane referred to page three, item eight of the draft and said the wording seems to imply that the Council would have oversight and sign off on projects that it is being asked to fund and, by implication, the door is open to projects with other partners that the Council is not being asked to participate in. Mr. Doane said the idea of a housing authority taking property by eminent domain is something he could have some serious energy about. Chair Broder agreed with Mr. Doane and said this authority is in the State statute and the Town would want to control it. Mr. Doane said he doesn't think this is what it says. Chair Broder asked Mr. Doane to send him a proposed amendment to make it clearer.

Vice Chair Gallaudet said there has to be a numbers conversation and asked with 150 proposed new units, how many kids would this add to the schools that already don't have enough space. Chair Broder said the Town survey showed strong support for affordable housing. Ms. Magoun said there is a shortage of inventory of housing in Cumberland and this is part of the reason it is not affordable to live here. Ms. Witherill said the Town does not ask private developers how many families with kids there will be and asked why the Town would ask this of affordable housing through the Housing Authority. Mr. Doane said the Task Force is talking about creating special incentives for a level of development that wasn't contemplated when developing Town ordinances and there should be a target to strive for. Mr. Doane said he can support the idea of a trade off for "for profit" developments to pay into a pot but doesn't think there should be an immediate special incentive. Mr. Wood said development is happening and the Town can piggyback on projects that are already in flight but if the Town does nothing, development will all be market rate. Mr. Harding said a target could be set and revisited annually. Chair Broder said the Town is considering a new comprehensive plan and could ask if residents feel affordable housing should have lessened zoning restrictions. Mr. Doane suggested adding a finite number of units to their recommendation as a goal.

Ms. Gallaudet referred to ADUs and said she would like to see regulations in place for short term rentals. Mr. Wood said he doesn't think short term rentals are an issue in Cumberland. Ms. Magoun said short term rentals, when restricted, can push the issue into neighboring communities.

Ms. Witherill said she wants to see something added to the recommendations about regional issues. Ms. Witherill would like to encourage the Town Council to invite Greater Portland Council of Governments to come in and discuss raising funds for emergency housing needs. Ms. Gallaudet suggested Ms. Witherill go directly to the Town Council with her suggestions. Chair Broder said this issue can be presented to the Council in the Housing Task Force's cover letter for their recommendations.

The Task Force discussed ideas for requiring that a percentage of affordable units be required in new developments. Chair Broder suggested having a mandate to have affordable homes in every new development or to have an impactful fee in lieu of having affordable units.

Ms. Gallaudet asked about Cumberland Meadows' current status and suggested this housing become open to all ages and that it be affordable.

**Administrative Matters:** Chair Broder asked that additional comments be sent to him by email and he will draft a final report and share it prior to the next meeting.

**Adjourn:** The meeting adjourned at 8:38 pm.

**TOWN OF CUMBERLAND HOUSING TASK FORCE MINUTES**  
**Tuesday, December 13, 2022, at 6:30 pm**

**Call To Order:** Chair Broder opened the meeting at 6:30 pm.

**Roll Call: Present:** James Broder - Chair, Lu Gallaudet - Vice Chair, Rick Doane, Gail Witherill, Justin Wood, Mark Lapping. Town Councilors Bob Vail & Mark Segrist. Carla Nixon, Town Planner.

**Absent:** Betsy Harding, Eben Sweetser, Katie Magoun, Brian Cashin, Christina Silberman, Administrative Assistant.

**Approval of Minutes of last Meeting:**

**Chair Comments:** Chairman Broder welcomed members to the final Housing Task Force meeting. Mr. Broder stated that he is assisting with a CDBG Grant Application that would partially fund a new Housing Authority Director. A match or contribution from the Town would be required and today the Town Manager signed the grant application.

Mr. Broder stated that the presentation to the Town Council with the Task Force's final recommendations has been moved to January 9, 2023, due to a conflict with the Christmas Holiday.

The Housing Task Force began review of Chair Broder's draft recommendations.

Mr. Lapping recommended that there be some way of setting off the key statements contained in Chapter 2. Perhaps bold or underlined font.

Typographical errors were noted by members. Ms. Nixon will take these and edit the final draft report.

Ms. Gallaudet asked if there should be a recommendation to restrict ADU's to owner-occupied properties. The members decided that this was not something that should be a recommendation in the report. Councilor Segrist stated that he would prefer to see such consideration given when and if there is a problem with ADU's.

Mr. Doane questioned whether the "near term goal of 150 units of non-age restricted affordable housing" would preclude counting the 45 units being proposed by the Szanton Group on Rt. 1. Ms. Nixon stated that the project is up for final review by the Planning Board on December 20<sup>th</sup>, which will be prior to the presentation to the Council on January 9<sup>th</sup>. Members discussed how to count unit development and how to define the type of unit affordability. Ms. Nixon proposed amended language to Chapter 4.0 to "near term goal of 150 units of affordable housing to include a mix of workforce housing and non-age-restricted units." Members agreed with this language change.

There was discussion about the ability of developers to "opt-out" of providing actual units to instead provide a fee which would be used to develop additional housing.

**Administrative Matters:** Chair Broder asked Ms. Nixon to make the changes to the draft report as discussed in the meeting and send it to him.

**Adjourn:** The meeting adjourned at 8:38 pm.

**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 3:  
AFFORDABILITY DEFINITIONS  
BY PROGRAM**





# FY 2022 Income Limits Documentation System

- [HUD.gov](https://www.hud.gov)
- [HUD User Home](#)
- [Data Sets](#)
- [Fair Market Rents](#)
- [Section 8 Income Limits](#)
- [MTSP Income Limits](#)
- [HUD LIHTC Database](#)

## FY 2022 Income Limits Summary

Selecting any of the buttons labeled "Click for More Detail" will display detailed calculation steps for each of the various parameters.

FY 2022 Income Limit Area	Median Family Income	FY 2022 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Portland, ME HUD Metro FMR Area	\$112,700	<b>Very Low (50%) Income Limits (\$)</b>	39,100	44,700	50,300	<b>55,850</b>	60,350	64,800	69,300	73,750
		<input type="button" value="Click for More Detail"/>								
		<b>Extremely Low Income Limits (\$)*</b>	23,450	26,800	30,150	<b>33,500</b>	36,200	38,900	41,910	46,630
		<input type="button" value="Click for More Detail"/>								
		<b>Low (80%) Income Limits (\$)</b>	62,550	71,500	80,450	<b>89,350</b>	96,500	103,650	110,800	117,950
		<input type="button" value="Click for More Detail"/>								

**NOTE:** Cumberland town is part of the **Portland, ME HUD Metro FMR Area**, so all information presented here applies to all of the **Portland, ME HUD Metro FMR Area**. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the **Portland, ME HUD Metro FMR Area**.

The **Portland, ME HUD Metro FMR Area** contains the following areas: Cape Elizabeth town, ME; Casco town, ME; Chebeague Island town, ME; Cumberland town, ME; Falmouth town, ME; Freeport town, ME; Frye Island town, ME; Gorham town, ME; Gray town, ME; Long Island town, ME; North Yarmouth town, ME; Portland city, ME; Raymond town, ME; Scarborough town, ME; South Portland city, ME; Standish town, ME; Westbrook city, ME; Windham town, ME; Yarmouth town, ME; Buxton town, ME; Hollis town, ME; Limington town, ME; and Old Orchard Beach town, ME.

**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 4:  
MAINE STATUE GOVERNING THE  
CREATION AND OPERATION OF  
MUNICIPAL HOUSING AUTHORITIES**



**Title 30-A: MUNICIPALITIES AND COUNTIES****Part 2: MUNICIPALITIES****Subpart 8: DEVELOPMENT****Chapter 201: HOUSING AUTHORITY****Subchapter 2: ESTABLISHMENT AND ORGANIZATION****§4721. Creation of municipal authorities**

**1. Creation of housing authorities.** In each municipality there is created a public body corporate and politic to be known as the "Housing Authority" of the municipality. This authority may not transact any business or exercise its powers unless the municipal legislative body declares by resolution that there is a need for an authority to function in that municipality.

**A.** Any housing authority created and existing under Public Law 1943, chapter 260, shall, notwithstanding the expiration of that chapter, continue in existence for the purposes of this chapter and have the powers granted by this chapter, if the legislative body of the municipality for which the housing authority was created declares by resolution that there is a need for that housing authority to exercise the powers granted by this chapter.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**2. Procedure.** The municipal legislative body shall consider the need for an authority on its own motion or upon the filing of a petition with the mayor of the city or the select board of the town. This petition must be signed by 25 voters of the city or town and assert that there is a need for an authority to function in the municipality and request that the municipal legislative body declare that need.

[PL 2021, c. 275, §49 (AMD).]

**3. Standard.** The municipal legislative body shall adopt a resolution declaring that there is a need for an authority in the municipality if it finds that:

**A. Insanitary or unsafe inhabited dwelling accommodations or blighted areas exist in the municipality; or** [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**B. There is a shortage of safe or sanitary dwelling accommodations in the municipality available to persons of low income at rentals or prices that they can afford.** [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. Appointment of commissioners.** Upon the adoption of a resolution by the municipal legislative body, the mayor of the city or the select board of the town shall appoint the commissioners of the authority under section 4723, subsection 1 ([./30-A/title30-Asec4723.html](#)).

[PL 2021, c. 275, §50 (AMD).]

**5. Meeting with municipal legislative body.** Unless the municipality and the authority agree otherwise, an authority shall meet at least annually with the legislative body of the municipality for which it is created.

[PL 2017, c. 234, §9 (NEW).]

#### SECTION HISTORY

PL 1987, c. 737, §SA2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §SC8,10 (AMD). PL 2017, c. 234, §9 (AMD). PL 2021, c. 275, §§49, 50 (AMD).

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**Title 30-A: MUNICIPALITIES AND COUNTIES****Part 2: MUNICIPALITIES****Subpart 8: DEVELOPMENT****Chapter 201: HOUSING AUTHORITY****Subchapter 3: POWERS AND DUTIES****§4741. Powers generally**

An authority constitutes a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary to carry out and effectuate the purposes and provisions of this chapter, but not the power to levy and collect taxes or special assessments, including the following powers in addition to others granted: [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. General.** To sue; to be sued on its written contracts or in accordance with the Maine Tort Claims Act, the Maine Administrative Procedure Act, [Title 5, chapter 375 \(../5/title5ch375sec0.html\)](#), in the case of the Maine State Housing Authority, the Maine Rules of Civil Procedure, Rule 80B, or any successor rule of the Maine Rules of Civil Procedure in the case of a municipal authority or [Title 1, section 409 \(../1/title1sec409.html\)](#); to have a seal and alter it at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the authority's powers; and to make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this chapter, to carry into effect the powers and purposes of the authority;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**2. Housing projects.** Within its area of operation: To prepare, carry out, acquire, lease, manage, maintain or operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part of a housing project. An authority may perform any of these listed functions singly or in combination with other functions with respect to any individual housing project, and may perform these functions full-time, part-time or in combination with other private persons, corporations or government agencies or other appropriate body;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**3. Housing needs.** To undertake and carry out studies and analyses of the housing needs within its area of operation and of the meeting of those needs, including data with respect to population and family groups, and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting of those needs, and to make the results of these studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. Contract for services, other uses; wages and hours of labor.** To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants of a housing project; and, notwithstanding anything to the contrary in this chapter or in any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal Government has attached to its financial aid of the project;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**5. Leasing or renting; eminent domain; insurance.** To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this chapter, to establish and revise the rents or charges for those rentals; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest in real or personal property; to acquire, by the exercise of the power of eminent domain, any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest in real or personal property; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts of any bonds issued by an authority, including the power to pay premiums on any such insurance;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**6. Investment of funds.** To invest any funds held in reserves of sinking funds or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control, including, without limitation, shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States Securities Act of 1933, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States or repurchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States; to redeem its bonds at the redemption price established for the bonds or to purchase its bonds at less than that redemption price, all bonds so redeemed or purchased to be canceled;

[PL 1993, c. 651, §4 (AMD).]

**7. Slum clearance.** Within its area of operation: To determine where slum areas exist or where there is a shortage of safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas and the problem of providing dwelling accommodations for persons of low income; and to cooperate with the municipality, the county, the State or any political subdivision of the State in action taken in connection with such problems;



[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**8. Investigations and examinations.** Acting through one or more commissioners or other persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the State or unable to attend before the authority or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or similar conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**9. Powers granted.** To exercise all or any part or combination of powers granted;

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**10. Coordination with municipal officers.** The commissioners of a municipal authority or the director of the Maine State Housing Authority shall provide the municipal officers an opportunity to review and discuss proposed development projects prior to submitting the plans to the appropriate municipal officer or agency;

[PL 2017, c. 234, §20 (AMD).]

**11. Mortgage credits.** The Maine State Housing Authority may acquire from banks, life insurance companies, savings and loan associations, pension or retirement funds, any fiduciaries, the Federal Government and other financial institutions, persons or governmental or business entities mortgage loans and notes anywhere in the State and may sell mortgages and notes to insurance companies, other financial institutions, persons or governmental or business entities and the Federal Government or any fiduciaries or pension or retirement funds;

[PL 2017, c. 234, §20 (AMD).]

**12. Mortgage assistance payments.** Pursuant to the purposes of this Act to provide housing for persons of low income, the Maine State Housing Authority may make payments and binding commitments, subject to the authority's receipt of sufficient funds to honor these commitments from periodic appropriations from appropriate sources, to continue these payments if necessary over the life of the mortgage to mortgagors or to mortgagees on behalf of low-income persons to reduce interest costs on market rate mortgages to as low as 1%.

A. No commitment made by the authority under this subsection may be construed to commit the faith and credit of this State. [RR 2015, c. 2, §19 (COR).]

B. Persons benefiting from these mortgage assistance payments shall, according to guidelines to be included in the mortgage agreements, be required to pay a larger interest payment as their ability to pay increases; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[RR 2015, c. 2, §19 (COR).]

**13. Allocation of federal ceilings.** By rulemaking under Title 5, chapter 375, subchapter II ([./5/title5ch375sec0.html](#)), the Maine State Housing Authority may establish a process that is different from the federal formula for allocating that portion of the ceiling on the issuance of certain tax-exempt bonds established by the United States Code, Title 26, which has been allocated to the Maine State Housing Authority under Title 10, section 363 ([./10/title10sec363.html](#)), and may also limit the types of projects that are eligible to receive allocations or carryforward designations from the Maine State Housing Authority;

[PL 1991, c. 622, Pt. J, §21 (AMD); PL 1991, c. 622, Pt. J, §25 (AFF).]

**14. State housing credit agency.** The Maine State Housing Authority is designated the housing credit agency for the State and may receive and allocate, according to a process established by rulemaking pursuant to Title 5, chapter 375, subchapter II ([./5/title5ch375sec0.html](#)), the annual state housing credit ceiling for the low-income housing credit established by the United States Code, Title 26;

[PL 1991, c. 629, §1 (AMD).]

**15. State weatherization, conservation and fuel assistance agency.** The Maine State Housing Authority is designated the weatherization, energy conservation and fuel assistance agency for the State and, in accordance with Title 35-A, section 10104, subsection 8 ([./35-A/title35-Asec10104.html](#)), may apply for, receive, distribute and administer federal funds on behalf of the State for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services in accordance with rules adopted under the Maine Administrative Procedure Act;

[PL 2009, c. 372, Pt. B, §2 (AMD).]

**16. Certification of bonds.** The director of the Maine State Housing Authority is the State's designee to certify to the United States Secretary of the Treasury that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code;

[PL 1993, c. 175, §6 (AMD).]

**17. Comprehensive housing affordability strategy coordinator.** The Maine State Housing Authority is designated the comprehensive housing affordability strategy coordinator for the State and has the power to prepare and submit on behalf of the State the annual comprehensive housing affordability strategy called for in the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, as amended, and to undertake all monitoring and certification procedures required under that law. The Maine State Housing Authority shall represent the State in carrying out the HOME Investment Partnerships Program created by the Cranston-Gonzalez National Affordable Housing Act, as amended;

[PL 2017, c. 234, §21 (AMD).]

**18. State designee for homeless programs.** The Maine State Housing Authority is designated the coordinating agency for the State for programs dealing with homeless persons and may apply for, receive, distribute and administer federal, state and other funds on behalf of the State for homeless programs including, without limitation, the Emergency Community Services Homeless Grant Program and the programs authorized pursuant to the federal Stewart B. McKinney Homeless Assistance Act, Public Law 100-77, (1987), as amended;

[PL 2021, c. 270, §1 (AMD).]

**19. State designee for National Housing Trust Fund.** The Maine State Housing Authority is designated as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008; and

[PL 2021, c. 270, §2 (AMD).]

**20. Affirmatively further fair housing.** The Maine State Housing Authority shall, to the extent consistent with federal law, ensure that any Maine State Housing Authority funding or any state or local funding is used in a manner that will affirmatively further fair housing in this State. For the purposes of this subsection, "affirmatively further fair housing" means to engage actively in efforts to address barriers to and create opportunities for full and equal access to housing without discrimination on the basis of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin, familial status or receipt of public assistance.

[PL 2021, c. 270, §3 (NEW).]

#### SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1991, c. 622, §§J21,22 (AMD). PL 1991, c. 622, §J25 (AFF). PL 1991, c. 629, §§1-3 (AMD). PL 1991, c. 871, §§2-4 (AMD). PL 1993, c. 175, §§6-8 (AMD). PL 1993, c. 651, §4 (AMD). PL 2007, c. 562, §6 (AMD). PL 2009, c. 372, Pt. B, §2 (AMD). RR 2015, c. 2, §19 (COR). PL 2015, c. 494, Pt. B, §§2-4 (AMD). PL 2017, c. 234, §§20, 21 (AMD). PL 2021, c. 270, §§1-3 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster\\_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 5:  
COUNCIL RESOLUTION CREATING THE  
CUMBERLAND HOUSING AUTHORITY**

TOWN OF CUMBERLAND  
MINUTES OF THE MEETING OF THE TOWN COUNCIL  
JULY 16, 1991

\*\* SPECIAL MEETING \*\*

Present: E. Stephen Murray, Stephen Moriarty, Gary Varney, Susan McGinty, Harland Storey

Late: David Williams

Absent: Robert Humphreys - excused

- I. The meeting was called to order by the Chairman at 7:10 p.m. at the Cumberland Municipal Center.
- II. Legislation and Policy

91-98 To hear report from the Cumberland Affordable Housing Alliance and Town Attorney regarding status of Affordable and Elderly Housing Projects.

Phil Gleason, acting chairman of the Affordable Housing Alliance, reviewed the history of the project and the alliance.

Peter Piccirillo, Market Decisions, (consultant) spoke briefly on the marketing aspect for the elderly project.

Cindy Taylor, consultant, spoke regarding the costs of the project.

George Rickley spoke regarding his project (affordable housing).

Karen Day, Walter Abbott, and Craig Banton, Hemlock Drive residents, all stated concern about the proximity of the elderly project to their properties, as well as the design and what is planned for a buffer along the lot line.

\*\* Councilor Williams arrived 7:40 p.m.

It was agreed that Mr. Abbott will be notified of the Affordable Housing meetings and will in turn notify the other residents who are interested.

Town Attorney, Ken Cole, was also present and he and the other speakers answered questions from the Council and the public regarding these projects.



COUNCIL MINUTES  
JULY 16, 1991

COUNCIL  
JULY

- 91-99 To establish Cumberland Housing Authority and approve its By-Laws.

Attorney Cole explained the need for a housing authority and what Council action is required to create an authority.

Councilor McGinty moved the following resolution to establish the Cumberland Housing Authority:  
Whereas the Cumberland Town Council wishes to provide affordable housing for its low income and elderly citizens, and  
Whereas, there is a shortage of safe and sanitary dwelling accommodations available in the municipality for its low income and elderly citizens, and  
Whereas, the Council wishes to establish a municipal housing authority to build and manage facilities for its low income and elderly citizens,  
Now Therefore, in consideration of the foregoing premises, the Cumberland Town Council herebu resolves that there is a need for such a housing authority and pursuant to Section 4721 et seq. of Title 30-A of the Maine Revised Statutes hereby creates the Cumberland Housing Authority and adopts as said Authority's initial by-laws, those attached hereto.

Councilor Moriarty seconded.

Councilor Moriarty moved to amend the fifth sentence of Article III, Section 5 to read as follows: He or she shall furnish to the Chairman, "Town Council" and the Commissioners, whenever .....

Councilor Williams seconded. Vote: Unanimous (6)

Councilor Williams moved to amend Article II, Section 2 to read as follows: ....the provisions of the Maine Housing Authorities Act ";except that said Commissioners shall serve at the pleasure of the Town Council".

Councilor McGinty seconded. Vote: Unanimous (6)

Vote on original motion as amended: Unanimous (6)

(A copy of the By-Laws of the Town of Cumberland Housing Authority, as amended, is attached to and a part of these minutes.)

- 91-100 To approve Loan Agreement with Casco Partners, Inc. regarding road and infrastructure construction at Small's Brook Crossing.

Attorney Cole explained that this is strictly a draft document for the Council's review. He stated that the





**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 6:  
ORGANIZING DOCUMENTS FOR THE  
CUMBERLAND HOUSING AUTHORITY**

BY-LAWS  
OF  
TOWN OF CUMBERLAND HOUSING AUTHORITY

ARTICLE I

General

Section 1. Name and Purpose. The name of the Authority is the "Town of Cumberland Housing Authority," and it continues in existence for the purpose specified in, and has the powers granted by, Title 30-A M.R.S.A. §§4701 et seq., as amended (the "Maine Housing Authorities Act").

Section 2. Principal Office. The principal office of the Authority shall be located at the Cumberland Town Hall, in the Town of Cumberland and State of Maine. There may be branch offices located at or near any project developed or maintained by the Authority. The principal office may be moved, and branch offices established or moved, from time to time, by proper resolution of the Authority.

Section 3. Fiscal Year. The fiscal year of the Authority shall be from July 1 to June 30, inclusive.

Section 4. Seal. The Authority may adopt a seal which shall have inscribed thereon the name of the Authority and the year of its organization.

ARTICLE II

Commissioners

Section 1. Number and Qualifications. The business and affairs of the Authority shall be managed by six (6) Commissioners in accordance with the provisions of the Maine Housing Authorities Act.

Section 2. Appointment. Commissioners shall be appointed by the Cumberland Town Council to serve terms or fill vacancies in accordance with the provisions of the Maine Housing Authorities Act; except that said Commissioners shall serve at the pleasure of the Town Council.

Section 3. Powers and Duties. The property, affairs and business of the Authority shall be managed by the Commissioners who may exercise all such powers of the Authority and do all such lawful acts as are not prohibited by statute or by these By-laws.

Section 4. Meetings of Commissioners. Annual, special, and regular meetings of the Authority shall be held at its principal office, or at such branch office as may be designated by the Secretary, or at such other place or places as may be originally designated or subsequently changed by resolution adopted at any meeting. The place of any meeting may be ratified by subsequent resolution of the Authority.

(1) Regular Meetings. Regular meetings of the Authority shall be held on the \_\_\_\_\_ (designated day, e.g. second Wednesday) of each month or at such other times designated by the Commissioners, without notice, for the purpose of transacting such business as may be brought before the meeting.

(2) Annual Meetings. The annual meeting of the Authority shall be held on the \_\_\_\_\_ (specify day, e.g., second Thursday in July) of each year without notice

for the purpose of electing officers, receiving reports of the Chairman and Treasurer; and for the conducting of such other business as may be brought before the meeting.

(3) Special Meetings. The Secretary may, when it is deemed necessary, and shall upon the written request of any two Commissioners or of the Chairman, call a special meeting of the Authority for the purpose of transacting any business designated in the call, which shall be as specified in the request, if any. The Secretary shall mail, at least two days prior to the date of the special meeting so called to each Commissioner at his business or home address a true copy of the call, or the Secretary may deliver same in hand to any Commissioner. At such special meeting no business shall be considered other than as designated in the call, provided that if all the Commissioners are present, any and all business may be transacted at such special meeting.

Section 5. Quorum. Four (4) Commissioners shall constitute a quorum for the purpose of conducting business at any meeting of the Authority. The Authority may take action upon the vote of a majority of the Commissioners present at any meeting, provided there is a quorum.

Section 6. Compensation of Commissioners. Commissioners, as such, shall not receive any compensation for their services, but by resolution of the Commissioners, may receive reimbursement of expenses incurred in the discharge of the Commissioners' duties.

Section 7. Committees. The Commissioners may, by resolution, appoint such committee or committees as the Commissioners may from time to time determine to be necessary, which committee or committees shall have and exercise such powers as the Commissioners may by resolution determine. A majority of the members of any committee shall constitute a quorum for the transaction of business, and each committee may make rules for the conduct of its affairs. The Commissioners shall have the power at any time to change the membership of any committee, to fill vacancies in it, or to discharge it.

### ARTICLE III

#### The Officers

Section 1. Officers. The officers of the Authority shall consist of a Chairman, Vice Chairman, Treasurer, Secretary, and such other officers and agents as may be deemed necessary by the Commissioners. Any two or more offices may be held by the same person. The officers shall be elected annually by the Commissioners and shall serve until their successors are elected and qualified.

Section 2. Removal. Any officer elected or appointed by the Commissioners may be removed by such Commissioners whenever in their judgment the best interest of the Authority would be served thereby.

Section 3. Vacancies. Any vacancy occurring in any office because of death, resignation, removal, disqualification or



otherwise, may be filled by the Commissioners for the unexpired portion of the term.

Section 4. The Chairman. The Chairman shall be the principal executive officer of the Authority. He or she shall, when present, preside at all meetings of the Commissioners, shall have the general management control of the Authority, and shall see that all orders and resolutions of the Commissioners are carried into effect. He or she shall perform such duties as are provided by the laws of the State of Maine or by these By-laws or as may be prescribed from time to time by the Commissioners.

Section 5. The Treasurer. The Treasurer shall be the Town Manager of the Town of Cumberland. The Treasurer shall be the financial officer of the Authority, and shall have the custody of the Authority's funds and securities. He or she shall deposit such funds in the name of the Authority in such depositories as may be designated by the Commissioners. He or she shall disburse the funds of the Authority as directed by the Commissioners and shall keep records of account showing accurately at all times the financial condition of the Authority. He or she shall furnish to the Chairman, Town Council and the Commissioners, whenever requested, a statement of the financial condition of the Authority, and shall perform such other duties as these By-laws may require or the Commissioners may prescribe. The Treasurer may be required to furnish bond in such amount and with such sureties as the Commissioners shall determine.

Section 6. The Vice-Chairman. In the absence, disability or inability to act of the Chairman, the Vice Chairman shall perform the duties and exercise the powers of the Chairman. The Vice-Chairman shall also perform such other duties as these By-laws may require or as the Commissioners or the Chairman may prescribe.

Section 7. The Secretary. The Secretary shall attend meetings of the Commissioners and shall keep, or cause to be kept, in a book provided for that purpose, a true and complete record of the proceedings of such meetings. He or she shall attend to the giving and serving of all notices of the Authority, and shall perform such other duties as these By-laws may require or as the Commissioners may prescribe.

Section 8. Assistants. The Commissioners may elect one or more Assistant Secretaries and Assistant Treasurers, as the Board shall deem advisable. Such assistants shall assist the Secretary or the Treasurer, as the case may be, in the performance of his or her duties, and at the request of such officers or of the Chairman, shall perform the duties of such officers in the event of the absence or inability to act of such officers. They shall also perform such other duties as the Commissioners may from time to time direct. An Assistant Treasurer shall, if required by the Commissioners, furnish bond in such amount and with such sureties as the Commissioners may determine.

## ARTICLE IV

### Contracts, Checks, Deposits and Funds

Section 1. Contracts. The Commissioners may authorize any officer or officers, agent or agents of the Authority, in addition to the officers so authorized by these By-laws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Authority, and such authority may be general or confined to specific instances, provided it is not in violation of any statute or the other provisions of these By-laws.

Section 2. Checks, Drafts, etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Authority, shall be signed by such officer or officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the Commissioners. In the absence of such determination by the Commissioners, such instruments shall be signed by the Chairman or the Treasurer.

Section 3. Deposits. All funds of the Authority shall be deposited from time to time to the credit of the Authority in such banks, trust companies or other depositories as the Commissioners may select.

Section 4. Gifts. The Commissioners may accept on behalf of the Authority any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Authority.

ARTICLE V

Prohibition Against Sharing in Authority Earnings

No commissioner, officer, employee, agent or representative of this Authority, or any other private individual shall receive or be entitled to receive at any time any of the net earnings or pecuniary profit from the operations of the Authority, and no such person or persons shall be entitled to share in the distribution of any of the Authority's assets upon the dissolution of the Authority. Upon the dissolution or winding up of the affairs of the Authority, whether voluntary or involuntary, the assets of the Authority then remaining in the hands of the Commissioners after all debts have been satisfied or provided for shall be distributed, transferred, conveyed, delivered and paid over, in such amounts as the Commissioners may determine, to the Town of Cumberland.

ARTICLE VI

Indemnification of Commissioners and Officers

To the extent permitted by the laws of the State of Maine as they may now or hereafter exist, the Authority shall indemnify any officer or commissioner of the Authority who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, by reason of the fact that he or she is or was an officer or commissioner of the Authority, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit

or proceeding; provided that no indemnification shall be provided with respect to any matter as to which he or she shall have been finally adjudicated in any civil proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Authority or in any criminal proceeding, to have had reasonable cause to believe that his or her conduct was unlawful.

## ARTICLE VII

### Amendments

These By-laws may be amended, altered or repealed and new By-laws adopted only by resolution of the Cumberland Town Council.

**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 7:  
SELECTIVE SAMPLE OF MAINE MUNICIPAL  
HOUSING AUTHORITIES  
ACCOMPLISHMENTS**



## Sample of Maine Housing Authorities (and their spin-offs)

### Synopsis:

I reviewed Housing Authorities in Maine who have websites to see what sort of programs they have and to understand what is possible. My take away is with this cursory research there is much Housing Authorities can do if there is the will to do it.....from providing not just housing for the elderly and disabled but also for families..both low and moderate income. Additionally, many housing authorities offer residents additional services, either thru partnering with area agencies or outright contracting for services. Interesting also that some Housing Authorities have spawned nonprofit development corporations which greatly expand the mission of affordable housing.

A sampling below of some of the Housing Authorities I looked at and what they offer:

### Auburn Housing Authority:

#### Mission Statement

The mission of Auburn Housing Authority is to develop, provide and assist decent, safe and affordable housing for lower income persons. The Authority shall strive to create opportunities for residents' self-sufficiency and economic independence, and shall assure fiscal integrity by all program participants.

- 80 units of Family units- w/ 2, 3 and 4 bedroom units
- 97 units for elderly(62 + and disabled)

Also Provide Section 8 Housing Choice Voucher program, Low Income Housing Tax Credit Housing , one facility that has Head Start onsite and they also have Market Rate units..15 plus

.....

### Brunswick Housing Authority:

**Mission Statement**-The mission of the Brunswick Topsham Housing Authority is to provide safe, quality, and affordable housing for eligible persons in need of assistance, regardless of race, color, sex, religion, national or ethnic origin, age, handicap, marital status, sexual orientation, familial status, or disability, and to promote opportunities for the growth and development of residents as well as our community.

- Section 8 Rental Assistance
- Family Housing of 2,3,4,5 bedrooms in duplex and row housing-income restricted
- Senior housing in 1, 2 bedroom units (tower and terrace type structures)-income restricted

**-Greater Brunswick Housing Corporation** (nonprofit housing development corporation organized and affiliated with the BHA)projects:

- Senior complex of 1, 2 bedroom unit(40 units)
- 4 home subdivision

2 unit rental

Working with Habitat for Humanity and 7 Rivers Maine to build 3 affordable homes that are highly energy efficient

3, 4 bedroom single family homes w/190K selling price(Harpswell)

14 single family affordable subdivision-120K ave selling price

6 family unit apartment complex operated by Tedford Housing

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### **Mount Desert Island and Ellsworth Housing Authority:**

The Ellsworth and MDI Housing Authorities provide housing assistance and related services to individuals and families who face income or other life challenges. We provide the opportunity for them to become self-sufficient and economically independent. We believe everyone deserves a good home.

-A number of properties for both seniors/disabled as well as families..in some of their properties, they have options for noon meals, homemaker program to assist residents with house cleaning, grocery shopping, errands and laundry. Eastern Area Agency on Aging partners with the HA to provide Meals on Wheels. They also provide an option for Personal Care Assistance at additional cost.

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### **Westbrook Housing:**

The mission of Westbrook Housing is to provide opportunities for affordable quality housing to assist individuals and families and to encourage independence within a supportive community.

"The housing agency, established in 1969, began building federally- and state-funded affordable senior housing during the early 1970s and started administering [Housing Choice Vouchers \(also known as Section 8\)](#) in the fall of 1975.

Over the years, Westbrook Housing has expanded its portfolio and developed innovative housing programs to combine affordable housing with supportive services. In the late 1980s, the agency was among the first in the country to obtain grants to help pay for supportive services.

With state and federal housing funds decreasing, Westbrook Housing has developed several market rate housing developments for seniors and working individuals and families in order to continue its mission of providing low- and moderate-income housing.

Upon entering this new system of delivering affordable housing, Westbrook Housing built and managed the first Low Income Housing Tax Credit (LIHTC) development in the State of Maine. Today, Westbrook Housing's diverse [portfolio](#) provides affordable, quality housing to 555 households in 12 developments and administers 806 Housing Choice Vouchers holders with many more expected through its development partner, the [Westbrook Development Corp.](#)



Westbrook Housing has 43 [employees](#) and is governed by a [Board of Commissioners](#) whose members are appointed by the mayor of the City of Westbrook."

A note about Westbrook Development Corp: It grew as an extension of Westbrook Housing Authority into a development company. They are committed to long-term growth of affordable housing thru-out greater Portland and Southern Maine. See statement below:

“After The Housing Authority of the City of Westbrook was founded in 1969, it began to develop affordable housing through the most conventional of means, the Department of Housing and Urban Development (HUD). [Westbrook Housing](#) developed three public housing sites and offered Section 8 certificates/vouchers to the most vulnerable households. As time went on, Westbrook Housing realized that there was a need for housing for families and seniors that were of modest means, too challenged by market rents to afford them. Concurrently, HUD funding began to be problematic, both scarce and significantly sought after, and the competition for the limited dollars was fierce. Simultaneously, housing financing needed to become more creative. In order to continue the addition of units, alternate funding sources were required and Westbrook Housing found it was not in position to access many of the available funding sources.

Hence, in **December of 1987** Westbrook Development Corporation (WDC) was founded to aide in the future development of housing. Since its inception the Development Corporation has been a major player in the development of affordable housing in Westbrook, to include:

- **Mill Brook Estates:** 100 units of senior (55+) housing, combination of market and subsidized (new construction);
- **Larrabee Village:** 150 units of congregate care housing for seniors (62+) Section 8 project based (new construction);
- **Presumpscot Commons:** 29 units of senior housing (55+) tax credit project (rehabilitation of the old Westbrook High School);
- **School House Commons:** 8 units of subsidized housing for families (rehabilitation of old school);
- **Golder Commons:** 26 units of family housing, tax credits (new construction);
- **Riverfront Lofts:** 44 affordable condominiums.
- **Spring Crossing:** 38 units of senior housing (55+) tax credit project (new construction)

- **Malcolm A. Noyes Apartments at Millbrook Estates** 38 units of senior housing (55+) tax credit project (new construction)
- **Dr. Arthur O. Berry Apartments at Larrabee Commons** 38 units of senior housing (55+) tax credit project (new construction)

The Development Corporation is a leader in the local area as it continues to develop and provide affordable housing options to the people in the greater Westbrook area.”

\*\*\*\*\*

**South Portland Housing Authority:**

**Mission Statement: The mission of the South Portland Housing Authority is to provide quality housing for low to moderate income, elderly, individuals with disabilities and families in need.**

- provide Section 8 Housing Choice Vouchers(389)..applicant responsible for finding housing...interesting that housing choice vouchers can be used outside of SP..including Scarborough, CE, Old Orchard Beach and within 10 miles of SP border with Gorham, Falmouth and South Windham.
- Have 9 properties.. primarily for elderly, handicapped. families w/children. Preference is given to applicants who live and work in SP, veterans, and victims of a federally declared disaster. Income limits on all.
- have some Market Rate units-1 bedrooms and no income limit



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 8:  
LD 2003 STATUTE AND  
INTERPRETIVE MATERIALS**

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

—  
H.P. 1489 - L.D. 2003

**An Act To Implement the Recommendations of the Commission To Increase  
Housing Opportunities in Maine by Studying Zoning and Land Use  
Restrictions**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §13056, sub-§7**, as amended by PL 2003, c. 159, §3, is further amended to read:

**7. Contract for services.** When contracting for services, to the maximum extent feasible, seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

**Sec. 2. 5 MRSA §13056, sub-§8**, as enacted by PL 2003, c. 159, §4, is amended to read:

**8. Lead agency for business assistance in response to certain events.** Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002); ~~and~~

**Sec. 3. 5 MRSA §13056, sub-§9** is enacted to read:

**9. Establish statewide housing production goals.** Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:

- A. Establish measurable standards and benchmarks for success of the goals;
- B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing; and
- C. Consider any other information as necessary to meet the goals pursuant to this subsection.



**Sec. 4. 30-A MRSA §4364** is enacted to read:

**§4364. Affordable housing density**

For an affordable housing development approved on or after July 1, 2023, a municipality with density requirements shall apply density requirements in accordance with this section.

**1. Definition.** For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**2. Density requirements.** A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

**3. Long-term affordability.** Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

**4. Shoreland zoning.** An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**5. Water and wastewater.** The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

A. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

B. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

D. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**6. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**7. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**8. Rules.** The Department of Economic and Community Development shall adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. The rules must include criteria for a municipality to use in calculating housing costs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 30-A MRSA §4364-A** is enacted to read:

**§4364-A. Residential areas, generally; up to 4 dwelling units allowed**

**1. Use allowed.** Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

**2. Zoning requirements.** With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.

A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results.

**3. General requirements.** A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

**4. Water and wastewater.** The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:

A. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

B. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

D. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**5. Municipal implementation.** In adopting an ordinance, a municipality may:

A. Establish an application and permitting process for housing structures;

B. Impose fines for violations of building, zoning and utility requirements for housing structures; and

C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

**6. Shoreland zoning.** A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**7. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**8. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**9. Rules.** The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**10. Implementation.** A municipality is not required to implement the requirements of this section until July 1, 2023.

**Sec. 6. 30-A MRSA §4364-B** is enacted to read:

**§4364-B. Accessory dwelling units**

**1. Use permitted.** Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.

**2. Restrictions.** An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit on the lot;

B. Attached to or sharing a wall with a single-family dwelling unit; or

C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.

**3. Zoning requirements.** With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.

**4. General requirements.** With respect to accessory dwelling units, municipalities shall comply with the following conditions.

A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.

C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

**5. Shoreland zoning.** An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

**6. Size requirements.** An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.

**7. Water and wastewater.** The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

A. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;

B. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

D. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

**8. Municipal implementation.** In adopting an ordinance under this section, a municipality may:

- A. Establish an application and permitting process for accessory dwelling units;
- B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
- C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

**9. Rate of growth ordinance.** A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.

**10. Subdivision requirements.** This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

**11. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**12. Rules.** The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**13. Implementation.** A municipality is not required to implement the requirements of this section until July 1, 2023.

**Sec. 7. 30-A MRSA §4364-C** is enacted to read:

**§4364-C. Municipal role in statewide housing production goals**

This section governs the responsibilities and roles of municipalities in achieving the statewide and regional housing production goals set by the Department of Economic and Community Development in Title 5, section 13056, subsection 9.

**1. Fair housing and nondiscrimination.** A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.

**2. Municipalities may regulate short-term rentals.** A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.



# LD 2003

**Town of Cumberland  
October 26, 2022**

Natalie Burns & Ben McCall  
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# Affordable Housing - Requirements

Density	Parking	Location requirements	Water and wastewater	Length of affordability for designated affordable units
2 ½ times existing base density	Up to 2 off-street spaces for every 3 units	Zoning district that allows multifamily dwellings	If connected to public water or sewer, must show system has capacity to serve; and proof of payment for connection if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o	30 years minimum
		Designated growth area or area served by public water and public sewer	For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o	30 years minimum



# Affordable Housing - Defined

- “Affordable housing” is defined as follows:
  - For rental housing, a development in which a household with income that does not exceed 80% of median income for the area as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs. (Not all units in development have to be designated as affordable.)
  - For owned housing, a development in which a household with income that does not exceed 120% of the median income for the area as established by HUD can afford a majority of the units designated as affordable without spending more than 30% of the household’s monthly income on housing costs. (Not all units in development have to be designated as affordable).
  - The Maine Department of Economic and Community Development is to adopt rules to administer and enforce the affordable housing requirements.



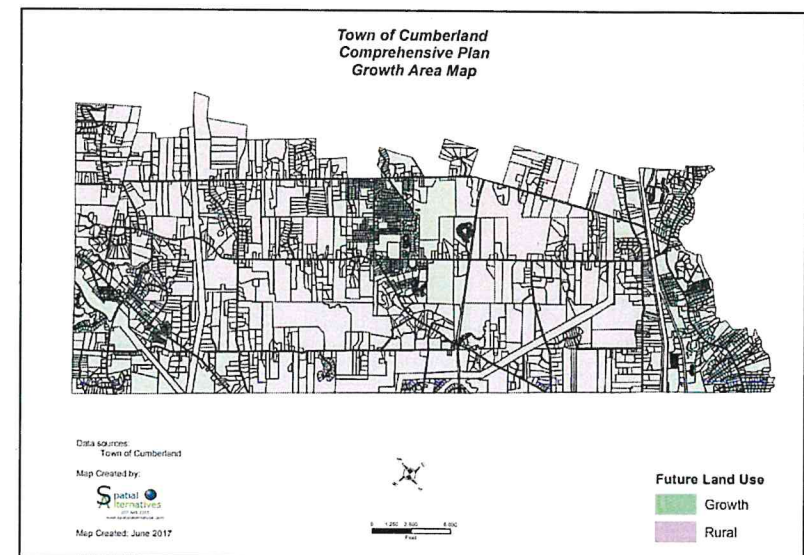
# Increased Density Requirements

Vacant-not served by water or sewer or located in designated growth area	Vacant- served by water or sewer or located in designated growth area	Developed with one dwelling unit	Dimensional requirements (all areas)	Water and wastewater	Restrictions
Up to 2 dwelling units per lot	Up to 4 dwelling units per lot	Up to 2 additional dwelling units, in same building or one detached dwelling unit, or one of each; municipality may allow more	Cannot exceed dimensional or setback requirements established for single-family dwellings	If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection; if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o	If more than one ADU or additional dwelling unit is constructed under the statute, no additional increases are allowed unless otherwise provided by Ordinance
				For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o	If a dwelling unit in existence on 7-1-2023 is torn down and results in vacant lot, Ordinance may allow or prohibit additional density Subject to subdivision review and shoreland zoning



# Existing Density Requirements in Cumberland

- How does all of this relate to existing density requirements?
  - Subject to affordable housing density bonuses.
  - Beyond this, no change required *so long as* the minimum lot size is the same for the first and each subsequent unit of housing.





# Accessory Dwelling Units

Allowed use	Where located	Zoning requirements	Size requirements	Water and wastewater
At least one must be allowed on any lot where housing is permitted and a single-family dwelling exists	May be added to existing dwelling structure, attached to existing structure or in new structure	Exempt from density requirements and growth caps	Minimum-190 square feet; municipality may establish a maximum size	If connected to public water or sewer, must show system has capacity to serve and proof of payment for connection; if served by septic, LPI must verify adequate system; licensed site evaluator must design system; must show evidence prior to c/o
		No additional parking required for unit		For wells, owner must provide evidence of potability. Evidence must be shown prior to issuance of c/o
		Subject to same setbacks as building in which unit is located		
		Must comply with Shoreland zoning		



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 9:  
AFFORDABLE HOUSING TAX INCREMENT  
FINANCING MATERIALS**





## Creating a District

- Municipalities typically do not initiate the process of designating an affordable housing.
- Developers often approach a municipality with a project on a specific site.
- Developers also need AHTIF in order to receive the highest number of points in the competitive process for being awarded federal Low Income Housing Tax Credits (LIHTC).
  - Developer and municipality will work together to determine capture percentage and number of years
- Credit enhancement agreements go hand in hand with AHTIF



# Affordable Housing TIFs & Scoring for Low Income Housing Tax Credits

- Only Tax Increment Financing approved by the taxing authority and all other applicable governing entities is eligible to receive “points” on the scale identified below from the most recent Qualified Allocation Plan relating to the Low Income Housing Tax Credit program administered by the Maine State Housing Authority.

Percentage and Duration of Tax Benefit or Relief	Points
50% to less than 75% for at least 15 years	1 points
50% to less than 75% for at least 20 years	2 points
50% to less than 75% for at least 30 years	3 points
Over 75% for at least 15 years	2 points
Over 75% for at least 20 years	3 points
Over 75% for at least 30 years	4 points

# Process and Procedure

- The process is very similar to municipal development tax increment financing districts.
- Draft an application
- Public hearing with a 10-day notice
- Vote by the municipal legislative body
- Application is sent to Maine State Housing for review and approval



# Affordable Housing TIF Application

- Application can be found on the Maine State Housing Website
- Describe the housing needs of the community
  - Comprehensive plan, housing study, etc.
  - How does this project meet an identified need
- Describe the project
  - How many floors, units, how many units are affordable, special population (55+, family housing, housing first units)
  - At least 33% of the units need to be affordable
- Describe the long term mechanism for keeping units affordable
  - Rental units need to stay affordable for 30 years
  - Ownership housing needs to stay affordable for 10 years
- Describe the operation of the facility



# Affordable Housing TIF Application

- The application also includes documentation and statutory requirements that are similar to municipal development TIFs
  - Physical description of the district
  - Tax shifts and valuation projections
  - Acreage
  - Original Assessed Value
  - Term of the district
  - Statutory thresholds for acreage and value





# Statutory Project Costs

## Project Costs outside the District

These project costs must be directly related or made necessary by the district

- Costs reasonably related to facilities not located in the district that are required due to activities in the district
  - Sewerage/water treatment plants, storm and sewer lines, water lines, electrical lines, improvements to fire stations, and street upgrades
- Public safety improvements made necessary by the district (pro-rated)
- Funding to mitigate any adverse impact the district has on the municipality (pro-rated)
  - Increase in family housing = increase strain on school system
- Cost to establish a permanent housing development revolving loan fund or investment fund





# Statutory Project Costs

## Project Costs within the District

- Acquisition of land, demolition and rehab of existing structures, site preparation, fees related to capital costs
- Financing costs
- Professional services and administration
- Construction
- Costs of facilities predominately used for recreational purposes
- Child care – construction and operational costs
- Case management and support services
- Operating costs



# Housing Development Revolving Loan Fund & Investment Funds

## Revolving Loan Fund

- Must be used solely for the development of affordable housing.
  - Affordable = 120% or less of the area median income.
- Loan from the fund can be used for new construction or rehabilitation.
- Loan funds must be repaid to the municipality.

## Investment Fund

- Must be used for the purchase of property by a municipality for the development of affordable housing.
- All sale proceeds and rental revenues must be placed back in the fund.

**Creating a district around an existing residential area still requires development of affordable housing in the district.**



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 10:  
CUMBERLAND COUNTY  
COMMUNITY DEVELOPMENT PROGRAM  
APPLICATION FOR FUNDING**





## SUMMARY OF AFFORDABLE HOUSING TASK FORCE RECOMMENDATIONS

**Cumberland Housing Authority (“CHA”): Expand the purposes of the CHA and implement structural leadership within town government as a Center of Excellence through a reinvigorated, fully functioning, and staffed CHA with a minimum of one (1) experienced development officer, with the focus of overseeing and performing the following critical functions:**

to develop and implement proactive processes for the identification of needs and solutions through its own research as well as Requests for Interest (“RFI”) and Requests for Proposals (RFP);

to administer Affordable Housing obligations under developer and owner covenants using token interests in projects to give it “signature authority” describing its right to enforce such obligations;

to continue to expand its role in the management/supervision of Affordable Housing projects;

to exercise its role as a Center of Excellence, by serving as the administrative contact and facilitator for the use by CHA, non-profits, and developers in the community of programs administered by the Maine State Housing Authority (MSHA), Low Income Housing Tax Credit (LIHTC) 4% and 9% financing, as well as other Department Housing and Urban Development (HUD) 202 grants, HUD mortgage insurance, Section 8 subsidies, Redevelopment Agency (RDA) 515 programs and other federal and state programs;

to serve as the Town’s representative to regional organizations (such as GPCOG or Cumberland County) dealing with Affordable Housing Policy and Cooperation and as the contact point for urgent or emergency housing needs;

to create and to administer an Affordable Housing Trust Fund and to seek supplemental grants and other non-municipal funding to meet the broad base of CHA mission requirements;

to conduct studies and continue research on creative approaches and best practices and affordability options.

**Near Term and Long-Term Goals for Affordable Housing: Given the urgent need for affordable housing in Cumberland and the long lead time associated with the development process for such projects, we recommend a near term goal of 150 units of Affordable (including workforce housing). The Task Force, in conjunction with the Planning Staff and Town Manager have identified several potential developments that, when complete, will meet a substantial portion of the present unmet demand for affordable housing. The Task Force will also recommend affordability standards for other future projects or portions thereof that are not mandated by other programmatic requirements.**

**Establish Affordable Housing Overlay zones** (to include workforce housing) in at least three (3) discrete areas of Town (e.g., West Cumberland, Cumberland Center, Cumberland Foreside) for the development in the near-term goal. The creation of these overlay zones should provide incentives such as density bonuses, Housing TIF Districts for infrastructure development, and flexibility in other dimensional requirements as approved by the Planning Board. Projects developed in this zone shall not be eligible to make opt out payments in lieu of development of affordable units.

**Promote and support the development of one significant development of at least fifty (50) affordable units each Affordable Overlay Zone** area with all or a substantial percentage of units being Affordable (including workforce housing) and to be completed within the next 3-4 years.

**Require a minimum of 20% of units in any new housing development of 10 or more units in any zone other than the Affordable Overlay Zone allowing such development to be Affordable (to include workforce housing)** for a period of not less than forty-five (45) years to be enforced through deed restrictions and other mechanisms deemed appropriate, to be monitored and enforced by the CHA. Waivers of this requirement in single family subdivisions may be approved for good cause shown by the CHA for a reasonable portion of the Affordable requirement provided that an opt-out payment to the Housing Trust Fund in lieu of development for each unit granted such a waiver is paid before the issuance of a Building Permit for any unit. The amount of such opt-out payment shall be a material percentage of but no less than 20% of the cost of the affordable units waived, as determined by the CHA such that funds will be available for the CHA to develop additional Affordable Housing units for unmet needs as determined by the CHA and approved by the Town Manager.

**Recommend the aggressive implementation of the Affordability and/or density mandates set forth in LD2003** through ordinances to include reasonable Affordable Housing obligations, as well as density bonuses related thereto in all the categories of housing under LD2003. We also propose that the Town review and revise its ADU requirements to comply with LD2003 and to consider changes in size limitations based on percentage of existing dwelling. We ask the Council to convene a workshop in the near term to facilitate these discussions.

Recommend the CHA amend the tenant eligibility standards at Cumberland Meadows to be non-age limited and to become income/asset based for all subsequent residents not currently residing therein.

**Housing TIFs: Generally, support the establishment of TIF Districts as a tool to support the development of eligible infrastructure. Actively participate in the creation of Affordable Housing TIF Districts as State law now permits. These Affordable Housing TIF Districts are administered by the Maine State Housing Authority (MSHA) which also administers the Low-Income Housing Tax Credit**



(LIHTC), and such participation increases the proposed project's scoring and likelihood of an approval. These AHTIF districts are authorized to create a Housing Development Revolving Loan Fund as well as an Investment Fund to purchase property by the municipality. See attached materials in Exhibit 5.

**Empowerment of Local Volunteer Resources and Creative responses to Affordable Housing Needs:** As part of the Center of Excellence concept, the Task Force recognizes the continuing mission of non-profits organizations to meet the needs of Cumberland residents. We propose that the CHA support and facilitate the research on, placement of and participation in the development of creative housing options proposed by non-profit organizations. Programs such as the HUD Section 202 Capital grant program focused entirely on non-profit sponsored projects has developed over 250,000 units of housing with services for low-income elderly people. Several of these projects exist in the Portland Metro area today. Technical assistance in these efforts was critical to their success. Many of the ideas brought to the attention of the Task Force are already happening in the region. For example, a limited equity housing coop in Portland sponsored by the Cooperative Development Institute; Tiny Homes up to 600 square feet in size created by 3-D printers at the University of Maine's Advance Materials Laboratory; and Transitional Housing sponsored by GPCOG, and similar programs and facilities to meet emerging and emergent needs of Cumberland residents, as circumstances arise.

## SUMMARY OF AFFORDABLE HOUSING TASK FORCE RECOMMENDATIONS

**Cumberland Housing Authority (“CHA”): Expand the purposes of the CHA and implement structural leadership within town government as a Center of Excellence through a reinvigorated, fully functioning, and staffed CHA with a minimum of one (1) experienced development officer, with the focus of overseeing and performing the following critical functions:**

to develop and implement proactive processes for the identification of needs and solutions through its own research as well as Requests for Interest (“RFI”) and Requests for Proposals (RFP);

to administer Affordable Housing obligations under developer and owner covenants using token interests in projects to give it “signature authority” describing its right to enforce such obligations;

to continue to expand its role in the management/supervision of Affordable Housing projects;

to exercise its role as a Center of Excellence, by serving as the administrative contact and facilitator for the use by CHA, non-profits, and developers in the community of programs administered by the Maine State Housing Authority (MSHA), Low Income Housing Tax Credit (LIHTC) 4% and 9% financing, as well as other Department Housing and Urban Development (HUD) 202 grants, HUD mortgage insurance, Section 8 subsidies, Redevelopment Agency (RDA) 515 programs and other federal and state programs;

to serve as the Town’s representative to regional organizations (such as GPCOG or Cumberland County) dealing with Affordable Housing Policy and Cooperation and as the contact point for urgent or emergency housing needs;

to create and to administer an Affordable Housing Trust Fund and to seek supplemental grants and other non-municipal funding to meet the broad base of CHA mission requirements;

to conduct studies and continue research on creative approaches and best practices and affordability options.

**Near Term and Long-Term Goals for Affordable Housing: Given the urgent need for affordable housing in Cumberland and the long lead time associated with the development process for such projects, we recommend a near term goal of 150 units of Affordable (including workforce housing). The Task Force, in conjunction with the Planning Staff and Town Manager have identified several potential developments that, when complete, will meet a substantial portion of the present unmet demand for affordable housing. The Task Force will also recommend affordability standards for other future projects or portions thereof that are not mandated by other programmatic requirements.**

**Establish Affordable Housing Overlay zones** (to include workforce housing) in at least three (3) discrete areas of Town (e.g., West Cumberland, Cumberland Center, Cumberland Foreside) for the development in the near-term goal. The creation of these overlay zones should provide incentives such as density bonuses, Housing TIF Districts for infrastructure development, and flexibility in other dimensional requirements as approved by the Planning Board. Projects developed in this zone shall not be eligible to make opt out payments in lieu of development of affordable units.

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(LIHTC), and such participation increases the proposed project's scoring and likelihood of an approval. These AHTIF districts are authorized to create a Housing Development Revolving Loan Fund as well as an Investment Fund to purchase property by the municipality. See attached materials in Exhibit 5.

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# Cumberland County Community Development Program

## 2023 Pre-Application

Due December 14, 2022

Email completed Pre-Application to [styles@cumberlandcounty.org](mailto:styles@cumberlandcounty.org)

Application Type:  General  Public Service  Planning

Project Name: Cumberland Affordable Housing Initiative

Lead Community: Cumberland

Additional Communities: \_\_\_\_\_

Subrecipient Organization: *(e.g. non-profit social service agency)* Cumberland Housing Authority (CHA)

Project Location (Address): \_\_\_\_\_

Contact Information: Name: James Broder Email: jbroder@bernsteinshur.com

Phone: 207 671 1758 Title: ChairAffordableHousingTaskForce

### Provide a clear, concise description of the project

*The scope of work for the project should be outlined. Depending on the nature of the project/activity include in your response: What will be built? What will be provided? Who will be served? Where will the project occur?*

The Affordable Housing Task Force unanimously approved its 17 recommendation Report to the Town Council on December 13, 2022. (copy of the Report Attached). The Report calls for the transformation of the CHA into a proactive Center of Excellence to pursue the near and long term needs of the Town for Affordable Housing ( including workforce housing) on its own, and/or in partnerships with non-profit and for profit developers.

In the near term the Task Force has set a goal of 150 units of affordable units to be constructed with 50 units each in the Route 1 corridor( Sky View Drive), in Cumberland Center(DrowneRoad), and in the Route 100 corridor utilizing an affordable housing overlay zone. Each of these projects are in the late conceptual/early development stage.

In the long term the Task Force proposed a mandate for subdivisions of 10 units or more of 20% Affordable Housing. Mandates will include rental and single family developments.

The grant will support a hire of an executive director of the CHA to lead these efforts.

Project Goal:  Affordable Housing  Public Facility Improvement  Public Infrastructure Improvements  
 Public Service  Economic Development  Community Planning

Total Clients Served (unduplicated): 200 + Percentage LMI: 100%

Funding: CDBG Request: \$ 95,000 Total Project Cost: \$ 120,000

Name of Authorized Official: William Shane, Town Manager

Signature of Authorized Official: \_\_\_\_\_

**CUMBERLAND COUNTY – COMMUNITY DEVELOPMENT PROGRAM**

**MUNICIPAL OVERSIGHT COMMITTEE**

Wescustogo Hall and Community Center  
North Yarmouth

October 26, 2022 – 2:30 PM

1. Welcome and Introductions
2. Approval of meeting minutes
  - a. May 18, 2022
3. Nomination/Election of 2023 Committee Chair and Vice Chair
4. CDBG, CDBG-CV and HOME Program Project Updates
5. Approval to reallocate remaining \$193,001 in CDBG-CV funds
6. 2022 HOME Projects Update
7. Update on Analysis of Impediments to Fair Housing Study
7. 2023 CDBG Program:
  1. Projected funding
  2. Program Schedule
  3. Approval of 2023 CDBG Applications
  4. Selection of the review team members
10. Other business

**DRAFT**

**CUMBERLAND COUNTY COMMUNITY DEVELOPMENT PROGRAM  
MUNICIPAL OVERSIGHT COMMITTEE 2022-2023**

**\*If the representative listed for your town/city is incorrect, please let me know.**

<b><u>City/Town</u></b>	<b><u>Representative</u></b>
Baldwin	none (selectmen email)
Bridgton	Victoria Hill, Community Development Director
Brunswick	None (looking for replacement)
Cape Elizabeth	Matt Sturgis, Town Manager
Casco	Anthony Ward, Town Manager
Chebeague Island	Justin Poirier, Town Administrator
Cumberland	Bill Shane, Town Manager
Cumberland County	Neil Jamieson, Commissioner & Travis Kennedy, Public Affairs
Falmouth	Adam Causey, Long-Range Planning Director
Freeport	Caroline Pelletier, Town Planner
Gorham	Tom Poirier, Town Planner
Gray	Kristen Muszynski, Town Planner
Harpswell	Terri Sawyer, Asst. Town Administrator
Harrison	Tim Pellerin, Town Manager
Long Island	Brian Dudley, Town Administrator
Naples	John Hawely, Town Manger
New Gloucester	Natalie Thomsen, Town Planner
North Yarmouth	Brian Sites, Community Member
Portland	Mary Davis, Housing & Economic Dev Director—for HOME Consortium
Pownal	none (selectmen email)
Raymond	Don Willard, Town Manager
Scarborough	Eric Sandeson, Town Planner
Sebago	Michele Bukoveckas, Town Manager
South Portland	Josh Reny, Assistant City Manager
Standish	Zach Mosher, Planning Director
Westbrook	Daniel Stevenson Economic Development Director
Windham	Tom Bartell, Economic Development Director
Yarmouth	April Humphrey, Councilor & Scott LaFlamme, Economic Dev Director
GPCOG	Chris Hall, General Council & Regional Initiatives (non-voting member)

**Municipal Oversight Committee  
May 18, 2022**

<b>Committee Members</b>			
Linda LaCroix - Bridgton		John Hawley – Naples	X
Anthony Ward – Casco	X	Natalie Thomsen – New Gloucester	X
Justin Poirier – Chebeague Island		Mary Davis – Portland	
Theo Holtwijk – Falmouth		Don Willard – Raymond	
Tom Poirier – Gorham	X	Eric Sanderson – Scarborough	X
Kristin Muszynski - Gray	X	Josh Reny – South Portland	X
Kristi Eiane – Harpswell	X	Daniel Stevenson – Westbrook	X
Brian Dudley – Long Island		Tom Bartell – Windham	X
Jim Gailey – Cumberland County		Chris Hall – GPCOG	X
Scott LaFlamme – Yarmouth	X	Brian Dudley – Long Island	
Caroline Pelletier - Freeport	X	Michele Bukoveckas - Sebago	
Terri Sawyer - Harpswell		Brian Sites- North Yarmouth	
Matthew Sturgis – Cape Elizabeth		Bill Shane - Cumberland	X
Zach Mosher - Standish	X	Commissioner Susan Witonis – Cumberland County	
April Humphrey - Yarmouth			
Travis Kennedy – Cumberland County			
Kevin Jensen – Gorham			
<b>Staff Members</b>			
Kristin Styles	X		
Courtney Kemp- South Portland	X		

**Item 1.** Kristin Styles discusses previous minutes that we have not been able to pass because we have not been able to reach a quorum. Kristin gives a brief overview of what took place during those meetings.

Scott Laflamme moved to accept all three sets of minutes as presented, Bill second

**MOTION CARRIES**

- A. 8 yes, 6 abstain**
- B. 8 yes, 6 abstain**
- C. 8 yes, 6 abstain**

**Item 2.** Kristin Styles states that if you know anyone that is interested in HOME funds please let them know we have funds available to apply for. There has been a small decrease in CDBG funds for the county this year. We did expect decrease due to nationwide 4% decrease. This makes the prior year finish line set of funds lower.

Kristin explains the finish line fund bucket to folks who have not been at previous meetings and the set aside community budges. All PS, housing and infrastructure will get fully funded. Planning is 20k that will go to the previously voted on project.

The only thing that is changing is the remaining amount of funds is the funds for prior year projects.

Kristin reviews the requests for additional funds for the open municipal projects and what the funds would be used for in each of those projects.

**Item 3.** Scott LaFlamme moved to approve the requests for additional funds, Natalie Thomsen second



Bill Shane states Kristin did an excellent job and asks if the folks who have not been to previous meetings can still vote

Kristin explains that yes, every town and city gets a vote.

#### **MOTION CARRIES, 15-0**

**Item 4.** Kristin Styles explains Root Policy and why they were chosen to help us with this study. Kristin introduces Frankie Lewington and Heidi.

Frankie presents the draft Analysis of Impediments to fair housing study.

Bill Shane asks how they got all the responses.

Frankie explain that City of Portland and Cumberland County created a stake holder list for different groups and originations – They asked stake holders to push out to everyone. They also did a press release and had a social media posts to put up. Relied on networks to push the survey links.

Tom Poirier asks how does the analysis play out to urban vs rural – is it more single family as you go rural. How does that play into the study overall?

Heidi Aggeler explains that they did not separate them out, but could do more of if needed.

Tom Porier points out how we all face different things throughout the county. How do we target that based on where we each are at?

Tom Bartell asks is there enough data in our communities and in the individual communities to make the data significant. How do we get this presentation to folks beyond this zoom?

Frankie explains in our survey analysis; the minimum was 25 to be included in the results. We would have to look at the numbers more to actually conclude, will look more at rural results.

Heidi shared sample size by jurisdiction, results for each city and town.

Kristin Styles asks if we can group together from the smaller towns to get a larger set of results for the rural areas.

Heidi adds that HUD is more interested in depth rather than statistics.

Tom Bartell comments that as much as we can get these stories told in our communities would be important, different than what HUD would want to see. More about what's happening and getting us started into those discussions.

Chris asks will there be any space in the final report for a solution piece on a lot of topics in this study that would gear towards current legislature matters/state laws?

Heidi explains that they have done a lot of work on state levels, we can certainly do that with this study. It's convenient for the state to take the leadership role from these reports.

Conversation ensues about state legislations amendments and how this information could be useful.

Heidi says she is happy to share survey instrument they have used for many regions, it's really about housing challenges.

No further questions or comments.

Kristin thanks Heidi and Frankie for presentation, great starting point for a lot of communities.

No other business.

Meeting Adjourned

# Maine Cumberland County

## CDBG Project Status by Town & City

### **Bridgton:**

Oak Street Streetscape - \$130,046 – *Complete*

Highland Beach Sidewalk Extension - \$132,128 – *scheduled for Spring 2023 construction*

Bridgton Food Pantry: \$7,500 - *Complete*

Navigator Program: \$10,920 - *Complete*

Summer Recreation Program: \$11,395 – *Complete*

### **County Wide Projects:**

AlphaOne – ADA Critical Ramp Program- \$84,000 – *14 ramps completed to date*

Habitat for Humanity Critical Home Repair Program: \$90,000 – *35 homes completed to date*

Through These Doors – Abuse in Later Life: \$18,831 - *Complete*

### **Gorham:**

Little Falls Rec Area Bathroom Facility - \$55,044 – *95% complete schedule to be finished by Nov.*

Little Falls/South Windham Village Master Plan - \$25,000 – *Draft report complete, waiting on town approval*

### **Gray:**

Pennell Labs Feasibility Study: \$12,000 – *Complete*

Newbegin Community Playground: \$67,248 – *Complete*

Yarmouth Rd Micro Park: \$51,284 – *Complete*

### **Harpswell:**

Cundy's Harbor Library Repairs- Phase 1: \$69,640 – *90% complete*

Cundy's Harbor Library Phase II - \$46,820 – *Schedule to start this spring*

### **Naples:**

Community Center Feasibility Study: \$17,000 – *Complete*

### **South Portland:**

Senior Center Wing - \$39,500 – *Complete*

Heating Assistance - \$2,500 – *Cancelled, the City used private donations*

Economic Development, Broadband - \$162,779 – *Canceled*

School Street Playground - \$87,694 – *Scheduled for spring 2023 construction*

Port Resources, Albany Road - \$22,590 – *Scheduled for fall 2022 construction*

Redbank Community Garden - \$47,662.71 – *Complete*

Human Rights Commission - \$6,372.54 – *Complete*

Summer Recreation Program - \$11,795 – *Complete*

Quality Housing Coalition, Project HOME - \$9,600 – *Complete*

SMAA, Meals on Wheels - \$7,500 – *Complete*

Through These Doors, DV Protection - \$7,160 – *Complete*

TOA Redbank HUB - \$20,000 - *Complete*

The logo features the word "Maine" in a stylized, orange cursive font at the top. Below it, the words "Cumberland County" are written in a large, dark grey sans-serif font. The "C" in "Cumberland" is significantly larger than the other letters, and the "County" is in a bold weight.

**Standish:**

Food Pantry Van and Utility Trailer: \$35,000 – *Complete*

**Westbrook:**

Westbrook Lincoln Street Boat Launch: \$130,979 – *Complete*

Cornelia Warren Rec Area Phase IV – *Scheduled to be completed by fall 2023*

Intercultural Community Center – Family CARES program - \$45,000 – *Complete*

My Place Teen Center – 10-13yr old programming - \$75,000 – *Complete*

**Windham:**

Port Resources Group Home Repair: \$50,800 – *60% Interior work was on hold due to Covid-19*  
Village Brewery and Restaurant- Job Creation project - \$225,000 - *Scheduled for spring 2023 construction*

Main Street Parking Lot - \$153,295 – *Complete*

Little Falls/South Windham Village Master Plan - \$25,000 – *Draft report complete, waiting on town approval*

**Yarmouth:**

Yarmouth Community Center: \$150,000 – *On hold*

**ALL CDBG- CV Project Status**

**Business Assistance and Job Training Programs:**

MSAD-61 Adult Ed Health Care professional classes: \$22,091 – *Complete*

Common Threads- Textile sewing classes: \$20,000 – *Complete*

GPCOG- Job Creation/Retention program – \$149,365 - *Complete*

GPCOG Microenterprise Assistance Program: \$150,000 - *Complete*

**Rent and Utility Assistance Programs:**

Bridgton – Rent and Utility Assistance - \$48,720 – *Complete*

The Opportunity Alliance- Homeless Prevention Program - \$215,000 – *Complete*

Through These Doors- Project Safe Reentry - \$47,413 – *Complete*

Through These Doors- Homeless Prevention for Survivors of DV - \$45,362- *Complete*

South Portland – General Assistance - \$21,497 – *Complete*

**Food Programs:**

Amistad – Food Assistance for Displaced Portlanders - \$63,755 – *Complete*

Gorham Food Pantry Delivery Van - \$57,000 – *Complete*

Harrison Food Bank- Covid Response Staff - \$27,245 – *Complete*

SMAA- Meals On Wheels, Additional Meals - \$100,000 – *Complete*

Yarmouth Lunch Crunch Program - \$54,800 – *Complete*

Wayside Foods – Delivery boxes program - \$50,000- *Complete*

Bridgton Resource Navigator Food Assistance Program - \$3,647 *Complete*

Bridgton Rec Department Van - \$68,000- *Cancelled*

My Place Teen Center- Mobile Food Pantry - \$48,000 – *Complete*



# Maine Cumberland County

South Portland Food Cupboard- \$35,000 – *Complete*

Raymond Food Pantry - \$10,000- *Complete*

**General Covid-Related Programs:**

Gorham - Rec Program Scholarships - \$14,400-*Cancelled*

Intercultural Community Center – Community CARES program - \$20,000 – *Complete*

Long Island-Telehealth Wellness Program - \$23,847 – *Complete*

NAMI – Adult and Youth Mental Health First Aid - \$24,000- *Complete*

NEAAO – Keeping Our Neighborhoods Healthy - \$45,000 – *Complete*

South Portland Rec Dept. – Out of School Care - \$27,500- *Complete*

South Portland Paramedic Outreach Program - \$116,266- *Complete*

Woodford Family Services – Covid-Cleaning for Early Childhood Services- \$25,000- *Complete*

Cumberland County Jail – Covid-19 Testing - \$37,366 – *Complete (switched to different funding source)*

City of Portland- Housing Resettlement Coordinator - \$200,910- *On Going*

Bridgton Resource Navigator – Temporary Shelter Program - \$3,000 – *Closed (switched to state funding source)*

Cumberland County EMA Emergency Shelter Supplies - \$30,671 – *Complete*

## Reallocation of CDBG-CV funds

### **Background:**

CDBG-CV funds were released in 2020 specifically to “prepare for, respond to, and prevent” the Covid-19 virus. The County received a total of \$1,897,094 in CDBG-CV funds. 100% of these funds were allocated to projects in 2020 and 2021. A few projects, for various reasons did not spend all of their funds, leaving \$193,001 unallocated.

### **Option 1:**

Release the \$193,001 as part of the 2023 CDBG application specifically for Covid-related projects.

### **Option 2:**

In program year 2022, Harrison Food Bank received \$175,000 in CDBG funds for a sprinkler system. The installation of this sprinkler systems qualifies as “responding to Covid-19”. We could use CDBG-CV funds to pay for this and reallocate the \$175,000 in PY2022 CDBG funds toward PY2023 CDBG projects. Doing this option allows \$175,000 to go toward any development (public infrastructure/facilities) project.

## AVAILABLE GRANT FUNDS – CDBG 2023 PROGRAM

### I. HUD Allocation

Our 2023 CDBG allocation remains unknown and uncertain. We expect to know sometime in March, but even that is unknown and uncertain. Until we are told otherwise, we are anticipating level funding.

**\$1,548,355**

### II. Distribution

***Given level funding.....***

Cumberland County Communities

Cumberland County 2022 Allocation      \$752,724

Set-aside Communities:

South Portland      \$424,573

Bridgton      \$191,058

### III. Public Service “Cap”

***We don’t have to spend up to the “Cap”***

Cumberland Co. Public Services      \$139,908

### IV. Cumberland County Communities – Planning Grant Cap

Available for planning grants      \$ 14,671

### V. Cumberland County Communities – Development Activities

Cumberland Co. Development      \$598,145

### VI. Unallocated CDBG-CV funds

Left over funds from canceled projects      \$193,001

## Cumberland County CDBG 2022-2023 Program Schedule



<b>MOC Fall Meeting</b>	<b>October 26, 2022</b>	<b>North Yarmouth</b>
Release of 2023 Applications	November 2, 2022	
Program & Application Workshop	November 30, 2022	1:30-3:00pm via Zoom
<b>Pre-Applications Due</b>	<b>December 14, 2022</b>	By 4pm
Receipt of Approval to Submit Application	December 21, 2022	
<b>Final Application Due</b>	<b>January 19, 2023</b>	By 4pm
Initial Review Team Meeting	February 1, 2023	1:30-3:00 Location TBD
Presentation Review Team Meeting	February 8, 2023	9:00-12:00 - Location TBD
Final Review Team Meeting	February 15, 2023	1:30-3:00 Location TBD
<b>Review Team Report to MOC</b>	<b>March 1, 2023</b>	<b>1:30-3:00 Location TBD</b>
<b>MOC Review</b>	<b>March 15, 2023</b>	<b>1:30-3:00 Location TBD</b>
County Commissioners Public Hearing	April 10, 2023	5:30pm County Courthouse
County Commissioner's Approval	May 8, 2023	5:30pm County Courthouse
Submission of Consolidated Plan to HUD	May 15, 2023	

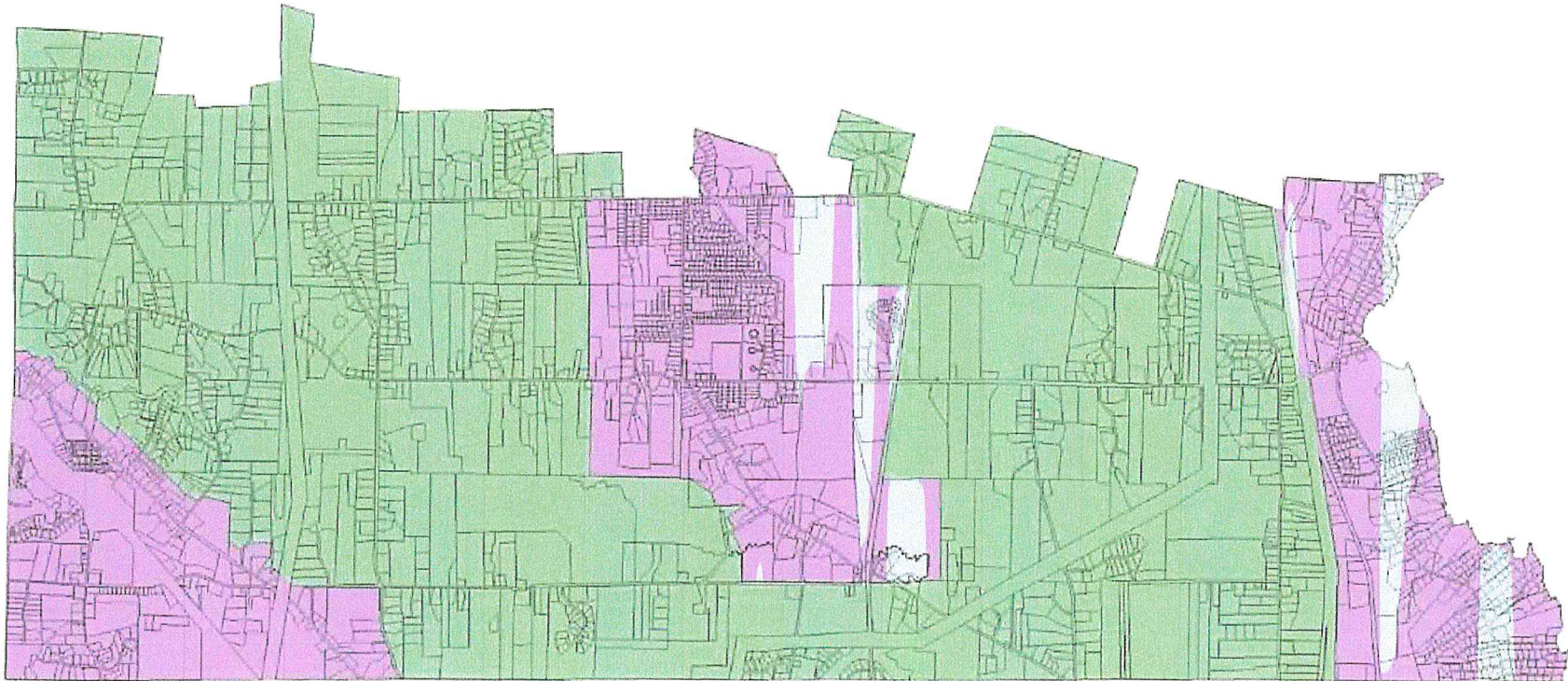


**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 11:  
TOWN OF CUMBERLAND  
GROWTH MAP**



**Town of Cumberland  
Comprehensive Plan  
Future Land Use Plan**



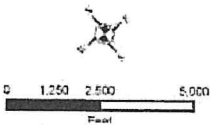
Data sources  
Town of Cumberland

Map Created by




Map Created December 2011

Further detail about the data and analysis  
can be found in the Cumberland  
Comprehensive Plan



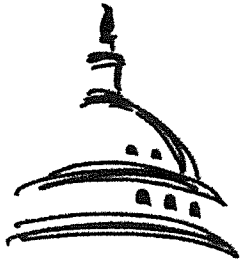
**Future Land Use**

-  Growth
-  Rural



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 12:  
INTRODUCTION TO LOW INCOME HOUSING  
TAX CREDITS (LIHTC)**



**Congressional  
Research Service**

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# **An Introduction to the Low-Income Housing Tax Credit**

Updated June 23, 2022

**Congressional Research Service**

<https://crsreports.congress.gov>

RS22389





# An Introduction to the Low-Income Housing Tax Credit

RS22389

June 23, 2022

**Mark P. Keightley**  
Specialist in Economics

The low-income housing tax credit (LIHTC) program is the federal government's primary policy tool for encouraging the development and rehabilitation of affordable rental housing. The program awards developers federal tax credits to offset construction costs in exchange for agreeing to reserve a certain fraction of units that are rent-restricted for lower-income households. The credits are claimed over a 10-year period. Developers need upfront financing to complete construction so they will usually sell their tax credits to outside investors (mostly financial institutions) in exchange for equity financing. The equity reduces the financing developers would otherwise have to secure and allows tax credit properties to offer more affordable rents. The LIHTC is estimated to cost the federal government an average of approximately \$10.9 billion annually.

In May 2022, the Biden Administration released a plan to address rising housing costs by encouraging an expansion of the housing supply. The plan calls for adopting proposed expansions of the LIHTC program that were included in various iterations of the Build Back Better Act (BBBA; H.R. 5376), and adopting a modification in the President's FY2023 Budget proposal that would allow for an increased LIHTC subsidy for certain developments financed with tax-exempt bonds. A number of the proposals in the BBBA and the modification in the President's FY2023 Budget proposal are similar or related to proposals contained in the Affordable Housing Credit Improvement Act of 2021 (S. 1136/H.R. 2573). The Affordable Housing Credit Improvement Act of 2021 includes a broader set of changes to the LIHTC program. A previous version of that bill was introduced in the 116<sup>th</sup> Congress.

The most recent legislative changes to the LIHTC program were included in the Taxpayer Certainty and Disaster Tax Relief Act of 2020, enacted as Division EE of the Consolidated Appropriations Act, 2021 (P.L. 116-260), which set a minimum credit (or "floor") of 4% for the housing tax credit typically used for the rehabilitation of affordable housing. The Joint Committee on Taxation (JCT) estimates this change will reduce federal revenues by \$5.8 billion between FY2021 and FY2030. This change is permanent.

Division EE of P.L. 116-260 also increased, for calendar years 2021 and 2022, the credit allocation authority for buildings located in any qualified disaster zone, defined as that portion of any qualified disaster area which was determined by the President during the period beginning on January 1, 2020, and ending on the date which is 60 days from enactment of P.L. 116-260. For 2021, the increase was equal to the lesser of \$3.50 multiplied by the population residing in a qualified disaster zone, and 65% of the state's overall credit allocation authority for calendar year 2020. For 2022, the increase is equal to any unused increased credit allocation authority from 2021 (i.e., 2021 increased credit allocation authority may be carried over to 2022). Buildings impacted by this provision will also be granted a one-year extension of the placed in service deadline and the so-called 10% test. The JCT estimates these changes will reduce federal revenues by \$887 million between FY2021 and FY2030.

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## Overview

The low-income housing tax credit (LIHTC) program, which was created by the Tax Reform Act of 1986 (P.L. 99-514), is the federal government’s primary policy tool for the development of affordable rental housing. LIHTCs are awarded to developers to offset the cost of constructing rental housing in exchange for agreeing to reserve a fraction of rent-restricted units for lower-income households. Though a federal tax incentive, the program is primarily administered by state housing finance agencies (HFAs) that award tax credits to developers. Developers may claim the tax credits in equal amounts over 10 years once a property is “placed in service,” which means it is completed and available to be rented. Due to the need for upfront financing to complete construction, developers typically sell the 10-year stream of tax credits to outside investors (mostly financial institutions) in exchange for equity financing. The equity that is raised reduces the amount of debt and other funding that would otherwise be required. With lower financing costs, it becomes financially feasible for tax credit properties to charge lower rents, and thus, potentially expand the supply of affordable rental housing. The LIHTC program is estimated to cost the government an average of \$10.9 billion annually.<sup>1</sup>

## Types of Credits

There are two types of LIHTCs available to developers. The so-called 9% credit is generally reserved for new construction and is intended to deliver up to a 70% subsidy. The so-called 4% credit is typically used for rehabilitation projects utilizing at least 50% in federally tax-exempt bond financing and is designed to deliver up to a 30% subsidy. This report will also refer to the 4% credit as the “rehabilitation tax credit” and the 9% credit as the “new construction tax credit” to facilitate the discussion.<sup>2</sup> The 30% and 70% subsidy levels are computed as the present value of the 10-year stream of tax credits divided by the development’s qualified basis (roughly the cost of construction excluding land).<sup>3</sup> The subsidy levels (30% or 70%) are explicitly specified in the Internal Revenue Code (IRC).<sup>4</sup>

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<sup>1</sup> Computed as the average estimated tax expenditure associated with the program between FY2020 and FY2024. This figure does not include revenue loss associated with the changes to the LIHTC program enacted by the Consolidated Appropriations Act, 2021 (P.L. 116-260). These changes are estimated to reduce federal revenues by \$6.7 billion between FY2021 and FY2030. U.S. Congress, Joint Committee on Taxation, *Estimates of Federal Tax Expenditures for Fiscal Years 2020-2024*, JCX-23-20, November 5, 2020; and Joint Committee on Taxation, *Estimated Budget Effects of the Revenue Provisions Contained in Rules Committee Print 116-68, the “Consolidated Appropriations Act, 2021,”* JCX-24-20, December 21, 2020.

<sup>2</sup> These labels represent generalizations about the use of the 4% and 9% credits and are a helpful way to think about the two different types of credits. The 9% credit is also commonly referred to as the “competitive credit” because awards of 9% credits are drawn from a state’s annual LIHTC allocation authority and developers must compete for an award. The 4% credit is also commonly referred to as the “non-competitive credit” or “automatic credit” because developers do not have to compete for an award if at least 50% of the development is financed with tax-exempt bond financing; they are automatically awarded 4% tax credits. These 4% tax credits are not drawn from a state’s annual LIHTC allocation authority.

<sup>3</sup> The present value concept allows for the comparison of dollar amounts that are received at different points in time since, for example, a dollar received today has a different value than a dollar received in five years because of the opportunity to earn a return on investments. Effectively, a dollar received today and a dollar received in five years are in different currencies. The present value calculation converts dollar amounts received at different points in time into a common currency—today’s dollars.

<sup>4</sup> IRC §42(b).

The U.S. Department of the Treasury uses a formula to determine the credit rates that will produce the 30% and 70% subsidies each month. The formula depends on three factors: the credit period length, the desired subsidy level, and the current interest rate. The credit period length and the subsidy levels are fixed in the formula by law, while the interest rate changes over time according to market conditions. Given the current interest rate, the Treasury's formula determines the two different LIHTC rates that deliver the two desired subsidy levels (30% and 70%).<sup>5</sup> In addition, for certain projects, the resulting credit rates may not be below a minimum (or "floor") of 4% or 9% (depending on the subsidy level), discussed in more detail below.

Once the credit rate has been determined, it is multiplied by the development's qualified basis to obtain the amount of LIHTCs a project will receive each year for 10 years. The credit rate stays constant throughout the 10-year period for a given development, but varies across LIHTC developments depending on when construction occurred and the prevailing interest rate at that time.

## Minimum Credit Rates

The rehabilitation and new construction tax credits have ordinarily not been 4% and 9%. The Tax Reform Act of 1986 (P.L. 99-514) specified that buildings placed in service in 1987 were to receive exactly a 4% or 9% credit rate. Buildings placed in service after 1987 were to receive the credit rate that delivered the 30% and 70% subsidies as determined by Treasury's formula. The rehabilitation credit rate has been below 4% every month since January 1988.<sup>6</sup> The Taxpayer Certainty and Disaster Tax Relief Act of 2020, enacted as Division EE of the Consolidated Appropriations Act, 2021 (P.L. 116-260), sets a minimum credit (or "floor") of 4% for the housing tax credit typically used for the rehabilitation of affordable housing. In other words, the effective rehabilitation credit rate cannot fall below 4%. This change applies to buildings placed in service starting in 2021 and is permanent.

The new construction credit rate had similarly been below its nominal 9% rate every month since January 1991 until the Housing and Economic Recovery Act of 2008 (HERA; P.L. 110-289) set a temporary minimum credit of 9% for the new construction credit. The minimum credit applied to developments completed in August 2008 through the end of 2013.<sup>7</sup> Following a number of temporary extensions, the floor became a permanent feature of the program in 2015 with enactment of the Protecting Americans from Tax Hikes (PATH) Act (Division Q of P.L. 114-113).<sup>8</sup>

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<sup>5</sup> The choice of interest rate will affect the credit rate that is needed to deliver the specified subsidy levels. IRC §42(b) requires that the Department of the Treasury use an interest rate equal to 72% of the average of the mid-term applicable federal rate and the long-term applicable federal rate. The mid- and long-term applicable federal rates are, in turn, based on the yields on U.S. Treasury securities. It could be argued that this interest rate, also known as the discount rate, should be higher because LIHTC investments are riskier than Treasury securities. If this were true, then the LIHTC credit rate determined using the interest rate specified in IRC §42(b) would result in subsidies less than the 30% and 70%. Because Congress defined the subsidy levels to be 30% and 70% using the interest rate specified in IRC §42(b), this report does not consider how the use of alternative discount rates would affect the program.

<sup>6</sup> The 4% credit rate was 4% during the first year of the program. Since then the rate needed to produce the 30% subsidy has been below 4%. Novogradac & Company LLP, *Low-Income Housing Tax Credit Handbook*, 2006 ed. (Thomson West, 2006), pp. 845-850; Novogradac & Company LLP, "Tax Credit Percentages 2022," <https://www.novoco.com/resource-centers/affordable-housing-tax-credits/tax-credit-percentages-2022>.

<sup>7</sup> The floor technically applied to properties that were "placed in service" during that time period.

<sup>8</sup> The floor was originally enacted on a temporary basis by the Housing and Economic Recovery Act of 2008 (P.L. 110-289) and applied only to new construction placed in service before December 31, 2013. The American Taxpayer Relief Act of 2012 (P.L. 112-240) extended the 9% floor for credit allocations made before January 1, 2014. The Tax Increase



The effects of the minimum credits depend on how far the tax credit rates determined by Treasury are from 4% and 9%. The minimum credits have no effect if the credit rates produced by Treasury's formula are at least 4% and 9%; the credit rates will be determined by Treasury's formula and generate subsidies of up to 30% and 70%, respectively. If, however, the credit rates determined by Treasury are below the floors, then the credit rates are set equal to either 4% or 9%. When this happens, new construction projects can potentially receive a subsidy above 70%, with the subsidy increasing the farther the credit rate determined by Treasury's formula is below 9%.<sup>9</sup> Similarly, rehabilitation projects can potentially receive a subsidy above 30%. The current interest rate is the key factor determining whether the floors take effect. Treasury's formula produces low credit rates when interest rates are low and higher credit rates when interest rates are high.<sup>10</sup> In December 1990, when Treasury's formula last determined a credit rate above 9% (9.06%), the 10-year Treasury constant maturity rate was 8.08%.<sup>11</sup> In mid-June 2022, the rate was around 3.25%.<sup>12</sup> Thus, interest rates would need to increase significantly from current levels for the floor to no longer have an effect.

## An Example

A simplified example may help in understanding how the LIHTC program is intended to support affordable housing development. Consider a new apartment complex with a qualified basis of \$1 million. Since the project involves new construction it will qualify for the 9% credit and, assuming for the purposes of this example that the credit rate is exactly 9%, will generate a stream of tax credits equal to \$90,000 (9% × \$1 million) per year for 10 years, or \$900,000 in total. Under the appropriate interest rate, the present value of the \$900,000 stream of tax credits should be equal to \$700,000, resulting in a 70% subsidy. Because the subsidy reduces the debt needed to construct the property, the rent levels required to make the property financially viable are lower than they otherwise would be. Thus, the subsidy is intended to incentivize the development of housing at lower rent levels—and therefore affordable to lower-income families—that otherwise may not be financially feasible or attractive relative to alternative investments.

The situation would be similar if the project involved rehabilitated construction except the developer would be entitled to a stream of tax credits equal to \$40,000 (4% × \$1 million) per year for 10 years, or \$400,000 in total. The present value of the \$400,000 stream of tax credits should be equal to \$300,000, resulting in a 30% subsidy.

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Prevention Act of 2014 (P.L. 113-295) retroactively extended the 9% floor through the end of 2014. Division Q of P.L. 114-113—the Protecting Americans from Tax Hikes Act (or “PATH” Act) permanently extended the 9% floor.

<sup>9</sup> Treasury's formula is designed to produce credit rates necessary to deliver either a 30% or 70% subsidy. These credit rates can be, and often are, less than 4% and 9%. For example, the June 2022 tax credit rate, as determined by Treasury's formula, for rehabilitation construction was 3.30% and the rate for new construction was 7.70%. In this case the 4% and 9% minimum credit rates take effect and the tax credit rates are set to exactly 4% and 9%, respectively. Because these credit rates are above what is needed to deliver a 30% subsidy (3.30%) and 70% subsidy (7.70%), it means that the subsidies rise above 30% and 70% when the floors takes effect.

<sup>10</sup> This relationship is an intrinsic feature of the present value formula, and not a result of a decision by Treasury in computing the credit rate.

<sup>11</sup> Board of Governors of the Federal Reserve System (US), 10-Year Treasury Constant Maturity Rate [DGS10], retrieved from FRED, Federal Reserve Bank of St. Louis, June 22, 2022, <https://fred.stlouisfed.org/series/DGS10>.

<sup>12</sup> Treasury does not directly use the interest rate on 10-year bonds, but as discussed in footnote 5, the interest rate used by Treasury is based on the yields on U.S. Treasury securities.

## The Allocation Process

The process of allocating, awarding, and then claiming the LIHTC is complex and lengthy. The process begins at the federal level with each state receiving an annual LIHTC allocation in accordance with federal law. The administration of the tax credit program is typically carried out by each state's housing finance agency (HFA). State HFAs allocate credits to developers of rental housing according to federally required, but state-created, allocation plans. The process typically ends with developers selling awarded credits to outside investors in exchange for equity. A more detailed discussion of each level of the allocation process is presented below.

### Federal Allocation to States

LIHTCs are first allocated to each state according to its population. In 2022, states receive LIHTC allocation authority equal to \$2.60 per person, with a minimum small population state allocation of \$2,975,000.<sup>13</sup> The state allocation limits do not apply to the 4% credits that are automatically packaged with tax-exempt bond financed projects.<sup>14</sup>

### State Allocation to Developers

State HFAs allocate credits to developers of eligible rental housing according to federally required, but state-created, qualified allocation plans (QAPs). Federal law requires that a QAP give priority to projects that serve the lowest-income households and that remain affordable for the longest period of time. States have flexibility in developing their QAPs to set their own allocation priorities (e.g., assisting certain subpopulations or geographic areas), and to place additional requirements on awardees (e.g., longer affordability periods, deeper income targeting). QAPs are developed and revised via a public process, allowing for input from the general public and local communities, as well as LIHTC stakeholders. Many states have two allocation periods per year. Developers apply for the credits by submitting an application to state agencies.

Once a developer receives an allocation it generally has two years to complete its project.<sup>15</sup> Credits may not be claimed until a property is placed in service. Tax credits that are not allocated by states after two years are added to a national pool and then redistributed to states that apply for the excess credits. To be eligible for an excess credit allocation, a state must have allocated its entire previous allotment of tax credits. This use-or-lose feature gives states an incentive to allocate all of their tax credits to developers.

To be eligible for an LIHTC allocation, properties are required to meet certain tests that restrict both the amount of rent that may be charged and the income of eligible tenants. Historically, the "income test" for a qualified low-income housing project has required project owners to irrevocably elect one of two income-level tests, either a 20-50 test or a 40-60 test. To satisfy the

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<sup>13</sup> Internal Revenue Service, *Revenue Procedure 2021-45*, <https://www.irs.gov/pub/irs-drop/rp-21-45.pdf>. From 1986 through 2000, the initial credit allocation amount was \$1.25 per capita. The allocation was increased to \$1.50 in 2001, to \$1.75 in 2002 and 2003, and indexed for inflation annually thereafter. The initial minimum tax credit ceiling for small states was \$2 million, and was indexed for inflation annually after 2003.

<sup>14</sup> Tax-exempt bonds are issued subject to a private activity bond volume limit per state. For more information, see CRS Report RL31457, *Private Activity Bonds: An Introduction*, by Grant A. Driessen.

<sup>15</sup> Developers must have the property placed in service in the calendar year an allocation is made. However, a developer can receive an extension which gives them an additional calendar year to have the property placed in service. To be granted this extension, known as a *carryover allocation*, at least 10% of anticipated costs must be incurred within the first calendar year.

first test, at least 20% of the units must be occupied by individuals with income of 50% or less of the area's median gross income (AMI), adjusted for family size. To satisfy the second test, at least 40% of the units must be occupied by individuals with income of 60% or less of AMI, adjusted for family size.<sup>16</sup>

The 2018 Consolidated Appropriations Act (P.L. 115-141) added a third income test option that allows owners to average the income of tenants. Specifically, under the income averaging option, the income test is satisfied if at least 40% of the units are occupied by tenants with an average income of no greater than 60% of AMI, and no individual tenant has an income exceeding 80% of AMI. Thus, for example, renting to someone with an income equal to 80% of AMI would also require renting to someone with an income no greater than 40% of AMI, so the tenants would have an average income equal to 60% of AMI.

In addition to the income test, a qualified low-income housing project must also meet the "gross rents test" by ensuring rents (adjusted for bedroom size) do not exceed 30% of the 50% or 60% of AMI, depending on which income test option the project elected.<sup>17</sup>

The types of projects eligible for the LIHTC include rental housing located in multifamily buildings, single-family dwellings, duplexes, and townhouses. Projects may include more than one building. Tax credit project types also vary by the type of tenants served; for example, LIHTC properties may be designated as housing persons who are elderly or have disabilities.

Properties located in difficult development areas (DDAs) or qualified census tracts (QCTs) are eligible to receive a "basis boost" as an incentive for developers to invest in more distressed areas. In these areas, the LIHTC can be claimed for 130% (instead of the normal 100%) of the project's eligible basis. This also means that available credits can be increased by up to 30%. HERA (P.L. 110-289) enacted changes that allow an HFA to classify any LIHTC project that is not financed with tax-exempt bonds as difficult to develop, and hence, eligible for a basis boost.

## Developers and Investors

Upon receipt of an LIHTC award, developers typically exchange or "sell" the tax credits for equity investment in the real estate project. The "sale" of credits occurs within a partnership that legally binds the two parties to satisfy federal tax requirements that the tax credit claimant have an ownership interest in the underlying property. This makes the trading of tax credits different than the trading of corporate stock, which occurs between two unrelated parties on an exchange. The partnership form also allows income (or losses), deductions, and other tax items to be allocated directly to the individual partners.<sup>18</sup>

The sale is usually structured using a limited partnership between the developer and the investor, and sometimes administered by syndicators. As the general partner, the developer has a relatively small ownership percentage but maintains the authority to build and run the project on a day-to-day basis. The investor, as a limited partner, has a large ownership percentage with an otherwise passive role. Syndicators charge a fee for overseeing the investment transactions.

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<sup>16</sup> Individual income levels are certified by each property manager, although states have some discretion over the specifics of the income verification method. LIHTC participants are prohibited from using HUD's Enterprise Income Verification (EIV) system to verify tenant income. The EIV system is required to be used in the Section 8 housing voucher program.

<sup>17</sup> Rent includes utility costs.

<sup>18</sup> For more details on the general tax equity mechanism, see CRS Report R45693, *Tax Equity Financing: An Introduction and Policy Considerations*, by Mark P. Keightley, Donald J. Marples, and Molly F. Sherlock.

Typically, investors do not expect their equity investment in a project to produce income. Instead, investors look to the credits, which will be used to offset their income tax liabilities, as their return on investment. The return investors receive is determined in part by the market price of the tax credits. The market price of tax credits fluctuates, but in normal economic conditions the price typically ranges from the mid-\$0.80s to low-\$0.90s per \$1.00 tax credit. The larger the difference between the market price of the credits and their face value (\$1.00), the larger the return to investors. Investors also often receive tax benefits related to any tax losses generated through the project's operating costs, interest on its debt, and deductions such as depreciation. The right to claim tax benefits in addition to the tax credits will affect the price investors are willing to pay.

The vast majority of investors are corporations, either investing directly or through private partnerships. Financial institutions and banks are responsible for the majority of investment in LIHTC.<sup>19</sup> Partly this is due to the Community Reinvestment Act (CRA), which considers LIHTC investments favorably.<sup>20</sup> Other investors include real estate, insurance, utility, and manufacturing firms, which are seeking a return in the form of reduced taxes from investing in the tax credits.

The LIHTC finances part of the total cost of many projects rather than the full cost and, as a result, must be combined with other resources. The financial resources that may be used in conjunction with the LIHTC include conventional mortgage loans provided by private lenders and alternative financing and grants from public or private sources. Individual states provide financing as well, some of which may be in the form of state tax credits modeled after the federal provision. Additionally, some LIHTC projects may have tenants who receive other government subsidies such as housing vouchers.

## Recent Legislative Developments

In May 2022, the Biden Administration released a plan to address rising housing costs by encouraging an expansion of the housing supply. The plan calls for adopting proposed expansions of the LIHTC program that were included in various iterations of the Build Back Better Act (BBBA; H.R. 5376), and adopting a modification in the President's FY2023 Budget proposal that would allow for an increased LIHTC subsidy for certain developments financed with tax-exempt bonds. The most recent version of the BBBA, released by the Senate Finance Committee on December 11, 2021, includes six proposed modifications to the LIHTC program, most notably an increase in the allocation authority of states that would eventually reach \$3.86 per person in 2025. The changes proposed by the BBBA are summarized in Parts 1 and 3 of Table 1 in CRS Report R46998, *Senate Finance Committee Tax Provisions in the Build Back Better Act*, coordinated by Molly F. Sherlock. A number of the proposals in the BBBA and the modification in the President's FY2023 Budget proposal are similar or related to proposals contained in the Affordable Housing Credit Improvement Act of 2021 (S. 1136/H.R. 2573). The Affordable Housing Credit Improvement Act of 2021 includes a broader set of changes to the LIHTC program. A previous version of that bill was introduced in the 116<sup>th</sup> Congress.

The most recent legislative changes to the LIHTC program were included in the Taxpayer Certainty and Disaster Tax Relief Act of 2020, enacted as Division EE of the Consolidated Appropriations Act, 2021 (P.L. 116-260), and set a minimum credit (or "floor") of 4% for the

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<sup>19</sup> For more information on the LIHTC investor landscape, see CohnReznick, LLP, *Housing Tax Credits Investments: Investment and Operational Performance*, November 18, 2019.

<sup>20</sup> For more information on the LIHTC program and the CRA, see Office of the Comptroller of the Currency, *Low-Income Housing Tax Credits: Affordable Housing Investment Opportunities for Banks*, Washington, DC, April 2014, <http://www.occ.gov/topics/community-affairs/publications/insights/insights-low-income-housing-tax-credits.pdf>.



housing tax credit typically used for the rehabilitation of affordable housing. The Joint Committee on Taxation estimates this change will reduce federal revenues by \$5.8 billion between FY2021 and FY2030.<sup>21</sup> This change is permanent.

Division EE of P.L. 116-260 also increased, for calendar years 2021 and 2022, the credit allocation authority for buildings located in any qualified disaster zone, defined as that portion of any qualified disaster area which was determined by the President during the period beginning on January 1, 2020, and ending on the date which is 60 days from enactment of P.L. 116-260. For 2021, the increase was equal to the lesser of \$3.50 multiplied by the population residing in a qualified disaster zone, and 65% of the state's overall credit allocation authority for calendar year 2020. For 2022, the increase is equal to any unused increased credit allocation authority from 2021 (i.e., 2021 increased credit allocation authority may be carried over to 2022). Buildings impacted by this provision will also be granted a one-year extension of the placed in service deadline and the so-called 10% test. The JCT estimates these changes will reduce federal revenues by \$887 million between FY2021 and FY2030.

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<sup>21</sup> Joint Committee on Taxation, *Estimated Budget Effects of the Revenue Provisions Contained in Rules Committee Print 116-68, the "Consolidated Appropriations Act, 2021,"* JCX-24-20, December 21, 2020.

**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 13:  
HUD SECTION 202: LOW INCOME HOUSING  
FOR THE ELDERLY WITH SERVICES**

# Section 202: Supportive Housing for the Elderly

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By Linda Couch, Vice President, Housing Policy, LeadingAge

**Administering Agency:** HUD's Office of Housing's Office of Housing Assistance and Grant Administration

**Year Started:** 1959

**Number of Persons/Households Served:** 400,000 households

**Population Targeted:** People over the age of 62 with very low incomes (below 50% of area median income). Some pre-1990 Section 202 properties are eligible for occupancy by non-elderly, very low-income persons with disabilities.

**Funding:** The FY22 spending bill provided \$1.033 billion for Section 202. The FY21 bill provided \$855 million, including:

- \$52 million for new Section 202 homes.
- \$125 million for Service Coordinators, including the first new appropriation for grant-funded Service Coordinators in several years.
- \$5 million for intergenerational housing as authorized by the "Living Equitably—Grandparents Aiding Children and Youth (LEGACY) Act of 2003."
- \$14 million for a two-year extension of HUD's Integrated Wellness in Supportive Housing demonstration.
- Full renewal funding for Section 202 communities' Project Rental Assistance Contracts.

**See Also:** For related information, refer to the *Services for Residents of Low-Income Housing* section of this guide.

The Section 202 Supportive Housing for the Elderly Program provides funding to nonprofit organizations that develop and operate housing for older adults with very low incomes. In its

FY21 HUD appropriations bill, Congress included \$52 million in the Section 202 account for the construction and operation of new Section 202 homes. Between FY12 and FY16, Congress did not provide any funding for new Section 202 homes. Funds provided by Congress for the Section 202 account are used primarily to renew underlying rental assistance contracts and existing contracts for on-site service coordinators. In the FY18 HUD funding bill, Congress provided authority for Section 202 communities with Project Rental Assistance Contracts ("202/PRACs") to participate in HUD's Rental Assistance Demonstration to facilitate the preservation of these homes. HUD issued guidelines for this "RAD for PRAC" authority in September 2019.

## Key Issues:

- Addressing COVID. Section 202 housing providers continue to assess what a "new normal" of COVID-era affordable senior housing means for residents and funding needs. Resident services, including the critical need for Service Coordinators in every community, for building-wide internet (in common areas and in resident apartments), and for services and programs to address mental health challenges, are of paramount concern. Increased costs, for health and safety protections, rising insurance premiums, and to retain and recruit needed staff, continue and need appropriate federal response. Consistent COVID vaccine and testing access continue to thwart Section 202 communities' ability to meet their needs.
- Expanding the supply of affordable housing. Nationally, more than 2.24 million very low income older adult renter households have worst case housing needs, spending more than half of their incomes for rent, according to HUD's [Worst Case Housing Needs: 2021 Report to Congress](#).



- **Service Coordinators.** Today, only 45% of HUD Section 202 and Section 8 Project-Based Rental Assistance senior housing communities have a service Coordinator. Every affordable senior housing community needs a Service Coordinator. Research has shown that Service Coordinators lower hospital use, increase higher value health care use (e.g. primary care), have success reaching high-risk populations, and result fewer nursing home transfers.
- **Housing + Services.** Identifying stable financing for the provision of health and wellness services within federally assisted senior housing is key to residents' ability to age in community.
- **Preservation Funding.** Annual funding must ensure full funding to meet annual renewal needs of Section 202 rental assistance provided by Project-Rental Assistance Contract (PRAC) and Section 8 Project-Based Rental Assistance (PBRA).
- **Preservation Tools.** HUD's Rental Assistance Demonstration program should be improved to ensure Section 202 communities with Project Rental Assistance Contracts can successfully convert their operating subsidies without losing resident services or financial soundness.
- **Homelessness.** Homelessness among older adults is increasing. Better data are needed, as is a coordinated federal effort to prevent and end homelessness among older adults.
- **Internet.** The majority of HUD Section 202 housing does not have internet throughout the community (in common areas and in apartments). Communities need access to resources for the installation and service fees for internet for older adults living in HUD-assisted senior housing.

## HISTORY AND PURPOSE

The Section 202 program was established under the "Housing Act of 1959." Enacted to allow seniors to age in their community by providing assistance with housing and supportive

services, the program has gone through various programmatic iterations during its lifetime. Before 1974, Section 202 funds were 3% loans that may or may not have had either Section 8 Project-Based Rental Assistance or rent supplement assistance for all or some of the units. Between 1974 and 1990, Section 202 funds were provided as loans and subsidized by project-based Section 8 contracts. Until the creation of the Section 811 program in 1990, the Section 202 program funded housing for both seniors and people with disabilities. In 1991, the Section 202 program was converted to a capital advance grant with a Project Rental Assistance Contract for operational expenses, known as Section 202 PRAC. There are more than 400,000 Section 202 units built since the "Housing Act of 1959."

The 202 program allows seniors to age in place and avoid unnecessary, unwanted, and costly institutionalization. With 38% of existing Section 202 tenants being frail or near-frail, requiring assistance with basic activities of daily living, and thus being at high risk of institutionalization, Section 202 residents have access to community-based services and support to keep living independently and age in place in their community.

According to HUD's *Worst Case Housing Needs: 2021 Report to Congress*, the number of worst case needs among older adults increased by more than 16% between 2017 and 2019. Between 2009 and 2019, worst case housing needs among older adults increased 82%. Meanwhile, across all household types, including older adult households, worst case needs increased between 2009 and 2019 by 9%.

A 2021 report from the Urban Institute, *The Future of Headship and Homeownership*, looks at the rise in older adult renter households with low incomes. Over the next 20 years, almost all future net household growth will be among older adult households. There will be a 16.1 million net increase in households formed between 2020 and 2040, and 13.8 million of these households will be headed by someone older than 65, reflecting the nation's aging population. Of the 13.8 million new older adult households, 40%



(5.5 million) will be renter households. Of these, the Urban Institute projects, 1.3 million will be new Black older adult renter households. This will double the number of the nation's Black older adult renter households, from 1.3 million in 2020 to 2.6 million in 2040.

The need for affordable housing is also demonstrated by the rise in homelessness among older adults. According to HUD's *2017 Annual Homeless Assessment Report (AHAR): Part 2*, the share of people experiencing homelessness who are older adults almost doubled, from 4.1% to 8%, between 2007 and 2017. The Joint Center for Housing Studies of Harvard University's *Housing America's Older Adults 2019* reports that 5 million older adult households aged 65 and over are severely cost burdened, spending more than half of their incomes on housing.

## PROGRAM SUMMARY

The Section 202 Supportive Housing for the Elderly program provides funds to nonprofit organizations, known as sponsors, to develop and operate senior housing. Many Section 202 project sponsors are faith-based or fraternal organizations.

Section 202 tenants generally must be at least 62 years old and have incomes less than 50% of the area median income (AMI) qualifying them as very low-income. Some facilities have a percentage of units designed to be accessible to non-elderly persons with mobility impairments or may serve other targeted disabilities. In 2021, the average annual household income of a Section 202 household was \$14,272.

Today, 17% of Section 202 residents are 80+ and, 49% of Section 202 households are non-white, two characteristics that make Section 202 residents at greater risk from COVID-19. Further, HUD said several years ago that 38% of Section 202 residents are frail or near-frail, a figure that has likely only increased as people age in their homes longer.

In the Section 202 program, the capital advance covers expenses related to housing construction and Project Rental Assistance Contract provides

the ongoing operating assistance to bridge the gap between what residents can afford to pay for rent (about 30% of their adjusted household incomes) and what it costs to operate high quality housing. Both the capital and operating funding streams are allocated to nonprofits on a competitive basis, through a HUD Notice of Funding Availability (NOFA).

As noted in the programs name, HUD's Section 202 program is also "supportive" housing in that it aims to help people age in community. Service Coordinators play a key role in this. The Centers for Disease Control included HUD's Section 202 Supportive Housing for the Elderly program in its Pharmacy Partnership for Long Term Care COVID-19 vaccination clinics roll-out in December 2020. Along with nursing homes and assisted living, the CDC understood that Section 202 residents must also be included in the Pharmacy Partnership for Long Term Care's first line of COVID-19 vaccination clinics. In doing so, they understood that most HUD Section 202 residents would be in assisted living if they could afford it and, because of the lack of affordable assisted living, some Section 202 residents would be in a nursing home but for the Section 202 program. In short, the Section 202 program meets national and state goals of allowing people to live in the least restrictive setting possible.

### Capital Funding

The first component of the Section 202 program provides capital advance funds to nonprofits for the construction, rehabilitation, or acquisition of supportive housing for seniors. These funds are often augmented by the HOME program and by Low-Income Housing Tax Credit debt and equity to either build additional units or supplement the capital advance as gap financing in so-called mixed-finance transactions.

After several years of no new NOFA, HUD issued a \$51 million NOFA for new Section 202 homes in 2019, which resulted in 18 awards to nonprofits in 2020 for the construction of 575 Section 202/PRAC homes. A NOFA was issued in January 2021 for an additional \$151 million for new Section 202 homes; by January 2022, HUD had

awarded \$158 million in this round of funding for new Section 202 homes developed in 34 communities.

Given the current and growing need for affordable senior housing, Congress must greatly expand its commitment to senior housing.

### **Operating Funding**

The second program component provides rental assistance in the form of PRACs or PBRA to subsidize the operating expenses of these developments. Residents pay rent equal to 30% of their adjusted income, and the PBRA or PRAC makes up the difference between this tenant rental income and operating expenses. Of the country's 6,957 Section 202 communities, 4,074 receive their operating subsidy from PBRA and 2,993 receive their operating subsidy from PRAC.

In addition to the core components of the Section 202 program, HUD administers complementary programs that have been established by Congress to help meet the needs of seniors aging in place:

1. A Service Coordinators grant program to fund staff in Section 202 buildings to help residents to age in place. According to the Government Accountability Office, about half of Section 202 properties have a Service Coordinator funded as part of their Section 202 annual operating budgets ("budget-based Service Coordinators") or through HUD grants ("grant-funded Service Coordinators"). Service Coordinators assess residents' needs, identify and link residents to services, and monitor the delivery of services.
2. The Supportive Services Demonstration/Integrated Wellness in Supportive Housing demonstration in HUD-assisted multifamily housing, a \$15 million demonstration at 40 Section 202 communities to help their low-income senior tenants to age in their own homes and delay or avoid the need for nursing home care. In 2020, Congress extended this demonstration for two years until September 2022.

## **FUNDING**

The FY22 spending bill provided \$1.033 billion for Section 202. In FY21, Congress appropriated \$855 million for Section 202, providing \$52 million for new construction. This amount also funds the renewal of grant-funded Service Coordinators and provided \$5 million for a revived intergenerational housing program. This intergenerational housing program, authorized in 2003, resulted in awards for two properties in 2008.

The House-passed "Build Back Better Act" included \$500 million for about 7,000 new Section 202 homes.

## **FORECAST FOR 2022**

The Biden Administration has made clear its intention to support expansion of affordable housing, including affordable senior housing. Any future reconciliation act must include significant resources to expand the supply of affordable senior housing.

With the 2021 launch of the HUD/HHS [Housing and Services Resource Center](#), the Administration will work to break down silos to connect HUD-assisted residents with the services they need to age in community, and HUD and HHS will coordinate to improve access to affordable, accessible housing and the critical services that make community living possible.

HUD will continue its work to distribute COVID Supplemental Payments from the March 2020 "CAREs Act" to reimburse multifamily communities for COVID-related expenses.

Connecting historic broadband resources from the "Infrastructure Investment and Jobs Act of 2021" to affordable senior housing communities will also be a key issue for 2022 and will ensure residents take advantage of that act's new Affordable Connectivity Program.

### **New Section 202 Units**

Advocates asked Congress for at least \$600 million in new Section 202 capital advance and operating funds. This amount is in line with historic funding of this critical program prior to

the program being zeroed out after FY11.

## **RAD for PRAC**

After Congress's authorization in 2018 to expand HUD's Rental Assistance Demonstration for Section 202 communities with Project Rental Assistance Contracts (dubbed "RAD for PRAC"), HUD officially issued implementing guidance in September 2019 and the first RAD for PRAC deal closed in August 2020. There are 125,000 apartment homes within HUD's 202/PRAC portfolio. Section 202/PRAC owners continue to assess their capital needs and whether RAD for PRAC makes sense for them as a preservation tool. Unlike Section 8-funded communities, PRAC communities cannot take on debt. This left many aging 202/PRACs financially unprepared to preserve themselves for future households and paved the way for RAD for PRAC authorization. Getting the right rent levels upon conversion, ensuring service coordination is robust, and retaining nonprofit ownership over the long haul are critical components of RAD for PRAC.

## **WHAT TO SAY TO LEGISLATORS**

Advocates concerned with senior housing issues should ask their Members of Congress for the following:

- At least \$600M for approximately 6,200 new Section 202 Supportive Housing for the Elderly homes.
- Funding for new three-year Service Coordinator grants and to increase funding budget-based Service Coordinators.
- Full renewal funding for rental assistance contract renewals (Project-Based Rental Assistance and Project Rental Assistance Contracts) and Service Coordinator grant renewals.
- Improvements to support successful RAD for PRAC conversions.

## **FOR MORE INFORMATION**

Linda Couch, Vice President, Housing Policy,  
LeadingAge, [lcouch@leadingage.org](mailto:lcouch@leadingage.org), [www.leadingage.org](http://www.leadingage.org).



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 14:  
RURAL DEVELOPMENT SECTION 515  
LOW INCOME HOUSING  
LOAN PROGRAM**



# Rural Rental Housing Loans (Section 515)

September 2002

The Rural Housing Service (RHS) is a part of Rural Development (RD) in the U.S. Department of Agriculture (USDA). It operates a broad range of programs that were formerly administered by the Farmers Home Administration to support affordable housing and community development in rural areas. RHS both provides direct loans (made and serviced by USDA staff) and also guarantees loans for mortgages extended and serviced by others.

The RHS National Office is located in Washington, D.C., and is responsible for setting policy, developing regulations, and performing oversight. RHS employs a central collection and servicing center in St. Louis, Mo. and a computerized system called DLOS for Section 502 direct and Section 504 loans. In the field, RHS operations are carried out through the USDA's RD offices. Each RD State Office administers programs in a state or multistate area. The organization of Rural Development offices within a state varies, but typically Area or District Offices supervise Local Offices (also termed county or community development offices) and do the processing and servicing of organizational loans and grants. Local Offices process single family housing applications, assist District Offices with organizational applications and servicing, and provide counseling to applicant families and backup servicing as needed.

## PROGRAM BASICS

Rural Rental Housing Loans are direct, competitive mortgage loans made to provide affordable multifamily rental housing for very low-, low-, and moderate-income families, elderly persons, and persons with disabilities. This is primarily a direct housing mortgage program; its funds may also be used to buy and improve land and to provide necessary facilities such as water and waste disposal systems.

## ELIGIBLE ACTIVITIES

**Ownership:** Individuals, partnerships, limited partnerships, for-profit corporations, nonprofit organizations, limited equity cooperatives, Native American tribes, and public agencies are eligible to apply. For-profit borrowers must agree to operate on a limited-profit basis (currently 8 percent on initial investment). Borrowers must be unable to obtain credit elsewhere that will enable them to charge rents affordable to low- and moderate-income tenants.

**Tenancy:** Very low-, low-, and moderate-income families; elderly persons; and persons with handicaps and disabilities are eligible to live in Section 515-financed housing. Very low income is defined as below 50 percent of the area median income (AMI); low income is between 50 and 80 percent of AMI; moderate income is capped at \$5,500 above the low-income limit. Those living in substandard housing are given first priority for tenancy. When rental assistance is used, top priority is given to very low-income households. As of January 1, 2002, the average income of tenants was \$8,028, or 25.9 percent of AMI. Incomes of tenants receiving rental assistance averaged \$6,458, or 20.8 percent of AMI.

**Competitive Applications:** Rural Development State Directors use needs criteria to establish a list of targeted communities for which applicants may request loan funds. A list of these communities is published in a Notice of Funding Availability (NOFA). The applications are then rated competitively in order to select recipients. In fiscal year 2002 only \$49 million was available for new loans.

Rural Housing and  
Economic Development Gateway  
1-877-RURAL-26 (1-877-787-2526)  
[www.hud.gov/ruralgateway/](http://www.hud.gov/ruralgateway/)  
U.S. Dept of Housing & Urban Development  
451 7th Street, S.W., Room 7137  
Washington, DC 20410

---

## PROJECT REQUIREMENTS

Loans are for up to 30 years at an effective 1 percent interest rate and are amortized over 50 years. A current rate is used for the promissory note but thereafter is used only to determine maximum rent payments. Tenants pay basic rent or 30 percent of adjusted income, whichever is greater. RHS rental assistance subsidy can be used to limit tenant payments to 30 percent of their income.<sup>1</sup> Loans made through contracts entered into on or after December 15, 1989 cannot be prepaid. Owners may obtain guaranteed equity loans after 20 years as an incentive for participation.

### *Standards*

RHS site standards, CABO Model Energy Code, and voluntary national model building codes apply. When moderate rehabilitation is involved, a separate RHS standard is used. RHS maintains square foot ranges by number of bedrooms to limit unit size. Projects must be designed to have two or more units per building.

### *Variations*

There are four variations of the Section 515 loan program. They are Cooperative Housing,<sup>2</sup> Downtown Renewal Areas, Congregate Housing or Group Homes for Persons with Disabilities, and the Rural Housing Demonstration Program.

### *Approval*

RD State Directors use needs criteria to establish a list of targeted communities for which applicants may request loan funds. The applications are then rated in order to select recipients. District Directors have the authority to approve loans of up to \$500,000. Loans of up to \$1,500,000 must be approved by State Directors. All requests for loans above \$1,500,000 must be reviewed by the RHS National Office.

### *Basic Instruction*

Instructions 1944-E and 1930-C. RHS is developing a proposed rule that will "reinvent" these instructions.

## FOR MORE INFORMATION

For additional information on Section 502 self-help and RHS, contact the RHS National Office, 1400 Independence Avenue, S.W., Room 5037S, Washington, D.C. 20250; 202-720-4323. Contact your Rural Development State Office to find out the location of the Local Office closest to you, or visit [www.rurdev.usda.gov/recd\\_map.html](http://www.rurdev.usda.gov/recd_map.html). Copies of RHS regulations are available online at <http://rdinit.usda.gov/regs>.

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<sup>1</sup> For more information, see the HAC Information Sheet on the Rural Rental Assistance Program.

<sup>2</sup> For more information, see the HAC Information Sheet on the Rural Cooperative Housing Loan Program.



**HOUSING TASK FORCE  
RECOMMENDATIONS**

**EXHIBIT 15:  
HOUSING CO-OP CASE STUDY:  
PORTLAND, MAINE**



## New Housing Co-op in Portland Maine is approved by the City!

*Written By Julian Rowand, Arthur Sabiti and Jonah Fertig-Burd*

CDI has been working to develop new limited equity housing co-ops in Greater Portland, Maine. This work has accelerated this year with new partnerships, support from the City and a successful proposal for Portland's first housing co-op. In March, CDI, Raise Op Housing Co-op from Lewison and UHAB (United Homesteading Assistance Board) from NYC, presented to the City of Portland's Housing and Economic Development Committee about the potentials of cooperative housing to address the affordable housing crisis in Portland. The City then issued a Request for Proposals for three pieces of City-owned land which included a preference for Cooperative Housing and Community Land Trusts.

We started to partner with a team of local developers, now called the Maine Cooperative Development Partners, to put forward a proposal for two of those pieces of city-owned land on Douglass St and Lambert St. Maine Cooperative Development Partners put together an amazing team including an established local developer, architects, landscape architects, engineers and others to develop the proposal and engaged neighbors and the local neighborhood association in two virtual design charrettes. CDI staff, Julian Rowand, Arthur Sabiti and Jonah Fertig-Burd supported this process and have started to organize potential residents, including many people from the immigrant community, into a steering committee that will develop the housing co-ops.

Search

### News & Updates

Cooperative Business Development Specialist Job Opening August 30, 2022

Job Posting: Cooperative Housing Specialist, MA August 29, 2022

[In the News] New England ROCs make headlines this week. August 5, 2022

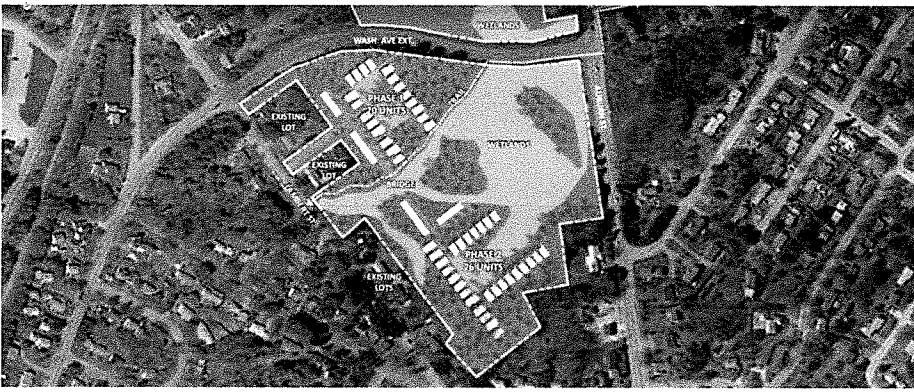
Check out our Year in Review! August 4, 2022

Royal Crest residents purchase their manufactured housing community, securing an affordable and cooperative future July 29, 2022



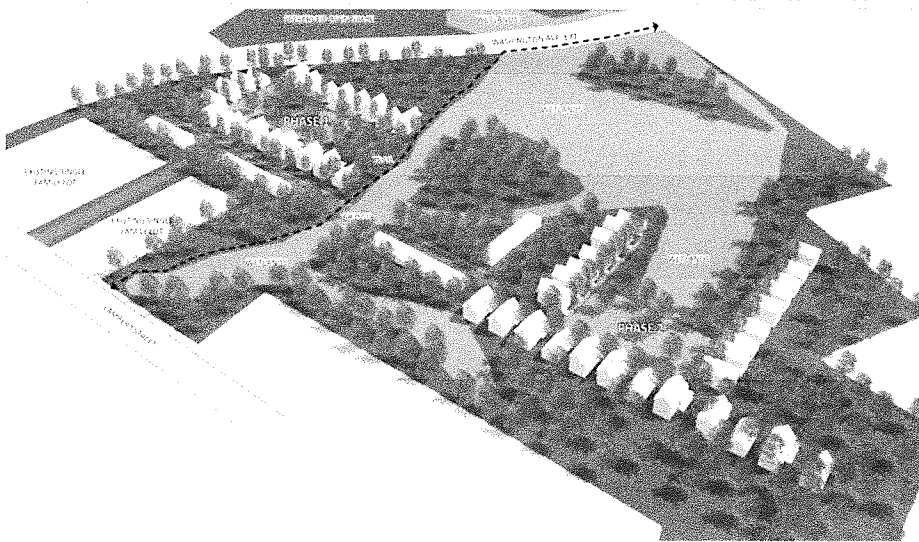
In July, the Housing Committee supported both of the co-op proposals and forwarded the decision to the Economic Development Committee. Later in the month the Economic Development Committee approved the **Lambert Village Co-op** to move forward to negotiate with the city for the 13 acres site on Lambert St. This will be the first of its kind in Maine, a new construction housing co-op featuring 52 energy efficient homes surrounded by green space with plenty of shared outdoor space for residents. The housing co-op is targeted for folks making 60-100% of the Area Median Income (AMI) and it will provide permanent affordability and home ownership for low income earners. The development of this project will be led by Maine Cooperative Development Partners with CDI organizing the co-op formation efforts and providing technical assistance support for the co-op members and board when it opens.

In August, the Economic Development Committee will make a decision about the Douglass St property. **Douglas Commons** is a partnership with Maine Cooperative Development Partners and the Szanton Company, with support from CDI. This project will provide a total of 108 units that include 52 unit affordable rental apartment building that will be affordable to people making 50-60% of AMI, developed by the Szanton Company and the Maine Cooperative Development Partners will build 56 units of cooperative housing that will be affordable to members of the co-op that making 60-100% of AMI. Additionally the proposal has shared space, a community garden, solar panels, and is adjacent to a City park. Another development team has proposed a project with affordable rental apartments and market rate condos.



LAMBERT STREET RFP | CONCEPT PLAN

7/27/20  
 ALSO SEE: [illegible]



LAMBERT STREET RFP | 3D ARCHITECTURAL RENDERING


7/27/20  
 ALSO SEE: [illegible]


CDI is really excited to expand our housing work into a new area with new partners. Affordable housing is a crisis for our region and country and we need models that will work in our Cities, Suburban and Rural Communities. We are excited to build upon the experience that we have with the ROC model to now work to build new housing in Portland that is owned by the residents and provides permanent affordability. These new housing co-ops will be economically and racially diverse and inclusive and the leadership team at CDI and within the community is reflecting that diversity.

Tagged on: affordable housing douglas commons economic development committee energy efficient housing housing cooperative immigrant community lambert village cooperative maine cooperative development partners portland maine szanton company

[Press Release] US Senate Could Make a Huge Difference in Housing Crisis by Voting to Fund PRICE →

## One thought on “New Housing Co-op in Portland Maine is approved by the City!”

 Barbara Bailey

 August 13, 2020 at 7:14 pm

 [Permalink](#)

This is exciting! I am recently retired from work as the finance director of a non-profit affordable housing developer and have been one of the developers of the first cohousing community in Iowa City, Iowa.

We have two 4-plex buildings left to build and would like to look at creating a housing coop to own one or more of those buildings. Some of the units would be limited equity and available to occupants with incomes up to 80% of the area median income (about \$55K for a one person household).

I am very interested in looking at your project as a model. Would it be possible to look at a proforma, project description or other document that would provide a big picture perspective? If we're ok'd to move ahead with this we might have more detailed questions.

Do you know of any organization similar to CDI that serves the Midwest?

Thanks for any response!

Comments are closed.

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CDI is an equal opportunity provider and employer.

## Recent Posts

Cooperative Business Development Specialist Job Opening **August 30, 2022**

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Job Posting: Cooperative Housing Specialist, MA **August 29, 2022**

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[In the News] New England ROCs make headlines this week. **August 5, 2022**

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## Search



## Contact

**1-877-NE-COOPS**  
413-665-1271  
Fax: 413-541-8300  
Email: [info@cdi.coop](mailto:info@cdi.coop)

Mailing Address:  
Cooperative Development Institute  
P.O. Box 1051  
Northampton, MA 01061-1051



# ITEM

# 23-008

To hear a report from the Lands & Conservation Commission  
re: Rines Forest Management Plan and to consider and act on acceptance  
of the plan

# FOREST MANAGEMENT PLAN



**Property of:**

Town of Cumberland  
290 Tuttle Road  
Cumberland, Maine 04021  
(207) 829-5559

**Woodland Location**

Town: Cumberland, Maine  
County: Cumberland  
Tax Map R05 Lots 23 and 23A  
Parcel Names: Rines, Rines II, Godsoe, Milliken  
Forested Acreage: 303+/- acres  
Non-Forested Acreage: 0+/- acres

**Plan Prepared By:**

**Paul Larrivee – State of Maine LF#3306**  
**207 Forestry Consulting Services, LLC**  
**PO Box 181**  
**New Gloucester, Maine 04260**  
**[Paul.larrivee@gmail.com](mailto:Paul.larrivee@gmail.com)**  
**(207) 431-6153**

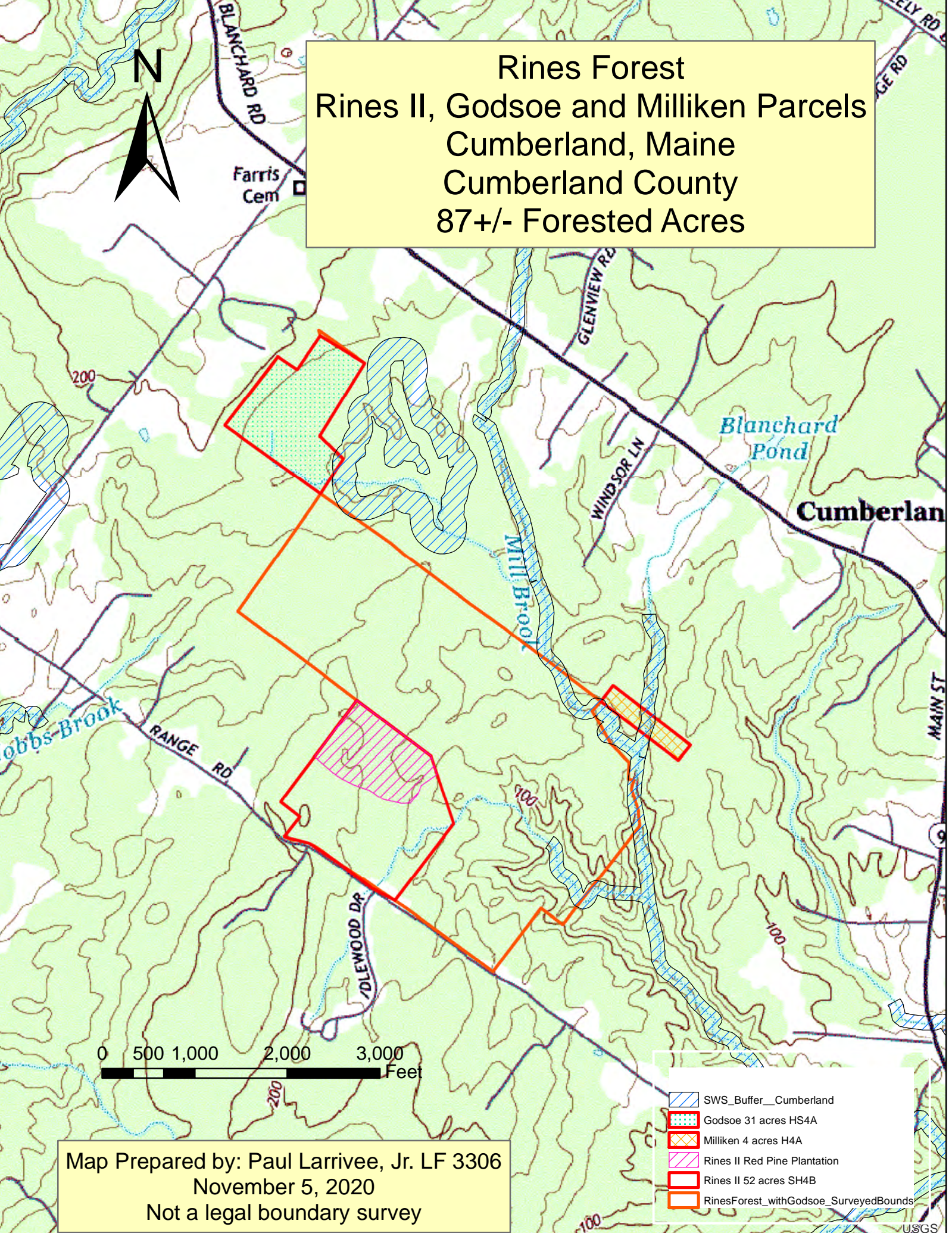
**Plan Date: September 20, 2021**







**Planning Period: September 2021 to September 2031**

This management plan was prepared to meet the requirements of The Maine Forest Service's Woods Wise Program, The Maine Tree Growth Tax Law Program and the American Tree Farm System. There should be no need to update the original plan until 2031 unless the landowner's management objectives change or some natural disturbance occurs such as insect or disease



Rines Forest  
 Rines II, Godsoe and Milliken Parcels  
 Cumberland, Maine  
 Cumberland County  
 87+/- Forested Acres

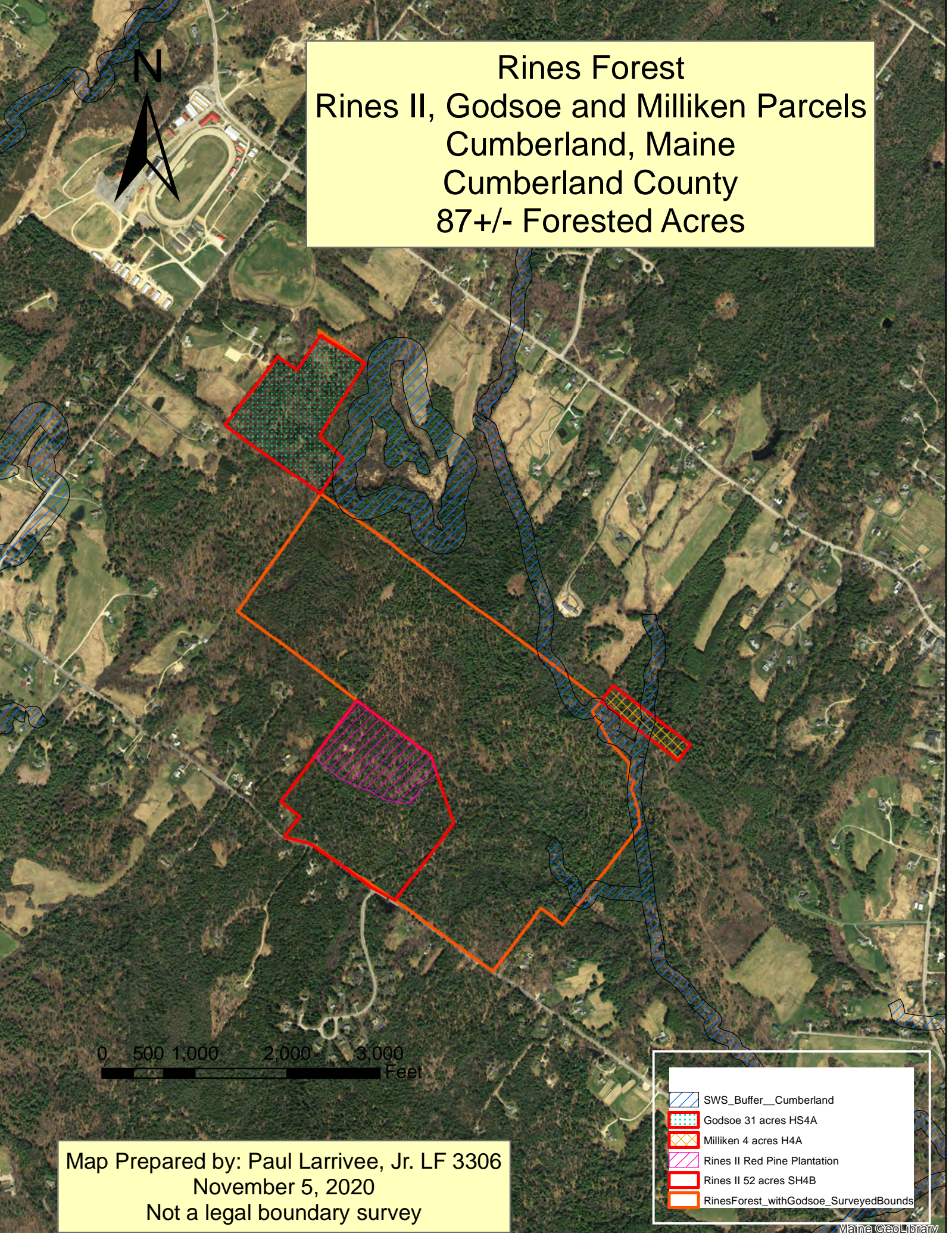


-  SWS\_Buffer\_Cumberland
-  Godsoe 31 acres HS4A
-  Milliken 4 acres H4A
-  Rines II Red Pine Plantation
-  Rines II 52 acres SH4B
-  RinesForest\_withGodsoe\_SurveyedBounds

Map Prepared by: Paul Larrivee, Jr. LF 3306  
 November 5, 2020  
 Not a legal boundary survey



Rines Forest  
Rines II, Godsoe and Milliken Parcels  
Cumberland, Maine  
Cumberland County  
87+/- Forested Acres



0 500 1,000 2,000 3,000 Feet

- SWS\_Buffer\_\_Cumberland
- Godsoe 31 acres HS4A
- Milliken 4 acres H4A
- Rines II Red Pine Plantation
- Rines II 52 acres SH4B
- RinesForest\_withGodsoe\_SurveyedBounds

Map Prepared by: Paul Larrivee, Jr. LF 3306  
November 5, 2020  
Not a legal boundary survey



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### Schedule of Recommended Activities:

<b>Activity Name</b>	<b>Extent</b>	<b>Recommended Time</b>	<b>Stand Location</b>	<b>Cost/Income</b>	<b>Priority</b>
<b>IPM Plan for Buckthorn and Invasives</b>		ASAP	Rines and Rines II	?	Very High
<b>Boundary Line Maintenance</b>	3 – 4 miles	2022-2032	All	\$700/mile	High
<b>New Gate for Access Road</b>	1	2022-2025	Rines II	?	Moderate
<b>Examine acquiring access for harvesting equipment</b>	Godsoe Milliken	2022-2025		?	Moderate
<b>Potential Selection Harvest if access is secured and invasives plan implemented</b>	20 acres	2026-2032	Godsoe	\$5,000 - \$7,500	Low

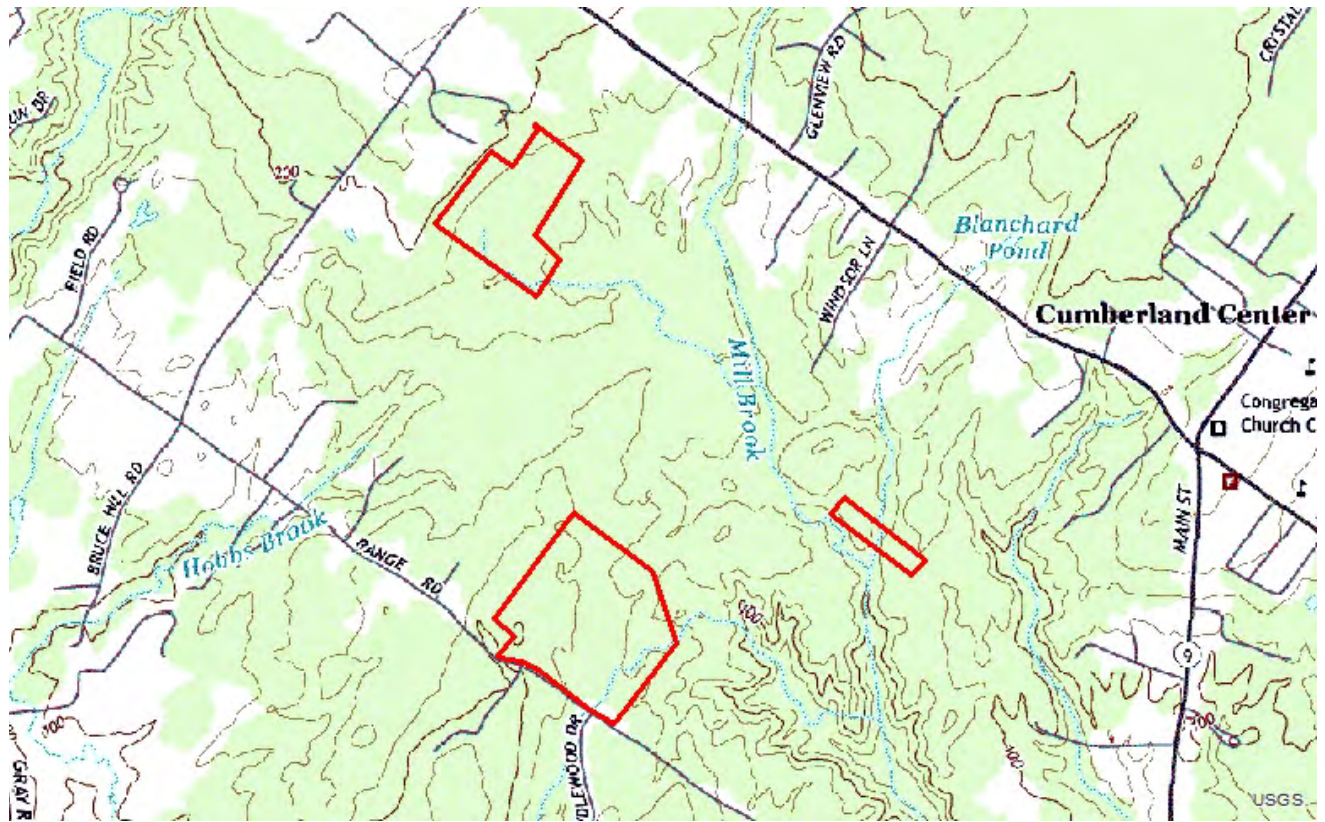
## Introduction

This management plan was prepared to meet the requirements of the Maine Forest Service’s Woods Wise Program, Maine Tree Growth Tax Law Program and the American Tree Farm Program. There should be no need to update this plan until 2032 unless the landowner’s management objectives change or some natural disturbance occurs such as insect or disease. This management plan is intended to cover forest management decisions on the Rines II, Godsoe and Milliken Parcels, all three associated with the most recent expansion of the Rines Forest. This plan is intended to serve as a guiding document for 20 years while being revisited in 10 years for necessary updates.

This plan is intended to be a “living” document to guide forest management decisions in order to meet the Rines Forest Principles and Objectives as outlined in the management plan dated December 14, 2020. It is important to remember that conditions may change, such as major storms, insect or disease, or new regulations, that require modification of this plan during the planning period (next twenty years). Having the best written forest management plan is no replacement for having a good working relationship with a forester.

## Parcel Location

The Rines Forest is an undeveloped parcel, approximately 300 acres in size, located off of Range Road in the Town of Cumberland, Cumberland County, Maine. The Rines Forest comprises 268 acres previously owned by the Rines family, 30 acres previously owned by the Godsoe Family, and 4 acres previously owned by the Milliken Family. The conservation easement held by the Chebeague & Cumberland Land Trust encumbers the 268-acre portion previously owned by the Rines family. The original 216 acres acquired from the Rines family has an active forest management plan prepared by IFM in 2009. This management plan will cover forest management decisions for the Rines II, Godsoe and Milliken additions to the Rines Forest.



## Parcel History

The largest portion of the Rines Forest was owned by the Dale and Elizabeth Rines. In 1918, J. Henry Rines, Dale's grandfather, combined several parcels of land totaling 275 acres along Range Road. The original 216-acre Rines Forest Parcel was acquired by the town of Cumberland in 2003. In 2019 the town purchased the remaining 52 acres piece owned by Dale and Elizabeth Rines (Reference is made to Book 36185 Page 83 in the Cumberland County Registry of Deeds). The town was gifted 31 acres owned by the Godsoe Family in 2013 (Reference is made to Cumberland County Registry of Deeds Book 31223 Page 96). In 2016 Roger and Margo Milliken donated 4 acres of woodland (Reference is made to Cumberland County Registry of Deeds Book 33344 Page 299).

For approximately twenty years the Rines family maintained the property for farming and supporting their livestock. In 1941, Dale Rines' grandfather decided to return the property to forest land. Seventy acres of open fields were planted with red pine and white spruce. Up until the 1960's the forest grew and was pretty much left alone until the Rines family began to thin the forest. It was also at this time when the forest's major woods roads were built by Dale Rines and his father. This enabled the Rines family to harvest wood from the front to the rear of the lot. In more recent years Dale Rines, a forest engineer by training, has managed the property by thinning and selectively harvesting trees as well as maintaining the land. The result is a healthy working forest.

Rines Forest is a typical forest for southern Maine; its composition shaped by past agricultural use, weather events and logging activity. Stonewalls and old wire fence witnessed indicate that the majority of the property was used as agricultural land. Much of this agricultural land abandonment began in the early 1900s as farming activity transitioned west. The forest appears to have been actively managed with selective harvests. The forest management activities were well executed which has resulted in well stocked stands of higher-than-average quality timber.

## Landowner's Goals and Objectives

The town of Cumberland developed Management Guiding Principles for Town Forests which may be appropriate for active forest management activities. These principles were adopted by the Cumberland Town Council on December 14, 2020. Cumberland's Guiding Principles State:

“The Town of Cumberland owns multiple properties that are forested and may be appropriate for active forest management. Below is a list of forest management goals for all primary town-owned forest sites, including as of 2020 the Town Forest, Rines Forest, Knights Pond, and Twin Brook. This list refers specifically to forest management and related activities and not to all other management considerations that are pertinent to each site, such as what types of use are allowed. That will be covered in the other parts of the Management Plan for each property. A site-specific Forest Management Plan shall be developed for each primary forest site that is consistent with these guiding principles and is designed to protect and reflect the unique characteristics of each of the town's forested properties (such as landscape setting, geography, important natural resources, and public use). The Town will strive to manage the town's forests as models of a well-managed community forest.

- Maintain and protect productive soils and water quality, including using Stream Smart crossings, with a particular emphasis on the Mill Creek and Presumpscot River watersheds (see Maine Forest Service 2017 Water Quality BMPs).
- Protect special ecological features and functionality intrinsic to each Forest (i.e., rare plant or animal sites, wetlands, riparian areas, vernal pools, deer wintering areas, rare or exemplary natural communities, late successional forests, dead and downed wood, etc.).
- Manage forest stands in a manner that maintains or improves habitat and the overall biodiversity of native plant communities and fish and wildlife species to the extent possible. Particular emphasis will be on maintaining and expanding structurally complex, mature portions of the forest, balanced by special and unique areas, small gaps of early successional habitat, and reserve areas. Two programs that can help guide this approach are Focus Species Forestry and Forestry for Maine Birds.
- Identify and protect reserve areas as forest stands or compartments which express the following attributes: large blocks of forest, older forest, unusual natural areas (e.g., streams, wetlands, riparian areas, rare natural communities), presence of legacy trees, and topographically or geologically diverse or interesting areas.
- Focus long-rotation silvicultural efforts on stands and compartments with productive soils, good access and of reasonable size and quality. Long-term goals may include increasing structural and species diversity, emphasizing the growth of high-quality sawlogs of commercially important species, promoting the continued sequestration of carbon, and contributing to the local wood products market.
- Maintain resilience of native biodiversity and ecosystem processes in the face of climate change. Increase resilience by managing for multiple age classes; managing for the forest types and species best suited to the site; avoiding conversion to other types (e.g., spruce-fir dominated to hardwood dominated); and using natural regeneration to retain and increase species diversity characteristic of the site and forest type, including the proportion of species predicted to be better adapted to future conditions, such as white pine and red oak. In addition, plan for high-volume runoff by using Stream Smart crossings.
- The actual balance of forest type, age, and silvicultural treatment recommended within each forest should be determined in consideration of the habitat matrix of the surrounding landscape. This would include an analysis of the extent and age-class structure of habitats in the surrounding lands as well as opportunities for maintaining and enhancing both terrestrial and aquatic habitat connections and recreational trail connections; and management opportunities across all town forests. In other words, different properties may be managed for different site-specific goals as long as the sum of the whole meets the overall town's forest management goals.
- Make every reasonable effort to control invasive plant species in the forest while reaching out to adjacent landowners to encourage the same.
- Implement exemplary forest management that is consistent with sustainable forestry standards such as those provided by the Forest Stewardship Council (FSC).
- Strive to keep forest harvesting activities revenue neutral over the long run (this is separate from the cost of managing other activities in the forests such as reducing invasive species, building and maintaining trails, and providing educational signs, etc.).



- Offer quality aesthetic, educational and recreational opportunities to the community for the benefit of the public as long as it doesn't detract from above goals. All trails should be built and maintained to minimize soil erosion and compaction and limit disturbance to fish and wildlife.
- Conduct all harvests in a manner that minimizes impacts to soil, water, and fish and wildlife, including avoiding or minimizing the use of new roads and road-stream crossings; using Stream Smart crossings where crossings are needed; putting unused roads to bed; giving preference to harvesting on frozen ground or dry-soil conditions; avoiding harvesting during peak amphibian and bird nesting times (April 1- July 31); and using appropriate equipment given the silvicultural goals".

The Cumberland Forestry Committee and town forester have spent time exploring Rines II, Godsoe and Milliken while discussing site specific objectives for the additional parcels added to the Rines Forest. Those specific objectives are:

1. Focus on the invasive species issue, especially buckthorn. Do not promote timber harvesting with the existing invasive species component.
2. Locate, blaze and paint boundary lines on the Godsoe and Milliken parcels.
3. Potentially expand the amount of the Rines Forest in Reserve, especially on steep slopes and riparian corridors.
4. It appears that the Godsoe and Rines forest only touch at a common corner. Expanding access from the Rines forest to the Godsoe parcel should be examined.
5. Future timber harvesting should utilize low impact equipment and only be conducted after a comprehensive invasive species strategy is developed.

## Acreage Breakdown

*The following table summarizes total acreage by land use classification:*

<u>Stand</u>	<u>Type</u>	<u>Acres</u>
Rines II		52
Godsoe		31
Milliken		4
<b>Total</b>		<b>87</b>

	<u>Acres</u>
<u>Hrdwd</u>	4
<u>Mxwd</u>	83
<u>Forested</u>	87

## General Conditions of the Woodlot

### General Woodland Description

The Rines Forest is an above average woodland in southern-Maine. Past management activities have focused on improving the stocking of higher quality timber on the lot. It appears multiple entries have been made since the 1960s. The Godsoe property appears to have had much of the hemlock and pine removed adjacent to some of the wetter soils. The Milliken Property had past entries decades ago to remove white pine. The overall stocking is moderate and past removals favored dominant trees. Regeneration exists in openings created during past harvests, though some areas would be considered closed canopy conditions. The forest is a two or possibly three age forest. The youngest age class is currently threatened by invasive species, especially in the most recent harvest areas. The Rines Forest encompasses the following broad major wooded upland types:

- **Oak - Northern Hardwood:** This broad upland forest type dominates the Milliken Property. Oak-Northern Hardwood is described as a mixed upland forest type with red oak and northern hardwoods in the canopy. Some stands are almost entirely deciduous (typically oak-beech), while others are mixed with white pine, spruce, hemlock, or cedar. These are typically closed canopy conditions with a spotty herb or sapling/shrub layer.
- **Red Pine Plantation:** The current collection of stands is dominated by planted red pine. The red pine was planted in the 1940s but was originally a pasture. Due mostly to variations in soil types and hydrology, small pockets of the plantation did not survive and regenerated naturally. The naturally regenerated species include white pine and red oak. This type dominates about 15 acres of Rines II.
- **Hemlock:** This broad upland type is dominated by hemlock. The closed conifer canopy allows little light to the forest floor; therefore, shrubs and herbs are sparse. In Rines II this hemlock type is a co-dominant with red oak, yellow birch, red maple and white pine. The 37 acres of Rines II would be considered this hemlock broad upland type. Most of the Godsoe properties 31 acres would be considered this broad type as well.

### Boundary Lines & Monitoring

Property lines on the Rines II property are in good condition. Boundary evidence including old pipes and blazes were found in most areas. Based on limited research in the registry of deeds, I found a survey completed for the Godsoe Parcel (Cumberland County Registry of Deeds Plan Book 219, Page 510).

The current boundary line evidence is as follows:

- The Rines II parcel only has one external boundary line (north-western line). Old blazes and paint were found along this line.
- The Milliken Parcel only connects to the Rines Forest at one point. Boundary evidence is abutter signs and old ribbon. Some survey corner markers were located.
- The Godsoe parcel has been surveyed. However, on the ground there is very little boundary evidence on any of the lines.

The Rines II external lines exist and just need maintenance. The Godsoe and Milliken lines need to be located on the ground, blazed and painted. Blazing and painting greatly reduces the likelihood of future expensive survey costs. Existing corner pins should be noted and highlighted with paint.

### Terrain/Hydrology

Several streams run through the Rines Forest, the largest being Mill Brook, which begins at Knight's Pond and eventually feeds into the Piscataqua River, which then feeds into the Presumpscot River and then Casco Bay. Several Mill Brook tributary streams exist. One begins on the Godsoe Property along the southern boundary line. A

tributary from Blanchard Pond bisects the Milliken Parcel and intercepts with Mill Brook just south of the Milliken Parcel. Finally, a tributary travers parallel and along the eastern boundary line of Rines II. This tributary intersects with Mill Brook just east of the Rines Forest. These generally flow down rocky beds between upland ridges and carry especially heavy flows during and after large rainstorms. The streams are generally clear except following rainstorms or snowmelt.

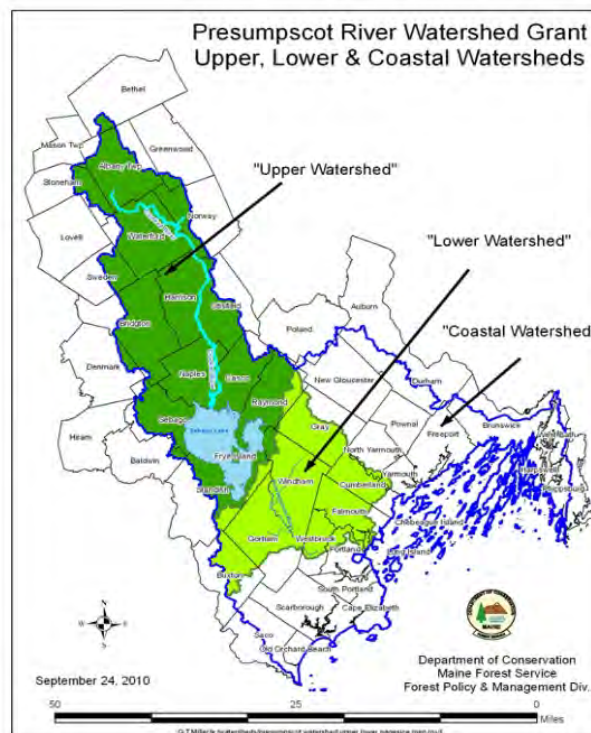
The Rines II parcel has large sections of relatively flat sandy soils and terrain where the red pines were planted. The Milliken Parcel is flat with a bisecting ravine associated with the Mill Brook Tributary. The Godsoe Parcel is relatively flat with some small forested wetlands in southern portions of the lot.

When planning a timber harvest, it is important to recognize the significance of these water features and conduct harvesting operations during very dry or frozen conditions. All applicable forestry BMPs should be implemented during future harvesting activities. As well, Maine Forest Service Statewide Standards for timber harvesting apply to some of these water features and regulate harvesting activities adjacent to them (see map). It is recommended that a licensed forester mark timber for removal in these areas.

### Watershed – Name/Positions

In taking a state wide watershed view, this parcel is located within the Presumpscot River Watershed. More specifically the Rines Forest is located within the “Lower Watershed”. This watershed feeds clean water to the 30,000-acre Sebago Lake. Sebago Lake in turn is responsible for supplying clean drinking water to 16% of Maine’s population as well as countless seasonal visitors.

It is important that the town of Cumberland be aware of the Sebago Clean Waters Program that exists and their mission to expand the amount of conserved forestland within the watershed. Currently only about 11% of the Sebago Lake Watershed is conserved. Their goal is to expand that percentage to 25%. More information can be found at their website; [www.sebagocleanwaters.org](http://www.sebagocleanwaters.org)



## Soils Information

See attached Soils Information and Soils Map. Soils map and data extracted from the Natural Resource Conservation Service Web Soil Survey. The major classification is Lyman-Tunbridge complex, 0 to 15% slope, rocky. Below is a summary of soils for forest management purposes. The first chart is related to the soils site quality for some of the predominant species associated with the lot. More information can be found at: <http://websoilsurvey.nrcs.usda.gov>

## Site Index

Site index is a measure of a forest's potential productivity. Site index is usually defined as the height of the dominant or codominant trees at a specified age in a stand. It is calculated in an equation that uses the tree's height and age.

<u>Soil Series</u>	<u>White Pine</u>	<u>Red Pine</u>	<u>Red Oak</u>
BgB	-	-	-
BuB	-	-	-
BuC2	-	-	-
DeB	-	-	-
HIB	61	54	49
HIC	61	54	49
HrB	56	-	53
HrC	56	-	53
Sn	-	-	-
SuE2	62	-	60
WmB	-	-	-
WmC	57	61	52

## Factors Affecting Forest Management

<u>Soil Series</u>	<u>Erosion Hazard</u>	<u>Soil Rutting Hazard</u>	<u>Windthrow Hazard</u>
BgB	Moderate	Severe	Moderate
BuB	Moderate	Severe	Moderate
BuC2	Severe	Severe	Moderate
DeB	Moderate	Moderate	Moderate
HIB	Moderate	Moderate	Slight
HIC	Moderate	Moderate	Slight
HrB	Moderate	Severe	Severe
HrC	Severe	Severe	Severe
Sn	Slight	Severe	Moderate
SuE2	Severe	Severe	Moderate
WmB	Slight	Moderate	Slight
WmC	Moderate	Moderate	Slight

Nicholville very fine sandy loam, 0 to 8 percent slopes, (BgB) (+/- 7 acres): The Nicholville series consists of very deep, moderately well drained soils formed in wind or water deposited material having a high content of silt and



very fine sand. They are on lake plains and low benches on uplands. Estimated saturated hydraulic conductivity is moderately high or high. Most areas have been cleared and are used for growing hay, corn, small grain, and vegetable crops. Wooded areas support sugar maple, beech, Northern red oak, and some white pine.

Lamoine silt loams, 3 to 8 percent slopes (BuB) (+/- 5 acres): The Lamoine series consists of very deep, somewhat poorly drained soils formed in glaciolacustrine or glaciomarine deposits on coastal lowlands and river valleys. Slope ranges from 0 to 15 percent. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum. Cleared areas are used mainly for hay or pasture. The remaining areas are forested. Common tree species include eastern white pine, balsam fir, red spruce, white spruce, eastern hemlock, red maple, yellow birch, gray birch, paper birch, sugar maple, alders and aspen.

Buxton Silt Loam, 3 to 8 percent slopes (BuC2) (+/- 1 acres): The Buxton series consists of very deep, moderately well drained soils that formed in glaciolacustrine or glaciomarine deposits on coastal lowlands and river valleys. Slope ranges from 3 to 50 percent. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum. Cleared areas are used mainly for hay, forage crops, or pasture. Some areas are used for silage corn or vegetables. The remaining areas are forested. Common tree species include eastern white pine, balsam fir, paper birch, white spruce, eastern hemlock, and northern red oak.

Deerfield loamy fine sand, 0 to 8 percent slopes, (DeB) (+/- 8 acre): The Deerfield series consists of very deep, moderately well drained soils formed in glaciofluvial deposits. They are nearly level to strongly sloping soils on terraces, deltas, and outwash plains. Mainly cleared and used for truck crops, tobacco, potatoes, hay, pasture and silage corn. Forested areas have pitch pine, white pine, gray birch, red maple, oaks, and sugar maple. Many areas are in urban uses.

Hinkley loamy sand, 3 to 15 percent slopes, (HIB, HIC) (+/-17 acres): The Hinckley series consists of very deep, excessively drained soils formed in glaciofluvial materials. They are nearly level through very steep soils on outwash terraces, outwash plains, outwash deltas, kames, kame terraces, and eskers. Saturated hydraulic conductivity is high or very high. Most areas are forested, brush land or used as urban land. Northern red, black, white, scarlet and scrub oak, eastern white and pitch pine, eastern hemlock, and gray birch are the common trees. Unimproved pasture and idle land support hardhack, little bluestem, bracken fern, sweet fern, and low bush blueberry.

Lyman-Tunbridge complex, 0 to 15 percent slopes, rocky (HrB, HrC) (+/-22 acres): The Lyman series consists of shallow, somewhat excessively drained soils on glaciated uplands. The Tunbridge series consists of moderately deep, well drained soils on glaciated uplands. Mostly forested, principal species include sugar maple, yellow birch, paper birch, eastern white pine, eastern hemlock, balsam fir, and white spruce.

Scantic Silt Loams (Sn) (+/- 3 acres): The Scantic series consists of very deep, poorly drained soils formed in glaciomarine or glaciolacustrine deposits on coastal lowlands and river valleys. Slope ranges from 0 to 8 percent. Saturated hydraulic conductivity of the surface and subsurface horizons is moderately high or high and low or moderately slow in the subsoil and substratum. Mostly idle or woodland, some areas are used for growing hay and pasture. Common tree species include red maple, elm, gray birch, white ash, balsam fir, red and white spruce, tamarack, and some eastern white pine.

Suffield silt loam, 25 to 45 percent slopes, eroded (SuE2) (+/- 3 acres): The Suffield series consists of very deep, well drained soils formed in lacustrine or marine sediments. They are mainly on gently sloping to very steep dissected plains. The soils formed in marine or lacustrine sediments consisting of a silt loam mantle over silty clay loam or silty clay materials. Mostly areas are cleared and are used for growing grass and legume hay, pasture, and corn silage. Common forest trees are sugar maple, oak, elm, white pine, and hemlock.

Windsor loamy sand, 0 to 15 percent slopes (WmB, WmC) (+/-12 acres): The Windsor series consists of very deep, excessively drained soils formed in sandy outwash or eolian deposits. They are nearly level through very steep soils on glaciofluvial landforms. Most areas are forested or in low growing brushy vegetation. Some areas are used for

silage corn, hay, and pasture. Small areas, mostly irrigated, are used for shade tobacco, vegetables and nursery stock. Some areas are in community development. Common trees are white, black, and northern red oak, eastern white pine, pitch pine, gray birch, poplar, red maple, and sugar maple.

### Insects, Disease and Forest Health

As is typical with white pine in the area, some blister rust was witnessed as well as white pine weevil damage, especially in the shallow, rocky, high elevation outcrop areas. Also, with the amount of oak sawtimber present on this parcel, Gypsy moth activity should be monitored. Some gypsy moth egg masses were witnessed during the timber inventory. 16% of the basal area is red oak.

Another situation to monitor is the presence of white pine needle cast which was fairly moderate last year. The needles should be dropped and the trees green again by the beginning of July. The situation will be monitored by the forestry committee and forester. White pine needle cast has been occurring regularly now for roughly the past ten to 15 years. The problem appears to be much worse when the pine trees are in close proximity to waterbodies. 11% of the basal area is white pine.



(Picture Maine Forest Service)

As is typical with American Beech in Maine, Beech bark disease exists throughout the beech on the lot. Beech bark disease has been detected in Maine since the 1930's. The disease is caused by the combination of a scale insect and two necrotic fungi. The complex causes degradation of wood quality and mortality in Beech. It also allows other fungi and insects to enter the trees through the damaged areas it has created. There is no cost-effective approach to controlling beech bark disease in the forest setting. Forest management decisions should factor in the extent of the disease and options for diversifying species composition in heavily infested beech areas. While only 1-2% of the current basal area is beech, it is important to recognize during future management activities that disease resistant beech do exist. It is important to reserve resistant trees for current and future mast trees.



## Scale infested beech

Several insects to be aware of that have the potential to cause damage to timber especially in the southern part of Maine are hemlock wooly adelgid, emerald ash borer and Asian long horned beetle.

- The Asian long horned beetle (ALB), is a woodboring beetle native to China. ALB develops and reproduces within healthy and stressed deciduous hardwood trees, such as maple, birch, horse chestnut, poplar, willow, elm, and ash. Attacked trees will eventually die. Currently, the Asian long horned beetle is known to be in Massachusetts, New York, and Ohio, where quarantines are in place to reduce its spread. It was rediscovered in Toronto, Canada in 2013.
- The emerald ash borer (EAB), *Agrilus planipennis*, is one of the most serious invasive species threatening our ash resources and forests. All species of (*Fraxinus*) ash trees, but not (*Sorbus*) mountain ash, that grow in Maine are susceptible to injury and death by the emerald ash borer. (EAB) was first found in Aroostook County (Madawaska, Frenchville, and Grand Isle), and York County (Acton, Berwick, and Lebanon), ME in 2018. It was detected in Cumberland County (Portland) in October 2019, and several new locations in Cumberland and Oxford County just recently, including Falmouth. Although the ash component is low (1% of the basal area), it is important to be aware of the insect and report any indications to the Maine Forest Service as soon as possible. None was witnessed at this time.
- Hemlock Woolly Adelgid (HWA) is an introduced, aphid-like insect from Asia that attacks eastern hemlock. Many areas infested with HWA display extensive tree decline and mortality. HWA affects all species of hemlock, but does not affect pine, spruce, fir or other conifers. The most obvious sign of HWA is the covering of wool-like wax filaments produced as the insect matures. The woolly masses generally range from about 1/16-inch to 1/8-inch in diameter. They are most visible from late fall to early summer on the undersides of the outermost branch tips of hemlock trees. The closest known population of hemlock wooly adelgid I have witnessed was on Harris Road in Cumberland. Although none was witnessed on the lot during the field work, it is important to be on the lookout as hemlock represents 18% of the lots basal area.

The Rines portion of the forest has a major invasive species issue with Buckthorn. The majority of the red pine plantation area is compromised with Buckthorn. The spread increased after the 2011 timber harvest. The non-plantation areas with a more closed canopy have limited the rate of spread. It is recommended that a long-term plan be developed for handling the invasive species problem on the Rines Forest. Timber harvesting should be paused until a plan to tackle the invasive issue is developed. I believe that any plan will involve mechanical and chemical treatment in order to begin the treatment of this issue. Below is the IPM that was developed with the 2009 Rines Forest Management Plan. This should be updated by the Forestry Committee ASAP.

### *Integrated Pest Management Plan (IPM)*

*Field observations have confirmed the presence of a major infestation of common buckthorn (*Rhamnus cathartica*) or glossy buckthorn (*Frangula alnus*). In some cases, this invasive species has completely taken over large portions of the understory, choking out all other species. The outbreaks seem to be associated both with soil condition (wet areas) and light treatment. Given the widespread nature of this infestation a significant, multi-measure control plan should be considered at this time. Currently, there are no known biological control measures available for buckthorn control as is the case for Purple Loosetrife. The control plan should include a means of mechanically cutting the well-established stems, some of which are 20' tall. Plants this tall cannot be adequately controlled, and increases the risk of applying chemicals off target, if a chemical approach is selected. Further I have identified smaller populations of the significantly less insidious Japanese barberry (*Berberis vulgaris*). These populations should be addressed during the entries where Buckthorn will be the primary target.*

### *IPM Action Plan*

*Mechanically remove as much buckthorn as possible as part of harvest plan (winter 2009)*

*Treat by hand those stems that were missed during harvest. (early spring 2010)*

*Chemically treat sprouts with a quality sub-contractor (fall 2010)*

*Hand pull remaining individual (summer 2011)*

*Monitor and hand pull (ongoing)*

*Please note that the IPM is a living document and will be completed in conjunction with an independent vegetation control expert. Please see the following pages for more information on buckthorn.*

### **Access**

Access to the Rines Forest is sufficient from Range Rd. on an existing access road that originates on the Rines II parcel. Acquiring the Rines II portion of the Rines Forest was key in having adequate timber harvesting access. Access for logging on the Godsoe and Milliken parcels does not exist. There is no way to getting harvesting equipment on those lots. The two parcels only intersect the Rines Forest at a common corner point.

Developing access to these parcels should be considered a top priority. Possible trail easements should be wide enough for harvesting equipment to be able to access the Godsoe and Milliken parcels.

I did not witness any major erosion problems on the current access points. I do however believe a better gate system should be developed at the vehicle access points along Range Road. Last spring some rutting occurred when a vehicle entered the trails system from the access road. Gates should be wide enough for logging trucks to be able to use the access road.

### **Interaction with Surrounding Properties**

The Rines Forest is a major component of a multi-town undeveloped corridor that stretches from the Hadlock Forest in Falmouth to Knight's Pond and Blueberry Hill in Cumberland/North Yarmouth, and is adjacent to CCLT's Frog Pond and Salamander Swamp along Range Road. The current 302-acre Rines Forest is a part of a 900- acre unfragmented forest that is also connected to other natural lands in Falmouth, Cumberland, and North Yarmouth.





## Legal Obligations

Before harvesting timber, landowners should be aware that there are several laws that regulate timber harvesting in the State of Maine. While it would be difficult to explain them in detail, a brief overview has been provided. It is important to remember that the best protection to be assured that all applicable laws will be followed is to contract the services of a consulting forester to help administer the timber sale. Also, it is important to remember that before harvesting occurs, the town of Cumberland should be contacted to verify any new local ordinances exist and to ensure no local laws are violated during the timber harvest. The town of Cumberland is a “Statewide Standards” town under Maine Forest Service jurisdiction. However, the town of Cumberland requires a permit be filed with the CEO prior to beginning any timber harvesting activities in Cumberland.

-Deed restrictions: According to the best available knowledge of the landowner and the forester’s review of the deeds, the property is not subject to deed restrictions which affect forest management activities.

-Easements: The Property is governed by a permanent Conservation Easement held by the Chebeague and Cumberland Land Trust (CCLT) to "protect the Forest's natural beauty, wildlife and varied ecosystems." The Easement states "The Protected Property shall be used only for conservation and low-impact outdoor recreation and educational activities that do not rely on substantial alteration to the natural resources." The Easement also states "...any cutting of trees should be done under the guidance of a forest management plan developed by a professional forester with input from a professional wildlife biologist. The forest management plan must include provisions for protecting soils, water quality and high value plant and animal habitat."

-Local ordinances: A permit is required from the Cumberland CEO prior to any timber harvesting.

-The Forest Practices Act defines clear cuts and regulates the size, shape and arrangement of them. A small timber harvest is recommended for solar reasons; therefore, a Forest Operation Notification (FON) must be submitted to the MFS prior to starting the operation. Forms may be obtained from the MFS, or from your Stewardship Forester. A Confidential Landowner Report of harvesting activities will be required at the end of each year from landowners who have an active/open FON. This management plan does not recommend any harvest activities which would result in clearcuts under the Chapter 20 definitions.

-The liquidation harvesting rules regulate the purchase of timberland followed by a timber harvest that removes most or all of the commercial timber and then the sale or offer of sale of the land or any portion of the land. None of the recommendations in this plan will lead to any potential liquidation law issues.

-Maine Forest Service Statewide Standards establishes statewide standards for timber harvesting and related activities in shoreland areas. In general, timber harvesting activities in shoreland areas must protect shoreline integrity and not expose mineral soil that can be washed into water bodies, including non-forested freshwater and coastal wetlands and tidal waters. Timber harvesting and related activities in shoreland areas below the 300-acre drainage point must leave windfirm stands of trees that provide adequate shade. If located in shoreland areas, roads used primarily for timber harvesting and related activities must be constructed and maintained to standards designed to minimize the chance of exposed soil washing into water bodies, including wetlands. Stream crossings must not disrupt the natural flow of water and must not allow sediment into water bodies. Mill Brook is zoned 75' streamside protection. This 75' zone is on the Milliken and Rines Parcels. A large wetland east of the Godsoe parcel is zoned under a 250' shoreland zone protection zone. This buffer lies partially on the Godsoe parcel.

-Erosion and Sediment Control is a basic act that requires landowners to prevent pollution (by soil, chemicals, debris, etc.) of Maine water bodies, such as streams, lakes, wetlands, and coastal areas. Landowners are also required to take measures that limit or contain the movement of soil, or erosion, on areas where soil is disrupted, including logging roads, trails and landings.

-The Natural Resource Protection Act regulates work done in, over, or next to any water body, as well as sand dunes, marshes and other wetlands and areas of designated significant wildlife habitat. In most cases, a landowner must obtain a permit from DEP or LURC before conducting activities in these areas.

-Protection and Improvement of Waters Law regulates activities that discharge or could potentially discharge materials (pollutants) into rivers, streams, brooks, lakes and ponds and tidal waters (waters of the State).

While not a law in the state of Maine, I recommend notifying neighbors prior to timber harvesting activities. In my experience it allows neighbors to review property line evidence and reduce the likelihood of conflict during the harvesting activities.

### **Property Tax Status**

None of the parcel is enrolled in Maine Tree Growth Tax program. The landowners are municipal.

### **Field Methods Statement**

Aerial photography, hydrology, and contour information for the property were obtained from the State of Maine GIS website and downloaded into Arc-View GIS mapping software. From this, an electronic map was generated and a systematic cruise grid was overlaid onto the map in the form of a shapefile. Several days were spent on the property scouting, finding boundary lines, evaluating timber types and cruising.

A formal inventory was conducted. 16 BAF 15 prism points were placed randomly across the ownership using ArcMap. The points were downloaded to a Garmin handheld and located in the field. Data was collected using Timber Pad software and timber volumes and carbon data were calculated using Tall Timber Software.

## Non-Timber Resource Planning Considerations

### Threatened and Endangered Species, and Rare or Exemplary Natural Communities

The Maine Department of Inland Fisheries & Wildlife and the US Fish and Wildlife Service were consulted when reviewing the Rines Forest. The full report is attached in the index of this plan. Below is a summary of the findings:

- “The parcel is within a focal area for New England Cottontail (State Endangered). Cottontails can be differentiated from the much more common snowshoe hare by their generally smaller size, and that they remain brown year-round; whereas hares change to white in winter. They rely on early-successional habitats such as dense, shrubby thickets or regenerating young forests, and such habitat is also valuable to species such as American woodcock, ruffed grouse, prairie warblers, brown thrashers, and many others. Good forestry practices can produce this habitat and provide for timber procurement.”

- “Mill Brook and its tributaries support populations of wild brook trout. Brook trout prefer cool, well-oxygenated waters that benefit from intact riparian corridors. Any forest management activities planned for riparian zones should closely follow the state’s Best Management Practices, including appropriate buffer distances, shade retention, and minimization of sediment runoff.”

- “Good management of these habitats is consistent with good forestry, and MDIFW’s regional wildlife and fisheries biologists are available to assist you in maintaining their integrity while allowing for forest management and timber procurement. According to the information currently in our files, there are no other rare species or important habitats documented within the property. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare features.”

### Wildlife Habitat Elements

During the forestry field work for the management plan, it was apparent that the Rines Forest is well used by a variety of wildlife. Deer, raccoon, squirrel, coyote, turkey and a multitude of song birds were just a few of the species noted on the parcels. Future timber harvesting should strive to maintain and promote a source of mast (acorns, beech nuts) producing trees such as beech and oak, as well as providing areas of young herbaceous growth for browsing. Residual slash from future harvests could be piled in small piles to provide small dens for a variety of wildlife species.

Snag trees (standing dead trees) should be retained where feasible to provide valuable cavities for species such as woodpecker. Currently 5% of the standing basal area would be considered snags, which equates to 15+/- trees per acre. The majority of these snags are on the smaller end of the diameter distribution. During future management activities managers should identify and reserve larger legacy trees as future snag trees. Increasing the average diameter of snags would be beneficial in creating larger cavity trees and future down woody debris. Harvesters should also be encouraged to return some large woody debris from yard areas to the woods, which in turn will provide valuable habitat to a variety of invertebrates and vertebrates. Maintaining a diversity of tree species and age classes is the best way to provide the greatest good to the greatest variety of wildlife species.

The property’s highest wildlife value is the undeveloped travel corridor that it provides less than a mile from the centers of Cumberland and North Yarmouth. Large undeveloped tracts offer the greatest diversity of habitat for a multitude of species. The single biggest threat to habitat is the fragmentation of undeveloped forest blocks. The objectives put forth by the landowner recognize the importance of this feature and guidelines have been set to ensure its future.

Another threat to the habitat is the abundance of Buckthorn. Buckthorn has the ability to completely eliminate the possibility of a new age class of trees being established. Again, invasives have to be the top priority in future forest management decisions.

## **Historical, Cultural & Archaeological Sites**

The Maine Historic Preservation Commission (MHPC) was contacted to check for any significant archaeological sites located on the property. The review indicated that no prehistoric (Native American) archaeological sites are known to exist on the property because no survey has been conducted. The report states that no historic archaeology sites are known or likely to exist based on historic information. The report concludes that there may be buildings or structures may exist on the property that have not been evaluated for National Register eligibility.

According to local and past landowner history, the Rines property had a house, two barns and a well. Stone walls still can be found in many areas as well as an old mill dam near the waterfall trail on the original Rines Purchase.

During any future timber harvesting activity these areas should be buffered. Timber management activities should preserve the existing stone walls to the maximum extent possible.

## **Recreation and Aesthetics**

The lot is well used as a recreational destination. The trails are used by walkers, bikers, skiers, snowshoers, hunters and nature watchers regularly. The pond is actively used in the winter by skaters and hockey players. The trails committee is very active and monitors trail conditions regularly. During the 2020 Pandemic the trails and parking areas were used extensively. Some erosion was witnessed from the trails to Mill Brook. The trails committee works on trail hardening projects annually. The Committee regularly corresponds with the Forestry Committee on trail projects. This is very important as recreation trails should be avoided by harvesting equipment. However, often the recreation trails are placed at the best location for timber harvesting trails as well. The two can co-exist as long as the communication channels between the groups remains open.

It is important to note that under the Landowner Liability Law (Title 14, M.R.S.A Section 159-A) the landowner is protected from liability in the event that someone was injured while using the property for recreation. For more information on the Landowner Liability Law please visit the Maine Department of Inland Fisheries & Wildlife website.

Aesthetics are a priority for the Rines Forest and future timber harvests should strive to maintain them throughout the property. Slash piles returned to the woods should be spread so it is as close to the ground as possible and bumper trees used during the harvest should be removed prior to the completion of harvesting activities. Stump heights should be kept as low as possible. Log landings should be cleared of wood debris after completion of harvesting. Wood debris from the landing should be carried back into the woods if possible. Log landings should be seeded with a quality conservation mix that is certified not to contain invasive species. Slash should be kept well away from property lines and access road.

It is important to recognize, though, that “clean and neat” is not necessarily the same as “aesthetics” or good forest management. Brush, large woody debris, dead standing snags and future snags are important for a healthy forest. While the “park like” look may be aesthetically pleasing to the general public and most people, it does not equate with sustainable forest management. The Forestry Committee is aware that “messy” to the general public can also mean the forest is being managed for multiple benefits. It is also important to recognize that there is a difference between managing woodland for multiple benefits and poor-quality logging work. Aesthetics and well managed woodland are compatible.

## **Other Long-term resource considerations**

-Protection from fire: Wildfire is rare in Maine, but can be quite devastating when it occurs. There is a lot you can do to reduce the risk of a wildfire on your woodlot and near your home. For more information on how you can make your home “Firewise,” please visit [www.maineforestservice.gov](http://www.maineforestservice.gov) or call the Division of Forest Protection at 207-



287-4990. Please be careful with all outdoor fires and observe all the open burning laws. If you see a wildfire or smell smoke during a high fire danger day, please call 911 or the Maine Forest Service at 1-800-750-9777.

-Soil & water quality protection: Activities in the woods that involve roads, log landings, and yarding or recreational trails, can sometimes contribute to rutting, soil movement and pollution of the watershed. Improperly conducted logging operations can also cause damage. Use of appropriate Best Management Practices (BMPs) greatly reduces this risk. For more information, see the booklet entitled “Best Management Practices for Water Quality,” available from the MFS by calling 1-800-367-0223 or visiting [www.maineforestservice.gov](http://www.maineforestservice.gov), or contact your local MFS District Forester.

-Biodiversity: Forested landscapes are homes for more than just trees. No one parcel can provide habitat for all species. However, maintaining or improving existing woodland communities is a desirable goal. Elements of ecological structure such as snags, downed woody material, cavity trees, etc., can enhance biodiversity and a variety of wildlife habitat. For more information, contact the Maine Natural Areas Program at 207-287- 8044 or visit <http://www.maine.gov/doc/nrimc/mnap>; or contact your local MFS District Forester.

-Monitoring: The Cumberland Forestry Committee is encouraged to monitor Rines Forest. This can take the form of regularly scheduled boundary line maintenance, recreational activities such as walking or hiking, or following up after completing silvicultural activities to check results. Keeping in touch with your land can help prevent theft or trespass. It can also be rewarding on many levels. Consider keeping a photographic record of the changes your woods go through before, during and after harvests and other management activities.

-Forests of Recognized Importance (FORI): FORI are globally, regionally and nationally significant large landscape areas of exceptional ecological, social, cultural or biological values. These forests are evaluated at the landscape level, rather than the stand level and are recognized for a combination of unique values, rather than a single attribute. After careful consideration and research, the Maine Tree Farm Committee has determined that NO Forests of Recognized Importance (FORI) currently exist in the State of Maine.

-Carbon sequestration and climate change resilience: Among the many benefits provided by forests, removing carbon from the atmosphere and storing it in trees may have increasing significance in the years to come. For more information, visit [www.maine.gov/doc/mfs/mfs/topics/carbon](http://www.maine.gov/doc/mfs/mfs/topics/carbon). As climate change increases the likelihood of severe weather events, the migration of both beneficial and invasive species and new risks to forest health and productivity, good woodland stewardship is the key to preparedness. For more information, check out the Climate Smart Land Network at <http://climatesmartnetwork.org/>. As part of the timber inventory, general carbon sequestration data was calculated and is included in the timber inventory report. Below is a summary of the metric tons of carbon sequestered by species and parts of the trees:

### Per Acre Metric Tonnes of Carbon and CO<sub>2</sub>eq for All Types or Stands Combined

<i>Prism BAF or Plot Size</i> =	15
<i>Estimated Acres</i> =	86
<i># of Plots</i> =	16

Scott's and Jenkins equations used for C.
For Merch. Cords, Smalian's equation.
85 Net Cubic Feet Per Merch. Cord.

Species	Ave BA/Ac	TPA	Roots C Tonnes/Ac	Stump C Tonnes/Ac	Bole C Tonnes/Ac	Top C* Tonnes/Ac	AG C Tonnes/Ac	AG CO <sub>2</sub> eq Tonnes/Ac	Merch Cds/Ac
Hemlock	27.3	69.8	0.81	0.00	2.91	0.65	3.56	13.05	5.7
Red pine	23.8	31.6	1.02	0.00	3.64	0.82	4.47	16.38	7.9
Red spruce	2.6	3.1	0.12	0.00	0.43	0.10	0.53	1.93	0.9
White pine	16.7	29.6	0.67	0.00	2.42	0.53	2.95	10.82	5.3
<b>Softwood</b>	<b>70.5</b>	<b>134.1</b>	<b>2.62</b>	<b>0.01</b>	<b>9.41</b>	<b>2.09</b>	<b>11.50</b>	<b>42.18</b>	<b>19.9</b>
Aspen	14.3	33.9	0.78	0.00	3.01	1.03	4.04	14.83	4.1
Beech	1.7	1.9	0.11	0.00	0.42	0.13	0.55	2.03	0.6
Snags	8.1	15.4	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Paper birch	3.0	17.0	0.06	0.00	0.24	0.09	0.33	1.22	0.3
Red maple	20.9	85.4	0.72	0.00	2.72	0.97	3.69	13.52	4.7
Red oak	23.5	24.3	1.40	0.00	5.63	1.63	7.26	26.64	7.0
Sugar maple	1.7	4.9	0.09	0.00	0.35	0.14	0.48	1.78	0.4
White ash	1.2	2.8	0.08	0.00	0.30	0.11	0.41	1.51	0.4
Yellow birch	5.2	24.9	0.16	0.00	0.56	0.25	0.80	2.95	0.8
<b>Hardwood</b>	<b>79.8</b>	<b>210.4</b>	<b>3.41</b>	<b>0.01</b>	<b>13.22</b>	<b>4.35</b>	<b>17.58</b>	<b>64.47</b>	<b>18.4</b>
<b>Totals</b>	<b>150.3</b>	<b>344.4</b>	<b>6.03</b>	<b>0.02</b>	<b>22.63</b>	<b>6.44</b>	<b>29.09</b>	<b>106.65</b>	<b>38.3</b>

\* Estimates of tree "Top" includes topwood and branches.

\*These Carbon and Biomass reports, or data collection methods, are not suitable for high-level carbon inventories where offsets are to be sold in regulated carbon markets.

### Long Range Silvicultural Objectives

In order to meet the Rines Forest overall management plan goals and the town of Cumberland's Guiding Principles, managers should strive to promote growth among long-lived high-quality species. Over time the lot should progress towards a late successional forest dominated by large diameter high quality white pine, red oak, hemlock and other hardwood species. Mast producing legacy trees such as beech and oak should be identified and some individuals preserved to provide mast for a variety of wildlife species. The management should include a combination of individual and group selection. This type of management will mimic the natural disturbance regime of these forests prior to the clearing of forests for agricultural development. The key will be to have multiple age classes of species growing high quality and healthy timber vigorously.

Management will guide the forest towards late successional conditions. The 2009 Forest Management Plan set aside a permanent reserve area on the Rines Forest. It also outlines areas for potential expansion of this area. This should be reviewed by the Forestry Committee.

## Growth Estimates

Growth estimates were calculated using local information related to red pine stands and mixed forests. Current estimates are net growth rates of 0.75 cords per acre per year would provide a target estimate of approximately 65 cords of growth annually on the Rines II, Godsoe and Milliken Parcels. Over the next ten-year planning period the recommendations in this plan call for the potential removal of 250 – 300 cords of low-quality wood. The growth over that same period is estimated at 650 cords. Growth will far out-pace harvested volume recommendations prepared in this plan.

## Individual Stand Descriptions and Prescriptions

For stand description purposes, data was grouped into three different forest segments (stands) In this situation the stands are the parcels that were added to the Rines Forest (Rines II, Godsoe and Milliken). Stand descriptions were not prepared for non-wooded areas. In the event of a natural disaster such as another ice storm, an insect or disease infestation, modified landowner objectives, poor weather or timber market conditions, recommendations made below can be altered with little effect on the long-term sustainable management of this parcel. It is important to let your forester know about changes so that the plan can be amended as necessary. None of the recommendations below should be implemented if poor timber markets or weather conditions exist, as this would have a negative effect on long term sustainable goals for the woodlot.

*Results are presented for the following forest types and segments:*

Forest Typing Key				
H- Hardwood Type				<b>Treesize</b>
S- Softwood Type				1 0 - 6' height
SH - Mixed - Softwood [ >50%				2 1" - 3" diameter
HS- Mixed - Hardwood [ > 50%				3 3" - 8" diameter
CS- Cedar Type				4 8" - 12" diameter
				5 12"+ diameter
A- Very Dense (overstocked)				
B- Medium Density				
C- Sparse (understocked)				
<u>Example:</u>				
Overstory	HS3B	Mixedwood	3"-8" diameter,	B density
		(Hardwood > 50%)		

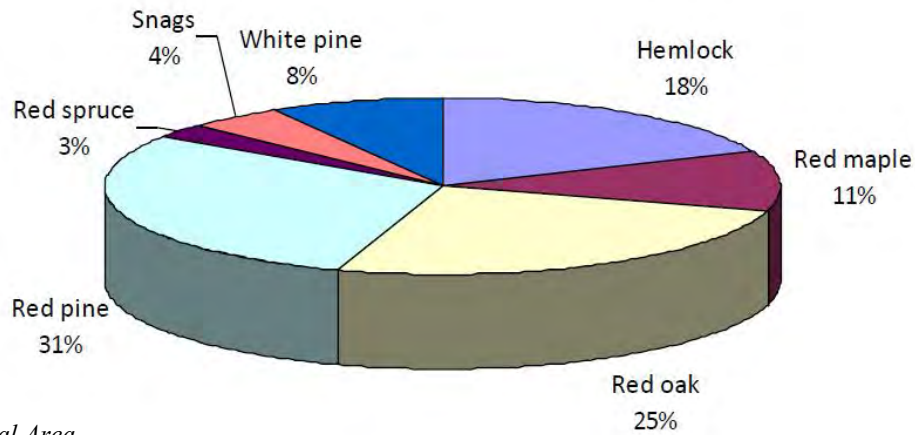
Stand	Forest Type	Acres
Godsoe	HS4A	31
Rines II	SH4B	52
Milliken	H4B	4

**Stand: Rines II**  
**52 acres**  
**Overstory: SH4B**

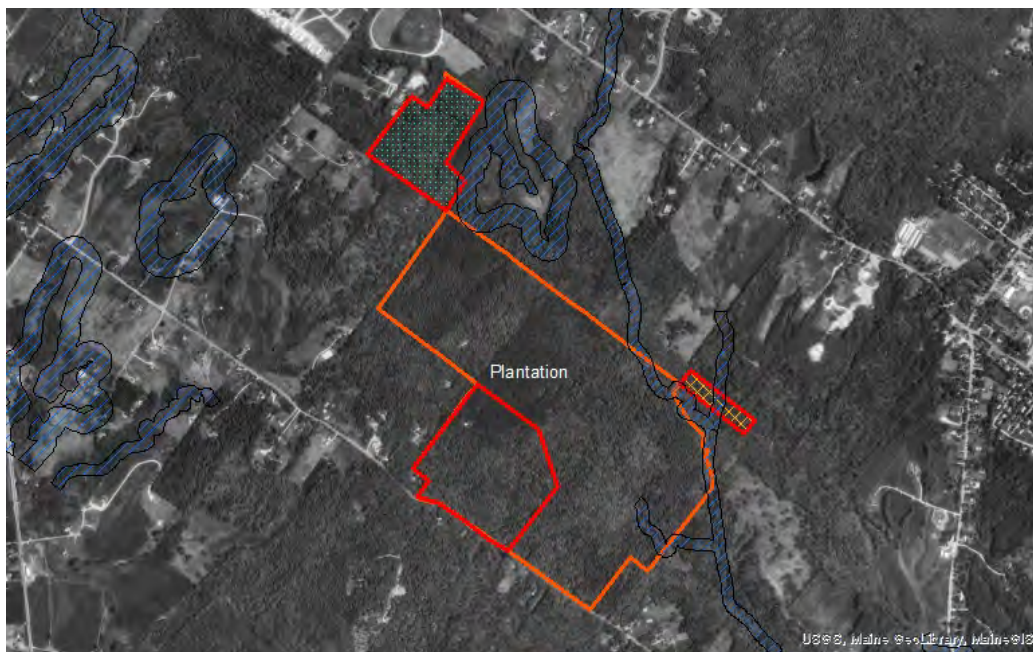


**Dominant Species**



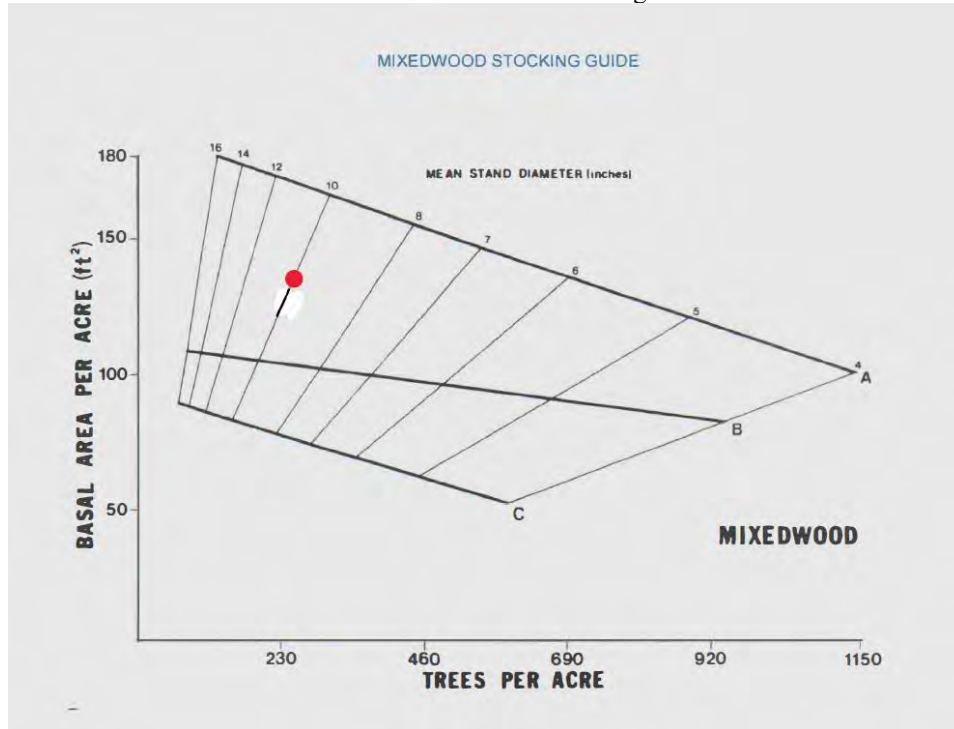


Rines II is the most recent addition to the Rines Forest is located between the Range Rd. and the 2003 216-acre Rines acquisition. The terrain is relatively flat with some gently rolling terrain near the un-named Mill Brook Tributary. The elevation of the stand ranges from about 120' to 160'. The most recent harvest was accomplished with a cable skidder in 2018 to thin portions of the lot, especially in the 18 acres of red pine plantation.



The lot has had multiple thinning operations over the decades which has led to a well-stocked stand of above average quality timber. The stand is considered uneven-aged. Current stocking levels would be considered “well stocked from a timber growth standpoint”. The quadratic mean stand diameter is 10.0” DBH, basal area is 133 sq. ft./acre and contains 37.3 cords/acre of volume (27.9 of the 37.3 cords is considered pulpwood sized). The timber quality in this stand ranges from good to excellent.

The unnamed Mill Brook tributary is not zoned under Maine Forest Service Statewide Standards. The recommendation is to implement a streamside protection zone of 75' prior to any future harvesting. This 75' zone could be added to the Preserve area established in the 2009 Forest Management Plan.



**Recommendations:**

Based on the town of Cumberland's Guiding Principles, the current recommendation is to allow the woodlot to grow for another ten-year planning period. The stocking guides place the stand between the A and B line. The woodlot should be allowed to grow for another ten years and re-examined for updated recommendations in 2032. However, no thinning should occur in 2032 unless the invasive species issues have been tackled. Future harvesting should continue transitioning the stand toward a late successional structure. Focus should be on reducing the red pine plantation component and transitioning the area towards a red oak-white pine- hemlock forest. This can be accomplished with continuing the individual tree and group selection management regime that has been occurring in the stand for decades.

**Per Acre Volume Estimates by Type or Stand**

<i>Type or Stand</i>	Rines II
<i>Prism BAF or Plot Size =</i>	15
<i>Acres =</i>	52
<i># of Plots =</i>	8
<i>Acres Per Plot =</i>	6.5
<i>Quadratic Mean Diameter =</i>	10.0 in.

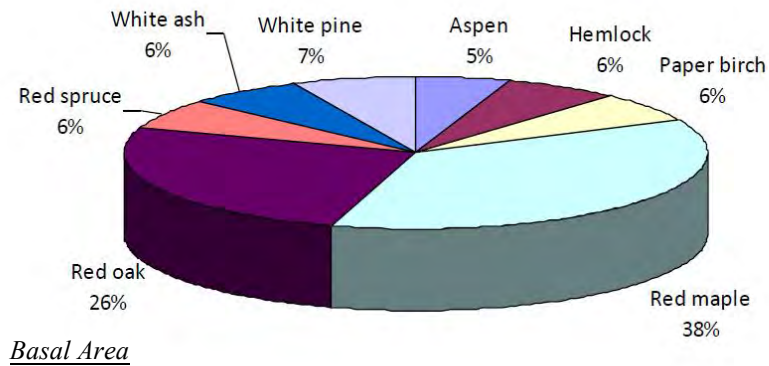
International 1/4" log rule. Smalian's equation. 85 Net Cubic Feet Per Merch. Cord.
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Species	BA /Acre	Trees /Acre	Veneer Bd Ft/Ac	Saw Bd Ft/Ac	Pallet Bd Ft/Ac	Boltwood Bd Ft/Ac	Pot. Log Cds/Ac	Pulp Cds/Ac	Total Cds/Ac
Hemlock	24.4	50.4	0	535	0	0	0.0	5.0	6.0
Red pine	39.4	52.2	0	0	0	0	0.0	13.1	13.1
Red spruce	3.8	3.9	0	228	0	0	0.0	0.8	1.3
White pine	11.3	6.5	0	1,577	0	0	0.0	1.4	4.2
<b>Softwood</b>	<b>78.8</b>	<b>113.0</b>	<b>0</b>	<b>2,341</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>20.4</b>	<b>24.6</b>
Snags	5.6	9.1	0	0	0	0	0.0	0.0	0.0
Red maple	15.0	90.9	0	400	0	0	0.0	2.0	2.7
Red oak	33.8	32.6	0	2,497	0	0	0.0	5.5	10.0
<b>Hardwood</b>	<b>54.4</b>	<b>132.6</b>	<b>0</b>	<b>2,897</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>7.6</b>	<b>12.7</b>
<b>Totals</b>	<b>133.1</b>	<b>245.6</b>	<b>0</b>	<b>5,237</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>27.9</b>	<b>37.3</b>

**Stand: Milliken**  
**4 acres**  
**Overstory: H4A**



## Dominant Species

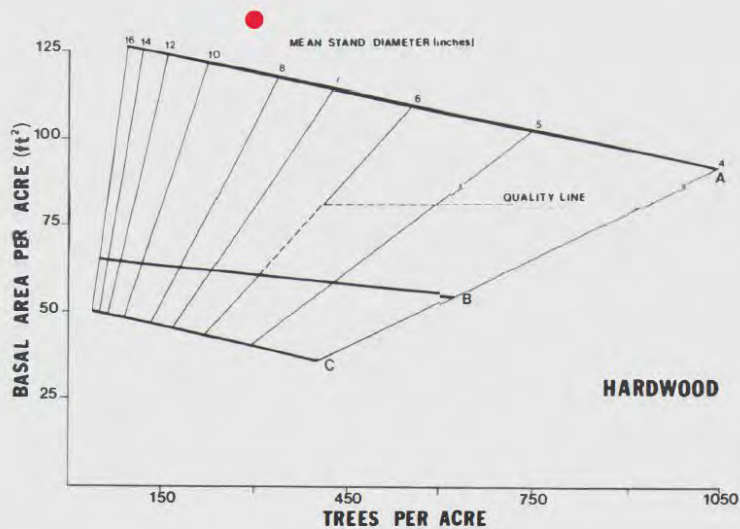


The 4-acre Milliken Parcel is attached to the eastern edge of the Rines Parcel at a common corner. The parcel lies north-easterly of the old mill dam site location and is bisected by a 75' streamside protection zone associated with the Mill Brook tributary. The terrain is relatively flat with the exception of the ravine associated with the brook. Current stocking levels are considered over-stocked (above the A line) from a timber growth standpoint. The mean stand diameter is 8.7" DBH, basal area is 150 sq. ft./acre and contains 34.4 cords/acre of volume (29.7 of the 34.4 cords is considered pulpwood sized). The timber quality in this stand ranges from poor to good.



#### NORTHERN HARDWOOD STOCKING GUIDE

Stocking guides for even-aged northern hardwoods, based on number of trees in the main canopy, average diameter, and basal area per acre. Stands above the A line are overstocked. Stands between the A and B lines are adequately stocked. Stands between the B and C lines should be adequately stocked within 10 years. And stands below the C line are definitely understocked.



#### Recommendations:

Based on Cumberland’s Guiding Principles, harvesting could occur that maintains “resilience of native biodiversity and ecosystem processes in the face of climate change. Increase resilience by managing for multiple age classes; managing for the forest types and species best suited to the site; avoiding conversion to other types (e.g., spruce-fir dominated to hardwood dominated); and using natural regeneration to retain and increase species diversity characteristic of the site and forest type, including the proportion of species predicted to be better adapted to future conditions, such as white pine and red oak. In addition, plan for high-volume runoff by using Stream Smart crossings.” However, the stand is only 4 acres in size and bisected by a zoned brook with a minimum required 75’ streamside protection zone. Harvesting in the Milliken parcel would have to be combined with harvesting in adjacent stands on the Rines Parcel. Adjacent areas had some light harvesting in 2011 and are not due for any additional work at this time. Additionally, the guiding principles state the management activities should be favored in areas with good access. The Milliken Parcel does not have good access for equipment.

The Forestry Committee has decided the Milliken Parcel will be added to the Rines Reserve Area.

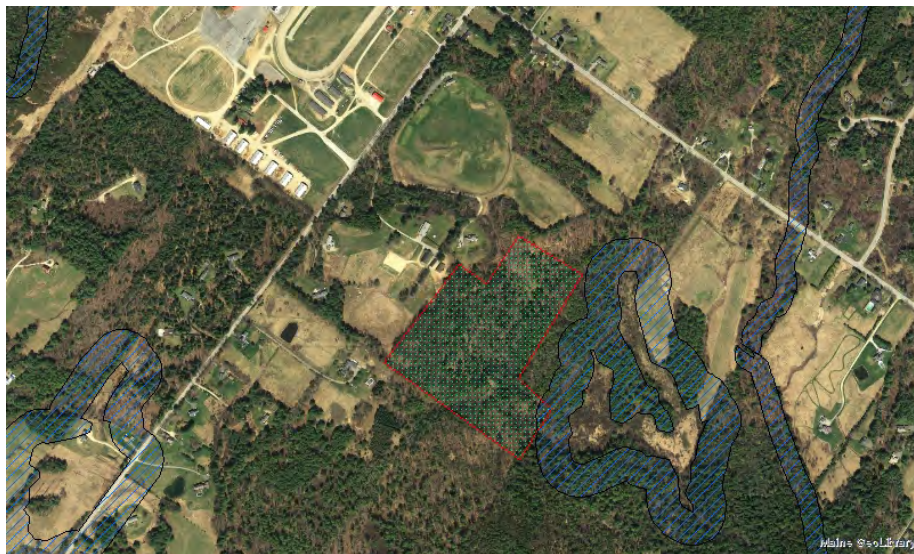
**Per Acre Volume Estimates by Type or Stand**

<i>Type or Stand</i>	Milliken	
<i>Prism BAF or Plot Size =</i>	15	
<i>Acres =</i>	4	
<i># of Plots =</i>	2	<i>Acres Per Plot =</i> 2.0
<i>Quadratic Mean Diameter =</i>	8.7 in.	

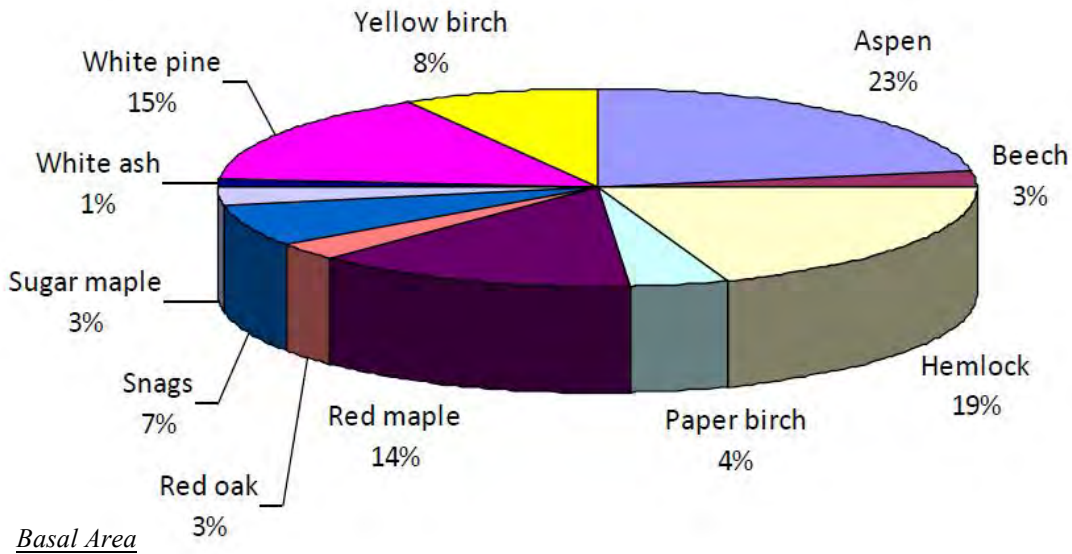
International 1/4" log rule.  
Smalian's equation.  
85 Net Cubic Feet Per Merch. Cord.

Species	BA /Acre	Trees /Acre	Veneer Bd Ft/Ac	Saw Bd Ft/Ac	Pallet Bd Ft/Ac	Boltwood Bd Ft/Ac	Pot. Log Cds/Ac	Pulp Cds/Ac	Total Cds/Ac
Hemlock	7.5	4.2	0	386	0	0	0.0	1.6	2.2
Red spruce	7.5	17.0	0	525	0	0	0.0	1.1	2.2
White pine	7.5	7.0	0	370	0	0	0.0	1.8	2.4
<b>Softwood</b>	<b>22.5</b>	<b>28.2</b>	<b>0</b>	<b>1,281</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>4.4</b>	<b>6.8</b>
Aspen	7.5	38.2	0	0	0	0	0.0	1.8	1.8
Snags	7.5	28.1	0	0	0	0	0.0	0.0	0.0
Paper birch	7.5	21.5	0	0	0	0	0.0	2.1	2.1
Red maple	67.5	194.4	0	0	0	0	0.0	12.8	12.8
Red oak	30.0	39.7	0	1,247	0	0	0.0	6.5	8.8
White ash	7.5	17.0	0	0	0	0	0.0	2.2	2.2
<b>Hardwood</b>	<b>127.5</b>	<b>338.9</b>	<b>0</b>	<b>1,247</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>25.3</b>	<b>27.6</b>
<b>Totals</b>	<b>150.0</b>	<b>367.1</b>	<b>0</b>	<b>2,528</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>29.7</b>	<b>34.4</b>

**Stand: Godsoe**  
**31 acres**  
**Overstory: HS4A**



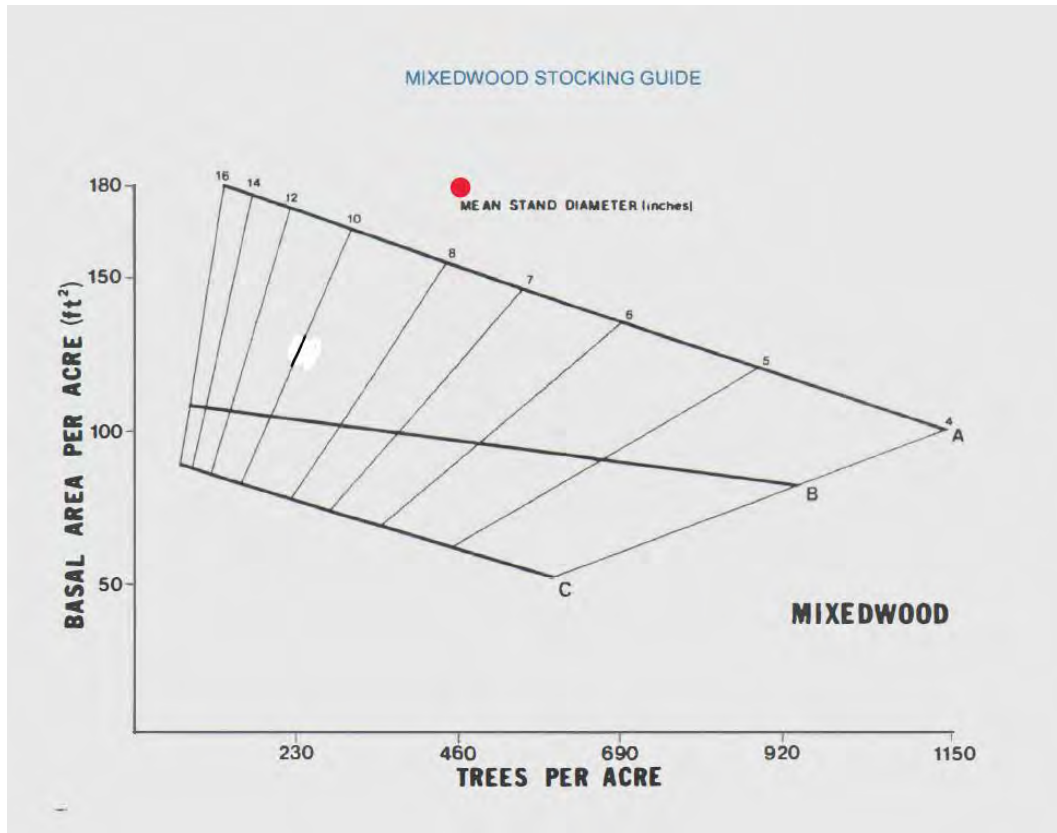
## Dominant Species



The Godsoe property is well stocked, from a quality timber growth standpoint. One exception exists in the southern-most corner of the lot near the Rines common corner. This corner was harvested heavily from the south. The hemlock and pine were harvested heavily near the small brook that traverses near the boundary line. I believe this may have been a trespass from an abutting lot. The majority of the Godsoe parcel to the north is well stocked. However, boundary line evidence is not clear and it should be clarified as soon as possible.

The parcel contains more early successional hardwood that is maturing. The goal in future management should be to capture the declining aspen, white birch and red maple in order to favor climax species such as hemlock, red oak, sugar maple, ash and white pine. It appears that the majority of the stand has not seen any recent harvesting in decades. The stand might be considered un-even aged, but the majority of it seems to be one aged. Current stocking levels are considered over-stocked (above the A line) from a timber growth standpoint. The mean stand diameter is 8.0" DBH, basal area is 180.0 sq. ft./acre and contains 40.4 cords/acre of volume (34.1 of the 40.4 cords is considered pulpwood sized). The timber quality in this stand ranges from poor to excellent.

Godsoe contains a 250' Maine Forest Service Statewide Standards buffer zone along the eastern boundary. The standards require no cleared openings within 75' of the highwater mark. It also states that harvest removals are limited to no more than 40% of the volume, or basal area. Other options allow the retention of 60 sq. ft. of residual basal area. The zoned wetland is completely on the abutting parcel, however a portion of the 250' buffer crosses the boundary onto the Godsoe Parcel.



Recommendations:

The Godsoe parcel would offer an excellent opportunity to conduct a commercial thinning operation to favor red oak, white pine, hemlock, sugar and red maple and white ash. The goal would be to drop the overall stocking between the A and B lines and emphasize growth amongst the highest quality healthiest timber. The goal of the harvest should be to provide growing space for the dominant trees while maintaining all species and age classes that currently occupy the Godsoe Property. Individual tree selection and small group will most likely mirror natural selection while accomplishing silvicultural objectives. Creating small openings will allow the opportunity for new age classes to be established while adding valuable early successional habitat to the forest (aspen sprouts). Given the current pulp and sawtimber volumes, a harvest that removes mostly low-quality pulp stems from roughly 20 acres would yield approximately 250 – 300 cords of timber removed, worth \$5,000 - \$7,500 depending on market conditions. Residual volumes on the harvested acres would remain around 900 cords.

Currently there is no access to the Godsoe Parcel for timber harvesting purposes. The guiding principles state; “Focus long-rotation silvicultural efforts on stands and compartments with productive soils, good access and of reasonable size and quality. Long-term goals may include increasing structural and species diversity, emphasizing the growth of high-quality sawlogs of commercially important species, promoting the continued sequestration of carbon, and contributing to the local wood products market.” Also, just south of the Godsoe Parcel on the Rines Parcel in the red pine plantations, the buckthorn is well stocked and 10’-15’ tall in the areas harvested in 2011. No harvesting should occur in Godsoe until invasive species work is conducted on Rines and access is achieved. The portion of the 250’ shoreland buffer should be maintained during any potential future harvesting projects.



### Per Acre Volume Estimates by Type or Stand

<i>Type or Stand</i>	Godsoe		
<i>Prism BAF or Plot Size</i> =	15		
<i>Acres</i> =	30		
<i># of Plots</i> =	6	<i>Acres Per Plot</i> =	5.0
<i>Quadratic Mean Diameter</i> =	8.0 in.		

International 1/4" log rule. Smalian's equation. 85 Net Cubic Feet Per Merch. Cord.
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Species	BA /Acre	Trees /Acre	Veneer Bd Ft/Ac	Saw Bd Ft/Ac	Pallet Bd Ft/Ac	Boltwood Bd Ft/Ac	Pot. Log Cds/Ac	Pulp Cds/Ac	Total Cds/Ac
Hemlock	35.0	112.2	0	868	0	0	0.0	4.2	5.8
White pine	27.5	72.6	0	1,492	0	0	0.0	4.9	7.7
<b>Softwood</b>	<b>62.5</b>	<b>184.8</b>	<b>0</b>	<b>2,360</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>9.1</b>	<b>13.4</b>
Aspen	40.0	92.0	0	0	0	0	0.0	11.5	11.5
Beech	5.0	5.5	0	0	0	0	0.0	1.6	1.6
Snags	12.5	24.5	0	0	0	0	0.0	0.0	0.0
Paper birch	7.5	46.0	0	0	0	0	0.0	0.7	0.7
Red maple	25.0	61.3	0	1,014	0	0	0.0	5.2	7.1
Red oak	5.0	7.8	0	115	0	0	0.0	1.4	1.7
Sugar maple	5.0	13.9	0	0	0	0	0.0	1.3	1.3
White ash	2.5	5.7	0	0	0	0	0.0	0.9	0.9
Yellow birch	15.0	71.3	0	0	0	0	0.0	2.3	2.3
<b>Hardwood</b>	<b>117.5</b>	<b>328.0</b>	<b>0</b>	<b>1,129</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>24.9</b>	<b>27.0</b>
<b>Totals</b>	<b>180.0</b>	<b>512.8</b>	<b>0</b>	<b>3,489</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>34.1</b>	<b>40.4</b>

Landowner: Towns of Cumberland  
 Town: Cumberland

<u>Species</u>	<u>Sawlog Bd.</u> <u>Ft.</u>	<u>Stumpage</u>	<u>Stumpage</u>	<u>Pulp</u>	<u>Stumpage</u>	<u>Stumpage</u>	<u>Total</u>
		<u>\$/MBF</u>	<u>Value</u>	<u>Cords</u>	<u>\$/Cord</u>	<u>Value</u>	<u>by Species</u>
Hemlock	55,401	\$60.00	\$3,324.06	395	\$5.00	\$1,975	\$5,299.06
White Pine	128,246	\$200.00	\$25,649.20	227	\$4.00	\$908	\$26,557.20
Red Spruce	13,980	\$150.00	\$2,097.00	47	\$4.00	\$188	\$2,285.00
Red Pine	0	0	0	683	\$4.00	\$2,732	\$2,732.00
Beech	0	0	0	48	\$20.00	\$960	\$960.00
Aspen	0	0	0	353	\$20.00	\$7,060	\$7,060.00
Red Oak	138,294	\$300.00	\$41,488.20	358	\$20.00	\$7,160	\$48,648.20
Red maple	51,205	\$150.00	\$7,680.75	311	\$20.00	\$6,220	\$13,900.75
Sugar Maple	0	0	0	38	\$20.00	\$760	\$760.00
White Ash	0	0	0	35	\$20.00	\$700	\$700.00
Paper Birch	0	0	0	30	\$20.00	\$600	\$600.00
Yellow Birch	0	0	0	70	\$20.00	\$1,400	\$1,400.00
<b><u>Totals</u></b>	<b><u>387,125</u></b>		<b><u>\$80,239.21</u></b>	<b><u>2,594</u></b>		<b><u>\$30,663.00</u></b>	<b><u>\$110,902.21</u></b>

\* At the time of this inventory, markets are very volatile. Landowner should talk with their forester about current market conditions prior to conducting a timbersale.

\*The total timber value represents all of the merchantable timber on the lot. Not only is it *not recommended* to remove all of the merchantable timber from the lot, it is likely not legal.

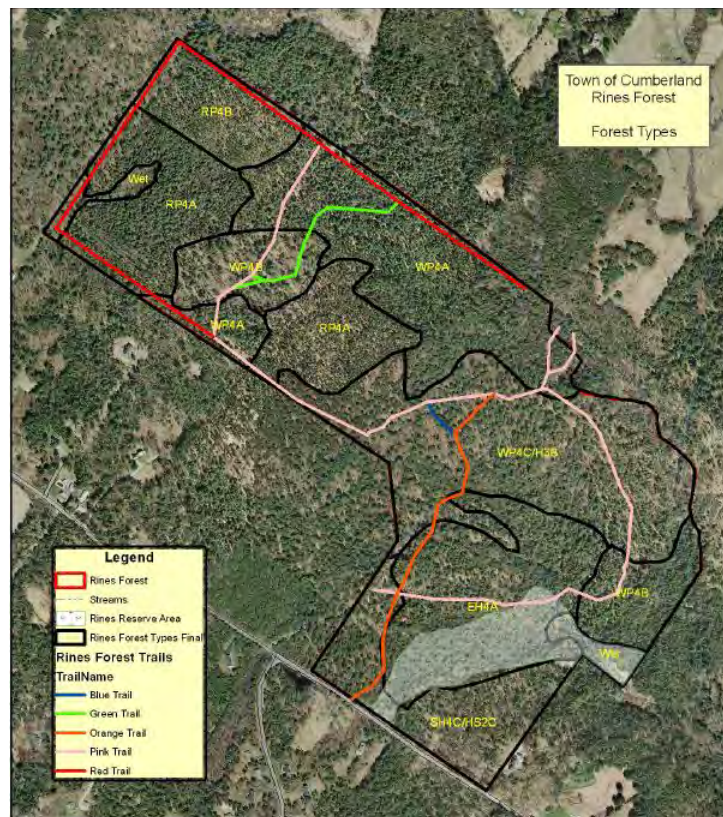
\*16 variable radius points were randomly placed using ArcGis and a GPS receiver across 87 forested acres.

# Rines Forest Update

## Introduction

This management plan update was prepared to update the ten-year recommendations for the 2009 Forest Management Plan that was prepared by IFM for the Rines Forest (attached). A new management plan is not needed but the recommendations need to be updated based on the conditions of the forest. A new management plan will likely be needed in 2032. Updates may be necessary if objectives change or some natural disturbance occurs such as insect or disease. This management plan is intended to cover forest management decisions on the original 216-acre Rines Forest.

This plan is intended to be a “living” document to guide forest management decisions in order to meet the Rines Forest Principles and Objectives as outlined in the management plan dated December 14, 2020. It is important to remember that conditions may change, such as major storms, insect or disease, or new regulations, that require modification of this plan during the planning period (next ten years). Having the best written forest management plan is no replacement for having a good working relationship with a forester.



## Updated Goals and Objectives

The town of Cumberland developed Management Guiding Principles for Town Forests which may be appropriate for active forest management activities. These principles were adopted by the Cumberland Town Council on December 14, 2020. Cumberland’s Guiding Principles State:

“The Town of Cumberland owns multiple properties that are forested and may be appropriate for active forest management. Below is a list of forest management goals for all primary town-owned forest sites, including as of



2020 the Town Forest, Rines Forest, Knights Pond, and Twin Brook. This list refers specifically to forest management and related activities and not to all other management considerations that are pertinent to each site, such as what types of use are allowed. That will be covered in the other parts of the Management Plan for each property. A site-specific Forest Management Plan shall be developed for each primary forest site that is consistent with these guiding principles and is designed to protect and reflect the unique characteristics of each of the town's forested properties (such as landscape setting, geography, important natural resources, and public use). The Town will strive to manage the town's forests as models of a well-managed community forest.

- Maintain and protect productive soils and water quality, including using Stream Smart crossings, with a particular emphasis on the Mill Creek and Presumpscot River watersheds (see Maine Forest Service 2017 Water Quality BMPs).
- Protect special ecological features and functionality intrinsic to each Forest (i.e., rare plant or animal sites, wetlands, riparian areas, vernal pools, deer wintering areas, rare or exemplary natural communities, late successional forests, dead and downed wood, etc.).
- Manage forest stands in a manner that maintains or improves habitat and the overall biodiversity of native plant communities and fish and wildlife species to the extent possible. Particular emphasis will be on maintaining and expanding structurally complex, mature portions of the forest, balanced by special and unique areas, small gaps of early successional habitat, and reserve areas. Two programs that can help guide this approach are Focus Species Forestry and Forestry for Maine Birds.
- Identify and protect reserve areas as forest stands or compartments which express the following attributes: large blocks of forest, older forest, unusual natural areas (e.g., streams, wetlands, riparian areas, rare natural communities), presence of legacy trees, and topographically or geologically diverse or interesting areas.
- Focus long-rotation silvicultural efforts on stands and compartments with productive soils, good access and of reasonable size and quality. Long-term goals may include increasing structural and species diversity, emphasizing the growth of high-quality sawlogs of commercially important species, promoting the continued sequestration of carbon, and contributing to the local wood products market.
- Maintain resilience of native biodiversity and ecosystem processes in the face of climate change. Increase resilience by managing for multiple age classes; managing for the forest types and species best suited to the site; avoiding conversion to other types (e.g., spruce-fir dominated to hardwood dominated); and using natural regeneration to retain and increase species diversity characteristic of the site and forest type, including the proportion of species predicted to be better adapted to future conditions, such as white pine and red oak. In addition, plan for high-volume runoff by using Stream Smart crossings.
- The actual balance of forest type, age, and silvicultural treatment recommended within each forest should be determined in consideration of the habitat matrix of the surrounding landscape. This would include an analysis of the extent and age-class structure of habitats in the surrounding lands as well as opportunities for maintaining and enhancing both terrestrial and aquatic habitat connections and recreational trail connections; and management opportunities across all town forests. In other words, different properties may be managed for different site-specific goals as long as the sum of the whole meets the overall town's forest management goals.
- Make every reasonable effort to control invasive plant species in the forest while reaching out to adjacent landowners to encourage the same.
- Implement exemplary forest management that is consistent with sustainable forestry standards such as those provided by the Forest Stewardship Council (FSC).
- Strive to keep forest harvesting activities revenue neutral over the long run (this is separate from the cost of managing other activities in the forests such as reducing invasive species, building and maintaining trails, and providing educational signs, etc.).
- Offer quality aesthetic, educational and recreational opportunities to the community for the benefit of the public as long as it doesn't detract from above goals. All trails should be built and maintained to minimize soil erosion and compaction and limit disturbance to fish and wildlife.
- Conduct all harvests in a manner that minimizes impacts to soil, water, and fish and wildlife, including avoiding or minimizing the use of new roads and road-stream crossings; using Stream Smart crossings where crossings are needed; putting unused roads to bed; giving preference to harvesting on frozen ground or dry-soil conditions; avoiding harvesting during peak amphibian and bird nesting times (April 1- July 31); and using appropriate equipment given the silvicultural goals".

The Cumberland Forestry Committee and town forester have spent time exploring Rines Forest while discussing site specific objectives. Those specific objectives are:

1. Focus on the invasive species issue, especially buckthorn. Do not promote timber harvesting with the existing invasive species component.
2. Potentially expand the amount of the Rines Forest in Reserve, especially on steep slopes and riparian corridors.
3. Future timber harvesting should utilize low impact equipment and only be conducted after a comprehensive invasive species strategy is developed.
4. Work with the trail committee regarding trail hardening and other maintenance projects.

### Recommendations in 2009

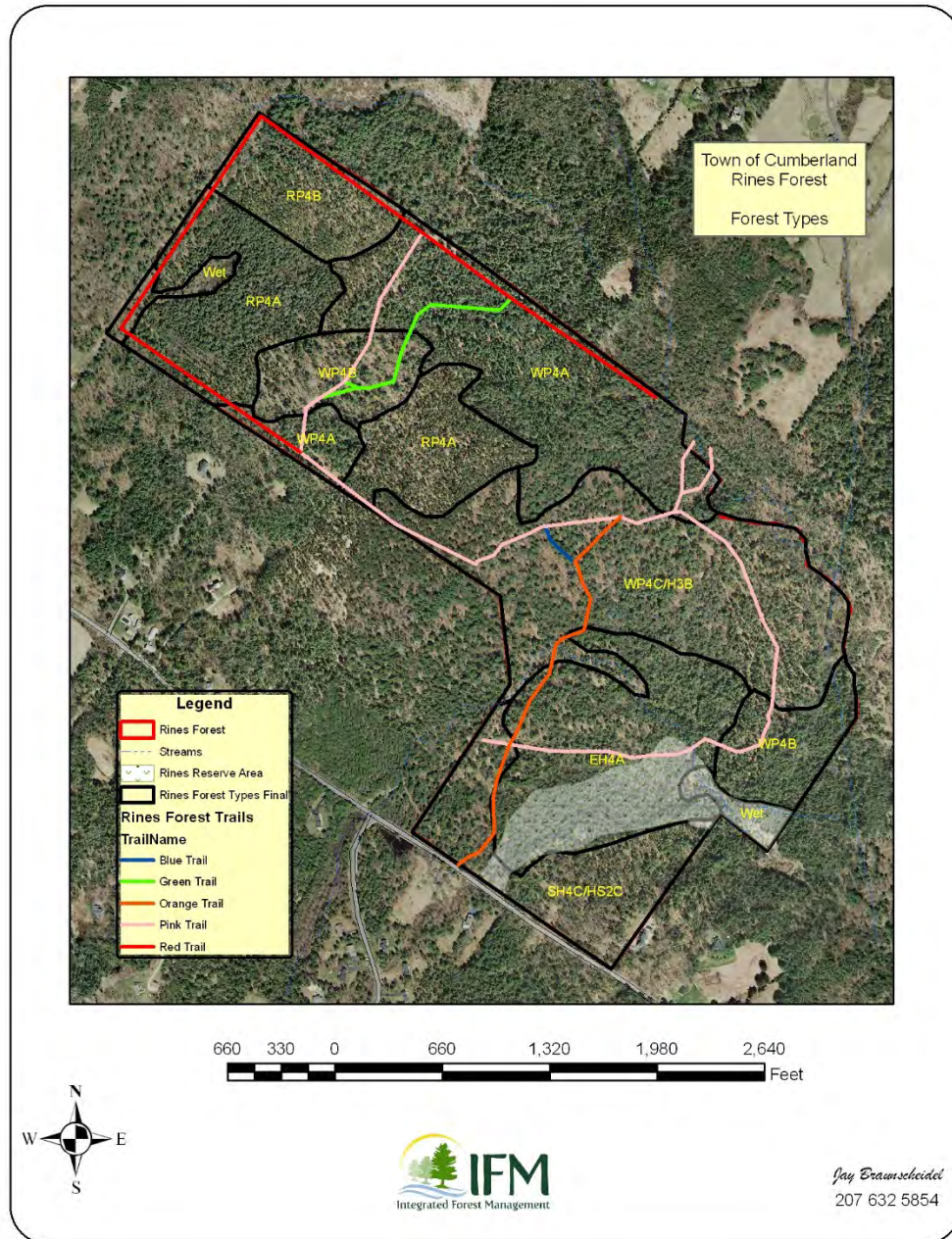
The 2009 management plan called for specific harvesting recommendations in certain stands. The recommendations included a mechanical harvest in areas with 15'-20' tall buckthorn in order to make future chemical treatment more feasible. Below is a chart of the recommendations.

<b>2010 Treatment Schedule</b>					
<b>Stand</b>	<b>Type</b>	<b>Description</b>	<b>Acres</b>	<b>Next Treatment</b>	<b>Approximate % Removal</b>
1	RP4A	Red Pine Plantation	48	2nd Entry, Long Shelterwood	30-40%
1	RP4B	Red Pine Plantation	24	Grow	
2	WP4A	Mature White Pine	20	1st Entry, Long Shelterwood	20-30%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	5	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
4	EH4A	Hemlock	15	Grow	
4	EH4A	Hemlock	20	Reserve	NA
5	SH4C/HS2C	2 Aged Mixedwood	20	Grow	
6	WP4B	White Pine, B Density	11	Grow	
6	WP4B	White Pine, B Density	5	Grow	

### **Objectives of Initial Entry**

- Given that much of the forest is in a mature condition, take measures that create some early successional habitat, in small forest openings, while fostering the continued development of the mature portions of the Forest.

- Look for opportunities to foster any inclusions of classic northern hardwood patches. Create opportunities to initiate new hardwood stands to balance the proportion of softwood found on the Forest.
- Generate revenue sufficient to cover the cost of management planning and implementing the first phase of Buckthorn as outlined in the Integrated Pest Management plan (IPM).
- Establish access points and landings for long term management



In 2011 harvesting occurred as prescribed with 56 acres being harvested with a mechanical logging crew and 34 acres were harvested with a cable skidder. Below are the results of the harvest:

<b>Chipping Crew</b>	Pine Logs	Pallet Pine	Hemlock Logs	Spruce Logs	Hardwood Logs	HD Pallet	Pulp/Fwood	Chips	Total
Revenue	\$ 2,972.70	\$ 3.50	\$ 2,731.30	\$ 30.75	\$ 53.71	\$ 3.75	\$ 1,394.57	\$ 167.92	\$7,358.20
Volume (bf or tons)	18,655.0	70.0	109,250.0	410.0	280.0	50.0	537.7	167.9	1298.1
Volume (tons)	85.8	0.3	502.6	1.9	1.6	0.3	537.7	167.9	1298.1
Percent Volume	7%	0%	39%	0%	0%	0%	41%	13%	100%
Percent Revenue	40%	0%	37%	0%	1%	0%	19%	2%	100%

<b>Hand Crew</b>	Pine Logs	Pallet Pine	Hemlock Logs	Spruce Logs	Hardwood Logs	HD Pallet	Pulp/Fwood	Chips	Total
Revenue	\$ 5,456.94	\$ 9.90	\$ -	\$ -	\$ -	\$ -	\$ 2,071.36	\$ -	\$7,538.20
Volume (bf or tons)	29,570.0	550.0	0.0	0.0	0.0	0.0	462.4	0.0	600.96
Volume (tons)	136.0	2.5	0.0	0.0	0.0	0.0	462.4	0.0	600.96
Percent Volume	23%	0%	0%	0%	0%	0%	77%	0%	100%
Percent Revenue	72%	0%	0%	0%	0%	0%	27%	0%	100%

**Chipping Crew**

Revenue	\$7,358
Acres	56
\$/ac	\$131.40
tn/ac	23.2

**Hand Crew**

Revenue	\$7,538
Acres	34
\$/ac	\$221.71
tn/ac	17.7

**Combined**

Revenue	\$14,896
Acres	90
\$/ac	\$165.52
tn/ac	21.1

After the harvesting was complete a comprehensive plan for managing the invasives was supposed to be ongoing. It appears that something happened and the treatment did not happen or was not ongoing as was supposed to be. In portions of the harvest area the buckthorn is again 15'+ tall. The harvesting has caused the invasives issue to worsen.

**Recommendations for 2020**

The 2009 forest management plan makes the following recommendations for 2020:

<b>Table 2. 2020 Treatment Schedule</b>					
<b>Stand</b>	<b>Type</b>	<b>Description</b>	<b>Acres</b>	<b>Next Treatment</b>	<b>Approx. % Removal</b>
1	RP4A	Red Pine Plantation	48	Grow	
1	RP4B	Red Pine Plantation	24	2nd Entry, Long Shelterwood	30 - 40%



2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	20	Ist Entry, Long Shelterwood	20- 30%
2	WP4A	Mature White Pine	5	Ist Entry, Long Shelterwood	20- 30%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
4	EH4A	Hemlock	15	Selection	25%
4	EH4A	Hemlock	20	Reserve	NA
5	SH4C/HS2C	2 Aged Mixedwood	20	Selection	25%
6	WP4B	White Pine, B Density	11	Selection	25%
6	WP4B	White Pine, B Density	5	Ist Entry, Long Shelterwood	20 - 30%

The 2020 harvest prescribed called for 100+/- acres of harvest utilizing shelterwood and individual tree selection. I have reviewed the area with the Forestry Committee and it makes no sense to conduct anymore harvesting until we develop a more thorough plan for handling the invasives. Conducting more harvesting will only make the problem worse. It is recommended that harvesting recommended for 2020 be suspended.

### Recommendations 2025-2030

The 2009 forest management plan makes the following recommendations for 2025-2030:

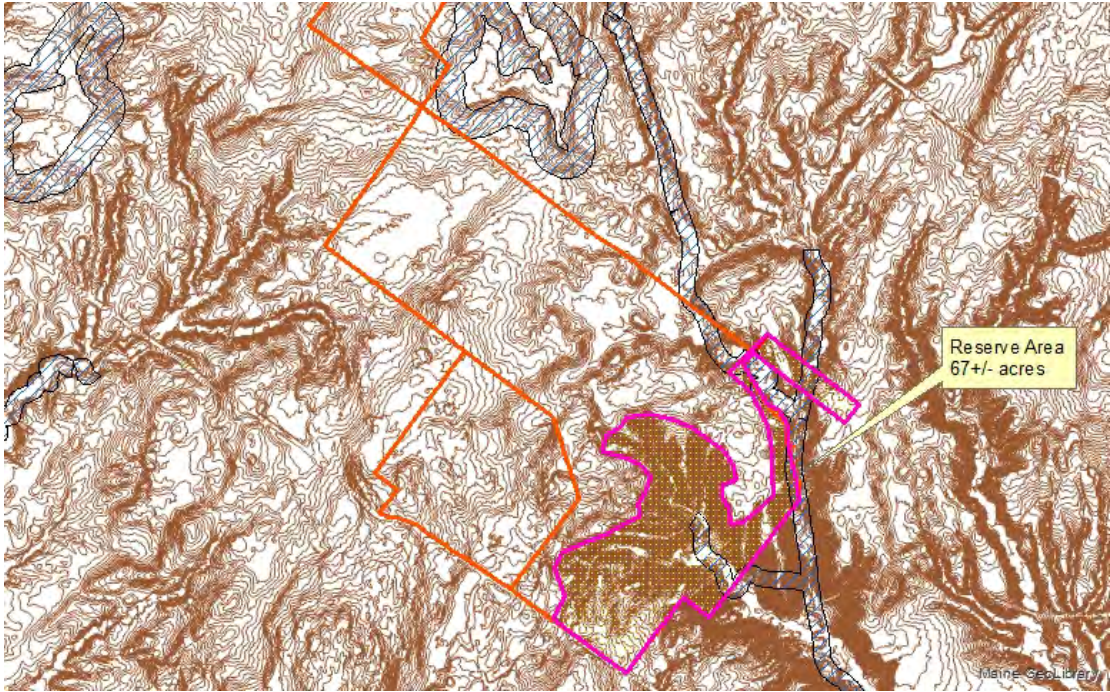
Stand	Type	Description	Acres	Next Treatment	Approx. % Removal
1	RP4A	Red Pine Plantation	48	Shelterwood w Reserves	40 - 50%
1	RP4B	Red Pine Plantation	24	Grow	
2	WP4A	Mature White Pine	20	2nd Entry, Long Shelterwood	30 - 40%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	5	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
4	EH4A	Hemlock	15	Grow	NA
4	EH4A	Hemlock	20	Reserve	
5	SH4C/HS2C	2 Aged Mixedwood	20	Grow	
6	WP4B	White Pine, B Density	11	Grow	

6	WP4B	White Pine, B Density	5	Grow
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The 2025-2030 harvest prescribed called for 93+/- acres of harvest utilizing shelterwood and individual tree selection. Again, it makes no sense to conduct anymore harvesting until we develop a more thorough plan for handling the invasives. Conducting more harvesting will only make the problem worse. It is recommended that harvesting recommended for 2025-2030 be suspended.

**Reserve Area**

A reserve area was set aside in the creation of the 2009 forest management plan. There are additional areas within the Rines Forest that qualify for Reserve Status. The Forestry Sub-Committee has decided expanding the reserve area is desired based on Cumberland’s Guiding Principles. Below is a map of additional riparian areas that will be set-aside for Reserve Status.



## Invasive Species

A plan should be developed that includes some mechanical and chemical methods of controlling and reducing the component of Buckthorn in the Rines Forest. A mini-excavator with a forestry mulcher would be well suited to re-establish the skid trails that were created in the 2011 timber harvest. Below is the IPM that was developed with the 2009 Rines Forest Management Plan. This should be updated by the Forestry Committee ASAP and a plan for implementation developed.

### *Integrated Pest Management Plan (IPM)*

*Field observations have confirmed the presence of a major infestation of common buckthorn (*Rhamnus cathartica*) or glossy buckthorn (*Frangula alnus*). In some cases, this invasive species has completely taken over large portions of the understory, choking out all other species. The outbreaks seem to be associated both with soil condition (wet areas) and light treatment. Given the widespread nature of this infestation a significant, multi-measure control plan should be considered at this time. Currently, there are no known biological control measures available for buckthorn control as is the case for Purple Loosestrife. The control plan should include a means of mechanically cutting the well-established stems, some of which are 20' tall. Plants this tall cannot be adequately controlled, and increases the risk of applying chemicals off target, if a chemical approach is selected. Further I have identified smaller populations of the significantly less insidious Japanese barberry (*Berberis vulgaris*). These populations should be addressed during the entries where Buckthorn will be the primary target.*

#### *IPM Action Plan*

*Mechanically remove as much buckthorn as possible as part of harvest plan (winter 2009)*

*Treat by hand those stems that were missed during harvest. (early spring 2010)*

*Chemically treat sprouts with a quality sub-contractor (fall 2010)*

*Hand pull remaining individual (summer 2011)*

*Monitor and hand pull (ongoing)*

*Please note that the IPM is a living document and will be completed in conjunction with an independent vegetation control expert. Please see the following pages for more information on buckthorn.*

## Legal Obligations Update

Since the last management plan was prepared the state of Maine has implemented Statewide Standards for Timber Harvesting in the shoreland zone. The town of Cumberland chose to be a "Statewide Standards" town under Maine Forest Service jurisdiction. However, the town of Cumberland requires a permit be filed with the CEO prior to beginning any timber harvesting activities in Cumberland.

-Maine Forest Service Statewide Standards establishes statewide standards for timber harvesting and related activities in shoreland areas. In general, timber harvesting activities in shoreland areas must protect shoreline integrity and not expose mineral soil that can be washed into water bodies, including non-forested freshwater and coastal wetlands and tidal waters. Timber harvesting and related activities in shoreland areas below the 300-acre drainage point must leave windfirm stands of trees that provide adequate shade. If located in shoreland areas, roads used primarily for timber harvesting and related activities must be constructed and maintained to standards designed to minimize the chance of exposed soil washing into water bodies, including wetlands. Stream crossings must not disrupt the natural flow of water and must not allow sediment into water bodies. Mill Brook is zoned 75' streamside protection. This 75' zone is on the Milliken and Rines Parcels. A large wetland east of the Godsoe parcel is zoned under a 250' shoreland zone protection zone. This buffer lies partially on the Godsoe parcel.

-Easements: The Property is governed by a permanent Conservation Easement held by the Chebeague and Cumberland Land Trust (CCLT) to "protect the Forest's natural beauty, wildlife and varied ecosystems." The

Easement states "The Protected Property shall be used only for conservation and low-impact outdoor recreation and educational activities that do not rely on substantial alteration to the natural resources."

The Easement also states "...any cutting of trees should be done under the guidance of a forest management plan developed by a professional forester with input from a professional wildlife biologist. The forest management plan must include provisions for protecting soils, water quality and high value plant and animal habitat."

### **Historical, Cultural & Archaeological Sites**

The Maine Historic Preservation Commission (MHPC) was contacted to check for any significant archaeological sites located on the property. The review indicated that no prehistoric (Native American) archaeological sites are known to exist on the property because no survey has been conducted. The report states that no historic archaeology sites are known or likely to exist based on historic information. The report concludes that there may be buildings or structures may exist on the property that have not been evaluated for National Register eligibility.

According to local and past landowner history, the Rines property had a house, two barns and a well. Stone walls still can be found in many areas as well as an old mill dam near the waterfall trail on the original Rines Purchase.

During any future timber harvesting activity these areas should be buffered. Timber management activities should preserve the existing stone walls to the maximum extent possible.

### **Recreation and Aesthetics**

The lot is well used as a recreational destination. The trails are used by walkers, bikers, skiers, snowshoers, hunters and nature watchers regularly. The pond is actively used in the winter by skaters and hockey players. The trails committee is very active and monitors trail conditions regularly. During the 2020 Pandemic the trails and parking areas were used extensively. Some erosion was witnessed from the trails to Mill Brook. The trails committee works on trail hardening projects annually. The Committee regularly corresponds with the Forestry Committee on trail projects. This is very important as recreation trails should be avoided by harvesting equipment. However, often the recreation trails are placed at the best location for timber harvesting trails as well. The two can co-exist as long as the communication channels between the groups remains open.

It is important to note that under the Landowner Liability Law (Title 14, M.R.S.A Section 159-A) the landowner is protected from liability in the event that someone was injured while using the property for recreation. For more information on the Landowner Liability Law please visit the Maine Department of Inland Fisheries & Wildlife website.

Aesthetics are a priority for the Rines Forest and future timber harvests should strive to maintain them throughout the property. Slash piles returned to the woods should be spread so it is as close to the ground as possible and bumper trees used during the harvest should be removed prior to the completion of harvesting activities. Stump heights should be kept as low as possible. Log landings should be cleared of wood debris after completion of harvesting. Wood debris from the landing should be carried back into the woods if possible. Log landings should be seeded with a quality conservation mix that is certified not to contain invasive species. Slash should be kept well away from property lines and access road.

It is important to recognize, though, that "clean and neat" is not necessarily the same as "aesthetics" or good forest management. Brush, large woody debris, dead standing snags and future snags are important for a healthy forest. While the "park like" look may be aesthetically pleasing to the general public and most people, it does not equate with sustainable forest management. The Forestry Committee is aware that "messy" to the general public can also mean the forest is being managed for multiple benefits. It is also important to recognize that there is a difference between managing woodland for multiple benefits and poor-quality logging work. Aesthetics and well managed woodland are compatible.



# Town of Cumberland Rines Forest Management Plan



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1071 D Auburn Road  
Turner, ME 04282  
2009

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## **Town of Cumberland Forest Management Goals**

Below is a list of forest management goals set forth by the Rines Forest Committee. These guideposts should be consulted during any decision making process for the Forest.

- Influence forest stands to enhance habitat to the extent that is possible by maintaining and expanding mature portions of the forest while adding balance by creating some early successional habitat in small forest openings.
- Protect biological features and functionality intrinsic to the Rines Forest (i.e. riparian zones and wetlands, forest structure, etc.).
- Manage and realistically maximize the biological diversity using the focus species forestry approach.
- Make every reasonable effort to control invasive plant species on the Rines Forest while reaching out to adjacent landowners to encourage the same.
- Implement exemplary forest management that is certified to the highest globally accepted standard, Forest Stewardship Council (FSC). See Appendix 10, page 76 for further information about FSC certification.
- Manage the Rines Forest as a model of a well managed forest.
- Strive to keep forest management activities revenue neutral over the long run.

## **Plan Methodology**

The following pages contain the detailed stand descriptions, silvicultural recommendations and rationale for each forest stand as depicted on the forest type map. These pages represent my conclusions and are based significant thoughtful analysis. The details of some of this analysis can be found in the body of the plan as well as in the appendix to this plan and include:

- Forest typing including GPS'd stand boundaries, see map section, page 21.
- A more detailed definition/ discussion of the silvicultural methods prescribed for the Rines Forest, see Definitions on page 26.
- Exploration of the history, origins and past treatments conducted on the Rines Forest, see Appendix 1, page 29.
- Analysis of the current soils found on the forest including discussion of the most relevant types, their influence on productivity and species composition and operability, see Appendix 2, page 30.
- Details of the resource inventory cruise, see Appendix 3, page 34.
- A copy of the site review prepared by the Maine Natural Areas Program (MNAP), see Appendix 4, page 35.
- Synthesis of the most critical and readily applied management concepts for enhancing biodiversity in the forests of Maine, adapted from: Biodiversity in the Forests of Maine: Guidelines for Land Management (Flatebo, Foss & Pelletier, 1999), see Appendix 5, page 39.
- An Integrated Pest Management (IPM) plan for control of Buckthorn, and other invasive species found on the forest, see Appendix 6, page 47.
- A review of some of the more relevant forestry regulations concerning timber harvesting in the State of Maine, see Appendix 8, page 51.
- An application of Focus Species Forestry, including examination of the 2,000 acre zone that surrounds the Forest, see Appendix 9, page 54.



## Stand Descriptions, Silvicultural Objectives and Recommendations

<b>Table 1. 2010 Treatment Schedule</b>					
<b>Stand</b>	<b>Type</b>	<b>Description</b>	<b>Acres</b>	<b>Next Treatment</b>	<b>Approximate % Removal</b>
1	RP4A	Red Pine Plantation	48	2nd Entry, Long Shelterwood	30-40%
1	RP4B	Red Pine Plantation	24	Grow	
2	WP4A	Mature White Pine	20	1st Entry, Long Shelterwood	20-30%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	5	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
4	EH4A	Hemlock	15	Grow	
4	EH4A	Hemlock	20	Reserve	NA
5	SH4C/HS2C	2 Aged Mixedwood	20	Grow	
6	WP4B	White Pine, B Density	11	Grow	
6	WP4B	White Pine, B Density	5	Grow	

**\*\*Tables for proposed 2020 and 2025 – 2030 treatments appear in the appendix**

### **Objectives of Initial Entry**

- Given that much of the forest is in a mature condition, take measures that create some early successional habitat, in small forest openings, while fostering the continued development of the mature portions of the Forest.
- Look for opportunities to foster any inclusions of classic northern hardwood patches. Create opportunities to initiate new hardwood stands to balance the proportion of softwood found on the Forest.
- Generate revenue sufficient to cover the cost of management planning and implementing the first phase of Buckthorn as outlined in the Integrated Pest Management plan (IPM).
- Establish access points and landings for long term management

## **Stand 1, RP4A and RP4B**

The current collection of stands is dominated by planted red pine (*Pinus resinosa*). Originally a much larger area of pasture was reverted back to a forested condition. Due mostly to variations in soil types and hydrology, small pockets of the plantation did not survive and regenerated naturally. The naturally regenerated species include Eastern white pine (*Pinus strobus*) and northern red oak (*Quercus rubra*). Basal areas in this stand average 127 ft<sup>2</sup> per acre. In general, this stand is comprised of larger diameter (12" dbh on average) stems with about 255 trees per acre. Most of the poorly formed trees were addressed during previous entries or had succumbed and fallen out of the stand. With that said there still represents a dichotomy in the overstory; well formed, larger diameter trees, and smaller, lower vigor individuals. This second group should be targeted for removal at this time.

The regeneration in this stand is mixedwood in nature with a good representation of eastern white pine, some red pine and balsam fir (*Abies balsamea*), with red oak and American beech (*Fagus grandifolia*) making up the hardwood component. There is also a significant and expanding population of buckthorn (*Rhamnus cathartica*) and glossy buckthorn (*Frangula alnus*). Where regeneration is free from buckthorn it is vigorous, where buckthorn is abundant little or no regeneration exists.

**Recommended action:** 2<sup>nd</sup> entry of a long shelterwood on A density stands

**Timeframe:** 2010

**Rational:** Regenerate natural stands

**Goals of treatment:**

- Create early successional habitat for:
  - Eastern Towhee
  - Chestnut-sided warbler
- Capture potential mortality
- Initiate a new, naturally regenerated, cohort of trees
- Where such regeneration already exists, foster it's development
- Retain mast producing species like red and white oak as well as American beech
- Provide mechanical control of Buckthorn (see IPM plan for Buckthorn control, Appendix 6, page 47)

Based on much discussion from the Rines Forest Committee, and sound silvicultural and ecological criteria, I recommend that the A density portion of this area be treated at this time. Given the interest in creating some early successional, I recommend that this stand be managed under an even-aged model, employing a shelterwood method. This next entry would be the second entry of a long shelterwood (modified) and can be implemented in either a uniform (individuals removed across the entire stand) or a patch (small groups up to an acre in size) design.

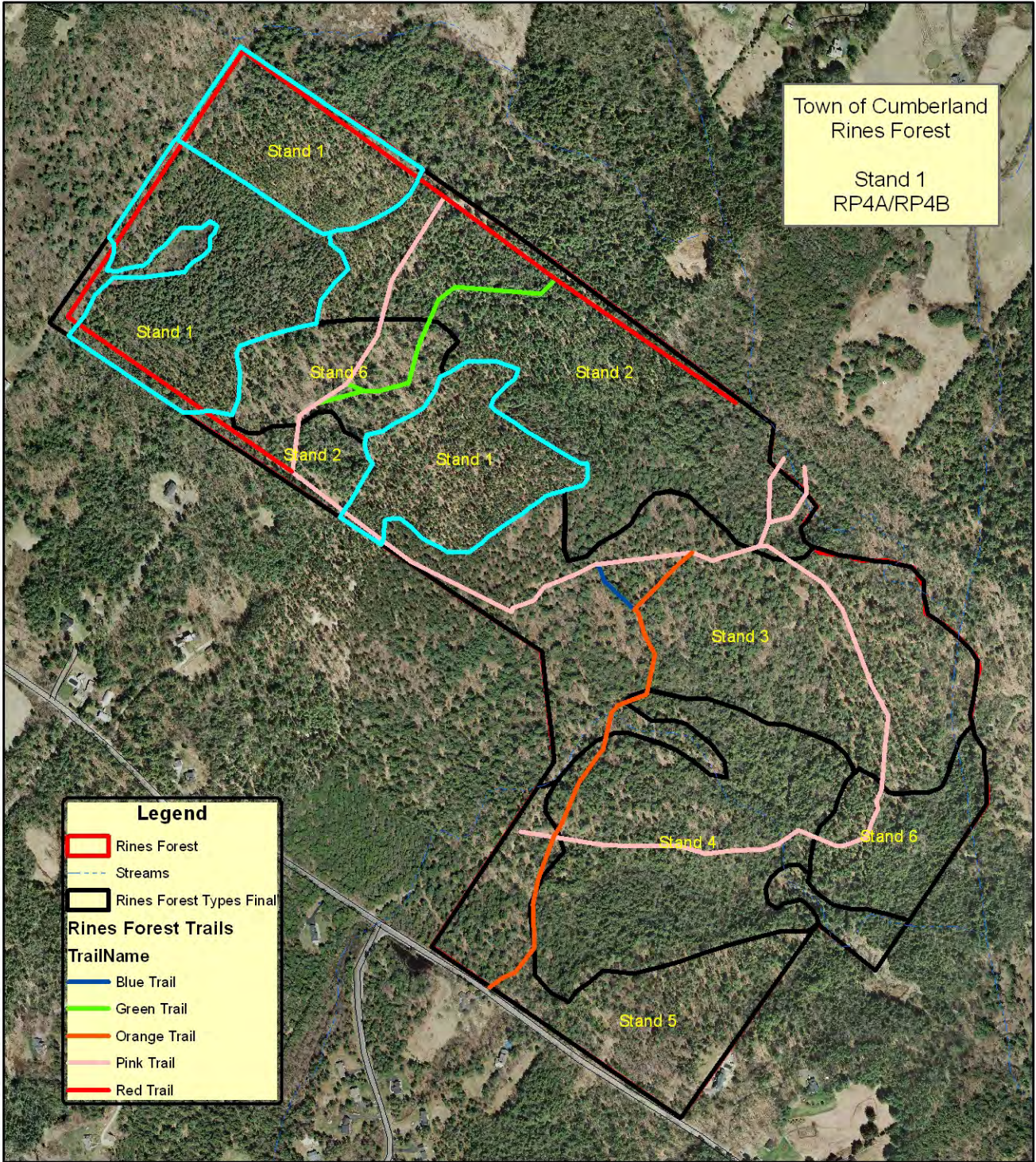
If a patch method is chosen, opt to center patches in areas where advance regeneration exists. The idea here is to remove about 30% of the current stand volume. A traditional second entry would remove about half of the volume and I believe this is too intense a treatment.

This entry should happen as soon as is practical and should be coordinated with the plan to control buckthorn where the timing is of paramount importance. Typically, where recreation is important to a landowner, I recommend that activity be scheduled so as to not interfere with such activities. Given the near year round use of the property, it will be difficult to avoid some interface. However, a winter harvest will minimize ground disturbance and this should trump any conflict with recreational use of the property.

Also please note, and this goes for all treatment recommendations in all stands, that the not every acre in this stand needs nor should receive treatment. The prescription is more outcome based focusing on the stated goals for the stand. That is why it is imperative that the stand be marked by a careful practitioner and the harvest be carefully supervised.

The B-density portion of this stand should be allowed to grow for 10 more years and then receive a similar treatment.





Jay Braunscheidel  
207 632 5854



**Stand 2, WP4A (two separate blocks, c. 40 acres north, and 5 acres south)**

This stand is characterized by large diameter, mature white pine and hemlock, with scattered inclusions of planted red pine. The average diameter exceeds 14" dbh across this expansive stand. Additional overstory components include species like red oak and a mixture of northern hardwoods like yellow birch (*Betula Alleghaniensis*), red maple (*Acer rubrum*) and American beech. However, all these secondary components do not exceed 25% of the composition and that is the reason for the pure pine designation. In general, this stand is fully stocked averaging 152 ft<sup>2</sup> per acre with about 250 trees per acre. However, individual pockets far exceed this average stocking.

The understory is somewhat patchy and in general has a composition similar to that of the overstory. As you would expect, where the density is higher regeneration is scarce with the exception of a few scattered shade tolerant hemlocks. Where more light has been allowed to reach the forest floor, more advance regeneration is present but is still suppressed. Because of this deprived condition, it is unlikely that this cohort will make up the next generation of trees. There are also scattered sections where the regenerating understory is composed of shade tolerant hardwoods like American beech, red and white oak, and balsam fir. None of this is of significant consequence as we are not at a point where it is critical to be regenerating the stand. At this point the objective is to tend the stand.

**Recommended action:** 1<sup>st</sup> entry of a long shelterwood on c. 50% of the stand area

**Timeframe:** 2010

**Rational:** Tend high volume portions, choose and retain crop trees

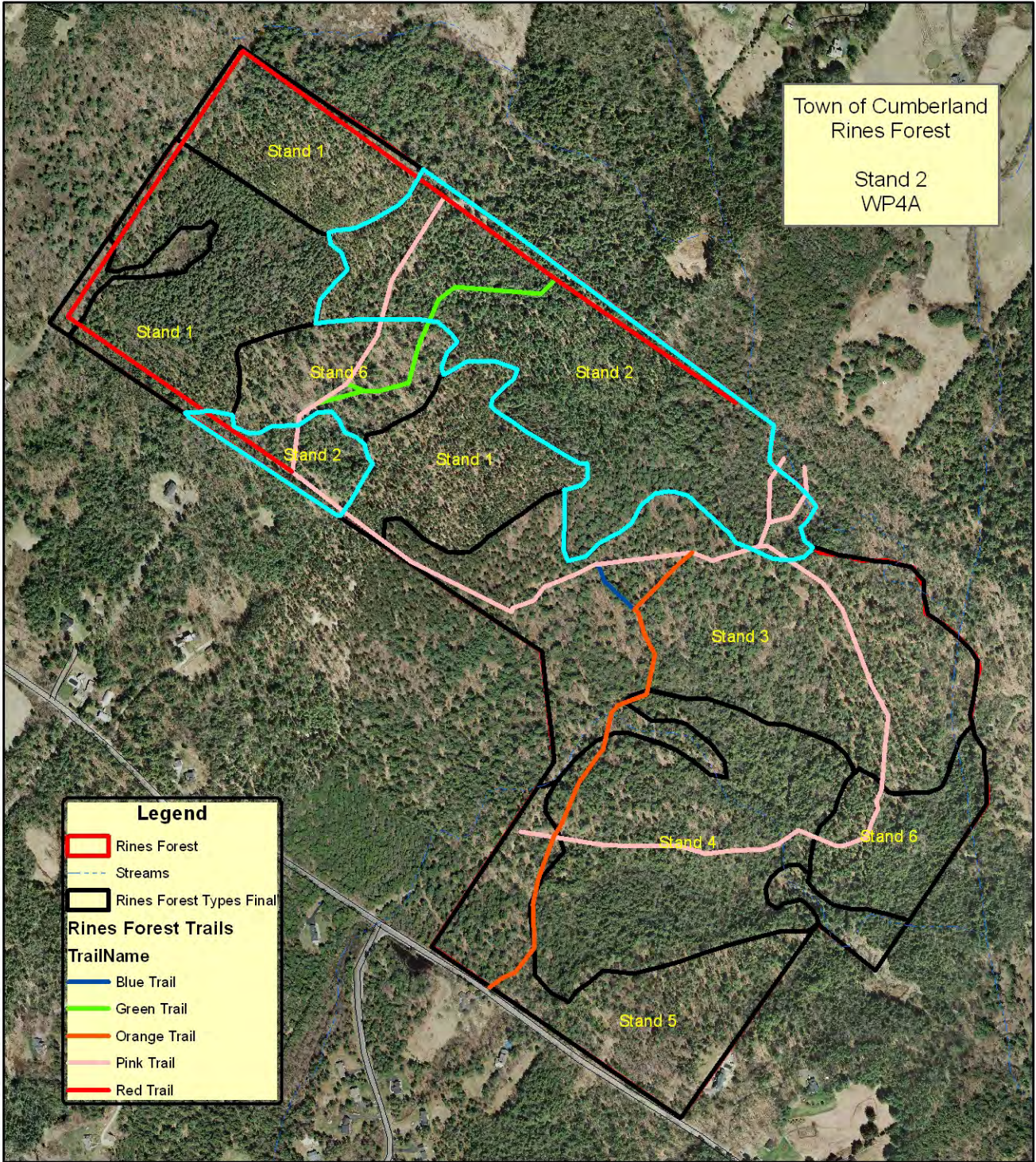
**Goals of treatment:**

- Allow much of the stand to mature fostering habitat for our focus species:
  - Pileated woodpecker
  - Barred Owl
  - Wood Thrush
  - Pine Warbler
  - Redback Salamander
  
- Capture potential mortality
- Tend the stand, concentrating site resources on most ecologically and economically valuable trees
- Foster and expand hardwood inclusions. Retain:
  - Red and white oak (*Quercus alba*)
  - Sugar maple (*Acer saccharum*)
  - Yellow birch
  - Healthy beech
  
- Foster and expand mature pockets of hemlock

- Thin red pine pockets to a density that is more consistent with natural mixed softwood stands. Note: *natural* stands of red and white pine are ranked as S3, or Rare in Maine (20-100 occurrences) by MNAP.

Given the interest in eventually creating early successional habitat in this stand, I recommend that this stand be managed under an even-aged model, employing a shelterwood method. Note that this entry is not designed to initiate a new cohort of trees, but is designed to tend the stand. So the early successional habitat creation in this stand will commence during the next entry, the 2<sup>nd</sup> entry of a long shelterwood. This current entry should cover about half of the stand. The balance should be allowed to grow for 10 – 20 years, unless monitoring of the stand discovers a reason to treat earlier. The decision regarding which 50% should be based on current conditions. The idea is to treat areas that were not treated during the last entry. So which 25 acres will be up to the forester who marks the stand. One factor to keep in mind is that it may make sense to “attach” the uncut portion to the riparian zone and the portion of the neighboring stand that is scheduled to grow during this entry as well.





**Legend**

- Rines Forest
- Streams
- Rines Forest Types Final

**Rines Forest Trails**

TrailName	Color
Blue Trail	Blue
Green Trail	Green
Orange Trail	Orange
Pink Trail	Pink
Red Trail	Red



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### **Stand 3 WP4C/H3B**

This stand is at least a two aged stand with pockets that are developing a third age class. It represents a significant portion of the forest and is well poised for active, but low intensity forestry. As the typing suggests, the primary overstory component is relative well spaced large diameter white pine. However it is not uncommon to see small assemblages of eastern hemlock (*Tsuga canadensis*) or even red oak. In general this component is comprised of well formed individuals, which is not unexpected given the careful and disciplined tending it has received in the past. The second age class is predominantly shade tolerant hardwoods, similarly well spaced and of favorable composition. It is curious that only a small fraction of this second age class is softwood given it's abundance in the overstory. This would lead one to conclude that this is truly a hardwood site and that the softwood in the overstory arose as a result of past agricultural practices. However, the soils analysis (see appendix 2, page 30 ) for this area suggests other wise. One remaining explanation is that the previous silvicultural treatments did not allow sufficient light to reach to forest floor to regenerate the less shade tolerant eastern white pine. This fact should be considered when applying the prescribed treatment. Basically, make certain that we create at least some patches large enough to regenerate white pine. It would be a shame to lose this component altogether.

When taken as an aggregate, this stand boasts the highest average basal area on the property at 167 ft<sup>2</sup> per acre with trees per acre in excess of 300. Further the majority of the stems are fairly well formed and average about 17" dbh. This is likely the result of careful, disciplined previous entries.

**Recommended action:** Selection entry (single tree and groups) c. 50% of the stand

**Timeframe:** 2010 or 2011

**Rational:** Shift to uneven aged management

**Goals of treatment:**

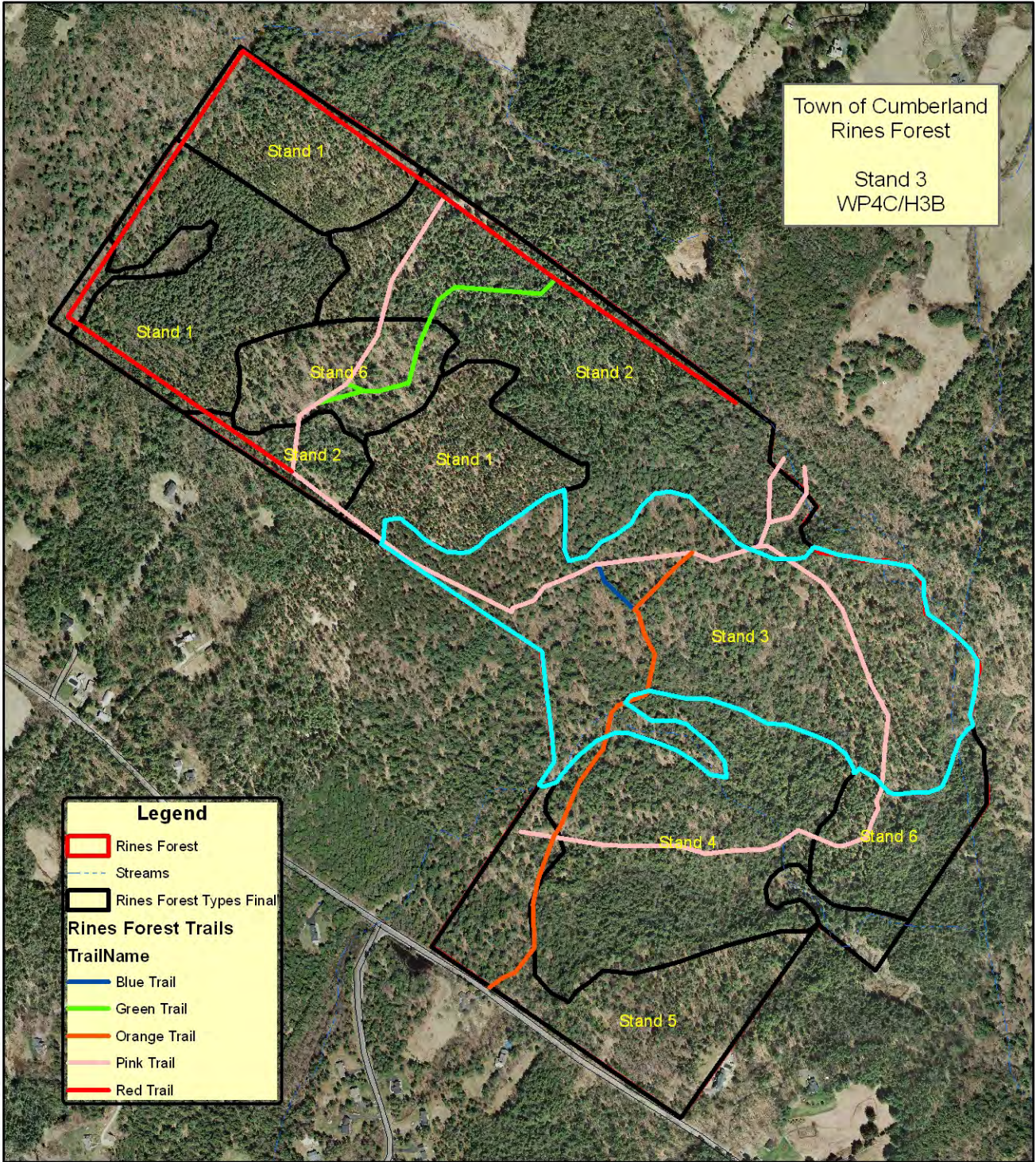
- Initiate new age class
- Tend the intermediate size/age classes, by capturing potential mortality
- Retain mature condition in perpetuity

This stand marks the separation point between that portion of the forest that is to be managed under an even-aged system and that which is to be more lightly tended under an uneven aged method. This will allow for a buffer around the Rines Reserve area where a more diffuse treatment will be applied. The mature condition we find today will be maintained and enhanced with harvest treatments and intervals that more closely mimic natural disturbance.



With that said, this stand should be encouraged to develop multiple age classes and be managed under an uneven aged management system. A selection harvest, both single tree and groups (here we are talking about ¼ acre patches or smaller) are appropriate for portions of this stand at this time. This treatment should be applied to about 50% of the area focusing on areas not treated during the last entry and opportunities to either release well formed sapling cohorts or create new classes. In the oak and white pine dominated portions of the stand, a light single tree approach will likely result in a significant change in species composition. So keep in mind the desire to regenerate these species and other desirable yet less shade tolerant species.





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#### **Stand 4, EH4A**

This stand is comprised of a nearly pure core of eastern hemlock and mixes with other softwoods and hardwoods as it fans out from the center. The basal area ranges from 150 ft<sup>2</sup> to over 200 ft<sup>2</sup> near the brook. The hemlock portion is composed of predominantly eastern hemlock in the 12 to 14" (dbh) range. There is a scattering of dominant red oak with the hemlock, and a minor component of other northern hardwoods like red maple, yellow birch and white birch mostly in the intermediate and suppressed crown positions. These tend to be smaller diameter and poorly formed. The understory is absent at the center where the nearly complete crown closure precludes light from reaching the soil. As you approach the edges where light from the last entry makes it's way to the forest floor, a sapling component composed of mostly hardwood exists.

Within this stand are some significant riparian features that warrant special attention leading to my recommendation that this area contain the Rines Forest Reserve, or at least part of it.

This stand should be treated in two ways. A portion should be placed in a Reserve and the balance of this stand should be allowed to grow. This second portion will be considered for a selection entry in 2020.

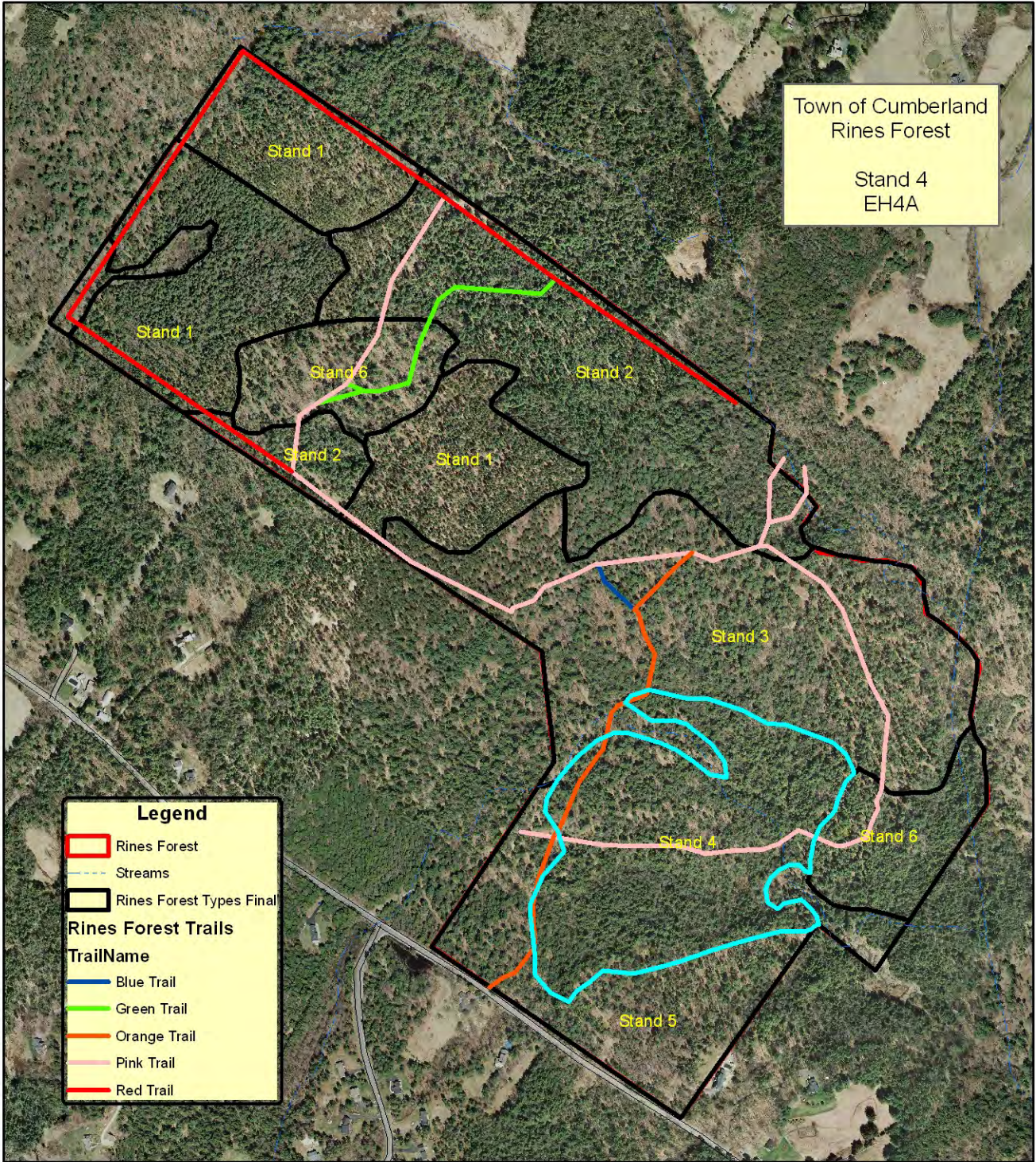
**Recommended action:** Reserve 20-40+ acres, Grow balance

**Rational:** Allow mature hemlock to approach late successional conditions while buffering the reserve with an area that maintains a mature condition.

**Goals of treatment:**

- Expand, maintain and foster habitat for:
  - Fisher
  - Pileated woodpecker
  - Barred Owl
  - Wood Thrush
  - Redback salamander





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## **Stand 5, SH4C/HS2C**

This area is similar to Stand 4 in that it is at least two aged. The reason it is being treated separately here is that it has a lower stocking level and was either entered more recently or more volume was removed during the previous entry if they were in fact conducted simultaneously. The average basal area ranges from 90 ft<sup>2</sup> to 135 ft<sup>2</sup> and the average diameters are in the 9 to 12" (dbh) range. In contrast to Stand 4, the overstory composition here includes to a greater degree, eastern hemlock as well as red spruce (individuals) and balsam fir, and therefore the mixedwood designation SH (more softwood than hardwood). A further contrast is that the second cohort contains more softwood, and that both age classes are less well stocked.

There are some small pockets present in this stand that contain very large diameter hemlock and white pine with a very advanced large sapling cohort that is mostly hardwood. This section of the forest has not been treated for many years yet still does not warrant an entry at this time and is grouped into this stand for that reason.

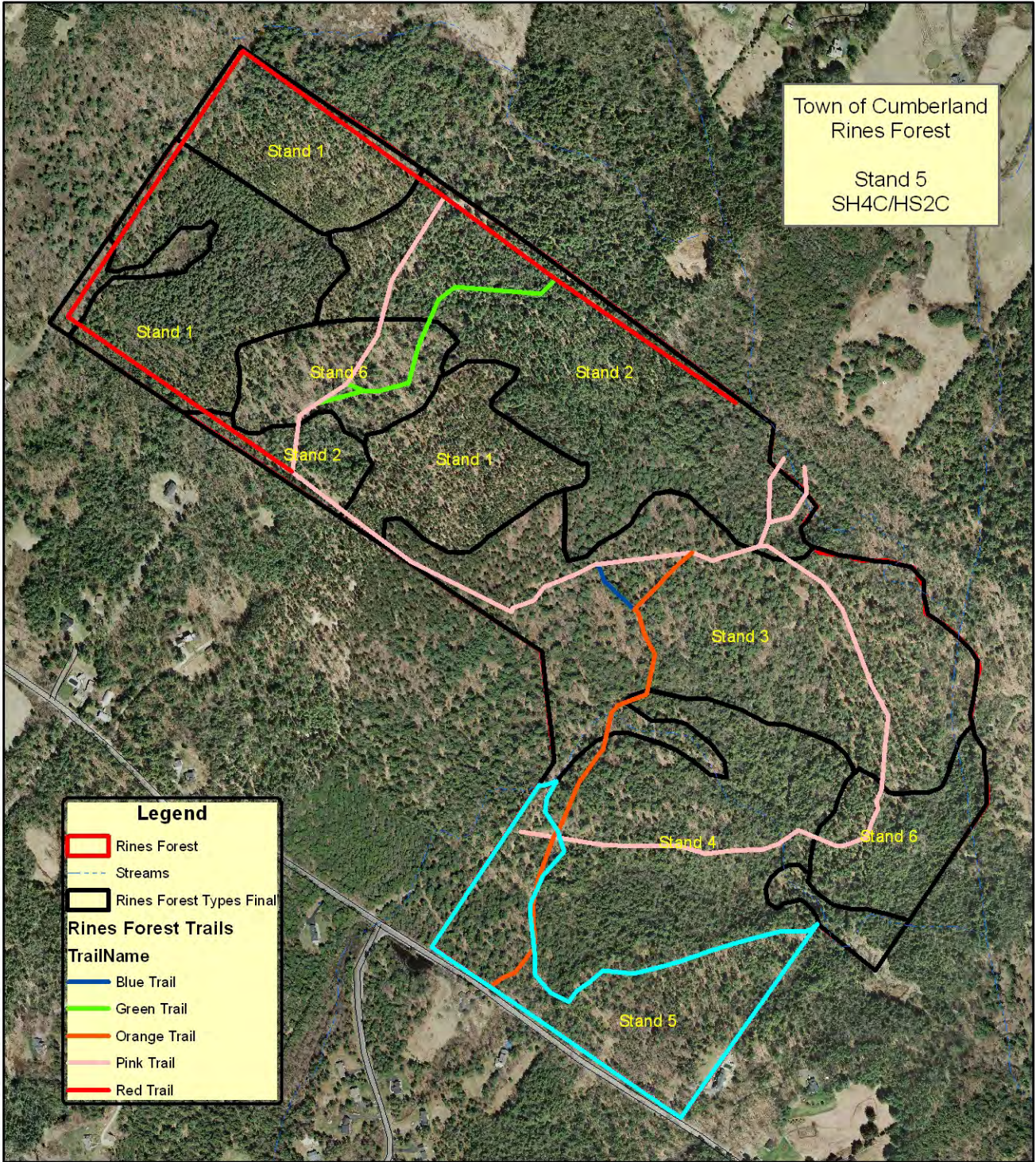
**Recommended action:** Grow

**Rational:** Allow stand to recover and mature from last treatment

**Goals of treatment:**

- Increase stocking level allowing stand to mature
- Balance the forest in terms of treatment timing
- "Buffer" the Reserve area





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**Stand 6, WP4B (two separate blocks, c. 11 acres west, and c. 10 acres east)**

These two blocks are composed of B density eastern white pine and were harvested during the last entry. The overstory is composed of relatively well formed sawlog sized white pine. The stocking here is a bit lighter than we see on the balance of the property running at an average basal area of about 110 ft<sup>2</sup> per acre with an average of 300 trees per acre and a mean diameter of approximately 14" DBH.

Despite the near uniform overstory of white pine, the understory is nearly all hardwood. The last harvest entry was likely both low intensity and conducted in the winter. The resulting low light penetrating the residual canopy and the lack of soil scarification led to the lack of pine regeneration. If subsequent entries are designed to regenerate white pine (and oak), both of these conditions must be reversed. However, given the lower density of this stand it is likely prudent to forestall any treatment at this time.

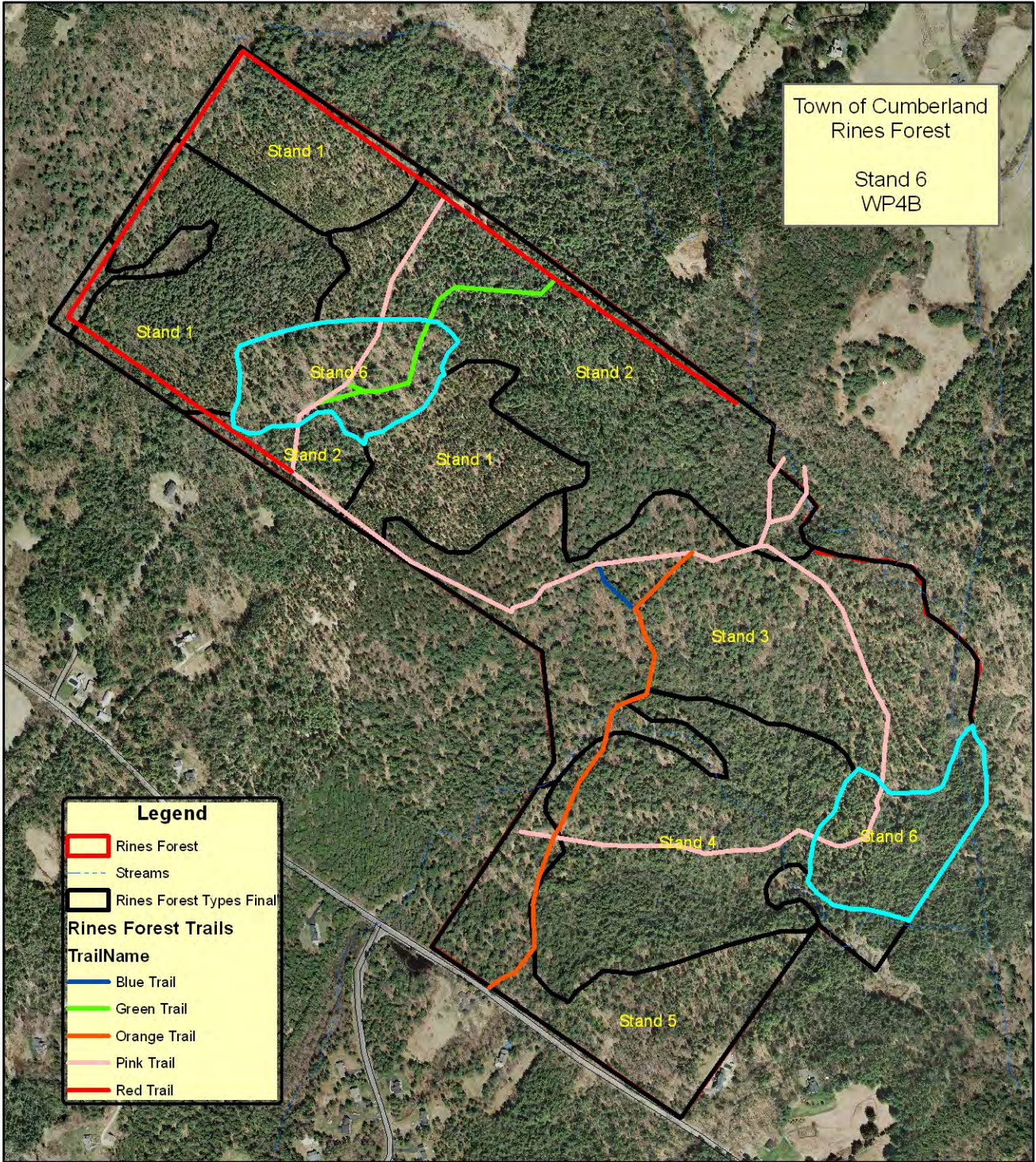
**Recommended action:** Grow

**Rational:** Allow stand to recover and mature from last treatment

**Goals of treatment:**

- Increase stocking level
- Balance the forest in terms of treatment timing
- "Buffer" the Reserve area





Town of Cumberland  
Rines Forest  
  
Stand 6  
WP4B

**Legend**

- Rines Forest
- Streams
- Rines Forest Types Final

**Rines Forest Trails**

TrailName	
Blue Trail	<span style="border-bottom: 2px solid blue; display: inline-block; width: 20px; margin-right: 5px;"></span>
Green Trail	<span style="border-bottom: 2px solid green; display: inline-block; width: 20px; margin-right: 5px;"></span>
Orange Trail	<span style="border-bottom: 2px solid orange; display: inline-block; width: 20px; margin-right: 5px;"></span>
Pink Trail	<span style="border-bottom: 2px solid pink; display: inline-block; width: 20px; margin-right: 5px;"></span>
Red Trail	<span style="border-bottom: 2px solid red; display: inline-block; width: 20px; margin-right: 5px;"></span>



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## **Rines Forest Reserve Area**

The concept for the Rines Forest Reserve is to designate an area that would remain free from treatments into perpetuity. This area should be centered on some biologically important features and range in size between 20 and 40+ acres. As outlined in the description for stand 4 above, a significant portion of this reserve will be located in stand 4. This portion of the forest is comprised of nearly mature trees and encompasses two very important riparian zones. The first is a major stream leaves a culvert under Range road and leads into this area eventually emptying into a forested wetland near the corner of the property. This wetland expands as it exits the Rines forest into a larger wetland before draining back into Mill Brook. The second is the riparian that crosses Range road to the south west and eventually feeds the large protected vernal pool on the southern side of the road.

This Reserve area should contain the entire portion of the nearly pure hemlock stand, the forested wetland to the north, and the riparian corridor leading from Range Road (see map for recommended layout). The Reserve will be further expanded to include the steep slopes and the stream zones that run north and west of the Reserve.

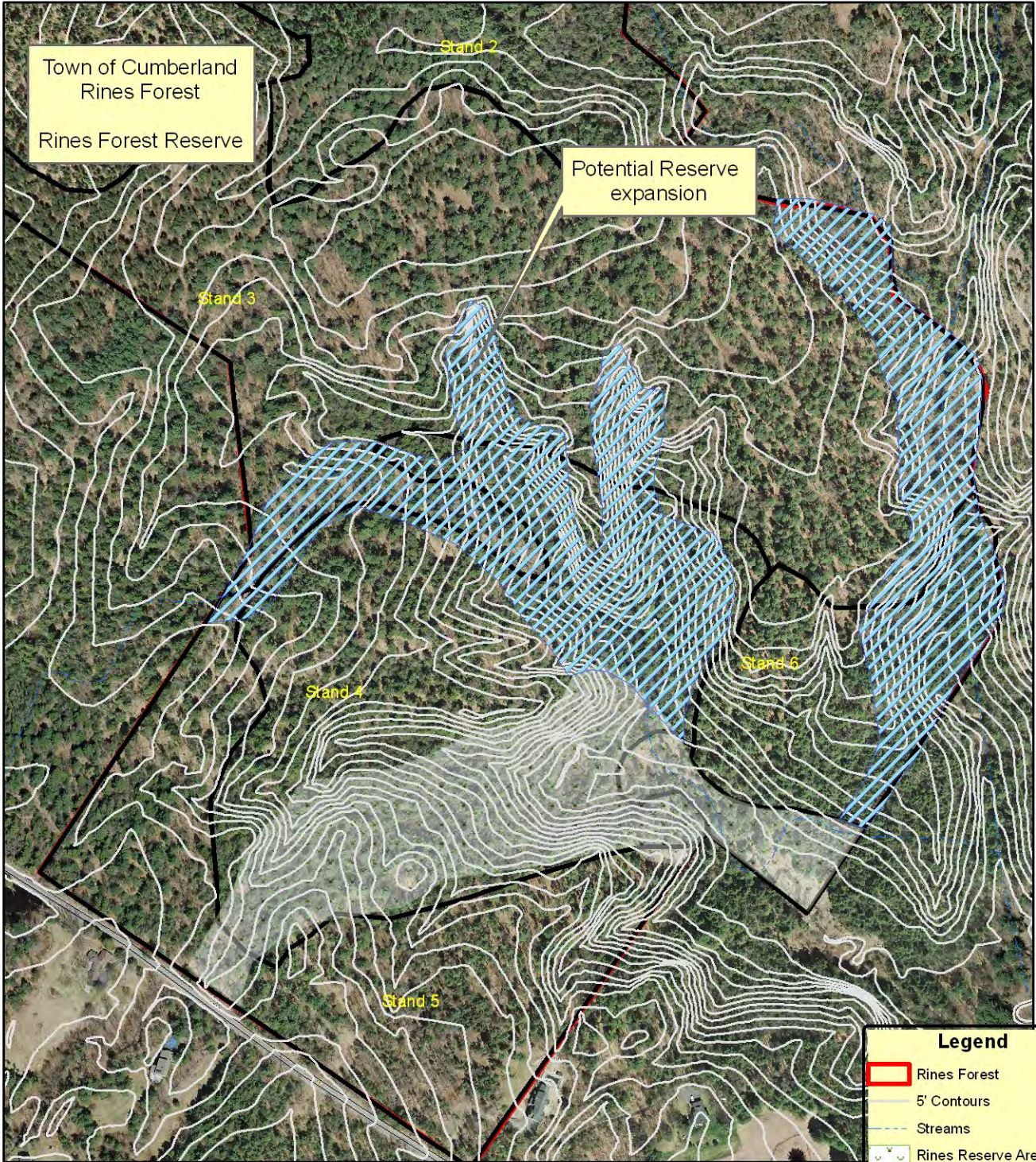
**Recommended action:** Preserve

**Rational:** This portion of the State lacks forest blocks of this size that are allowed to grow and mature undisturbed.

### **Goals of treatment:**

- Develop late successional conditions in this nucleus
- Expand, maintain and foster habitat for:
  - Fisher
  - Pileated woodpecker
  - Barred Owl
  - Wood Thrush
  - Redback salamander



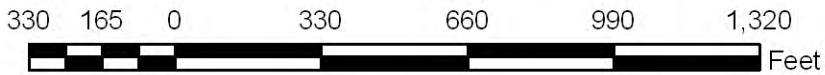


Town of Cumberland  
Rines Forest  
Rines Forest Reserve

Potential Reserve expansion

**Legend**

- Rines Forest
- 5' Contours
- Streams
- Rines Reserve Area
- Rines Forest Types Final

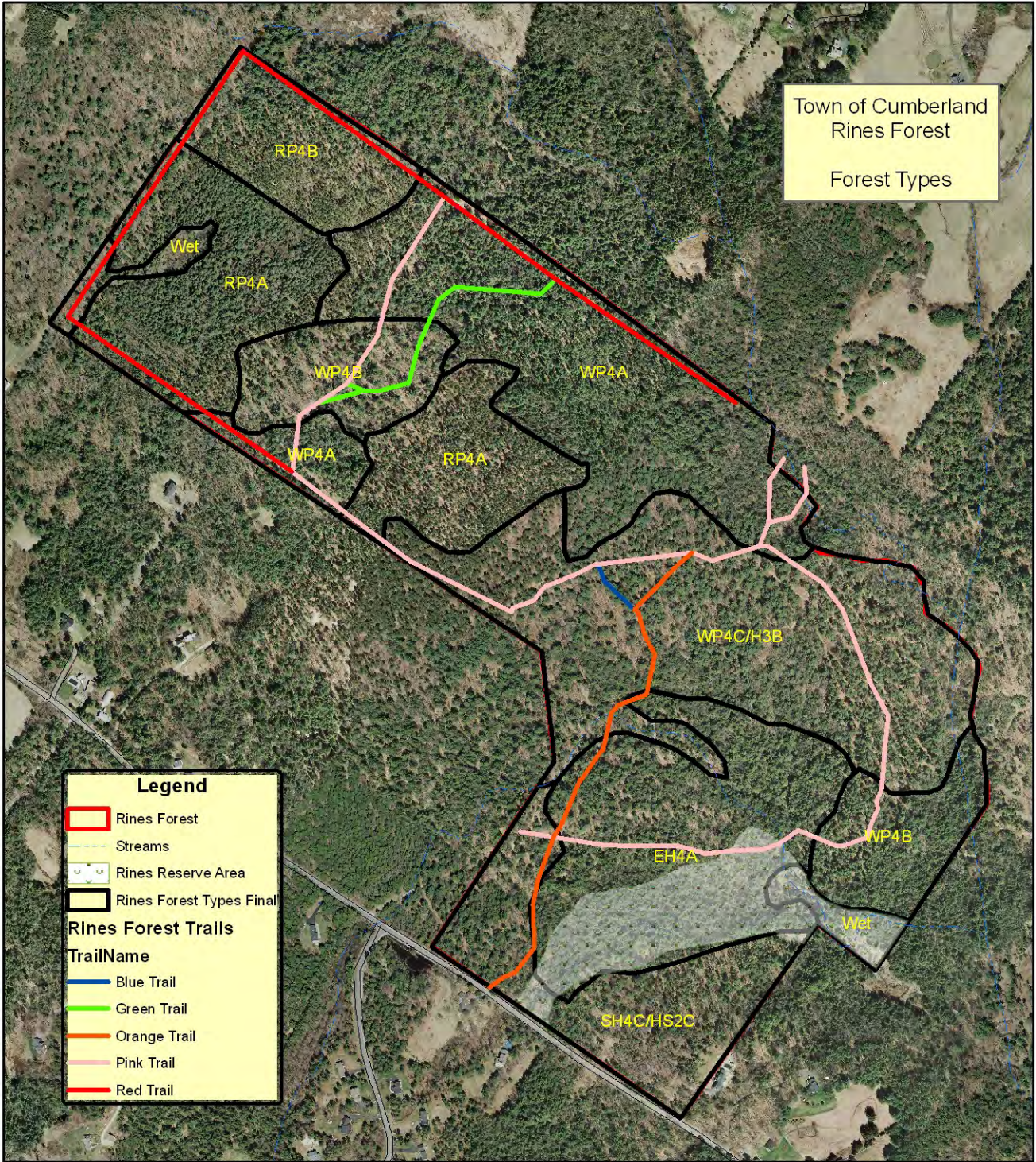


Jay Braunscheidel  
207 632 5854



# Maps





Town of Cumberland  
Rines Forest  
Forest Types

**Legend**

- Rines Forest
- Streams
- Rines Reserve Area
- Rines Forest Types Final

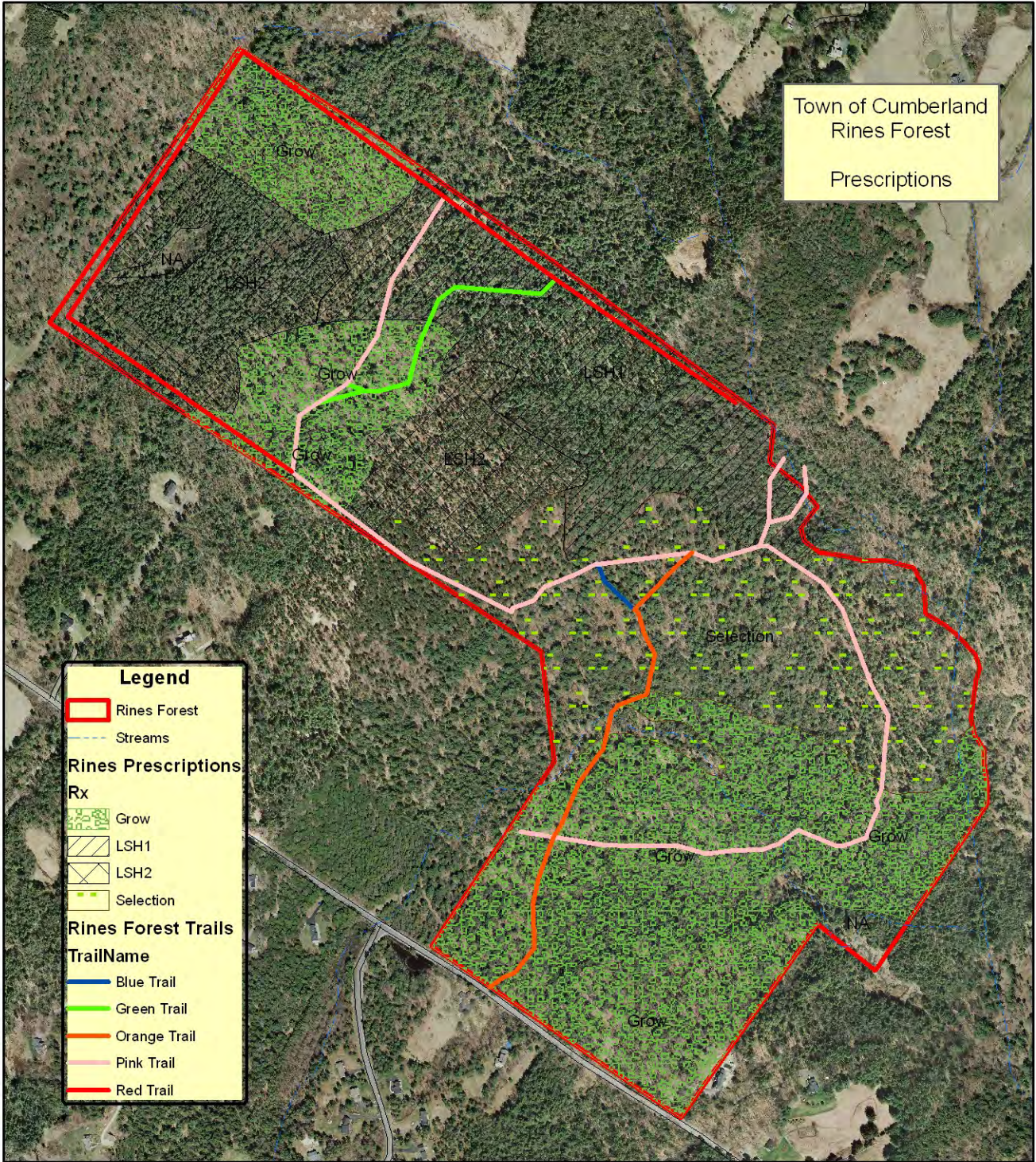
**Rines Forest Trails**

TrailName	
Blue Trail	<span style="border-bottom: 2px solid blue; display: inline-block; width: 15px; margin-right: 5px;"></span>
Green Trail	<span style="border-bottom: 2px solid green; display: inline-block; width: 15px; margin-right: 5px;"></span>
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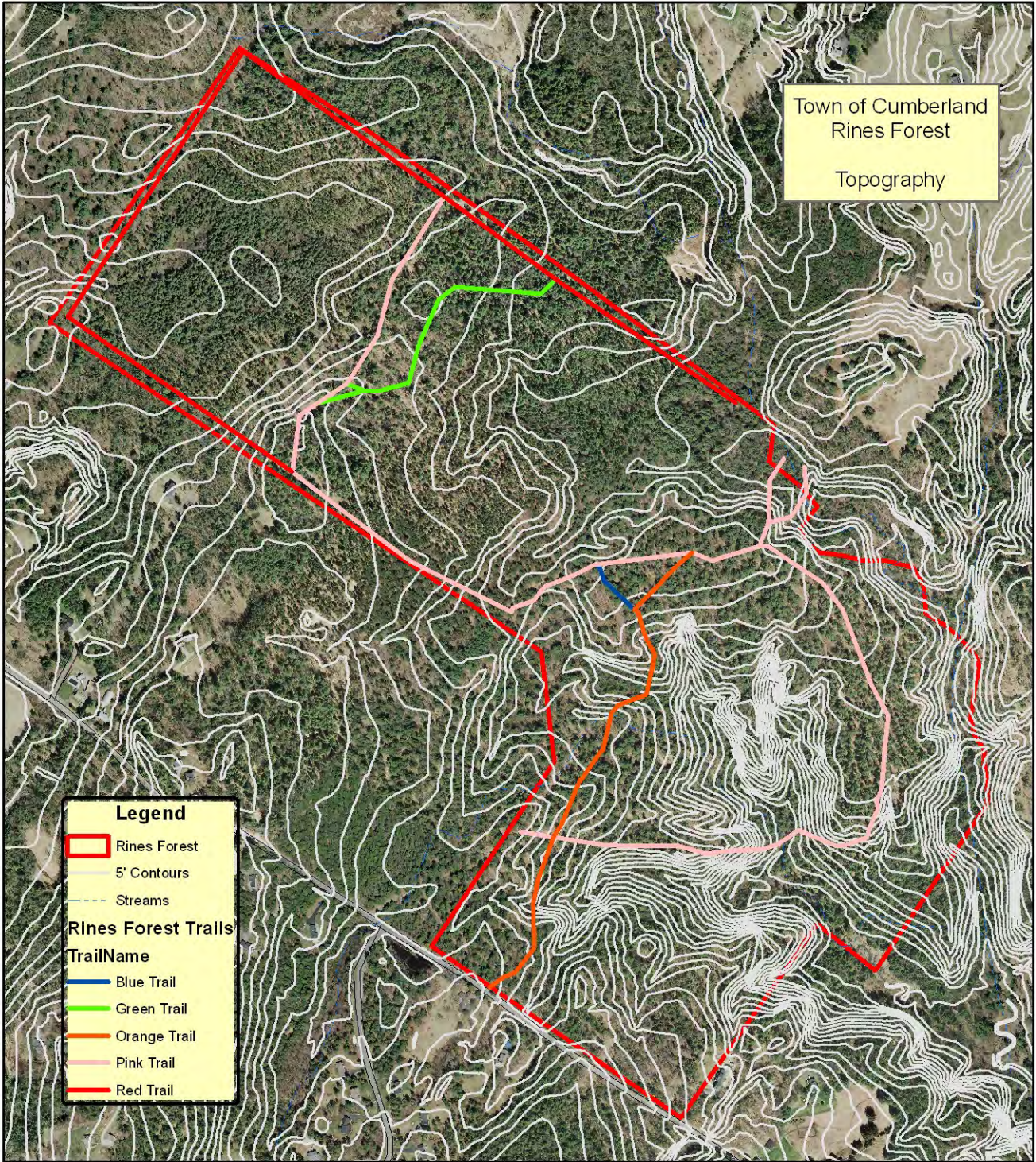
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207 632 5854

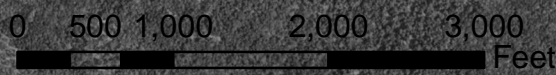
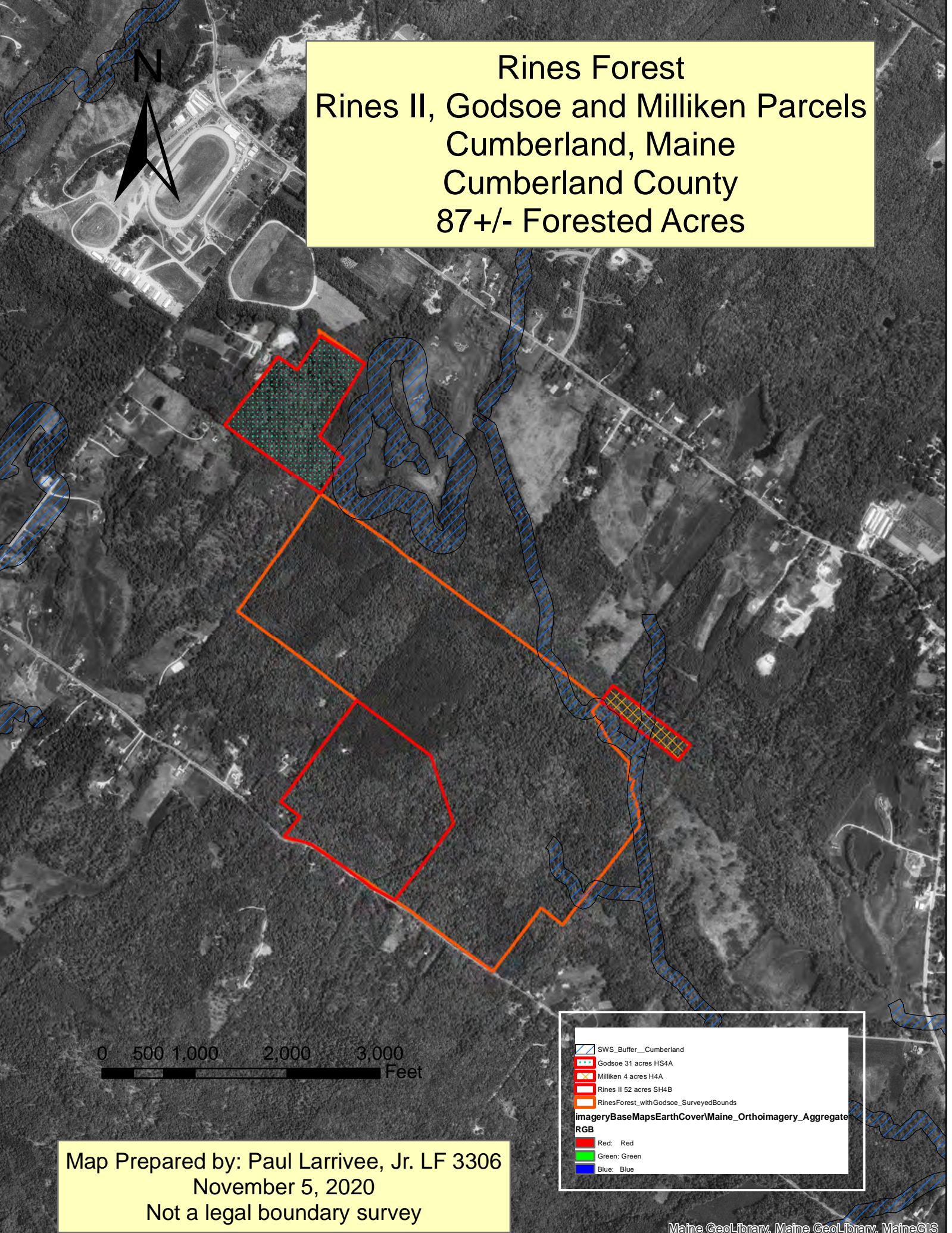




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Rines Forest  
Rines II, Godsoe and Milliken Parcels  
Cumberland, Maine  
Cumberland County  
87+/- Forested Acres



imageryBaseMapsEarthCoverMaine\_Orthoimagery\_Aggregate  
RGB

- Red: Red
- Green: Green
- Blue: Blue

- SWS\_Buffer\_Cumberland
- Godsoe 31 acres HS4A
- Milliken 4 acres H4A
- Rines II 52 acres SH4B
- RinesForest\_withGodsoe\_SurveyedBounds

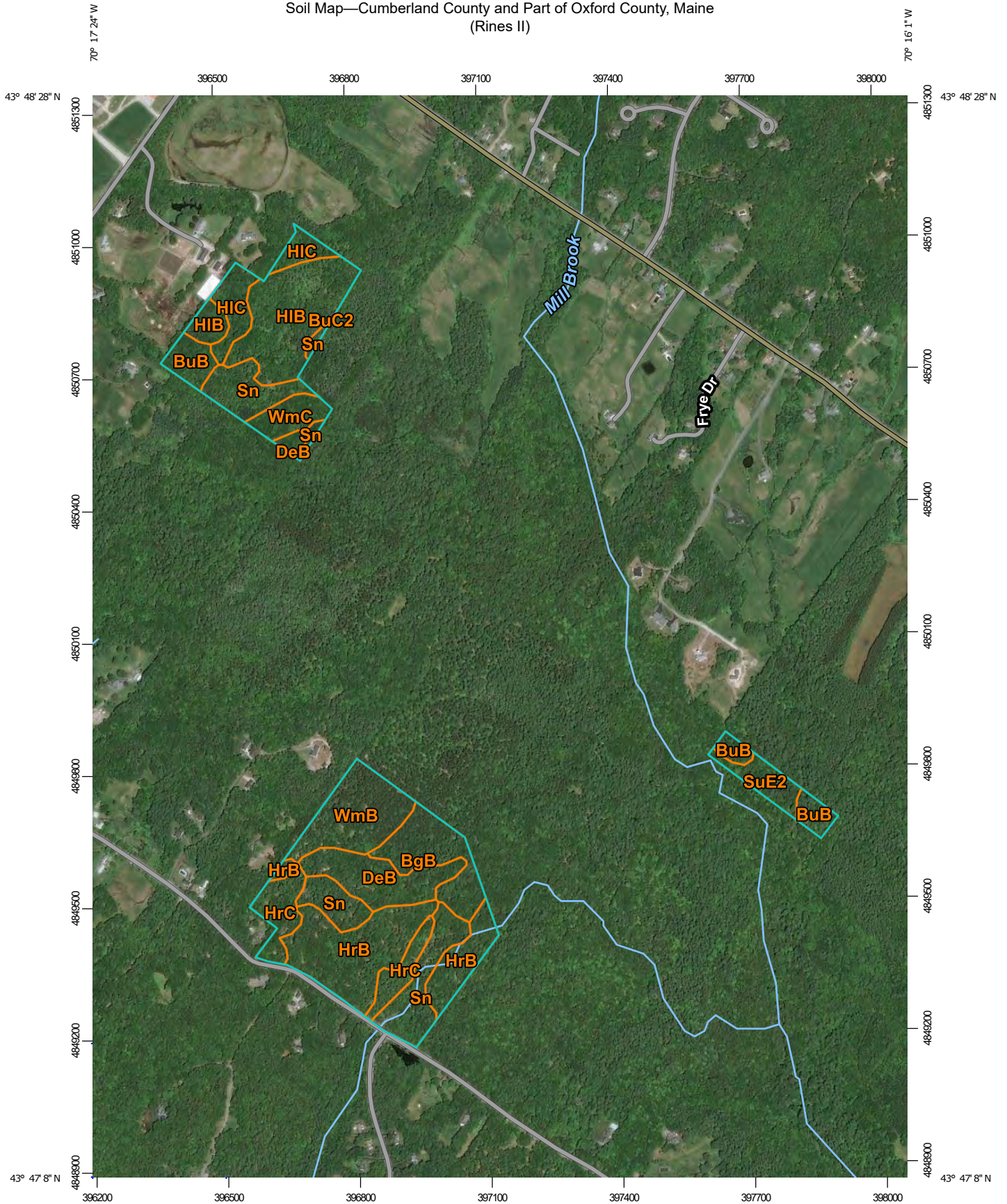
Map Prepared by: Paul Larrivee, Jr. LF 3306  
November 5, 2020  
Not a legal boundary survey



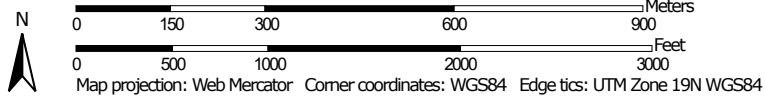




Soil Map—Cumberland County and Part of Oxford County, Maine  
(Rines II)



Map Scale: 1:12,000 if printed on A portrait (8.5" x 11") sheet.



Soil Map—Cumberland County and Part of Oxford County, Maine  
(Rines II)

**MAP LEGEND**

**Area of Interest (AOI)**

 Area of Interest (AOI)




















**Soils**







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 7, 2019—Jul 2, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	7.1	8.1%
BuB	Lamoine silt loam, 3 to 8 percent slopes	4.7	5.4%
BuC2	Buxton silt loam, 8 to 15 percent slopes	0.0	0.0%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	7.7	8.8%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	13.6	15.5%
HIC	Hinckley loamy sand, 8 to 15 percent slopes	4.7	5.4%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	16.0	18.2%
HrC	Lyman-Tunbridge complex, 8 to 15 percent slopes, rocky	6.0	6.9%
Sn	Scantic silt loam, 0 to 3 percent slopes	13.7	15.7%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	2.8	3.2%
WmB	Windsor loamy sand, 0 to 8 percent slopes	8.4	9.6%
WmC	Windsor loamy sand, 8 to 15 percent slopes	2.9	3.3%
<b>Totals for Area of Interest</b>		<b>87.7</b>	<b>100.0%</b>





**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**

177 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

**JANET T. MILLS**  
GOVERNOR

**AMANDA E. BEAL**  
COMMISSIONER

August 12, 2020

Denny Gallaudet, Forestry Committee Town of Cumberland  
Via email: [denny.gallaudet@gmail.com](mailto:denny.gallaudet@gmail.com)

Re: Forest Management Plan Review

Dear Mr. Gallaudet:

In response to your request received on August 10, 2020, I have searched our data system for information on rare or unique botanical features, rare animal populations, and essential or significant wildlife habitats in the vicinity of the Town of Cumberland's Rines Forest in Cumberland.

For individual parcel reviews, we use a simple checklist that summarizes our findings. The enclosed checklist includes our review of several data sets, some of which are maintained by the Maine Natural Areas Program (MNAP) and others that are maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW), and the U.S. Fish and Wildlife Service (USFWS). If a parcel intersects with a data set maintained by MDIFW or USFWS, please contact the appropriate biologist indicated on the checklist for additional information.

The parcel is within a focal area for New England Cottontail (State Endangered). Cottontails can be differentiated from the much more common snowshoe hare by their generally smaller size, and that they remain brown year-round; whereas hares change to white in winter. They rely on early-successional habitats such as dense, shrubby thickets or regenerating young forests, and such habitat is also valuable to species such as American woodcock, ruffed grouse, prairie warblers, brown thrashers, and many others. Good forestry practices can produce this habitat and provide for timber procurement. For more information, please see the Landowners Guide to New England Cottontail Habitat Management, available at <http://www.newenglandcottontail.org/>, or contact MDIFW regional wildlife biologist Cory Stearns (287-5759) or Maine's New England cottontail Restoration Coordinator Jeff Tash (646-9226). In some cases, financial assistance may be available from the Natural Resources Conservation Service (NRCS) to assist in managing for young forest habitat. Please contact Jeremy Markuson (990-9571) for more information about NRCS programs.

Mill Brook and its tributaries support populations of wild brook trout. Brook trout prefer cool, well-oxygenated waters that benefit from intact riparian corridors. Any forest management activities planned for riparian zones should closely follow the state's Best Management Practices, including appropriate buffer distances, shade retention, and minimization of sediment runoff. Please see the attached fact sheet for more information about brook trout in Maine.

Good management of these habitats is consistent with good forestry, and MDIFW's regional wildlife and fisheries biologists are available to assist you in maintaining their integrity while allowing for forest management and timber procurement. According to the information currently in our files, there are no other rare species or important habitats documented within the property. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare features.

**MOLLY DOCHERTY, DIRECTOR**  
MAINE NATURAL AREAS PROGRAM  
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-8044  
[WWW.MAINE.GOV/DACF/MNAP](http://WWW.MAINE.GOV/DACF/MNAP)

Letter to Denny Gallaudet  
Comments RE: Rines Forest, Cumberland  
August 12, 2020  
Page 2 of 4

Thank you for using the MNAP in the forest management planning process. If you have questions about the MNAP, or if you would like more information about this site, please feel free to contact me. You can also visit us on the web at [www.maine.gov/dacf/mnap](http://www.maine.gov/dacf/mnap).

Sincerely,

*Lisa St. Hilaire*

Information Manager | Maine Natural Areas Program  
maine.nap@maine.gov | Phone: (207) 287-8044 | Fax: (207) 287-8040

cc: Cory Stearns, Brian Lewis, MDIFW

### Forest Management Plan Review

Forester: *Denny Gallaudet*      Landowner: *Town of Cumberland*      Lot Name: *Rines Forest*  
 Date Received: *8.10.2020*      Town: *Cumberland*      County: *Cumberland*      MDIFW Region: *A*

<b>PLANT, ANIMAL, AND HABITATS</b>	Documented to occur at the site? YES      NO		Contact the following biologist to discuss conservation considerations	
<b>Plants:</b> rare, threatened and/or endangered <i>If yes, see attached summary table.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Natural Communities:</b> rare and/or exemplary <i>If yes, see attached summary table.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>Animals:</b> rare, threatened, or endangered <i>If yes, see attached summary table.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MDIFW Assistant Regional Wildlife Biologist Cory Stearns, 287-5759	
<b>Mapped Essential Wildlife Habitats:</b> Roseate tern Piping plover and Least tern	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
<b>Mapped Significant Wildlife Habitats:</b> Deer wintering area Inland waterfowl and wading bird habitat Tidal waterfowl and wading bird habitat Significant vernal pool Shorebird feeding/roosting area	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
<b>Wild brook trout habitat</b>	Yes <input checked="" type="checkbox"/>	Unknown <input type="checkbox"/>	MDIFW Assistant Regional Fisheries Biologist Brian Lewis, 287-5760	
<b>Atlantic Salmon:</b> Salmon critical habitat  Salmon stream habitat	Yes <input type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Unknown <input checked="" type="checkbox"/>		
<b>Canada lynx:</b> The town & parcel may provide habitat for lynx	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>LANDSCAPE CONTEXT</b>			YES	NO
Does parcel intersect with a Beginning with Habitat Focus Area? Focus Area Name: Additional information on this focus area may be available at <a href="http://www.maine.gov/dacf/mnap/focusarea">www.maine.gov/dacf/mnap/focusarea</a>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the parcel adjacent to or on Conservation Lands?      Owner: <b>Tow of Cumberland</b> Ownership type: <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Easement      Area Name: <b>Rines Forest</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the parcel within an area identified by MNAP as a potential inventory site for undocumented rare plants or exemplary natural communities? If so, MNAP will contact the landowner for permission prior to any inventory work.			<input type="checkbox"/>	<input checked="" type="checkbox"/>

Review completed by: LRS  
 Date: 8.12.2020  
 MNAP #: 2020.08.12.LS.02



Forester: *Denny Gallaudet*

Landowner: *Town of Cumberland*

Lot Name: *Rines Forest*

**Summary Table: Plants, natural communities, and animals documented to occur at the site**

Feature Name	State Status <sup>a</sup>	State Rank <sup>b</sup>	Global Rank <sup>c</sup>	SGCN Priority <sup>d</sup>	Additional Information
New England Cottontail	E	S2	G3	1	Focal Area

<sup>a</sup> **State Status (please note that all species with E, T, or SC status are listed as Species of Greatest Conservation Need in the State Wildlife Action Plan)**

- E** Endangered; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** Threatened; Rare and, with further decline, could become endangered; or federally listed as Threatened.
- SC** Special concern; A species that does not meet the criteria for E or T, but is particularly vulnerable and could easily become a Threatened, Endangered, or Extirpated Species.

<sup>b</sup> **State Rank (State Rarity Rank)**

- S1** Critically imperiled in Maine because of extreme rarity or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine.
- S4** Apparently secure in Maine, includes **S4B** for breeding birds and **S4N** for nesting birds.
- S5** Demonstrably secure in Maine.

<sup>c</sup> **Global Rank (Global Rarity Rank)**

- G1** Critically imperiled globally because of extreme rarity or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity or because of other factors making it vulnerable to further decline.
- G3** Globally rare.
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.

<sup>d</sup> **SGCN Priority**

Describes the prioritization of Species of Greatest Conservation Need based primarily on risk of extirpation, population trend, endemism, and regional conservation responsibility. **Priority 1** is Highest Priority; **Priority 2** is High Priority; **Priority 3** is Moderate Priority. For more information, please visit Maine’s State Wildlife Action Plan (SWAP) – 2015, [http://www.maine.gov/ifw/docs/2015%20ME%20WAP%20All\\_DRAFT.pdf](http://www.maine.gov/ifw/docs/2015%20ME%20WAP%20All_DRAFT.pdf).

<sup>e</sup> **EO Rank (Element Occurrence Rank)**

Describes the quality of a rare plant population or natural community based on size, condition and landscape context. Ranks range from A-E, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank.



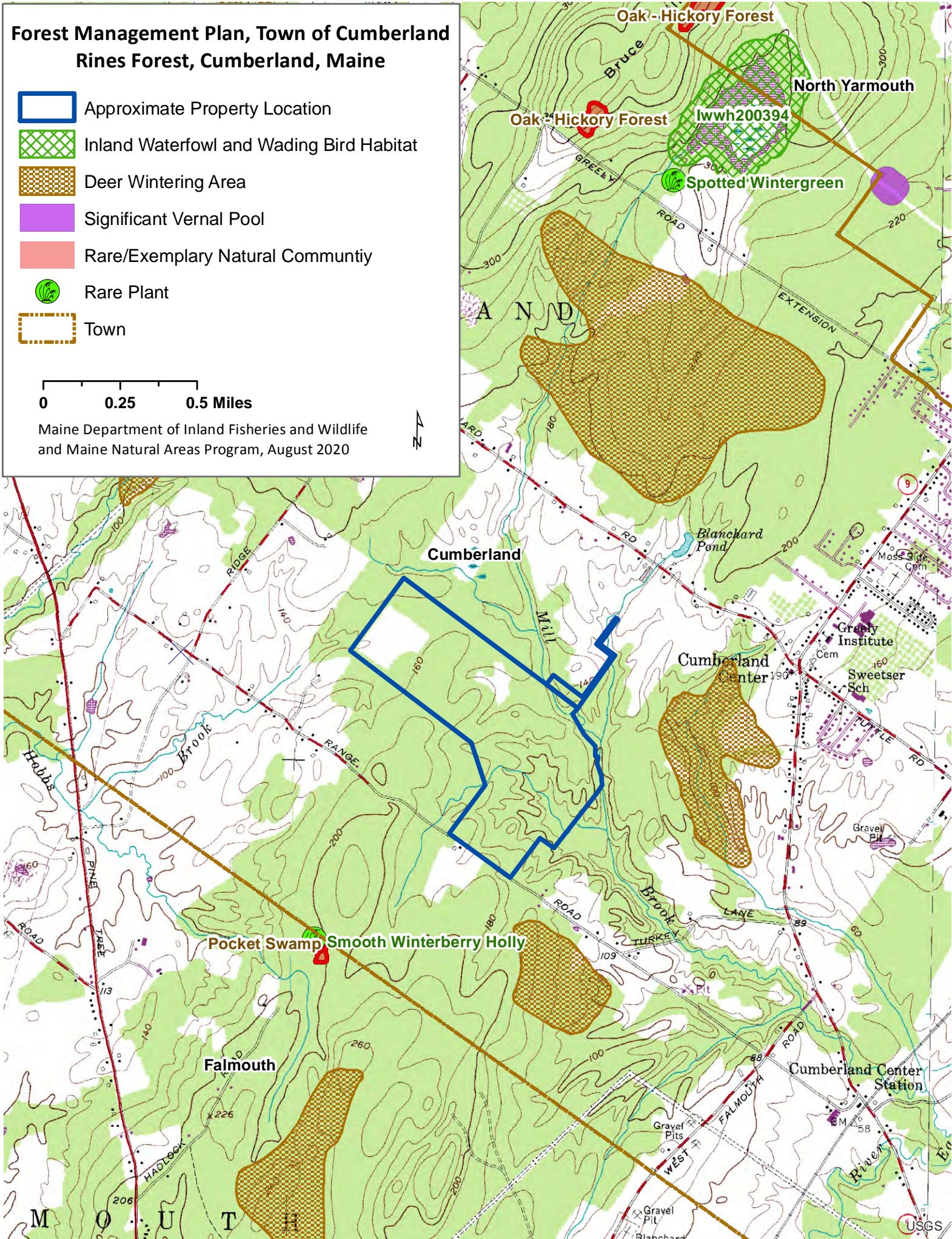
# Forest Management Plan, Town of Cumberland

## Rines Forest, Cumberland, Maine

-  Approximate Property Location
-  Inland Waterfowl and Wading Bird Habitat
-  Deer Wintering Area
-  Significant Vernal Pool
-  Rare/Exemplary Natural Community
-  Rare Plant
-  Town

0 0.25 0.5 Miles






Maine Department of Inland Fisheries and Wildlife  
and Maine Natural Areas Program, August 2020





# Forest Management Plan, Town of Cumberland

## Rines Forest, Cumberland, Maine

-  Approximate Property Location
-  Deer Wintering Area
-  Rare/Exemplary Natural Community
-  Rare Plant
-  Town

0 0.25 0.5 Miles

Maine Department of Inland Fisheries and Wildlife  
and Maine Natural Areas Program, August 2020



Cumberland





# New England Cottontail

## *Sylvilagus transitionalis*

### Disappearing rabbit trick

Why would a rabbit, the epitome of prolific breeding, be considered for protection under the Endangered Species Act? The New England cottontail is in just this predicament. Its population numbers are declining. As recently as 1960, New England cottontails were found east of the Hudson River in New York, across all of Connecticut, Rhode Island and Massachusetts, north to southern Vermont and New Hampshire, and into southern Maine. Today, this rabbit's range has shrunk by more than 75 percent. Its numbers are so greatly diminished that it can no longer be found in Vermont and has been reduced to only five smaller populations throughout its historic range.

### Where the bunnies are

The New England cottontail prefers early successional forests, often called thickets, with thick and tangled vegetation. These young forests are generally less than 25 years old. Once large trees grow in a stand, the shrub layer tends to thin, creating habitat that the New England cottontail no longer finds suitable.

Active at dawn and at dusk or night, the New England cottontail feeds on grasses and plant leaves in spring and summer and eats bark and twigs in winter. Home ranges vary from one-half to 8 acres, with adult males having larger home ranges than females. Research has shown that New England cottontails on patches of habitat larger than 12 acres are healthier than those on patches less than 7 acres. Presumably, rabbits on small patches of habitat deplete their food supply sooner and have to eat lower quality food, or may need to search for food in areas where there is more risk of being killed by a predator.



Anne Brown

New England cottontail

### Why are their numbers declining?

Biologists believe the reduced extent of thicket habitat is the primary reason for the decline in numbers and range of New England cottontails. Prior to European settlement, New England cottontails were probably found along river valleys where floods and beavers created the disturbances needed to generate its preferred habitat. Forest insect outbreaks, large storms like hurricanes and ice storms, and wild fire also created disturbances in the forest that promoted thicket growth. During colonial times, much of the New England forest was cleared for agriculture and then subsequently abandoned during the early 1900s. This abandoned farmland allowed for a great deal of early successional habitats to develop. Today, these habitats are aging while others have been developed and are no longer suitable for the New England cottontail.

The introduction of exotic invasive species, such as multiflora rose, honeysuckle bush and autumn olive, in the last century has changed the type of habitat available to New England cottontails. These plants form the major component of many patches where cottontails can be found. It may be that stands dominated by non-native species do not provide rabbits with the food resources that native plant species do.

Today white-tailed deer are found in extremely high densities throughout the range of New England cottontails. Deer not only eat many of the same plants but also affect the structure and density of many understory plants that provide thicket habitat for New England cottontails.

### **Introduced competitor**

In the early 1900s until the 1960s, hunting clubs and some eastern states introduced another species of rabbit, the eastern cottontail, into New England. Eastern cottontails appear able to thrive in a greater variety of habitats than New England cottontails through its ability to detect predators sooner. This helps eastern cottontails forage more safely in relatively open cover, while New England cottontails risk predation whenever they leave the security of their dense thicket habitats. The slightly better ability to avoid predators enables eastern cottontails to live in more diverse habitats, such as fields, farms and forest edges, and they are gradually replacing New England cottontails in many habitat patches.

### **Identity is more than skin deep**

It is nearly impossible to distinguish a New England cottontail from an eastern cottontail by looking at them. The minor differences of ear length, body mass, and presence or absence of a black spot between the ears and a black line on the front of each ear are subtle enough to be missed and are not 100 percent accurate. Scientists used to rely on examining the rabbits' skulls for positive identification, but can now use DNA analysis of fecal pellets. Since rabbits drop fecal material all around their territory, the extracted DNA from pellets collected throughout the region can provide a picture of where the New England cottontail is found.

### **Helping the cottontail**

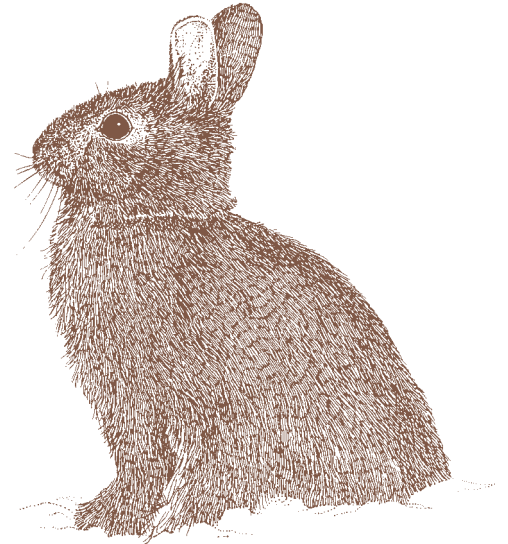
The New England cottontail is the subject of research and habitat management in New York and the New England states. Halting the decline of scrub and brushland habitat is paramount, as is identifying potential habitat free of competing eastern cottontail to which New England cottontails could be restored. The U.S. Fish and Wildlife Service shares the concern for the future of New England's only native cottontail. Working together, states and federal agencies may help improve the chances of survival for the New England cottontail.

**Northeast Region  
U.S. Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035  
413/253 8200  
<http://northeast.fws.gov>**

**Federal Relay Service  
for the deaf and hard-of-hearing  
1 800/877 8339**

**U.S. Fish & Wildlife Service  
1 800/344 WILD  
<http://www.fws.gov>**

**August 2006**



# MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE



## Forest Management Recommendations for Brook Trout

### **Background**

Brook trout (*Salvelinus fontinalis*), commonly referred to as squaretail, brookie, and speckled trout, are native to Maine. This colorful fish is the most preferred sport fish sought by Maine anglers. Size may vary, depending on water temperature, productivity, and food sources, but 3 year-old brook trout in Maine lakes may range from 7.5 to 17.5 inches long. Stream populations are typically slower growing where lengths of 6 to 10 inches are more common place, although some populations mature and reproduce at lengths smaller than 6 inches.

Maine is the last stronghold for brook trout in the eastern United States. There are more than twice as many watersheds supporting brook trout in Maine than all of the other 16 states within the eastern brook trout range combined. Maine is also the only state with extensive intact lake and pond dwelling populations of wild brook trout.

Brook trout require clean, cool, well oxygenated water and are very sensitive to changes in habitat and water quality. Rivers and streams typically provide spawning and nursery habitat. Adults are commonly resident in streams, but migrate throughout and between drainages to meet seasonal life history requirements.

Stream habitat suitability is maintained by the presence of intact, stable, mature wooded riparian corridors that: conserve forest soils, provide shade to reduce stream warming, protect stream water quality, provide cover for fish, provide a source of woody debris and leaf litter from mature trees that maintain critical in-stream habitat for fish and the aquatic insects they feed upon (leaves provide the energy source that drives productivity in streams). Floodplain and fringe wetlands associated with streams are a significant source of springs and groundwater discharge that maintain stream flows and cool temperatures during warm low flow summer periods. Protection of these important riparian and wetland functions insures that the overall health of the stream habitat and watershed is maintained.

Maine brook trout fisheries are unique and highly valuable, but vulnerable to habitat alteration that may be caused by poorly planned and implemented land management activities, including road and trail construction, as well as timber harvesting. However, well planned



forestry operations can protect habitat and help ensure that forests remain as forest, which is the most beneficial land use for brook trout and many other fish and wildlife.

### ***Management Recommendations***

Brook trout are not afforded any special state or federal regulatory protection, and as such provided management recommendations are advisory.

The MDIFW recommends following Best Management Practices (BMPs) during all road and trail building activities, as well as timber harvesting. BMPs are detailed in the booklet entitled “[Best Management Practices for Forestry](#)”, which offers guidance on managing and protecting water quality, installing road-stream crossings, and providing fish passage. This information is available at:

[www.maine.gov/dacf/mfs/publications/handbooks\\_guides/bmp\\_manual.html](http://www.maine.gov/dacf/mfs/publications/handbooks_guides/bmp_manual.html) or contact the Maine Forest Service at 1-800-367-0223).

Potential harmful impacts to fish and wildlife may be further minimized by designating “low impact riparian protection areas” adjacent to streams and stream-associated fringe and floodplain wetlands in forest management and harvest plans. Smaller streams may be greatly influenced by land management practices; these systems benefit the most from well-managed and intact riparian corridors.

The MDIFW also recommends limiting the harvest of trees and alteration of other vegetation within 100 feet of streams and their associated fringe and floodplain wetlands to maintain an intact and stable mature stand of trees, characterized by heavy crown closure and resistant to wind-throw. In some situations wider buffers should be considered where severe site conditions (i.e., steep slope, vulnerable soils, poor drainage, snow pack, etc) increase risk to soil and stand instability. Any harvest within the riparian buffer zone should be selective and less valuable trees may remain uncut to enhance stand integrity and maturity.



JANET T. MILLS  
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

KIRK F. MOHNEY  
DIRECTOR

ARCHAEOLOGY AND HISTORIC RESOURCES REVIEW  
FORESTRY PLAN

MHPC # F071-20  
Forester TOWN OF CUMBERLAND  
Parcel KNIGHTS POND AND RINES FOREST

Date Received 8/13/2020  
Township CUMBERLAND

\*\*\*\*\*This worksheet was completed for informational purposes only\*\*\*\*\*

**Prehistoric (Native American) Archaeology** (for further information: [arthur.spiess@maine.gov](mailto:arthur.spiess@maine.gov))

- No prehistoric archaeological sites known. Based on location, soils and topography, none are expected.
- No prehistoric archaeological sites known because no survey has been conducted. However, the following area is archaeologically sensitive. within 50 yards of Knights Pond
- The property includes known sites of archaeological importance. (See attached info)

**Historic Archaeology** (e.g. 1800s farms, etc.) (for further information: [leith.smith@maine.gov](mailto:leith.smith@maine.gov))

- No sites are known, and none are expected (based on historic maps and documents).
- There are possible sites from former houses, barns, and outbuildings shown on maps from 1850 to 1920, now possibly recognizable as foundations or cellar holes. (See attached map.)
- The property contains known sites of archaeological importance. (See attached info)

**Historic Buildings or Structures** (for further information: [megan.m.rideout@maine.gov](mailto:megan.m.rideout@maine.gov))

- No historic buildings or structures are known or expected on the property (based on 7.5' USGS topographic maps and MHPC records).
- Buildings or structures may exist on the property that have not been evaluated for National Register eligibility. Our office will provide an assessment if a request letter, photos of any buildings over fifty years of age that are on the subject parcel, and a 7.5' USGS topographic map with all photos keyed to it are submitted to our office.
- Buildings or structures exist on the property that are either listed in or eligible for nomination to the National Register of Historic Places. (See attached info)

*The information on this worksheet is being provided for Forestry Management Planning purposes only.*

If any construction or ground disturbing activities on these properties will utilize federal funding, permitting or licensing, initiation of Section 106 review with the Maine Historic Preservation Commission is required pursuant to the National Historic Preservation Act of 1966.

67 Range Road  
Cumberland ME 04021  
August 10, 2020



Maine Historic Preservation Commission  
55 Capitol Street  
65 State House Station  
Augusta, ME 04333-0065

To Whom It May Concern:

As described in the attached narrative, the Town of Cumberland is preparing management plans for two newly acquired forest parcels: Knight's Pond and Rines Forest.

We hereby request for these parcels a review of historic preservation implications.

Regards,

Denny Gallaudet

Vice Chair - Forestry Committee  
Town of Cumberland Maine



## NARRATIVE

In its 2009 Comprehensive Plan as updated, the vision of the Town of Cumberland includes preserving the community's rich agricultural heritage and implementing programs to assure environmental sustainability. The Plan notes that "there are approximately 6,800 acres of forested land in Town, of which 1,800 acres are enrolled in Tree Growth. A key goal of this plan is to encourage the preservation of land that is available for agricultural and forestry use."

In the years since 2009 the Town has implemented that key goal in part by adding to its ownership of forest land so that the total is approximately 1000 acres. Responsibility for the stewardship of this forest land falls to the Forestry Sub-Committee of the Lands and Conservation Commission.

In support of its work the Sub-Committee in 2019 retained Paul Larrivee, Licensed Maine Forester. His contract was awarded after a competitive bidding process.

A goal of the Sub-Committee is to have complete and up-to-date forest management plans on all of the Town's forest land including an inventory to guide future harvesting of wood products. Also, the Town is now embarking on a Climate Action Plan with the goal of substantially reducing greenhouse gas emissions by 2050. Therefore the inventory will include a carbon stocking analysis and a growth/yield estimate of the carbon sequestration of the Town's forest land.

The purpose of the requested Project Canopy grant to defray the cost of professional services for forest management plans for two significant recent forest land acquisitions. These are the Knights Pond and Rines Forests.

Knight's Pond Forest at 163 acres is one of the largest undeveloped parcels in Town. It is conserved under an easement with the Chebeague and Cumberland Land Trust (CCLT) In consists of forested upland, a 46 acre pond with two smaller ponds, emergent wetlands, streams and many vernal pools. It abuts 50 additional acres in North Yarmouth conserved by that Town and the Royal River Conservation Trust. The terrain is sloping with a ridgeline and elevation of approximately 500 feet that affords views of Casco Bay and Mount Washington.

Recreational opportunities abound on the property which has traditionally been used for timber harvesting, hunting, snowmobiling and hiking. An established trail network has helped the Forest become a central component of a regional recreation corridor. The trails along Blueberry Hill pass through an oak/hickory forest community which is rare for this region.

Rines Forest is a magnificent 268 acre woodland in the heart of Town. It protects a healthy forest with diverse wildlife, vernal pools, waterfalls and streams that flow to the East Branch of the Piscataqua River, a major tributary of the Presumpscot River. Rines Forest is a keystone property in an important conservation corridor and is located within the largest forested area remaining in Cumberland.

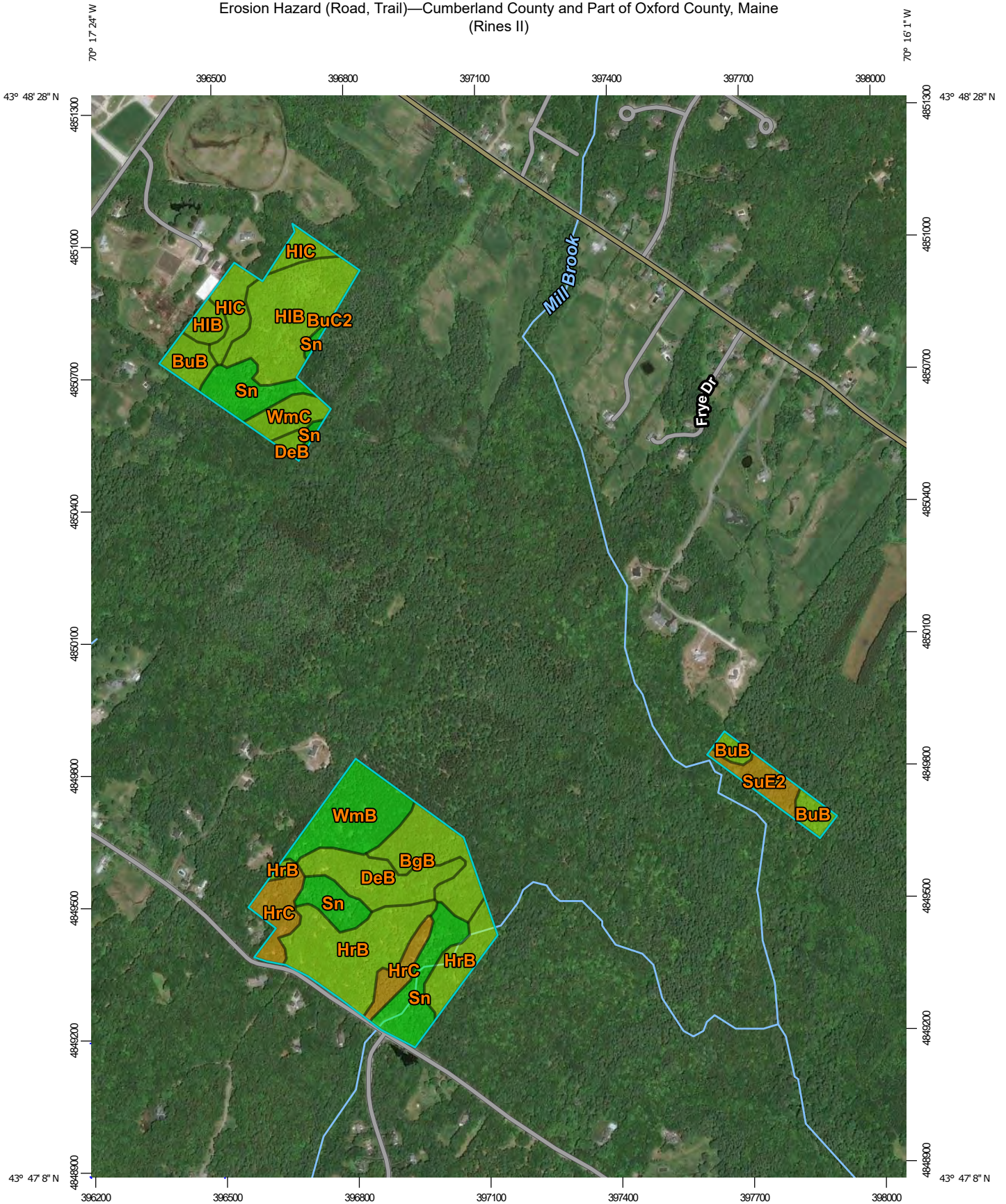
The Town purchased 216 acres of the property in 2003 from the Rines family and in 2005 signed a conservation easement with CCLT to ensure that the forest would remain a natural area managed for wildlife habitat and environmentally sensitive timber management. In 2019 the Rines family sold an

additional lot to the Town, also conserved with CCLT, bringing the total up to 268 acres. The Rines family purchased the property in 1918 to be used as pasture for their cattle which they walked to Cumberland each spring from their farm in Gorham for grazing. In 1941 they decided to return the property to forest. Today few signs of human intrusion are evident apart from an occasional rock wall or skidder trail. The Forest has been actively managed for wood products up to the present day.

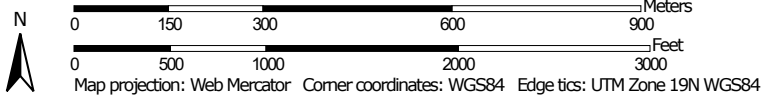
Below are maps of the two forests. Delineated boundaries can be provided if needed.



Erosion Hazard (Road, Trail)—Cumberland County and Part of Oxford County, Maine  
(Rines II)



Map Scale: 1:12,000 if printed on A portrait (8.5" x 11") sheet.










## MAP LEGEND

### Area of Interest (AOI)






 Area of Interest (AOI)

### Soils






#### Soil Rating Polygons

 Very severe  
 Severe  
 Moderate  
 Slight  
 Not rated or not available


#### Soil Rating Lines

 Very severe  
 Severe  
 Moderate  
 Slight  
 Not rated or not available

#### Soil Rating Points




 Very severe  
 Severe  
 Moderate  
 Slight  
 Not rated or not available

### Water Features


 Streams and Canals

### Transportation

 Rails  
 Interstate Highways

 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
 Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 7, 2019—Jul 2, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Erosion Hazard (Road, Trail)

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	Moderate	Nicholville (85%)	Slope/erodibility (0.50)	7.1	8.1%
BuB	Lamoine silt loam, 3 to 8 percent slopes	Moderate	Lamoine (85%)	Slope/erodibility (0.50)	4.7	5.4%
BuC2	Buxton silt loam, 8 to 15 percent slopes	Severe	Buxton (85%)	Slope/erodibility (0.95)	0.0	0.0%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	Moderate	Deerfield (85%)	Slope/erodibility (0.50)	7.7	8.8%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	Moderate	Hinckley (85%)	Slope/erodibility (0.50)	13.6	15.5%
HIC	Hinckley loamy sand, 8 to 15 percent slopes	Moderate	Hinckley (85%)	Slope/erodibility (0.50)	4.7	5.4%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	Moderate	Lyman (50%)	Slope/erodibility (0.50)	16.0	18.2%
			Tunbridge (30%)	Slope/erodibility (0.50)		
HrC	Lyman-Tunbridge complex, 8 to 15 percent slopes, rocky	Severe	Lyman (45%)	Slope/erodibility (0.95)	6.0	6.9%
			Tunbridge (40%)	Slope/erodibility (0.95)		
Sn	Scantic silt loam, 0 to 3 percent slopes	Slight	Scantic (85%)		13.7	15.7%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	Severe	Suffield (85%)	Slope/erodibility (0.95)	2.8	3.2%
WmB	Windsor loamy sand, 0 to 8 percent slopes	Slight	Windsor (85%)		8.4	9.6%
WmC	Windsor loamy sand, 8 to 15 percent slopes	Moderate	Windsor (85%)	Slope/erodibility (0.50)	2.9	3.3%
<b>Totals for Area of Interest</b>					<b>87.7</b>	<b>100.0%</b>

Rating	Acres in AOI	Percent of AOI
Moderate	56.7	64.7%
Slight	22.1	25.2%
Severe	8.8	10.1%
<b>Totals for Area of Interest</b>	<b>87.7</b>	<b>100.0%</b>

## Description

The ratings in this interpretation indicate the hazard of soil loss from unsurfaced roads and trails. The ratings are based on soil erosion factor K, slope, and content of rock fragments.

The ratings are both verbal and numerical. The hazard is described as "slight," "moderate," or "severe." A rating of "slight" indicates that little or no erosion is likely; "moderate" indicates that some erosion is likely, that the roads or trails may require occasional maintenance, and that simple erosion-control measures are needed; and "severe" indicates that significant erosion is expected, that the roads or trails require frequent maintenance, and that costly erosion-control measures are needed.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

## Rating Options

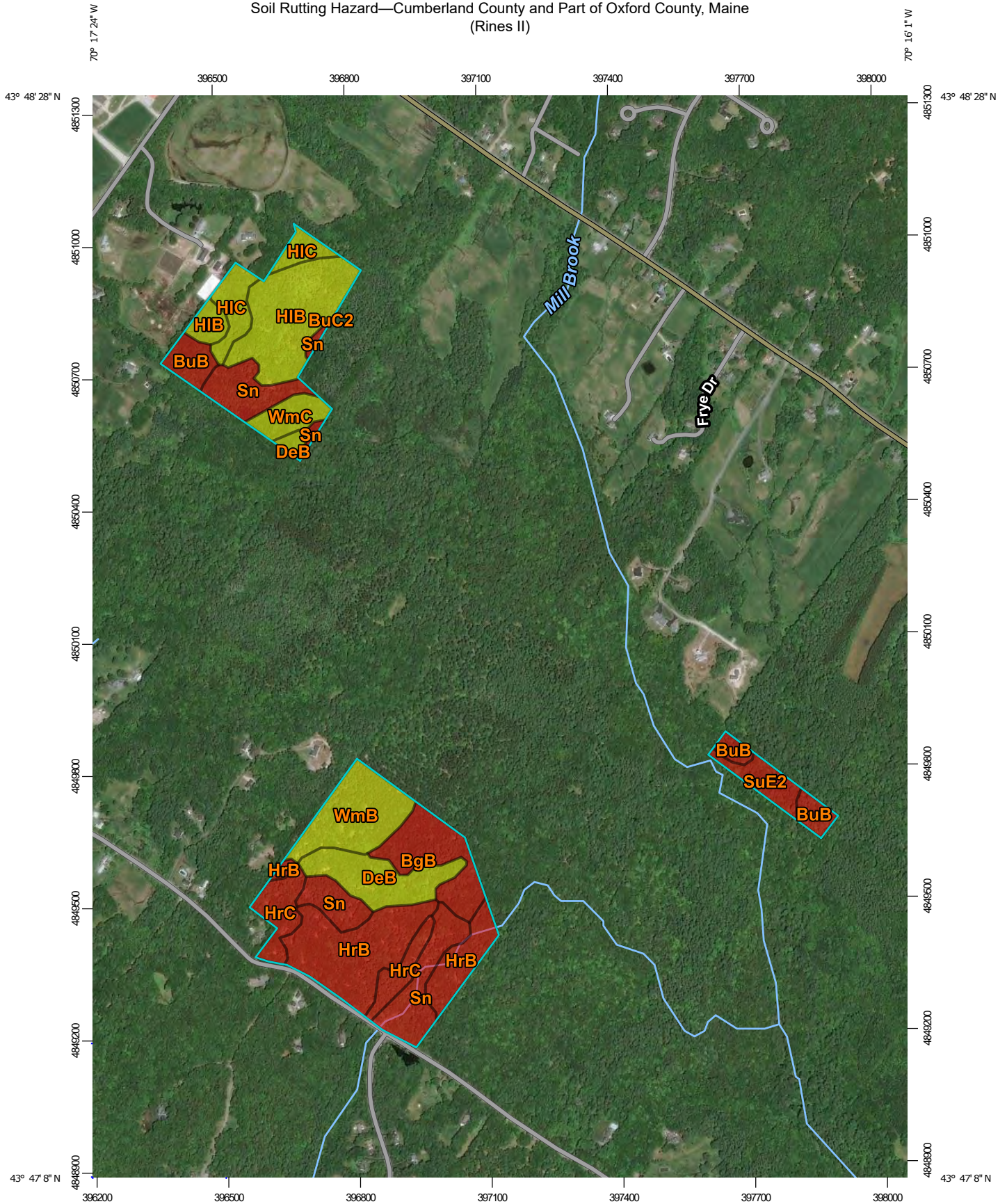
*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

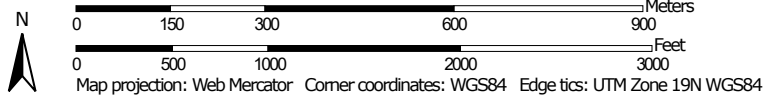
*Tie-break Rule:* Higher



Soil Rutting Hazard—Cumberland County and Part of Oxford County, Maine  
(Rines II)




Map Scale: 1:12,000 if printed on A portrait (8.5" x 11") sheet.




## MAP LEGEND

### Area of Interest (AOI)





 Area of Interest (AOI)

### Background





 Aerial Photography

### Soils





#### Soil Rating Polygons

-  Severe
-  Moderate
-  Slight
-  Not rated or not available


#### Soil Rating Lines

-  Severe
-  Moderate
-  Slight
-  Not rated or not available






#### Soil Rating Points

-  Severe
-  Moderate
-  Slight
-  Not rated or not available

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 7, 2019—Jul 2, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Soil Rutting Hazard

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	Severe	Nicholville (85%)	Low strength (1.00)	7.1	8.1%
BuB	Lamoine silt loam, 3 to 8 percent slopes	Severe	Lamoine (85%)	Low strength (1.00)	4.7	5.4%
BuC2	Buxton silt loam, 8 to 15 percent slopes	Severe	Buxton (85%)	Low strength (1.00)	0.0	0.0%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	Moderate	Deerfield (85%)	Low strength (0.50)	7.7	8.8%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	Moderate	Hinckley (85%)	Low strength (0.50)	13.6	15.5%
HIC	Hinckley loamy sand, 8 to 15 percent slopes	Moderate	Hinckley (85%)	Low strength (0.50)	4.7	5.4%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	Severe	Lyman (50%)	Low strength (1.00)	16.0	18.2%
			Tunbridge (30%)	Low strength (1.00)		
HrC	Lyman-Tunbridge complex, 8 to 15 percent slopes, rocky	Severe	Lyman (45%)	Low strength (1.00)	6.0	6.9%
			Tunbridge (40%)	Low strength (1.00)		
Sn	Scantic silt loam, 0 to 3 percent slopes	Severe	Scantic (85%)	Low strength (1.00)	13.7	15.7%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	Severe	Suffield (85%)	Low strength (1.00)	2.8	3.2%
WmB	Windsor loamy sand, 0 to 8 percent slopes	Moderate	Windsor (85%)	Low strength (0.50)	8.4	9.6%
WmC	Windsor loamy sand, 8 to 15 percent slopes	Moderate	Windsor (85%)	Low strength (0.50)	2.9	3.3%
<b>Totals for Area of Interest</b>					<b>87.7</b>	<b>100.0%</b>



Rating	Acres in AOI	Percent of AOI
Severe	50.3	57.4%
Moderate	37.3	42.6%
<b>Totals for Area of Interest</b>	<b>87.7</b>	<b>100.0%</b>

## Description

The ratings in this interpretation indicate the hazard of surface rut formation through the operation of forestland equipment. Soil displacement and puddling (soil deformation and compaction) may occur simultaneously with rutting.

Ratings are based on depth to a water table, rock fragments on or below the surface, the Unified classification of the soil, depth to a restrictive layer, and slope. The hazard is described as slight, moderate, or severe. A rating of "slight" indicates that the soil is subject to little or no rutting. "Moderate" indicates that rutting is likely. "Severe" indicates that ruts form readily.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

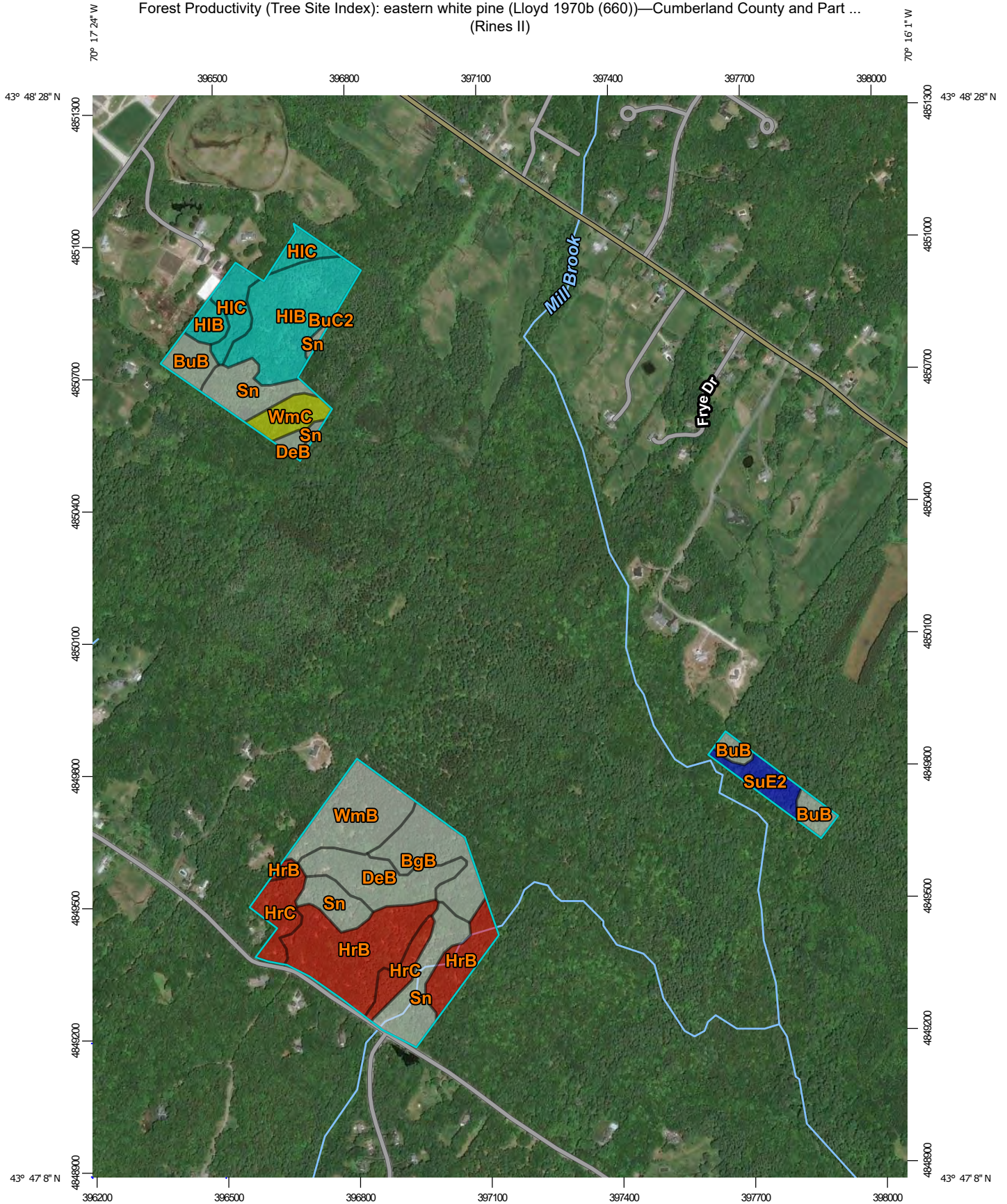
## Rating Options

*Aggregation Method:* Dominant Condition

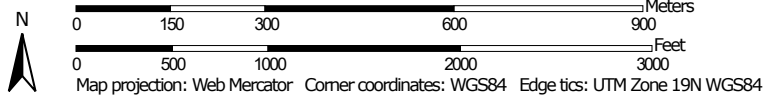
*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

Forest Productivity (Tree Site Index): eastern white pine (Lloyd 1970b (660))—Cumberland County and Part ... (Rines II)




Map Scale: 1:12,000 if printed on A portrait (8.5" x 11") sheet.








## MAP LEGEND

### Area of Interest (AOI)






 Area of Interest (AOI)

### Soils






#### Soil Rating Polygons

 <= 56  
 > 56 and <= 57  
 > 57 and <= 61  
 > 61 and <= 62  
 Not rated or not available


#### Soil Rating Lines

 <= 56  
 > 56 and <= 57  
 > 57 and <= 61  
 > 61 and <= 62  
 Not rated or not available

#### Soil Rating Points




 <= 56  
 > 56 and <= 57  
 > 57 and <= 61  
 > 61 and <= 62  
 Not rated or not available

### Water Features


 Streams and Canals

### Transportation

 Rails  
 Interstate Highways

 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
 Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 7, 2019—Jul 2, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Forest Productivity (Tree Site Index): eastern white pine (Lloyd 1970b (660))

Map unit symbol	Map unit name	Rating (feet)	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes		7.1	8.1%
BuB	Lamoine silt loam, 3 to 8 percent slopes		4.7	5.4%
BuC2	Buxton silt loam, 8 to 15 percent slopes		0.0	0.0%
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes		7.7	8.8%
HIB	Hinckley loamy sand, 3 to 8 percent slopes	61	13.6	15.5%
HIC	Hinckley loamy sand, 8 to 15 percent slopes	61	4.7	5.4%
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	56	16.0	18.2%
HrC	Lyman-Tunbridge complex, 8 to 15 percent slopes, rocky	56	6.0	6.9%
Sn	Scantic silt loam, 0 to 3 percent slopes		13.7	15.7%
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	62	2.8	3.2%
WmB	Windsor loamy sand, 0 to 8 percent slopes		8.4	9.6%
WmC	Windsor loamy sand, 8 to 15 percent slopes	57	2.9	3.3%
<b>Totals for Area of Interest</b>			<b>87.7</b>	<b>100.0%</b>

### Description

The "site index" is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this attribute, only the representative value is used.

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## Rating Options

*Units of Measure:* feet

*Tree:* eastern white pine

*Site Index Base:* Lloyd 1970b (660)

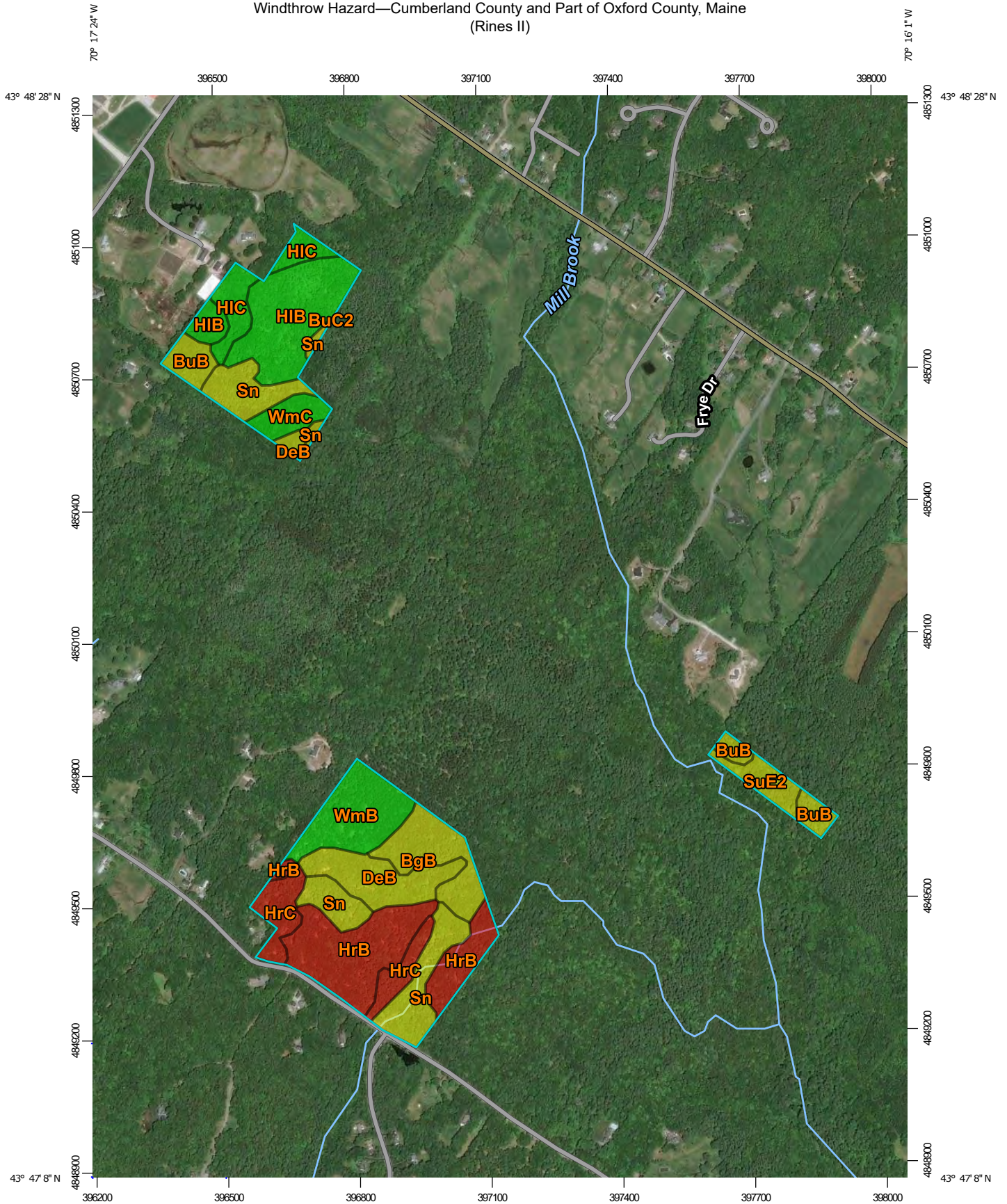
*Aggregation Method:* Dominant Component

*Component Percent Cutoff:* None Specified

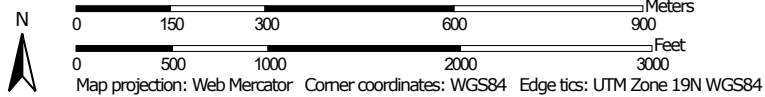
*Tie-break Rule:* Higher

*Interpret Nulls as Zero:* No

Windthrow Hazard—Cumberland County and Part of Oxford County, Maine  
(Rines II)



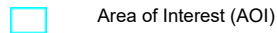
Map Scale: 1:12,000 if printed on A portrait (8.5" x 11") sheet.





## MAP LEGEND

### Area of Interest (AOI)



Area of Interest (AOI)

### Background



Aerial Photography

### Soils

#### Soil Rating Polygons



Severe



Moderate



Slight



Not rated or not available

#### Soil Rating Lines



Severe



Moderate



Slight



Not rated or not available

#### Soil Rating Points



Severe



Moderate



Slight



Not rated or not available

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine

Survey Area Data: Version 18, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 7, 2019—Jul 2, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Windthrow Hazard

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	Moderate	Nicholville (85%)	Low cohesion (1.00)	7.1	8.1%
				Hillslope position (0.75)		
				Water table depth (0.10)		
BuB	Lamoine silt loam, 3 to 8 percent slopes	Moderate	Lamoine (85%)	Water table depth (1.00)	4.7	5.4%
				Hillslope position (0.30)		
BuC2	Buxton silt loam, 8 to 15 percent slopes	Moderate	Buxton (85%)	Hillslope position (0.75)	0.0	0.0%
				Water table depth (0.59)		
DeB	Deerfield loamy fine sand, 3 to 8 percent slopes	Moderate	Deerfield (85%)	Hillslope position (0.30)	7.7	8.8%
				Water table depth (0.12)		
HIB	Hinckley loamy sand, 3 to 8 percent slopes	Slight	Hinckley (85%)	Low cohesion (1.00)	13.6	15.5%
				Hillslope position (0.50)		
HIC	Hinckley loamy sand, 8 to 15 percent slopes	Slight	Hinckley (85%)	Hillslope position (1.00)	4.7	5.4%
				Low cohesion (1.00)		
HrB	Lyman-Tunbridge complex, 0 to 8 percent slopes, rocky	Severe	Lyman (50%)	Depth to root restriction (1.00)	16.0	18.2%
				Low cohesion (1.00)		
				Hillslope position (0.75)		
HrC	Lyman-Tunbridge complex, 8 to 15 percent slopes, rocky	Severe	Lyman (45%)	Depth to root restriction (1.00)	6.0	6.9%
				Low cohesion (1.00)		
				Hillslope position (0.75)		

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Sn	Scantic silt loam, 0 to 3 percent slopes	Moderate	Scantic (85%)	Water table depth (1.00)	13.7	15.7%
				Hillslope position (0.30)		
SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded	Moderate	Suffield (85%)	Hillslope position (0.75)	2.8	3.2%
				Water table depth (0.03)		
WmB	Windsor loamy sand, 0 to 8 percent slopes	Slight	Windsor (85%)	Hillslope position (0.30)	8.4	9.6%
WmC	Windsor loamy sand, 8 to 15 percent slopes	Slight	Windsor (85%)	Hillslope position (0.50)	2.9	3.3%
<b>Totals for Area of Interest</b>					<b>87.7</b>	<b>100.0%</b>

Rating	Acres in AOI	Percent of AOI
Moderate	36.1	41.1%
Slight	29.6	33.8%
Severe	22.0	25.1%
<b>Totals for Area of Interest</b>	<b>87.7</b>	<b>100.0%</b>



## Description

Windfirmness is the ability of a tree to resist overturning. It is a function of the balance between the anchorage or strength of the root/soil mass and the wind drag and gravitational forces applied on the tree crown. Windthrow is one type of wind damage. It is the uprooting of a tree by pivoting on the outer edge of a mass of soil, rock, and roots. Windthrow occurs when the horizontal forces on a tree (wind drag) are transmitted down the trunk and create a torque that exceeds the resistance to turning of the root and soil system (Stathers et al., 1994). The process varies depending on silvicultural practices, wind, tree species, site, and soil type. For example, individual tree characteristics contribute to windthrow. Trees with large, dense canopies are more susceptible to windthrow than those with open canopies. The strength and elasticity of the bole, branches, and leaves also contribute. The characteristics of the stand can influence the susceptibility to windthrow as well. Stand height and stand density are major factors; shorter and denser stands are more resistant to windthrow than tall, open stands. The rooting habits of the tree species impact the risk of windthrow; deeper-rooted trees are more resistant to the effects of wind than shallow-rooted species (Stathers et al., 1994).

Soil and site factors are also important. According to most windthrow studies, the soil factors that control rooting depth contribute most significantly to the risk of windthrow. Rooting depth in soil can be restricted by a variety of features. Indurated, strongly cemented, and cemented layers, such as unweathered bedrock and duripans, are more or less root impenetrable. Some noncemented layers, such as fragipans, can also curtail root penetration. Persistent anoxic layers, such as a stagnant shallow water table, can act like an impervious layer. Wetness also has a deleterious effect on the shear strength of the soil, decreasing windfirmness. The weight of the soil over the roots adds a stabilizing anchoring influence. The shape of the land surface is also a factor in windthrow. While the effects are complex, the trees on certain exposed portions of the landscape are more subject to high windspeeds under most circumstances. Windspeed increases as wind streamlines are compressed by flowing through narrowing valleys, over hills and ridges, or around shoulder slopes. Wind direction is also a factor. In general, ridgetops, shoulder slopes, and backslopes tend to increase windspeed. This interpretation is intended to indicate those soil components on which the trees would be prone to windthrow.

The soil and site criteria that are considered in this soil interpretation are those that have the greatest effect on windthrow. They include the depth to a root-limiting layer, the position of the tree on the landscape, the shape of the landscape, and the cohesiveness of the soil in which the tree is rooted.

Each soil and site criterion is assigned a numerical rating between 0 and 1. For this interpretation, a rating of 1 represents the least favorable soil and site characteristics and 0 represents the most favorable soil and site characteristics. Windthrow hazard is an indicator of the relative susceptibility of trees growing on a soil component to being blown over by wind. Soil and site factors, while important, are not the only factors that need to be considered in the process of windthrow. Silvicultural practices, tree species, and climatic variables are also involved.

Rating classes are defined as follows:

Severe (numerical rating of 1): Soils and sites where windthrow is likely to occur under conditions of high winds and decreased shear strength.

Moderate (numerical rating of 0.01 to 0.99): Soils and sites where windthrow may occur only under conditions of extreme windspeeds and decreased shear strength.

Slight (numerical rating of 0): Soils and sites where windthrow may occur only under conditions of very extreme windspeeds and decreased shear strength.

Not Rated: Miscellaneous areas.

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Reference:

Stathers, R.J., T.P. Rollerson, and S.J. Mitchell. 1994. Windthrow Handbook for British Columbia Forests. British Columbia Ministry of Forests, Victoria. Working Paper 9401.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

## **Definitions**

### **Advance Regeneration:**

Seedlings and saplings present in the understory.

### **Basal Area:**

An estimate of the cross-sectional areas of trees at 4.5 feet above the ground.

### **Canopy/Overstory:**

The uppermost layer of a forest (includes branches and leaves/needles). Trees with tops reaching into this layer are referred to as “canopy trees”.

### **Cohort:**

a group of individuals or vital statistics about them having a statistical factor in common, such as age class. A group of trees developing after a single disturbance, commonly consisting of trees of similar age.

**Conservation:** Wise, disciplined and sustainable use of natural resources to meet the objectives of the landowner.

### **Epicormic Branching:**

A type of branching that occurs when dormant buds embedded in the trunk of a tree are exposed to light conditions favorable to growth. Epicormic branches can reduce the commercial value of a tree by creating knots.

### **Even aged Stand:**

A stand of trees composed of a single age class in which the range of tree ages is usually +/- 20 percent of rotation.

### **Forestland:**

State of Maine def: land used primarily for growth of trees to be harvested for commercial use; may be seedlings, pole timber, or sawlog stands. Forestland does not include ledge, marsh, open swamp, bog, water and similar areas that are unsuitable for growing a forest product or for harvesting for commercial use even though these areas may exist within forestlands.

### **Hardwood Stand:**

State of Maine def: forests in which maple, birch, beech, oak, elm, basswood, aspen and ash, singularly or in combination, comprise 75% or more of the stocking.

### **Mast:**

The fruiting bodies of plants (e.g., nuts, acorns, and berries). A major source of food for many wildlife species.

### **Mixedwood Stand:**



State of Maine def: forests in which neither hardwoods or softwoods comprise 75% of the stand but are a combination of both.

**Overstory (Overwood):** That portion of the trees forming the uppermost canopy in a two-aged forest.

**Preservation:** an area of the forest that will remain forever wild with not management at any time for any reason.

**Regeneration:**

The offspring of mature trees. Trees can be regenerated by seeding into an area, or new trees may sprout from existing stumps or root systems.

**Rotation:**

In even aged systems, the period between regeneration establishment and final cutting.

**Shelterwood System:** an *even aged* method of regenerating forest stands where the overstory is removed in intervals roughly 15 years apart.

Long shelterwood method- a forest is regenerated in three entries:

- First entry is designed to tend the stand, removing at risk and poorly formed trees. Crop trees are identified, retained, and thinned around to focus site resources on the best growing stock. This is a fairly light entry removing about 1/3 of the growing stock. The establishment of regeneration is not an objective
- The Second Entry is designed to initiate regeneration by removing about 1/2 of the stand volume. This can be accomplished evenly throughout the stand, or in small groups that vary in size relative to the stand conditions and species composition.
- The last entry, some 15 or so years after the Second Entry, is designed to release the regeneration established during the second entry. This entry is often referred to as an overstory removal as the balance of the mature stand is harvested. Some overwood can be retained to facilitate habitat or structural objectives of the landowner.

Short Shelterwood method- a method whereby the forest is regenerated in two entries, basically the second entry, and overstory removal entry described above under Long shelterwood method.

**Softwood Type:**

State of Maine def: forests in which pine, spruce, fir, hemlock, cedar and larch, singularly or in combination, comprise 75% or more of the stocking.

**Stand:**

A contiguous area where the species, size, age, and general condition of the trees is uniform enough to be distinguished from adjacent areas (Beattie et al., 1993).

**Stocking Chart/Guide:**

Visual representation indicating growing space occupancy relative to a pre-established standard; showing basal area and number of trees per acre and quadratic mean stand diameter.

**A-Line:** fully stocked condition; generally undisturbed stand.

**B-Line:** target stocking after thinning; max. growth potential of residuals.

**C-Line:** minimum stocking of stand.

**Succession:**

the gradual supplanting of one community of plants by another. **Early successional habitat** is the first community to become established after a disturbance.

**Understory:**

Generally the shrub layer beneath a taller layer (also includes regenerating trees).

**Uneven aged Stand:**

a stand with trees of three or more age distinct age classes, either intimately mixed or in small groups.

**Uneven aged Management:**

a planned sequence of treatments (single tree selection to group selection or a combination) designed to establish and maintain a forest stand with at least three distinct age classes.

- Single tree selection: individual trees of all size classes are removed more less uniformly throughout the stand to promote the growth of the remaining trees and to provide space for regeneration.
- Group Selection; trees are removed and new age classes are established in small groups.

# Appendices



# Appendix 1

## Rines Forest Location, Access, and Forest Management History

The entirety of the Rines Forest is contained in a single block lying north east of Range Road in the town of Cumberland, Maine. There are three main access points that could serve forest management activities (see attached map for additional details). The first is a small landing just off of Range road near the south east corner of the property. A well stabilized trail leads from the back and accesses a small segment of the parcel. This trail terminates at a steep ravine that is impractical to cross.

Next is a historic access point in the vicinity of the current trail head. Given the infrastructural improvements in this area, it is unlikely to offer a realistic option for machinery access. A trail parallel to Range Road may allow a seasonally timed operation an opportunity to utilize the more southern landing.

The third and most critical access is across the land n/f owned my Dale Rines. There are a few small landings on this adjacent parcel, as well as on the Rines Forest itself. Further, this accesses the woods road that that leads to two internal landings that would facilitate work on the entire northwest of the property. Rights to access should be sought in a more formal arrangement if feasible.

The boundary lines of the property are well blazed and painted with yellow paint. However, this is a temporary condition and will need to be vigilantly maintained. It is the legal obligation of the landowner to clearly identify all property lines prior to the commencement of any forest management that includes harvesting of trees. I recommend re-blazing and painting every 7- 10 years or so as conditions warrant.

The Rines Forest has seen numerous periodic low-intensity harvests since about the mid 1960's. In general, these entries appear to have been well thought out and very disciplined giving rise to the well stocked forest we see today. The red pine plantations have been thinned allowing for the initiation of new cohorts of trees. Often times, this new cohort is a mixture of species including white pine, red oak, American beech and natural red pine.

Throughout the forest, Eastern hemlock has been selected against in favor of more commercially attractive species like northern red oak and eastern white pine. Hemlock still exists throughout the forest and pockets of older groups should be retained when possible. In general, this initial management quite successfully emulated first and second entries of a shelterwood system. Where possible this system should be maintained. Lastly, some of these intermediate treatments have created conditions that have given rise to two and possibly three aged stands. Uneven aged management should be considered in these patches if feasible.

## Appendix 2

### Soils

#### Soil Characteristics (from the USDA Soil Survey; Cumberland County, Maine)

There are several soils types that influence the vegetative characteristics, productivity, operability, and habitat available on the Rines forest. In some instances the forest types mirror a particular soil type, while elsewhere a particular forest type spans several different soils. For that reason, I will consider soils here separately. Please refer to the included soils map for a better understanding of the location and distribution of the soils that make up the Rines Forest. The list of soils found on the Rines Forest is as follows and is ranked in order of relative abundance:

- Suffield, SuD2
- Belgrade, BgB
- Hollis, HrB and HrC
- Hartland, HfC2
- Scantic, Sn
- Elmwood, EmB
- Swanton, Sz
- Windsor, WmB
- Melrose, MeC
- Hinkley
- Minor components (less that 1 acre in size):
  - Buxton, BuB
  - Deerfield, DeB

I will provide some further details on the most abundant types as described by Natural Resource Conservation Service. These details can be somewhat technical, but should shed some light on where to focus treatments, as well as seasonality and timing. They also shed light on composition and allow us to know if we are growing the right trees on a particular acre.

SuD2, Suffield silt loam, 15-25% slopes, eroded, approximately 76 acres

The Suffield series consists of very deep, well drained soils formed in lacustrine or marine sediments. They are mainly on gently sloping to very steep dissected plains. They typically have silt loam A and B horizons over a silty clay 2C horizon. Permeability is moderate in the solum and slow or very slow in the substratum. Slope ranges from 3 to 45 percent. Mean annual precipitation is 42 inches and the mean annual temperature is 51 degrees F. Suffield soils are gently sloping to very steep soils on the tops and sides of ridges in dissected marine and lacustrine plains.

Mostly areas are cleared and are used for growing grass and legume hay, pasture, and corn silage. Common forest trees are sugar maple, oak, elm, white pine, and hemlock.

BgB, Belgrade very fine sandy loam, 0-8% slopes, approximately 46 acres

The Belgrade series consists of very deep, moderately well drained soils formed in glaciolacustrine material. They are nearly level to moderately steep soils on terraces. Slope ranges from 0 to 25 percent. Saturated hydraulic conductivity is moderately high or high in the solum and moderately low to high in the substratum. Mean annual precipitation is about 44 inches, and the mean annual temperature is about 49 degrees F.

Common trees typically found are white, red oak, sugar maple, red maple, ash, black birch, yellow birch, beech, white pine, and hemlock.

BrB and HrC, Hollis fine sandy loam 3 – 15% slopes, approximately 43 acres

The Hollis series consists of shallow, well drained and somewhat excessively drained soils formed in a thin mantle of till derived mainly from gneiss, schist, and granite. They are nearly level to very steep upland soils on bedrock-controlled hills and ridges. Slope ranges from 0 to 60 percent. Permeability is moderate or moderately rapid. Depth to hard bedrock ranges from 10 to 20 inches.

Mostly forested. Small areas with few rock outcrops are cleared of stones and used for cultivated crops, but most cleared areas are in hay or pasture. Scattered areas are used for community development. Common trees are red, white, black, and chestnut oak, hickory, white pine, hemlock, and gray and black birch.

HfC2, Hartland very fine sandy loam, 8 – 15% slopes, eroded, approximately 22 acres

The Hartland series consists of very deep, well drained soils on terraces and glacial lake plains. They formed in silty eolian or glaciolacustrine deposits. Saturated hydraulic conductivity is moderately high or high throughout the mineral soil. Slope ranges from 0 to 50 percent. Mean annual temperature is 48 degrees F, and the mean annual precipitation is 38 inches. The thickness of the solum ranges from 14 to 40 inches. Depth to bedrock is greater than 60 inches.

Most of the areas of less than 15 percent slope are used for hay, pasture, and corn. Some areas are used for potatoes, sweet corn, vegetables, tobacco, and other cash crops. Most areas of more than 15 percent slope are wooded. Common trees are white pine, white

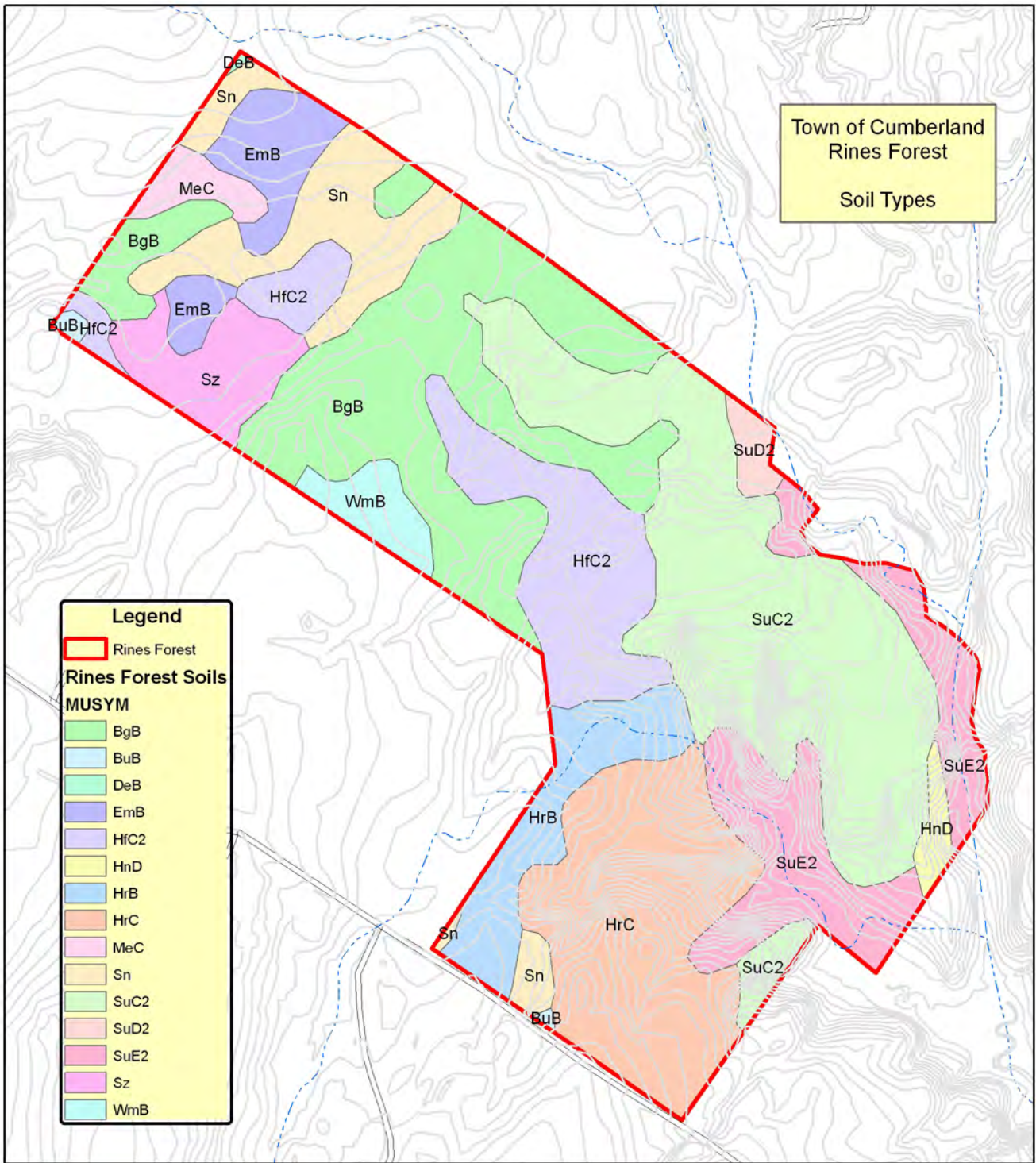


oak, red oak, black oak, sugar maple, hickory, ash, black birch, yellow birch, and white birch, beech, and hemlock.

Sn, Scantic silt loam, 0- 8% slopes, approximately 17 acres

The Scantic series consists of very deep, poorly drained soils formed in glaciomarine or glaciolacustrine deposits on coastal lowlands and river valleys. Slope ranges from 0 to 8 percent. Permeability of the surface and subsurface horizons is moderate or moderately slow and it is slow or very slow in the subsoil and substratum. Mean annual temperature is about 44 degrees F, and mean annual precipitation is about 46 inches at the type location.

Mostly idle or woodland, some areas are used for growing hay and pasture. Common tree species include red maple, elm, gray birch, white ash, balsam fir, red and white spruce, tamarack, and some eastern white pine.



Jay Braunschield  
207 632 5854

## Appendix 3

### Inventory summary

<b>Table 4</b>		
<b>Total Standing Volume</b>		
<b>Sawlogs</b>		
White Pine		Volume (Mbf)
	Select	135
	Grade 1	687
	Grade 2	590
	Pallet	291
		1,704
Red Pine	Sawlog	314
Hemlock	Sawlog	56
Red Oak		
	Veneer	25
	Sawlogs	37
	Pallet	18
		79
<b>Pulpwood</b>		
		Volume (Ton)
Pine		3,125
Hemlock		977
Hardwood		1,893
		5,995

**Note: See separate cruise report for further details**



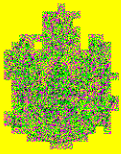
## Appendix 4

### Maine Natural Areas Program Review

#### MNAP Review

This lot has been evaluated by both the Maine Natural Areas Program and the Maine Department of Inland Fisheries and Wildlife (See report included in an appendix). There are a few important habitats that we need to consider in our management planning process. First, this parcel abuts Inland Waterfowl and Wading Bird Habitat. There is also a deer wintering Area to the west and South of the property, and New England Cottontail (*Sylvilagus transitionalis*) to the west.

All need to be considered in the management planning process, but the New England Cottontail is the most significant as it is listed as an S2 species by the State of Maine and is globally listed as a G3 (globally rare) species. We will work in conjunction with the Regional Biologist from the Department in Inland Fisheries and Wildlife to further understand these critical habitats and to develop appropriate management guidelines.



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
55 STATE HOUSE STATION  
MAINE, 04102  
603-233-1000

JOHN BRANSCHIEDL  
COMMISSIONER

PAUL J. LECHEMAN  
COMMISSIONER

June 24, 2008

Mr. Branschiedl  
Integrated Forest Management  
1071-B Auburn Road  
Turner, ME 04282

Re: Forest Management Plan Review

Dear Mr. Branschiedl:

I have searched the Maine Natural Areas Program's (MNA) files in response to your request of June 24, 2008 for information on the presence of important habitats documented from the vicinity of the River Forest parcel in Cumberland, Maine.

For individual parcels reviewed, we have scored using a simple checklist that summarizes our findings. The checklist includes our review of several datasets, some of which are maintained by MNAF and others that are maintained by the Maine Department of Inland Fisheries and Wildlife (MDIFW). If you need to discuss with a data set maintained by MDIFW, please contact the appropriate regional biologist indicated on the checklist for additional information. This parcel abuts Inland Whiteford and Wadlog Pond Habitat, the Deer Wintering Area to the east and south and an area adjacent to the New England Corridor, to the west.

Thank you for using the MNAF in the forest management planning process. Please do not hesitate to contact me if you have further questions about the MNAF or about important habitats at this site.

Sincerely,

Douglas Suller  
Associate Information Manager  
Maine Natural Areas Program  
207-287-8044  
dsuller@maine.gov

Enclosures:

cc: Scott G. Lindsay, MDIFW Regional Biologist

**MNAP Forestry Notification and Forest Management Plan Checklist**

Date Received: June 24, 2008

Designated Agent:

Landowner: Rines Forest

Licensed Forester: Jay Branschdel

Harvester:

Notification #:

Town: Cumberland

County: Cumberland

Have Rare, Threatened and/or Endangered Plants been documented to occur onsite?  Yes  No

Have Rare and/or Exemplary Natural Communities been documented to occur onsite?  Yes  No

Have Rare, Threatened and/or Endangered Animals been documented to occur onsite?  
*If yes, contact MDIFW regional biologist: Scott G. Lindsay 607-234-2333*  Yes  No

Have MDIFW Significant Habitats been documented to occur onsite?  
*If yes, contact MDIFW regional biologist: Scott G. Lindsay 607-234-2333*  Yes  No

Does the parcel intersect with Atlantic salmon habitat?  
*If yes, please contact the Atlantic Salmon Commission for potential impacts.*  
 Yes, within salmon watershed  
 Yes, adjacent to spawning habitat  
 Yes, adjacent to rearing habitat  
 No

Does the parcel occur in a town that may provide habitat for bats?  
*If yes, please contact Mark Sinden, Director of Wildlife Division, Maine Dept. of Inland Fisheries and Wildlife - 7 South Main Street, Augusta, ME 04333*  Yes  No

**Summary List of Known MNAP/MDIFW Features**

Feature Name	Common Name	Link Type	SRank	GRank	EC Rank	Description/Coordinates
Hydrogeomorphological	New England Concord		SR	GR		Topographic
Intact Watershed and Native Bird Habitat						Along State Road
Tree Wetland Area						Along State Road

Does parcel intersect with MDCB land-based resources?  Yes  No

Does parcel intersect with MDCB water-based resources?  Yes  No

Is this parcel included in MDCB land-based resources?  Yes  No  
 Is this parcel included in MDCB water-based resources?  Yes  No







## **Appendix 5**

### **Wildlife Habitat and Biodiversity**

This section contains a series of broad-based management ideas, principles and philosophies regarding the management of woodlands for the conservation or enhancement of biodiversity. Species biodiversity pertains to the broad array of organisms found throughout our forests from the smallest single celled types to the largest mammals. In managing a diverse forest structure, we inherently manage for a diverse wildlife population creating a healthy ecosystem that offers a wide array of habitats. These concepts will be directly described and applied in a separate section covering Focus Species Forestry. This section is based on the guide, *Focus Species Forestry, A Guide to Integrating Timber and Biodiversity Management in Maine* by Robert Bryan et al.

These principles are not site specific instructions on how to manage the forest, but concepts that, if applied appropriately and with proper planning, will enhance the long-term diversity, health and richness of the forests we manage. The application of these principles will also vary greatly with landowner objectives. These ideas are adapted from *Biodiversity in the Forests of Maine: Guidelines for Land Management* (Flatebo, Foss & Pelletier, 1999), and a more thorough explanation of these practices and their rationale may be found there.

#### **Vertical Structure and Crown Closure**\_\_\_\_\_

Diversity in vertical structure provides an integrated habitat from the forest floor to the canopy for a wide variety of species. Additionally, openings in the canopy regulate light, heat, and other variables throughout the forest further adding to the range of microclimates key to maintaining and enhancing species biodiversity in a stand. Bearing these principles in mind, the following guidelines will help create and/or maintain a vertical structure during forest management activities that will, in turn, help promote a diverse forest.

- When harvesting, attempt to thin trees from all layers of the strata. Maintain a healthy herb, shrub, understory and overstory structure for maximum richness whenever possible.
- Retain trees of differing species, size and age, balancing each group appropriately throughout the stand.
- Promote softwood areas in hardwood stands and vice versa.
- Encourage varying vertical structure at the landscape level as well as the stand level to ensure a diverse structure beyond the immediate area.

## **Native Tree Species Composition**

---

Recognizing that differing habitats exist within and around different tree species, it is important to maintain healthy tree diversity throughout a stand. Furthermore, recognizing the native species composition and its influence on the characteristics of the whole forest is essential to maintaining and promoting rich, healthy forest stands. To help promote these ideas:

- Rare or uncommon species should be identified and retained in stands where they are found. Additionally, make conditions more suitable for their regeneration where appropriate.
- Avoid converting stands from their natural composition and age structure or eliminating any species from a stand where it is found.
- Naturally uniform stands occurring because of soil or site conditions may be valuable to maintain over the landscape.

## **Downed Woody Material, Snags and Cavity Trees**

---

Standing and downed woody material provides essential habitat for many of our smaller plants and animals including insects, mosses, lichens and liverworts to name a few. Additionally, downed woody debris, snags and cavity trees provide a special area for hundreds of species to rest, nest, den, forage, perch, display and bask. The breakdown of woody material provides nutrients to the soil and aquatic component of the forest as well as serving as important function in the structure of streams and brooks. The following guidelines can help to promote downed woody debris, snags and cavity trees during management activities.

- Allow downed woody material to remain on site following harvesting. Also avoid damaging existing downed woody debris.
- Logs greater than 12in diameter and 6ft in length are especially rare and should be left or possibly created wherever practical.
- Snags should be left where possible, especially those currently being used as nesting or den sites. Also leave trees that will become snags and consider leaving a retention area around snags and potential snags.

## **Mast**

---

Mast, defined as nuts, seeds, berries or fruit produced by trees, plants or shrubs, is a critical food source for many wildlife species. Of particular value is what is known as hard mast; highly nutritional nuts produced by about 16 of Maine's trees. In order to promote species diversity it is critical to maintain plants that produce the wide range of food source these creatures depend on. To promote the production of mast in forest stands:

- Promote a variety of mast producing trees and shrubs in stands as they are managed to create an equal variety of actual mast.
- Oak and Beech are the most common mast producers and mature trees should be retained during thinnings to continue mast production. Select healthy trees to leave as they will likely produce healthy, mast producing offspring in the future.
- Black cherry and apple trees are rare and should be managed carefully to encourage the production of fruit and potentially offspring.
- Small openings to encourage pin cherry, raspberry and a productive herb layer are a good idea.

## **Forest Soil, Forest Floor and Site Productivity**

---

Soil health is the keystone to ensuring a healthy and productive forest. Recognizing soil types, drainage characteristics and subsurface biological activities will help to understand site productivity as well as guide management to enhance or preserve soil health. We must recognize that more fertile soils will generally lend to a more diverse forest (at all vertical levels) while more infertile soils may harbor rarer species. Some guidelines to help protect soil quality, quantity and productivity are listed below. Additionally please refer to the "Soil Characteristics" section of this management plan for a more detailed analysis of soils and soil types found on these lots. Additionally, note the connection between soils management and Best Management Practices.

- Understand soil types and conditions on site through inspections and soil maps.
- Promote the appropriate harvesting equipment for soil conditions and time of year for all harvests. For instance, more poorly drained soils should be harvested during frozen conditions to avoid rutting, compaction and general disturbance.
- Use current harvesting technology to protect the organic layer and reduce mineral soil exposure whenever practical.
- Consider leaving brush and slash on-site, especially on less productive soils.
- Avoid conditions that lead to erosion or potential erosion (like rutting or skidding long distances parallel with grades) over the entire site.



*The following considerations refer to site-specific conditions where “Special Habitats and Ecosystems make unique contributions to biodiversity.”*

### **Riparian and Stream Ecosystems**

---

Riparian areas are some of the most productive and species rich areas in the landscape. They serve to buffer aquatic plants and animals from disturbance and well as offer protection to wetlands and water quality. To ensure the function and integrity of riparian areas is protected:

- Establish buffer areas around streams, ponds, lakes and wetlands where limited harvesting maintains more continuous forest cover. This helps promote shade for forest streams as well as ensuring a supply of organic matter into water bodies essential to aquatic food chains. Additionally, these buffer areas will serve as filter strips protecting water quality and wetland health.
- Buffer strips should vary in size and take into account the size and structure of the riparian area.
- Stream and wetland crossings should be limited to as few as possible. Use careful harvest layout to establish this and use Best Management Practices before, during and following harvesting activities to ensure the least possible impact.
- Avoid disturbing the mineral soils wherever possible in these areas.

### **Vernal Pools**

---

Vernal pools qualify as a significant habitat as they are essential to the reproduction of several types of amphibians, reptiles and invertebrates. These pools further add to biodiversity by providing foraging habitat for a number of animal species. Recommendations to support vernal pool habitats and the pools themselves include:

- ✓ Identify and document vernal pools in the spring when they contain water and wildlife. The presence of indicator species (tree frogs, yellow spotted

salamander etc.) helps to identify and differentiate vernal pools from other aquatic ecosystems.

- ✓ Maintain a buffer around the pool with a deep litter layer, plenty of downed woody material and shade in and around the pool itself.
- ✓ Avoid depositing slash and other logging debris in the pool, disturbing the organic layer and water flow systems of the pool and disturbing the pool floor or depression.

## **Beaver Influenced Ecosystems**

---

Flowages created by beavers are home to a great variety of plant and animal diversity. The natural cycle or progression of these systems is in itself a diverse ecosystem as it changes from newly formed ponds, to meadow to forested wetland and beyond. To help protect, maintain or even encourage beaver habitat and ecosystems:

- ✓ Determine the limits of acceptable flooding within a watershed based on historical activity and outline potential sites that may be more acceptable for both Beaver and the landowner.
- ✓ Use water control devices to control flooding where excessive tree mortality or road damage may become a concern.
- ✓ Design and construct new roads and plan other management activities away from potential flood areas.

Maine's Department of Inland Fisheries and Wildlife is an excellent source of information for Beaver control and mitigation.

## **Woodland Seeps and Springs**

---

Seeps and springs can provide a unique feature and are valuable to many species of wildlife in several ways. Areas that remain unfrozen in the winter provide a water source for many animals and may serve as a hibernation area for small amphibians. Additionally, these areas may allow for green vegetation earlier in the spring as well as support insect and invertebrate populations important to mammals and migrating birds.

- Identify seeps and springs in the spring or early summer when they are more apparent and easier to differentiate.
- Maintain a 50-ft buffer to limit equipment around the edge of seeps and springs wherever possible.
- Avoid depositing brush and slash in seeps and springs
- Consider using seeps and springs as the focal point of retention areas and further limiting disturbance to the subsurface flow to the extent .

## **Nesting Areas for Colonial Wading Birds**\_\_\_\_\_

Maine is host to some eight species of tree-nesting colonial wading birds, seven of which are near or at their northern limit for breeding. These birds form an important link between terrestrial and aquatic ecosystems and represent a unique component of bird diversity. To help protect these populations:

- Map known locations of wading-bird colonies on stand maps and consult abutters and MDIFW biologists when working within 1500-ft of nests.
- Avoid human activity within 330-ft of active heron colonies during the breeding season.

**\*\* Identified as proximate to the Rines Forest**

## **Deer Wintering Areas**\_\_\_\_\_

Deer Wintering Areas (DWAs) are essential to the survival of white-tailed deer during the winter months of deep snow. These areas additionally provide important habitat to other species including fisher and over 40 bird species, five of which are rare or uncommon in Maine and 12 that require softwood forests.

- LURC maps and zoning maps are excellent sources for identifying current DWAs and should be used to identify these areas on the ground.
- Identify additional DWAs through scouting and cruising and designate them on stand maps.
- MDIFW biologists should be consulted when planning harvests in DWAs to help develop a collaborative plan that takes all needs and objectives into account.
- There are many considerations when harvesting in DWAs, including protecting softwood regeneration, protecting riparian travel corridors and leaving an intact softwood overstory through at least one-half the area of deer habitat.
- Schedule harvests in DWAs in the winter months whenever possible.

**\*\* Depending on the source, DWA's are identified as proximate to the Rines Forest, or existing on the Rines Forest.**

## **Nest Sites for Woodland Raptors**

---

There are several species of raptors that nest and breed in Maine, including hawks, owls, eagles, falcons and vultures. These birds are important members of the ecosystem and may have particular nesting needs within a forest for successful breeding. In order to help maintain suitable nesting sites across the forest and protect nesting pairs:

- Consult MDIFW for recent maps of bald eagle nest sites and further consult biologists with the department if planning forest management activities near bald eagle nests.
- Retain trees with large stick nests and inspect suitable trees (large white pine and some hardwoods) for additional nesting sites when cruising or scouting.
- Avoid forest management activities within a quarter-mile of known nesting raptors during the breeding season (February to July).
- Leave an uncut buffer of about 66-ft around known raptor nest trees and additionally, maintain about 75% crown closure within 200-ft of nests in closed canopy forests.
- Leave large “supercanopy” trees in clearcuts and along rivers and ponds as recruitment trees for future nest building.

## **Old Growth and Primary Forest**

---

Old growth, primary and late successional forests offer a unique habitat that is not only uncommon, but important to many species of flora and fauna. A great deal of research has been done and continues to be done to understand the complex relationships that may occur in these areas and how they may differ from conditions in more managed stands. While defining an old growth stand may remain up for debate, some ideas to help identify and protect old growth, primary and late successional forests include:

- Use scouting and any old land records that may be available to help identify old growth areas on your ownership and consider a no-management option in areas that are identified on your land.
- Smaller stands with old growth conditions should be buffered with larger stands of mature forest wherever possible.
- Identify areas that may be good candidates for restoring old growth conditions. Areas near existing old growth stands are more likely to experience successful transition as species migrate.



## **Rare Plants or Animal Sites**

---

Plants and animals that occur rarely in Maine are intrinsically valuable to biological diversity. Areas where rare plants and animals occur should be considered for protection as they may be especially vulnerable to changes in the landscape. Helping to protect rare plant and animal communities starts with the ability to recognize and identify them.

- The MDIFW and MNAP are excellent sources of information to help identify sites where known rare plants and animals exist, and can further assist in developing management plans that may protect or enhance these areas.
- Become familiar with rare plants and animals to the extent possible and keep an eye out for them when scouting and cruising.

NOTE: This management plan includes a MDIFW and MNAP review for existence of rare plants and animal.

## **Rare Natural Communities**

---

Maine has several natural community types that occur throughout the state. These communities are areas that represent defined criteria which make them unique in their own way. The Maine Natural Areas Program (MNAP) lists 10 closed-canopy (of 25) and 7 (of 9) partial-canopy community types as rare or very rare. Conservation at the community level helps preserve and protect all biological functions and interaction in that particular ecosystem, thus helping to preserve the natural biodiversity of the site.

- The MNAP is an excellent source of information in helping to identify these rare or uncommon natural communities as well as a source of maps depicting known communities on the ground.
- Become familiar with these rare community types and contact MNAP for management ideas and identification tips

NOTE: This management plan includes an MNAP review for existence of rare natural community types.

# Appendix 6

## Integrated Pest Management Plan

### Integrated Pest Management Plan (IPM)

Field observations have confirmed the presence of a major infestation of common buckthorn (*Rhamnus cathartica*) or glossy buckthorn (*Frangula alnus*). In some cases this invasive species has completely taken over large portions of the understory, choking out all other species. The outbreaks seem to be associated both with soil condition (wet areas) and light treatment. Given the widespread nature of this infestation a significant, multi-measure control plan should be considered at this time. Currently, there are no known biological control measures available for buckthorn control as is the case for Purple Loosestrife.

The control plan should include a means of mechanically cutting the well established stems, some of which are 20' tall. Plants this tall can not be adequately controlled, and increases the risk of applying chemicals off target, if a chemical approach is selected.

Further I have identified smaller populations of the significantly less insidious Japanese barberry (*Berberis vulgaris*). These populations should be addressed during the entries where Buckthorn will be the primary target.

### **IPM Action Plan**

- Mechanically remove as much buckthorn as possible as part of harvest plan (winter 1009)
- Treat by hand those stems that were missed during harvest. (early spring 2010)
- Chemically treat sprouts with a quality sub-contractor (fall 2010)
- Hand pull remaining individual (summer 2011)
- Monitor and hand pull (ongoing)

Please note that the IPM is a living document and will be completed in conjunction with an independent vegetation control expert. Please see the following pages for more information on buckthorn.

# Appendix 7

## Stand Treatment Schedule 2010-2035

Table 1. 2010 Treatment Schedule					
Stand	Type	Description	Acres	Next Treatment	Approx. % Removal
1	RP4A	Red Pine Plantation	48	2nd Entry, Long Shelterwood	30- 40%
1	RP4B	Red Pine Plantation	24	Grow	
2	WP4A	Mature White Pine	20	1st Entry, Long Shelterwood	20- 30%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	5	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
4	EH4A	Hemlock	15	Grow	
4	EH4A	Hemlock	20	Reserve	NA
5	SH4C/HS2C	2 Aged Mixedwood	20	Grow	
6	WP4B	White Pine, B Density	11	Grow	
6	WP4B	White Pine, B Density	5	Grow	



**Table 2.  
2020 Treatment Schedule**

<b>Stand</b>	<b>Type</b>	<b>Description</b>	<b>Acres</b>	<b>Next Treatment</b>	<b>Approx. % Removal</b>
1	RP4A	Red Pine Plantation	48	Grow	
1	RP4B	Red Pine Plantation	24	2nd Entry, Long Shelterwood	30 - 40%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	20	1st Entry, Long Shelterwood	20- 30%
2	WP4A	Mature White Pine	5	1st Entry, Long Shelterwood	20- 30%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
4	EH4A	Hemlock	15	Selection	25%
4	EH4A	Hemlock	20	Reserve	NA
5	SH4C/HS2C	2 Aged Mixedwood	20	Selection	25%
6	WP4B	White Pine, B Density	11	Selection	25%
6	WP4B	White Pine, B Density	5	1st Entry, Long Shelterwood	20 - 30%

**Table 3.  
2025 - 2030 Treatment schedule**

<b>Stand</b>	<b>Type</b>	<b>Description</b>	<b>Acres</b>	<b>Next Treatment</b>	<b>Approx. % Removal</b>
1	RP4A	Red Pine Plantation	48	Shelterwood w Reserves	40 - 50%
1	RP4B	Red Pine Plantation	24	Grow	
2	WP4A	Mature White Pine	20	2nd Entry, Long Shelterwood	30 - 40%
2	WP4A	Mature White Pine	20	Grow	
2	WP4A	Mature White Pine	5	Grow	
3	WP4C/H3B	2 Aged Mixedwood	25	Selection	25%
3	WP4C/H3B	2 Aged Mixedwood	25	Grow	
4	EH4A	Hemlock	15	Grow	NA
4	EH4A	Hemlock	20	Reserve	
5	SH4C/HS2C	2 Aged Mixedwood	20	Grow	
6	WP4B	White Pine, B Density	11	Grow	
6	WP4B	White Pine, B Density	5	Grow	

## Appendix 8

### Forestry Regulations

#### **Forestry Regulations**

Several state and municipal laws regulate forestry and forest products harvesting operations on forestland in Maine. This plan will provide a brief overview of some of the more pertinent regulations. Prior to beginning any timber harvesting or any other alteration to the current use of a woodlot, checks should be made to ensure that the proposed activity is in compliance with all State and local laws and ordinances.

Prior to harvesting a “Notification of Intent to Harvest” form must be filed with the Maine Forest Service, Department of Conservation. Prior to January 31 of the year following a harvest, a stumpage report must be filed with the State. This report states volumes harvested and stumpage prices paid to the landowner. On harvest operations that cover ten acres or more, and occur within 200 feet of the boundary, the boundary lines must be clearly identified. The above regulations are, by law, the responsibility of the landowner. These responsibilities can be transferred to a second party such as a forester or managing agent by contractual agreement.

Following a harvest no slash can remain within fifty feet of a town road or twenty-five feet of a boundary line. Slash cannot be deposited in a stream channel, or below the high water mark of a waterway. It is unlawful to deposit silt in a watercourse.

In addition to the laws mentioned above, there are a number of laws that deal with clear-cuts beginning at five acres in size. Another law establishes a “trip ticket” system used when transporting wood. Additional information can be obtained through the Maine Forest Service.

The town of Cumberland does regulate timber harvesting in its Shoreland Zoning Ordinance. An updated copy of the town’s Shoreland Zoning Ordinance will be consulted before any timber harvesting is to begin and all activities will comply fully with the restrictions and regulations therein.

#### **Best Management Practices (BMP’S)**

Best Management Practices are strategies and actions that, when properly applied, help protect water and soil quality through all phases of timber harvesting. A detailed examination of current accepted BMP’s can be found in Best Management Practices for

Forestry: Protecting Maine's Water Quality. A publication released by the Maine Forest Service, Maine Department of Conservation in 2004.

These BMP's include practices such as water-barring of completed skid trails to prevent or minimize soil erosion, building proper bridges or fords when crossing brooks with equipment and constructing landings and roads to standards that minimize long term impact, to name a few. It is recommended that these BMP's be implemented wherever and whenever possible to maintain water quality while operating on Town of Cumberland Property.



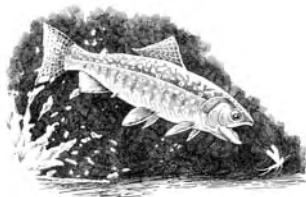
## **Appendix 9**

### **Focus Species Forestry**

Focus Species Forestry is a methodology developed by Rob Bryan (Maine Audubon) and many others that seeks to integrate timber and biodiversity management into single prescription. I applied the principals outlined in this methodology to formulate the individual stand recommendations outlined in the main body of this document. The following pages are excerpts from the Focus Species Forestry document that pertain to the habitat and Focus Species found in the Rines Forest as well as the worksheets developed specifically for the Rines Forest.

# Focus Species Forestry

## A Guide to Integrating Timber and Biodiversity Management in Maine



*Robert R. Bryan*  
*Forest Ecologist and Licensed Forester*  
*Maine Audubon*

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Small Woodland Owners Association of Maine



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## Focus Species Forestry Advisory Committee

Jensen Bissell	Baxter State Park Scientific Forest Management Area
Sandra Brawders	Professional Logging Contractors of Maine
Barbara Charry	Maine Audubon
Andy Cutko	Maine Natural Areas Program
Gary Donovan	International Paper
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John Gunn	Round River Ecology
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Peter McKinley	Hancock Land Company
Paul Miller	Small Woodland Owners Association of Maine
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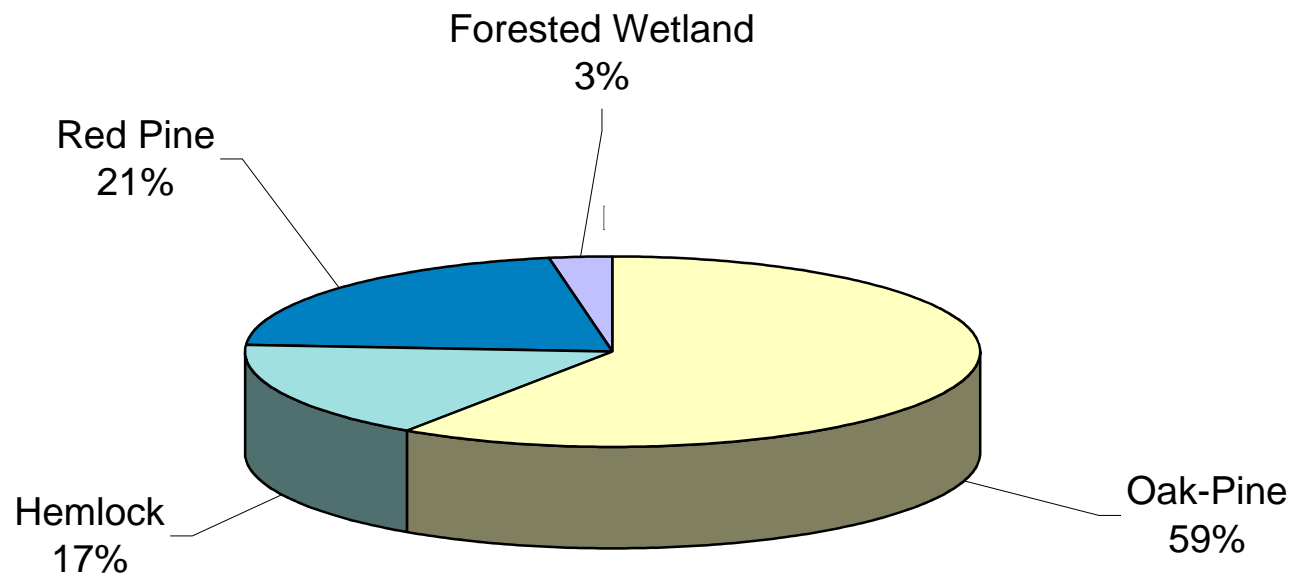
In addition to the advisory committee, the following individuals generously provided helpful comments on the manual:

Dan Harrison	University of Maine (American marten)
Mitchska Hartley	National Audubon / Cornell Lab of Ornithology
Tom Hodgman	Maine Department of Inland Fisheries and Wildlife
Richard Hoppe	Maine Department of Inland Fisheries and Wildlife
Jody Jones	Maine Audubon
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Phillip deMaynadier	Maine Department of Inland Fisheries and Wildlife (vernal pools)
Will Reid	Skowhegan Maine
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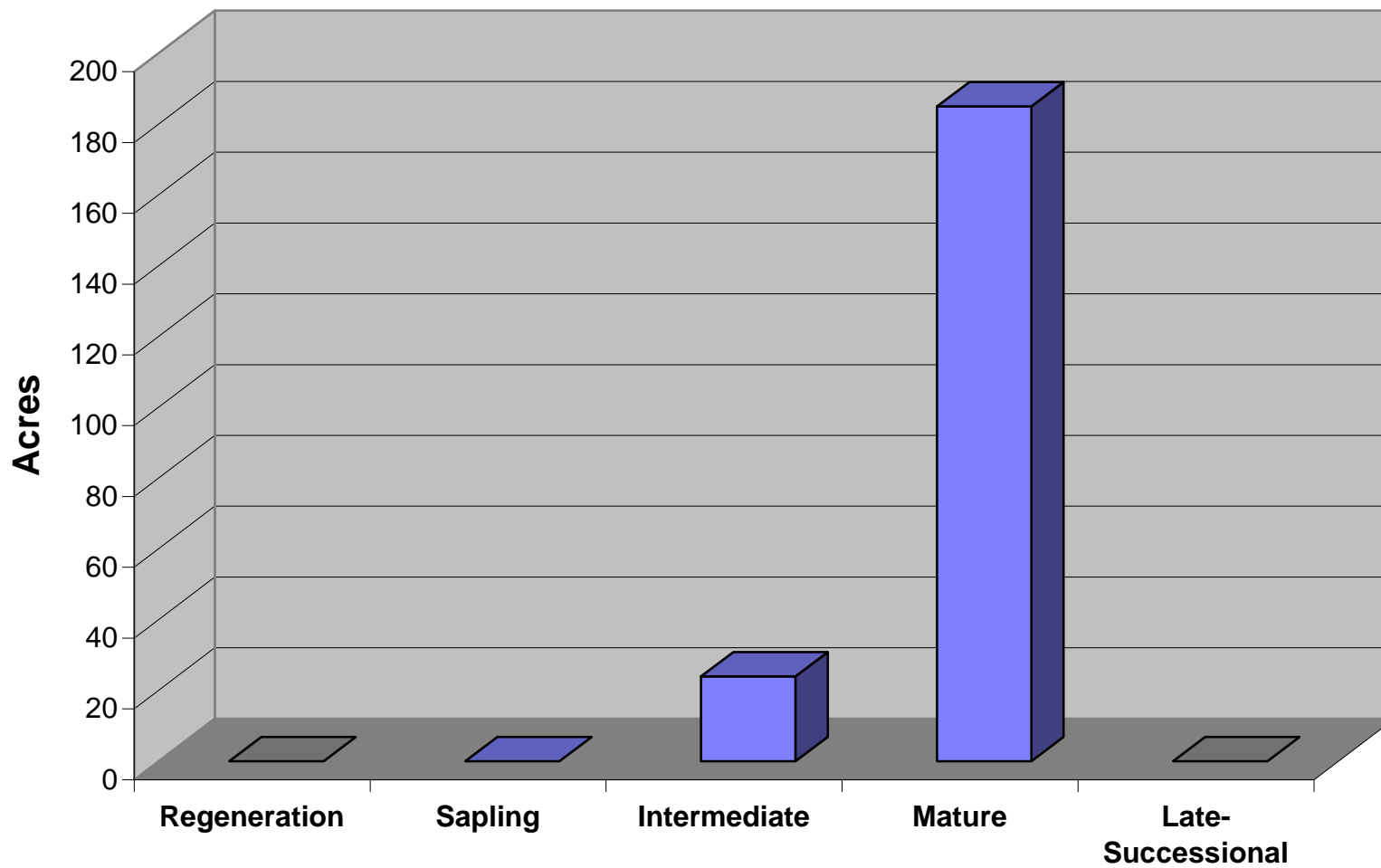




## Rines Forest Ecosystem Summary



## Rines Forest Stand Development Stage Summary



Dev. Stage	Species & (Region)	Focus Species?	Check if ecosystem or special-value habitat present or enter acres (focus habitats shaded)							Summary of Management Objectives and Recommendations	
			A-B	NH	O-P	HE	S-F	NWC	R&W		VP
Early Succession	Ruffed grouse	?	F	F	P						<ul style="list-style-type: none"> <li>• CSW, possible</li> <li>• ET, yes</li> <li>• SH, no...maybe long term</li> </ul>
	Chestnut-sided warbler	?	F	F	P						
	Eastern towhee (S)	Y			C/P						
	Snowshoe hare		F	F			F				
Mature	Northern goshawk				P						<ul style="list-style-type: none"> <li>• NG, yes</li> <li>• PW, yes</li> <li>• BO, yes</li> <li>• WT, present and recorded</li> <li>• BTBW, no</li> <li>• RB S, yes</li> </ul>
	Pileated woodpecker	Y			C	C			C		
	Barred owl	Y			C/P	C/P					
	Wood thrush (S)	Y			C	C					
	Pine Warbler	Y			C/P						
	B.T. blue warbler										
	Redback salamander	Y			C/P	C/P					
	Fisher (S)				C/P	C/P					
LS	Late-successional lichens				?	?		?			
Riparian & Wet	Beaver										<ul style="list-style-type: none"> <li>• Beaver, not really</li> <li>• WT</li> <li>• BT</li> <li>• NDS, yes</li> </ul>
	Northern waterthrush										
	Wood turtle										
	Brook trout								P		
	N. Dusky salamander	Y									
VP	Spotted salamander										<ul style="list-style-type: none"> <li>• Yes, if VP's found</li> </ul>
	Wood frog										

<b>Legend</b>	<b>Habitat Key</b>	<b>A-B:</b> Aspen-Birch; <b>NH:</b> Northern hardwoods; <b>O-P:</b> Oak-Pine; <b>HE:</b> Hemlock; <b>S-F:</b> Spruce-Fir; <b>NWC:</b> Northern White Cedar; <b>R&amp;FW:</b> Riparian and Forested Wetland; <b>VP:</b> Vernal Pool.
	<b>Focus Species</b>	<b>C:</b> currently present or potentially present as indicated by habitat; <b>F:</b> Future, through long-term habitat management; <b>P:</b> Potentially present if targeted management actions taken by landowner. <b>D</b> – may decline if habitat management not implemented Management for Focus Species will benefit other species and ecological conditions associated with these ecosystem types and development stages.



<b>Focus Species Management</b>	
<b>Overview</b>	Obtaining adequate regeneration in oak-pine forests usually requires some form of shelterwood management or group-selection harvesting. In the case of white pine, timing harvests to coincide with an abundant seed year is recommended, while maintaining partial shade through the sapling phase is important to minimize weevil damage. In mixed oak-pine stands, white pine regenerates well, due in part to the light shade offered by oak canopies and perhaps the digging action of gray squirrels. On moist and rich soils, where red maple and hemlock tend to be more aggressive, maintaining pine or oak dominance may be impossible.
<b>Single-tree and Group Selection</b>	<ul style="list-style-type: none"> <li>✓ Light single-tree selection is unlikely to maintain oak-pine except on very dry sites.</li> <li>✓ Crop-tree management (see Appendix 3) focusing on the best trees combined with group selection may be used to maintain mature forest conditions. Locate groups where there are patches of advanced regeneration. Large groups will provide small patches of early successional habitat.</li> </ul>
<b>Shelterwood, Small Patch Cuts, and Clearcuts</b>	<ul style="list-style-type: none"> <li>✓ The shelterwood system is probably the best method for regenerating and cultivating oak-pine. A regeneration harvest should occur approximately 30 years before crop trees are expected to mature. When regeneration is established, maintain the overstory below 40% crown cover to discourage shade-tolerant competitors but provide enough shade to limit pine weevil damage. A heavy shelterwood cut will also provide habitat for early successional species.</li> <li>✓ Patch cuts (2-5 acres) and occasional small clearcuts will provide ideal nesting habitat for young-forest birds and browse for hare, rabbits, and deer. Low-value stands may be a good opportunity to use this approach.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>✓ Maintain and encourage oak mast trees for bear, deer, turkey, squirrels, and mice.</li> <li>✓ Follow recommendations for snags, cavity trees, and downed woody material and other stand-level guidelines (Section 7).</li> <li>✓ Refer to landscape-level guidelines (Section 8).</li> <li>✓ Mature hemlock is often indicative of sites that were not cleared for crops or permanent pasture. These sites add plant and wildlife diversity to the forest and should be maintained in a mixed-species composition if possible.</li> </ul>

**References:** DeGraaf et al. 1992, DeGraaf and Yamasaki 2001, Flatebo et al. 1999, Lancaster et al. 1978, Sampson et al. 1983, Seymour 1994

# Eastern Hemlock

## Identification

Eastern hemlock in pure or mixed stands is the dominant species. Depending on the region of the state and surrounding forest type, associates may include red oak, white pine, birches, maples, spruce, cedar, or fir.

## Ecology

Eastern hemlock typically occurs in patches of 50 acres or less within oak-pine, northern hardwood, and spruce-fir ecosystems. The hemlock wooly adelgid, an exotic insect that has devastated hemlock forests from Appalachia to central Massachusetts, has now spread into southern Maine.

## Wildlife

Hemlock provides important food, cover, and nesting habitat for many species. Black bears use hemlock for denning and cubs climb them for escape cover. Hemlock stands provide important deer wintering cover in much of the Northeast. Blackburnian and black-throated green warblers are strongly associated with hemlock in mixed hemlock-hardwood forests.



<b>Rare Species</b>
None
<b>Rare Natural Communities</b>
None

<b>Focus Species</b>	
<b>Mature Forest</b>	<b>Late-successional Forest</b>
American marten (North region) Fisher (South region) White-tailed deer (North region) Pileated woodpecker Barred owl Wood thrush Redback salamander	No species currently known due to limited research

# Eastern Hemlock

Focus Species Management	
<b>Overview</b>	Hemlock's greatest wildlife value is as a mature forest component of the landscape. Its deep crown provides excellent cover while frequent and profuse cone crops provide abundant food for many birds and small mammals. Management should strive to maintain stands in a mature condition through periodic light regeneration harvests. Individual trees and groups within northern hardwoods and oak-pine provide important food and cover and should be maintained and encouraged. Hemlock regenerates best on partly shaded, scarified soil.
<b>Single-tree and Group Selection</b>	<ul style="list-style-type: none"> <li>✓ Both approaches are well suited to maintaining mature forest conditions and are consistent with natural disturbance patterns.</li> <li>✓ Small-group selection (0.1 acre or less) can be used to regenerate hemlock while creating within-stand patchiness.</li> </ul>
<b>Shelterwood and Clearcut</b>	<ul style="list-style-type: none"> <li>✓ Researchers recommend a 2- or 3-stage shelterwood with 70-80% canopy cover with scattered gaps.</li> <li>✓ If the shelterwood system is used, be sure to retain the overstory in a two-aged system or maintain mature hemlock cover nearby.</li> <li>✓ Clearcutting is not recommended in hemlock forests.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>✓ Follow recommendations for snags, cavity trees, and downed woody material and other stand-level guidelines (Section 7).</li> <li>✓ Maintain hemlock inclusions in other forest types. In northern Maine it is not uncommon to find old-growth legacy trees in excess of 200 years old.</li> <li>✓ Refer to landscape-level guidelines (Section 8). Use hemlock stands to help build and maintain mature and late-successional components of the landscape.</li> </ul>

**References:** Carey 1993, DeGraaf et al. 1992, DeGraaf and Yamasaki 2001, Eyre 1980, Flatebo et al. 1999, Goerlich and Nyland 2000, Kenefic and Seymour 1999, U.S. Forest Service and Vermont Agency of Environmental Conservation 1973

# Riparian and Wetland Forest

## Identification

Riparian and wetland forests as defined here include forests that contain or are adjacent to seasonal or permanent standing water, including small pools, seeps, intermittent and perennial streams, rivers, ponds, lakes and coastal waters. Forest types may include wetland and floodplain communities as well as upland forest ecosystems described in this manual (e.g. oak-pine, northern hardwoods, spruce-fir) that border rivers, streams, and lakes.



## Ecology

Riparian and wetland forests provide several major functions, including minimizing downstream flooding, filtering runoff and protecting water quality, maintaining cool water temperatures for fish, providing the energy for the base of the aquatic food web in the form of fallen leaves, and providing logs that create cover for fish and invertebrates and a substrate for aquatic algae.

## Wildlife

These forests support an unusually high concentration of animals that includes tree-nesting waterfowl (wood duck, common goldeneye, hooded merganser, and common merganser) and other birds, as well as aquatic and semi-aquatic animals such as beaver, otter, mink, and moose. Large pines provide important nesting and loafing sites for bald eagle and osprey. Upland mammals such as deer, bobcat, coyote, and bats frequently use shorelands for denning, travel corridors, and feeding zones. In southern Maine’s developing landscape, wetland and shoreland forests often form the nucleus of large forest blocks and a network of travel corridors that are critical to many species. Up to 80% of Maine’s vertebrate wildlife species use riparian habitat during some or all of their life cycle.

Rare Species
Bald eagle, Blanding’s turtle, spotted turtle, box turtle, Atlantic salmon, bald eagle More than 20 rare plants, 4 insects, 2 freshwater mussels and 1 fish
Rare Natural Communities
Hardwood river terrace, hardwood seepage forest, silver maple floodplain forest, cedar-spruce seepage forest

Focus Species <sup>1</sup>
Beaver Pileated woodpecker Northern waterthrush Wood turtle Northern dusky salamander Brook trout

<sup>1</sup> Focus species vary with water body type. See management table on following page.



# Vernal Pools

Rare Species
<ul style="list-style-type: none"> <li>• Blanding's turtle (Maine threatened) and spotted turtle (Maine endangered) may be found in vernal pools in York and Cumberland counties</li> <li>• Four-toed salamander, ribbon snake, and wood turtle (all Maine special concern) may also be found in vernal pools statewide</li> <li>• Several rare plants are associated with vernal pools in southern Maine</li> </ul>



Apply the following guidelines at minimum when two or more indicator species or more than 20 egg masses have been observed.

Focus Species Management <sup>1</sup>		
Vernal Pool Depression	Vernal Pool Protection Zone 0-100 ft.	Amphibian Life Zone 100-400 ft.
<ul style="list-style-type: none"> <li>✓ Identify and flag the pool boundary during the spring wet season or by using dry-season indicators.</li> <li>✓ Do not disturb the pool depression with equipment, slash, or sediment.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Maintain an average 75% canopy cover of trees over 20-30 ft. tall to protect young amphibians leaving the pool.</li> <li>✓ Harvest in frozen or dry conditions to prevent rutting and protect habitat of soil-dwelling salamanders.</li> <li>✓ Maintain abundant coarse woody debris used as feeding habitat and cover by amphibians.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Maintain a minimum of 50% canopy cover of trees over 20-30 ft. tall and keep openings below one acre.</li> <li>✓ Harvest in frozen or dry conditions to minimize soil disturbance.</li> <li>✓ Maintain abundant coarse woody debris.</li> </ul>

<sup>1</sup> For more information on identification and management of vernal pools see: *Maine Citizens Guide to Locating and Describing Vernal Pools* and *Forestry Habitat Management Guidelines for Vernal Pool Wildlife in Maine*. Both are available from Maine Audubon, Conservation Department (207-781-2330).

**References:** Calhoun, A.J.K. 2003; Calhoun, A.J.K. and P. deMaynadier 2004

## Focus Species Forestry

**Habitat Use:** The habitat-use chart<sup>3</sup> identifies the specific ecosystems and development stages that are focus habitats for the species as well as and other habitats that it uses.

**Focus Habitat:** For most species listed, a focus habitat is one that provides the best overall habitat conditions for the species. For a few, the focus habitat is one that is used for only part of the year but is essential for the species’ survival. Examples of the latter include wintering areas for deer in northern Maine and vernal pools that are used seasonally by wood frogs and spotted salamanders.

- ✓ Where a species focus habitat includes two or more development stages, attempt to provide at least half of the area in the older development stages.
- ✓ Small-diameter intermediate stands may provide early successional habitat, while larger-diameter intermediate stands are likely to provide habitat for many mature-forest species.
- ✓ Although all mature forest species will do equally well in late-successional habitat, late successional is only listed as a focus habitat when it is a required habitat for a species.

**Other Habitat:** “Other habitat” is habitat commonly used by a species, but it is used less frequently or is less critical (e.g. non wintering habitat for deer) than a focus habitat. The “other habitat” needs of a given species are taken care of by other focus species. For example, spruce-fir is listed as “other habitat” for pileated woodpecker. Management for black-backed woodpecker and American marten, both spruce-fir focus species, will also provide habitat for the pileated woodpecker in that forest type.

**Habitat Use Modifiers:** Some species are most likely to be found in certain forest types only when certain habitat conditions are found.

Habitat Use Modifiers	
<b>Mx</b>	A coniferous component in hardwood forests or deciduous component in softwood forests is important
<b>U</b>	Identifies when a species requires understory saplings or shrubs
<b>C</b>	Requires or is strongly associated with snags or cavity trees

<sup>3</sup> The format of the habitat use chart was adapted from charts that first appeared in the U.S. Forest Service publication *New England Wildlife: Habitat, Natural History, and Distribution* (DeGraaf and Rudis, 1986). Habitat uses in this guide represent the author’s synthesis of current literature and input from the advisory committee.

# Barred Owl

**Distribution:** Alberta to Newfoundland, south to Florida and east Texas; also British Columbia, south to northwestern California

**Maine Focus Region:** Statewide

**Home Range:** 200-900 acres

**Food:** Primarily mice; also other small mammals, birds, snakes, salamanders, frogs, and crayfish. Hunts from low branches, often at edge of forest openings.

**Special Habitat Needs:** Extensive mature deciduous or mixed forest with large (>20 in.) cavity trees

**Management:**

- ✓ Maintain a landscape with extensive mature forest; uneven-aged management is probably best unless long even-aged rotations are used to create large areas of mature forest.
- ✓ Manage for large snags and cavity trees.
- ✓ Small openings may attract foraging owls.



**Comments:** The barred owl's “*Who cooks for you, who cooks for you-all?*” may be heard throughout the year but is most common during the late winter/early spring breeding season. Managing for the large cavity trees and forest-dominated landscapes used by barred owls will help ensure adequate habitat for other species that prefer mature deciduous forests.

**Habitat Use:**

Forest Ecosystems																	Special-value Habitats													
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock			Spruce-Fir				N. White Cedar			Riparian/Wetland Forest	Vernal Pool					
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L	I	M	L			
						C	C	C			C	C	C			C	C			C	C	C	C	C	C	C	C	C	C	

- |   |                            |    |                         |  |               |
|---|----------------------------|----|-------------------------|--|---------------|
| R | Regeneration and seedlings | Mx | Mixed conifer-deciduous |  | Focus habitat |
| S | Saplings and small poles   | U  | Understory present      |  | Other habitat |
| I | Intermediate-aged forest   | C  | Cavity tree or snag     |  | Little/no use |
| M | Mature forest              |    |                         |  |               |
| L | Late-successional forest   |    |                         |  |               |

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Sibley 2000, Terres 1991

# Pileated Woodpecker

**Distribution:** British Columbia to Nova Scotia, south to Florida, east Texas, and northern California

**Maine Focus Region:** Statewide

**Home Range:** 100-200 acres

**Food:** Insects in decaying wood, particularly carpenter ant colonies in decaying trees

**Special Habitat Needs:** Large (>20 in. diameter) cavity trees for nesting; dead or decaying deciduous trees or conifers for feeding

## Management

- ✓ Maintain mature forest stands.
- ✓ Maintain an abundance of large snags and live trees with decaying wood in managed stands (see Section 7).



**Comments:** Pileated woodpeckers frequently excavate large rectangular feeding cavities (2-3 in. wide by 4-6 in. high) in live trees, often low on the bole where ants are present in decayed wood. This large, crow-sized woodpecker with black body, white underwings, and loud “*kuk kuk kuk kuk*” call is readily identified by sight, sound, or sign of feeding activities. Because the pileated, like most other woodpeckers, usually excavates a new nest cavity every year, an abundance of potential cavity trees is important. Bats, marten, fisher, barred owls, flying squirrels, raccoons, and other animals will benefit from cavities excavated by pileated woodpeckers. Wood ducks, goldeneyes, hooded mergansers, and common mergansers nest in large cavities excavated by pileated woodpeckers near streams and ponds.

## Habitat Use:

Forest Ecosystems																	Special-value Habitats											
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock			Spruce-Fir				N. White Cedar			Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L				
			C			C	C	C			C	C	C	C	C	C			C	C	C	C	C	C			C	

- |   |                            |    |  |  |               |
|---|----------------------------|----|--|--|---------------|
| R | Regeneration and seedlings | Mx | Mixed conifer-deciduous                |  | Focus habitat |
| S | Saplings and small poles   | U  | Understory present                     |  | Other habitat |
| I | Intermediate-aged forest   | C  | Cavity trees, snags, or decaying trees |  | Little/no use |
| M | Mature forest              |    |  |  |               |
| L | Late-successional forest   |    |  |  |               |

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Sibley 2000, Terres 1991



# Wood Thrush

**Distribution:** Breeding-season resident of eastern deciduous woodlands from southern Quebec to the Gulf Coast

**Maine Focus Region:** South

**Territory:** Up to 7 acres

**Food:** Predominantly insects in summer, plus berries and other small fruits in fall, winter, and spring

**Special Habitat Needs:** Cool, moist, mature closed-canopy deciduous and mixed forests with well developed shrub-sapling layer. Found at greatest densities in forest patches greater than 200 acres, with a sharp decline in abundance in patches less than 100 acres in size.



**Management:**

- ✓ Maintain mature northern hardwood and oak-pine forest and encourage understory development with group or single-tree selection.
- ✓ On large ownerships shelterwood management may be appropriate if mature forest goals are met at the landscape level. See landscape management guide (Section 8).

**Comments:** This robin-sized thrush with spotted breast and rusty head is readily identified by its distinct flute-like “*ee-o-lay-ee*” call on spring and summer evenings or in the early morning. It is frequently seen in low shrubs or scratching in the leaf litter for insects and other food. Numbers observed during the breeding season in Maine are declining. Nesting success increases with the percent of forest in the landscape. The wood thrush winters in Mexico and Central America. Many mammals and plants characteristic of extensive mature forest will benefit from wood thrush management. Because the wood thrush feeds mostly on or near the ground, it is vulnerable to predation by domestic cats. The hermit thrush, which is characteristic of mixed hardwood-conifer forest throughout Maine, has similar habitat requirements and is also negatively impacted by habitat loss and fragmentation.

**Habitat Use:**

Forest Ecosystems																Special-value Habitats										
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock		Spruce-Fir				N. White Cedar		Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L		

- R Regeneration and seedlings
- S Saplings and small poles
- I Intermediate-aged forest
- M Mature forest
- L Late-successional forest
- Mx Mixed conifer-deciduous
- U Understory present
- C Cavity tree or snag
- Focus habitat
- Other habitat
- Little/no use

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Hagan et al. 1997, Rosenburg et al. 2003, Sauer et al. 2003, Sibley 2000, Terres 1991

**Focus Species Forestry**

# Chestnut-sided Warbler

**Distribution:** Alberta to New Brunswick, south along the Appalachians to Georgia

**Maine Focus Region:** Statewide.

**Territory:** 1-3 acres

**Food:** Insectivorous; prefers caterpillars and fly larvae

**Special Habitat Needs:** Dense early successional hardwoods up to 10 ft. tall with less than 35% overstory canopy closure. Prefers forest patches in excess of 250 acres.



**Management:**

- ✓ Use group selection to create patches averaging 1 acre in size, or shelterwood or clearcut harvests, to create nesting habitat for chestnut-sided warblers.
- ✓ Balance early successional habitat with requirements of mature-forest species at the property or landscape level. See landscape management guidelines (Section 8).

**Comments:** Males defend their territory by singing from tall saplings and residual overstory trees while the female incubates 4-5 eggs in the brush below. John James Audubon considered this one of the rarest birds in the east during the early 1800s, but timber harvesting and regrowth of farmland have made it a relatively common species. Management for the chestnut-sided warbler will benefit other species that use early successional hardwoods, such as moose, woodcock, white-tailed deer, nighthawk, willow flycatcher, eastern bluebird, Tennessee warbler, and mourning warbler. The chestnut-sided warbler’s loud “*pleased pleased pleased to meet-ya*” may be confused with the magnolia warbler during the spring and early summer breeding season when the two species may be found together in mixed hardwood-conifer stands.

**Habitat Use:**

Forest Ecosystems																Special-value Habitats										
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock		Spruce-Fir				N. White Cedar		Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L		

- |                              |                            |               |
|------------------------------|----------------------------|---------------|
| R Regeneration and seedlings | Mx Mixed conifer-deciduous | Focus habitat |
| S Saplings and small poles   | U Understory present       | Other habitat |
| I Intermediate-aged forest   | C Cavity tree or snag      | Little/no use |
| M Mature forest              |                            |               |
| L Late-successional forest   |                            |               |

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Hagan et al. 1997, King 2003, Sauer et al. 2003, Sibley 2000, Terres 1991

# Pine Warbler

**Distribution:** Southern Ontario and southwest Quebec, south to Texas and Florida

**Maine Focus Region:** Statewide

**Territory:** 1-3 acres, possibly larger with low pine density

**Food:** Adult and insect larvae, spiders

**Special Habitat Needs:** Stands with relatively mature to mature white pine or pitch pine

**Management:**

- ✓ Manage for intermediate or mature white pine or pitch pine in pure or mixed stands as a component of the forest.



**Comments:** The irregular trill of the pine warbler may be heard high in the canopy during the spring breeding season from late April through July. The only vertebrate in our region that is dependent on pines, pine warbler density declines as the percent of hardwood increases in the canopy or the understory. White pines also make good roost trees for wild turkeys in oak-pine forests. Long-eared and northern saw-whet owls, red-breasted nuthatch, hermit thrush, solitary vireo and red squirrel may also be found in stands where pine warblers are present.

**Habitat Use:**

Forest Ecosystems																Special-value Habitats										
Aspen -Birch				Northern Hardwoods					Oak-Pine					Hemlock		Spruce-Fir				N. White Cedar		Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L	M,L	
																									WP	

- |   |                            |    |                         |  |               |
|---|----------------------------|----|-------------------------|--|---------------|
| R | Regeneration and seedlings | Mx | Mixed conifer-deciduous |  | Focus habitat |
| S | Saplings and small poles   | WP | White pine required     |  | Other habitat |
| I | Intermediate-aged forest   | U  | Understory present      |  | Little/no use |
| M | Mature forest              | C  | Cavity tree or snag     |  |               |
| L | Late-successional forest   |    |                         |  |               |

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Hagan et al. 1997, Sauer et al. 2003, Sibley 2000, Terres 1991, <http://www.natureserve.org/explorer/>

**Focus Species Forestry**

# Eastern Towhee

**Distribution:** Breeding-season resident from Minnesota and southern Quebec to southern Maine, south to the Gulf of Mexico

**Maine Focus Region:** At its northern range limit in Maine, this species is a priority species only in the South

**Territory:** 1-6 acres

**Food:** Scratches in leaf litter for seeds, insects and snails

**Special Habitat Needs:** Prefers dry, early successional or regenerating forests with a dense, brushy understory



**Management:**

- ✓ Adaptable to a range of management techniques that result in dense regeneration, including heavy selection, shelterwood, or clearcut harvests.

**Comments:** The eastern towhee is declining due to loss of the brushy, early successional forest that they prefer. This large sparrow with rusty sides is often heard scratching in the dry leaves of pine-oak forests. In the spring and early summer the male announces his presence with a loud “*DRINK your teeeeeee.*” Its call is a loud “*che-WINK.*” Towhees winter from southern New England to the Gulf of Mexico. Other early successional species such as ruffed grouse, eastern and New England cottontail rabbits, and chestnut-sided warblers may be found in young stands inhabited by eastern towhees.

**Habitat Use:**

Forest Ecosystems																Special-value Habitats										
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock		Spruce-Fir				N. White Cedar		Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L		

- R Regeneration and seedlings
  - S Saplings and small poles
  - I Intermediate-aged forest
  - M Mature forest
  - L Late-successional forest
  - Mx Mixed conifer-deciduous
  - U Understory present
  - C Cavity tree or snag
- Focus habitat
  - Other habitat
  - Little/no use

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Hagan et al. 1997, Sauer et al. 2003, Sibley 2000, Terres 1991

**Focus Species Forestry**



# Northern Dusky Salamander

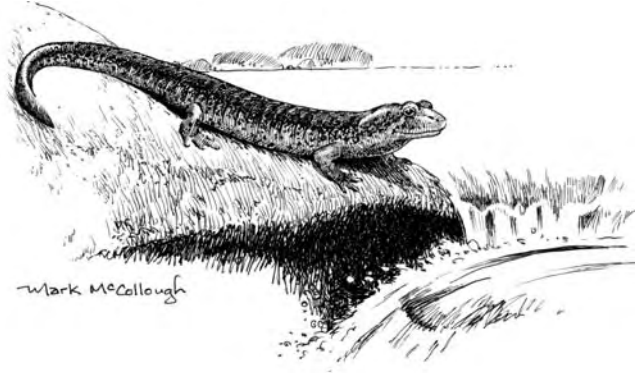
**Distribution:** Southern Quebec, south to Alabama; apparently absent northeast of Presque Isle, Maine

**Maine Focus Region:** Statewide

**Home Range:** Variable, 15-500 sq. ft.

**Food:** Feeds mainly at night on small aquatic or terrestrial insects, crustaceans and other invertebrates

**Special Habitat Needs:** Cool, clear seeps; intermittent streams or small perennial streams. Found under rocks or logs at water's edge or in the bed of nearly dry streams.



**Management:**

- ✓ Use Maine Forest Service Best Management Practices to avoid stream sedimentation and maintain streamside vegetation for shade, cover, and habitat for adult forms of aquatic insects.
- ✓ See riparian and wetland forest recommendations (Section 5).

**Comments:** Dusky salamanders are found high in the watershed above the range of brook trout and other fish. They are about 2.4-4.3 in. long, gray or brown, and frequently mottled. Duskies are frequently found in the company of two-lined salamanders but, unlike the two-lined, are intolerant of warm water and sediment. In the western mountains region, northern spring salamanders may be encountered more frequently than duskies in headwater streams. Dusky salamanders winter 12-20 in. below ground near streams. Insects associated with these small streams are prey for birds, and the cool, clear water sustains streams lower in the watershed that are critical for trout and other fish.

**Habitat Use**

Forest Ecosystems																Special-value Habitats													
Aspen-Birch				Northern Hardwoods				Oak-Pine				Hemlock		Spruce-Fir		N. White Cedar		Riparian/Wetland Forest	Vernal Pool										
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L					

- R Regeneration and seedlings
- S Saplings and small poles
- I Intermediate-aged forest
- M Mature forest
- L Late-successional forest
- Mx Mixed conifer-deciduous
- U Understory present
- C Cavity tree or snag

- Focus habitat
- Other habitat
- Little/no use

**References:** Barbour et al. 1969, DeGraaf and Yamasaki 2001, Maine Forest Service 1992, Markowski 1999

**Focus Species Forestry**

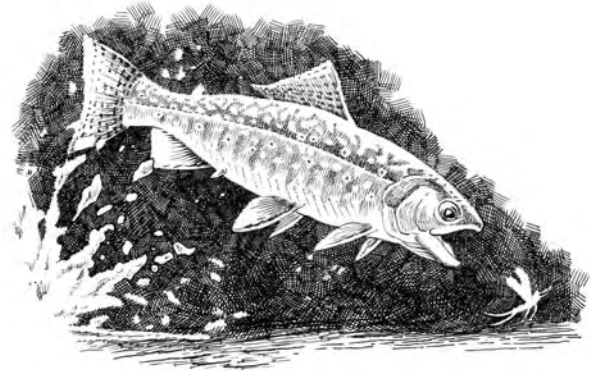
# Brook Trout

**Distribution:** Newfoundland to Manitoba, south along the Appalachians to Georgia

**Maine Focus Region:** Statewide

**Food:** Aquatic insect larvae and adults, especially when young, shifting to a higher percentage of fish with maturity

**Special Habitat Needs:** Cool, silt-free, and well-oxygenated water below 65° F



**Management**

- ✓ Use Maine Forest Service Best Management Practices to avoid stream sedimentation and maintain streamside vegetation for shade, cover, and habitat for adult forms of aquatic insects.
- ✓ See riparian and wetland forest recommendations (Section 5).

**Comments:** This brightly colored native fish is an indicator of good water quality. Maine’s wild brook trout fishery, the best in the United States, is threatened by development, illegal fish stocking, increased access to remote streams and ponds, and poor harvesting practices.

**Habitat Use:**

Forest Ecosystems																Special-value Habitats										
Aspen-Birch				Northern Hardwoods					Oak-Pine					Hemlock		Spruce-Fir				N. White Cedar		Riparian/Wetland Forest	Vernal Pool			
R	S	I	M	R	S	I	M	L	R	S	I	M	L	I	M	L	R	S	I	M	L	I	M	L		

- |   |                            |    |                         |  |               |
|---|----------------------------|----|-------------------------|--|---------------|
| R | Regeneration and seedlings | Mx | Mixed conifer-deciduous |  | Focus habitat |
| S | Saplings and small poles   | U  | Understory present      |  | Other habitat |
| I | Intermediate-aged forest   | C  | Cavity tree or snag     |  | Little/no use |
| M | Mature forest              |    |                         |  |               |
| L | Late-successional forest   |    |                         |  |               |

**References:** Boone and Krohn 1998, DeGraaf and Yamasaki 2001, Maine Forest Service 1992, Witham 1999

**Appendix 10**  
Forest Stewardship Council  
Background



## Why FSC is the best forest management certification system

Forest Stewardship Council (FSC) certification is the best available forest conservation and market linkage tool. Of the over 90 options available worldwide for forest management certification, FSC is the most rigorous, credible, and valuable system. Here are the reasons why.

### FSC THE BRAND

#### The promise to consumers

The reason FSC is the most trusted label in the certification marketplace is the history of credibility related to claims made within the FSC system. FSC has the most rigorous and consistently implemented chain-of-custody program in the world. This system ensures, through independent auditing, that product claims can be verified from the forest to the customer. The integrity of FSC's promise to customers makes FSC the gold standard.

#### Global reach

Wood is traded all over the world and FSC has certified forest management operations, manufacturing facilities, and distributors in over 70 countries. With offices in over 30 countries, FSC has set regional standards that reflect local conditions in both developed and developing countries. Thousands of companies worldwide participate in the program providing the full range of wood and paper products to markets everywhere. No other system has this kind of reach, with locally relevant and accepted consensus-based standards combined with global brand recognition that guarantees the rigor and integrity of those standards. Certification systems that focus only on North America or Europe miss some of the most important issues that are happening on the ground in forests around the globe even though this wood is bought and sold around the world every day.

#### Recognition by credible non-profits trusted by consumers

Other certification systems rest their credibility on expensive ad campaigns supported by the very companies who stand to benefit from customers buying products with that label. While FSC companies also advertise, they are advantaged by an army of stakeholders who publicly endorse and actively market FSC-certified products. Major global environmental organizations have programs where staff members spend their days building demand for FSC-certified products. These organizations include National Wildlife Federation, World Wildlife Fund, Forest Ethics, Rainforest Action

Network, Rainforest Alliance, Green Press Initiative, Tropical Forest Trust, and many others. This kind of advocacy can only be generated by a system that these organizations trust and are willing to rest their own brands on in the market. Market campaigns by NGOs routinely feature FSC as part of the demand placed on campaign targets. Other types of NGOs show their support for FSC through partnerships where companies are urged to move to FSC certification. This community is unique. No other system has generated such broad and deep support.

#### Used by major brands to protect their own brands

When a major consumer brand chooses to co-brand itself with something like a certification label it becomes either an enhancement or vulnerability. Companies who seek to express their environmental and social values by using forest products from responsible sources increasingly see FSC as a brand enhancement. Whether it's an on product label on an item of furniture, recognition of FSC in a green building standard, or the placement of the FSC logo on an annual report cover, FSC is strengthening brands all over the world. As green building grows, builders and architects proudly specify FSC-certified wood to express their own values that reflect well on their company. The world's largest paper and wood buyers are committing to increasing levels of FSC-certified products in their purchasing practices.

You can find the FSC label on catalogues, reports, marketing materials, consumer products, product packaging, and within the walls of the world's largest retail stores. Even financial institutions are using the FSC tool to guide their investment and lending policies—by screening forestry companies using FSC certification, banks and lenders can reduce their risk by placing their money in responsible businesses and avoiding others who act illegally or destructively.

"We believe that FSC is the gold standard when it comes to forest products certification systems. FSC certification is a key component in our ongoing efforts to deliver on our commitment to our employees, customers and shareholders to operate in an environmentally sound manner."

- Pat Connolly, Executive Vice President and Chief Marketing Officer for Williams-Sonoma, Inc.





# FSC THE SYSTEM

## Recognition of Social Values

Over 90% of the 1.2 billion people living in extreme poverty around the globe depend on forests for some part of their livelihood. In addition, thousands of people are enslaved in the cattle and timber industry in Brazil. Only FSC explicitly balances the very important social impacts of logging with the environmental outcomes and economic values that well managed forests provide. Not only are social and community values and labor rights reflected in FSC standards, but indigenous peoples and civil society organizations are represented in the FSC membership. Bringing these voices to the table is a distinctive feature of the FSC system. Fundamental issues of resolving who owns the land and full community engagement in decision-making are attributes reflected in FSC's process of stakeholder engagement.

## Transparency at every stage

All processes and decisions of the Forest Stewardship Council are open for public review and comment. Even non-members are engaged in the refinement of new policies and standards. Certification assessments are subjected to public review before they become finalized. Transparency is a core value of the system and one of its unique strengths.

## Stakeholder diversity and membership

FSC's standards reflect the holistic nature of the membership that comprises the organization—balancing environmental, social and economic concerns in the management of the world's forests.. Major global environmental groups, native tribes, forest products manufacturers, foresters, scientists, and advocates for human and civil rights all contribute to the governance of the FSC system. By bringing this array of perspectives into the fold, FSC strengthens its standards and creates an army of committed individuals and organizations prepared to advocate for the importance of the system in the marketplace.



# FSC'S STANDARDS

## Protection of high conservation values

FSC standards include set asides and special measures related to managing forests with high conservation values. The most significant forested eco-systems are identified in every certified operation and care is taken to ensure that values such as biodiversity, sensitive aquatic habitats, unique species and plant and animal communities are all protected. The model put forth by FSC is so strong that major wood and paper buyers often require their suppliers to implement a high conservation value forest inventory in the areas where they operate, even where they are not seeking FSC certification. The rigor of this system is so widely recognized that other certification systems incorporate similar models. Unfortunately, no other system has reached the levels of protection afforded by FSC.

## Conservation of natural forests

In the last 50 years we have done more damage to natural forests than in the previous 80 centuries of human activity. FSC certification is not provided to forest management operations that have converted natural forest stands to ecologically simplified "plantations" since 1994 (FSC's first implementation year.) No other certification system precludes this practice from being certified. FSC holds that conservation and management of natural forests is a priority. Existing (before 1994) plantations can only be certified where they meet high performance standards for protecting and encouraging the restoration of native biodiversity.

## Performance versus intent

There are certainly specific differences among certification systems in terms of their on-the-ground requirements. Many systems require policies or plans for dealing with issues like chemical use or worker's rights. FSC requires actual performance against standards, not just on-paper intention. Differences exist in types and size of buffer areas that cannot be harvested near streams, the size of areas allowable for clear-cut logging, the requirements for mapping and documenting procedures and so on. The bottom line is, when added up with all of the differences noted above, there are no "apples to apples" comparison between FSC and any other system. FSC is the largest, oldest, strongest, and most visible system ever devised for linking responsible forestry to markets.

For more information, visit [www.fscus.org](http://www.fscus.org).

### Our mission:

Create a marketplace that promotes well-managed forests by ensuring forestry practices that are environmentally responsible, socially equitable, and economically viable.

### FOREST STEWARDSHIP COUNCIL-US

1155 30th Street NW, Suite 300  
Washington, DC 20007

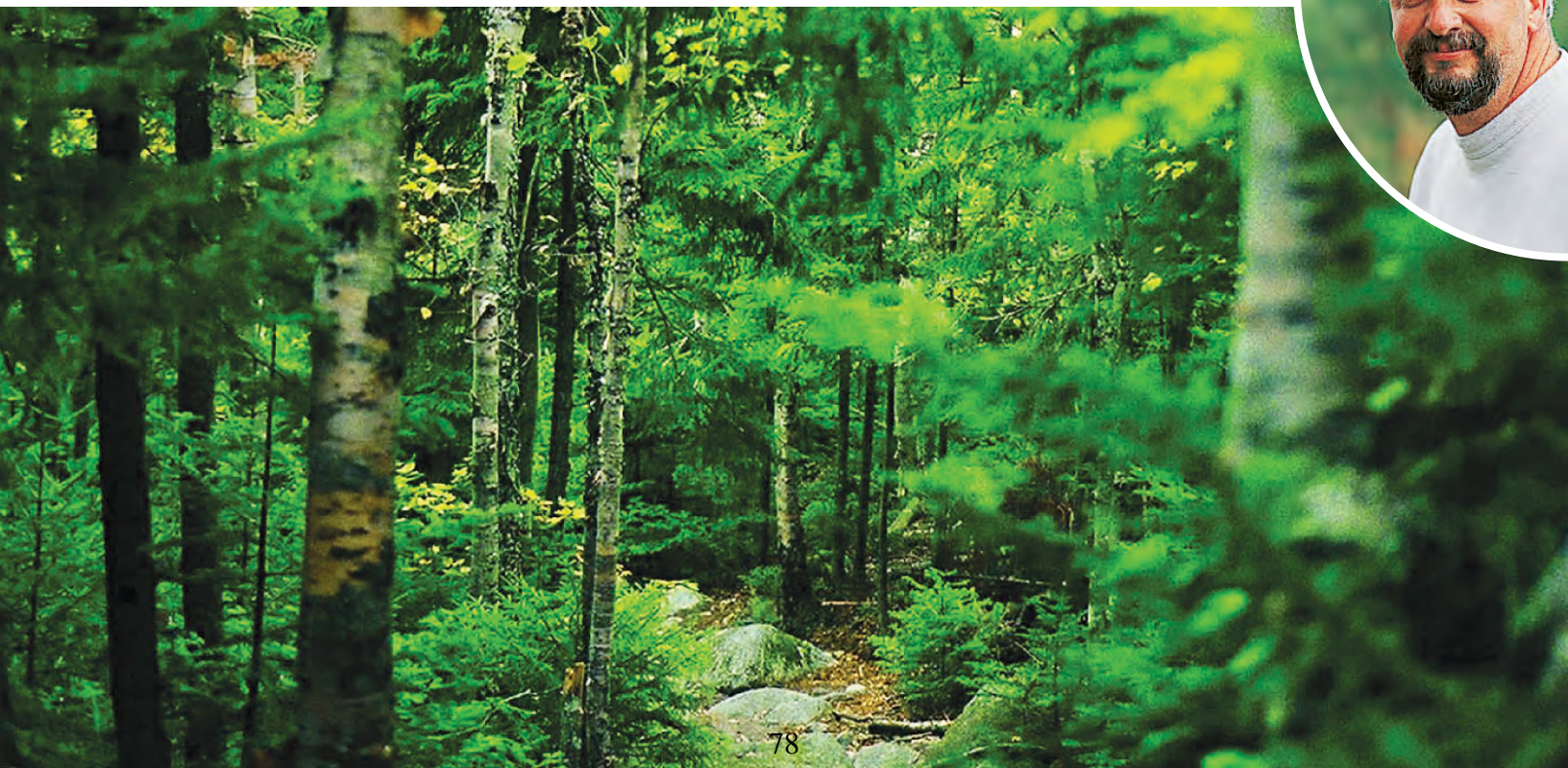
**PHONE:** 202.342.0413  
(toll free) 1.877.FSC.LOGO  
**FAX:** 202.342.6589  
**E-MAIL:** [info@fscus.org](mailto:info@fscus.org)  
**WEBSITE:** [www.fscus.org](http://www.fscus.org)



# SmartWood Forest Management Certified Forestry for the Future

Foster growth, stability and pride in your industry and in its future. Invest in the Rainforest Alliance's SmartWood Forest Management Certification today. While rich in resources, the world's forests are vulnerable to mistreatment and misuse. An industry-wide approach to sustainable forestry is in each and every operation's own best interest. Ensure a healthy supply of forest resources for generations to come and access consumers, retailers, manufacturers and developers interested in sustainably produced wood products.

*Help commercial forestry balance economic, environmental and social interests and needs.*



## The Health of Forests, The Wealth of an Industry

SmartWood Forest Management Certification is widely hailed as the global benchmark for sustainable forestry management. As the world's first global timber certification program, a founder of the Forest Stewardship Council (FSC) and among the first to be accredited by the FSC, the Rainforest Alliance's SmartWood program is based on a pragmatic and scientific model that comprehensively evaluates forests on operational, environmental, social and economic levels.

SmartWood assesses each forestry operation on its own terms, while ensuring that they meet internationally recognized standards of excellence. Our guidelines can apply to both natural forests and plantations. While the universal goal is sustainability, the benefits reach well beyond ecology: SmartWood certification distinguishes your operation's stewardship services, adds value to your lands, improves the general public perception of forestry and often helps surrounding communities to prosper economically. Sustainable harvesting ensures high quality wood and a wealth of natural resources for generations to come.

The Rainforest Alliance's SmartWood program is the independent, third-party certifier, a distinction that brings your company credibility, respect, recognition... and a profitable market niche. As a founding member of the Forest Stewardship Council, the Rainforest Alliance is respected worldwide not just for its reputable SmartWood forestry program, but also for its innovative sustainable agriculture and tourism initiatives, in which scores of companies — from the largest multinationals to modest, local operations — are involved.

## Guidelines and Requirements: Region-Specific, Far-Reaching Benefits

Because every forest is unique, SmartWood certification criteria incorporate FSC regional guidelines, which take into account a number of significant variables, including habitat, climate and forest type. The following requirements must be met:

- All forest operations must maintain environmental functions, including watershed stability, conservation of resources and the protection of wildlife habitat.
- Planning and implementation must incorporate sustainable harvest levels.
- Operations must have a positive impact on the longterm social and economic well-being of communities.
- The forest manager must demonstrate a measurable and ongoing commitment to improving forestry practices.

*For a copy of the Forest Management Certification guidelines, visit [www.smartwood.org](http://www.smartwood.org), or contact your local representative.*

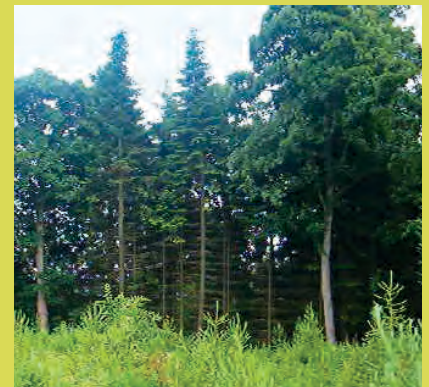


## Nine Steps to Forest Management Certification:

1. Candidate submits certification application.
2. SmartWood sends assessment budget proposal for candidate approval.
3. SmartWood assembles a multi-disciplinary team that may include a forester, sociologist, ecologist and forest economist.
4. Assessment team reviews on-the-ground history and evaluates existing management plan.
5. Team develops report outlining needs and goals of operation.
6. Applicant evaluates draft report.
7. Qualified, independent peer reviewers assess report.
8. SmartWood and client establish five-year certification contract.
9. SmartWood conducts annual audits.



FSC-ACC-004. FSC Trademark ©1996 Forest Stewardship Council A.C.  
FSC accredited certification shows that the forest meets the FSC Principles and Criteria for forest stewardship.



SmartWood USA Region

101 East Fifth Street, Suite 208, Northfield, MN 55057 USA

Tel (507) 663-1115, Fax (507) 663-7771, Email [smartwoodusregion@ra.org](mailto:smartwoodusregion@ra.org)



# **Forest Terminology**

Below is a glossary of useful forestry terms and other descriptions:

**Acre:** A unit of land containing 43,560 square feet. If it is a square, it would have a side of 208 feet by 208 feet.

**American Tree Farm System:** a program designed to sustaining forests, watershed and healthy habitats through private stewardship. Their mission is to “promote the growing of renewable forest resources on private lands while protecting environmental benefits and increasing public understanding of all benefits of productive forestry”. To date, enrolled tree farms are certified to the PEFC standard.

**Basal Area:** Cross-sectional area of a tree, measured at DBH. Typically known as a measure of stand density, expressed in square feet/acre.

**Best Management Practices (BMP’s):** BMPs are designed to protect water quality during forest harvests, and are developed to mimic and/or protect the natural functions of forests. It is a collection of techniques in all aspects of operations, such as road building, stream crossings, how to correctly install bridges and culverts, trails, water diversions, log landings, etc.

**Biofuels:** organic material such as wood, waste, and alcohol fuels, as well as gaseous and liquid fuels produced from these feedstocks when they are burned to produce energy.

**Board Foot:** Unit of measure, a 1” by 1’ by 1’ board. Used in scaling sawlogs and veneer.

**Boreal Forest:** a region in North America that consists of mostly coniferous forest land. Also called “taiga”, this type is the coldest forest zone in the northern hemisphere and covers a 1,000 km wide band over the continent.

**Buffer Zone:** A transitional zone between two distinct habitats, a buffer zone can act to protect sensitive areas from degradation and may provide additional diversity within a landscape. Generally used along water bodies or around dwellings.

**Chain:** a Surveyor’s unit of measure equaling 66 feet. Commonly used in deed descriptions.

**Chain of Custody (CoC):** is the process by which certified forest products are verified to come from properly managed, sustainable sources. Organizations wishing to become CoC certified must meet the minimum requirements in product traceability, storage and handling, invoicing, and record keeping. An on-site audit by an accredited third-party verifier is necessary before an organization can become CoC certified.

**Cord:** A unit of measure for stacked wood encompassing 128 cubic feet of wood, bark and air space (4’ by 4’ by 8’)

**Crop Tree:** Those trees in a stand left after thinning and destined to form the “final” crop, usually the highest in quality and value of all the trees in a stand.

**DBH:** Diameter at breast height, measure 4.5 feet above the ground.

**Den Tree:** A tree with a cavity or cavities used by wildlife.

**Dominant Tree:** A tree which usually has a large healthy crown that is part of the overstory. This tree will dominate its immediate area. It receives full light from above and partly from the sides.

**Edge:** The place in the environment where two distinct habitats meet. And edge often provides resources needed by a variety of wildlife, like food and cover.



**Epicormic Branching:** Branches arising from buds in the bark along main stem, most commonly occurring in trees under crown stress.

**Forest Stewardship Council:** in terms of the FSC scheme, there are two types of certification. In order for land to achieve FSC endorsement, its forest management practices must meet the FSC's ten principles and other assorted criteria. For manufacturers of forest products, including paper manufacturers like Sappi, Chain of Custody (CoC) certification involves independent certification of the supply chain, which identifies and tracks the timber through all stages of the production process from source to end product.

**Forest type/stand:** A group of trees, occupying a specific area and uniform in composition, species, age arrangement and condition, as to be distinguished from other adjoining forested areas.

**Geographic Information Systems (GIS):** Integrates hardware, software and data in order to manage, analyze, and display a variety of information.

**Girdle:** The removal or killing of a ring of bark around the tree stem so that the flow of nutrients from the crown to roots is blocked. The roots die and the whole tree is killed.

**Greenhouse gases (GHGs):** the GHGs included in the Kyoto Protocol are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride.

**Intermediate Tree:** A tree shorter than a dominant stem but extends into the crown cover formed by dominant and co-dominant trees. They receive some direct sunlight from above but none from the sides.

**Landing:** A place where logs and pulp are assembled for loading and transportation to a mill. Other names include header, yard, and deck.

**Liquidation Harvesting:** The Maine legislature has defined this as “the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years.”

**Management Plan:** A management plan is a document that contains the landowners' goals and objectives, current physical descriptions of the property, harvest plans for the present and future, identifies cultural and environmental areas of interests, etc. A current management plan is required if you are enrolled into Tree Growth Tax Law or under the American Tree Farm System.

**Mast:** Any nut, seed, or fruit produced by woody plants and consumed by wildlife.

**MBF:** Thousand board feet, standard unit of measure for sawlogs.

**Overstory Removal (OSR):** Is the last phase in a Shelterwood system, where the mature trees are completely removed and the younger stand takes over as the dominant canopy.

**Overtopped/Suppressed:** Trees with crowns entirely below the general level of the canopy (dominant and co-dominant trees), receiving no direct light either from above or from the sides.

**PEFC:** Programme for the Endorsement of Forest Certification. The world's largest forest certification system, PEFC is focused on promoting sustainable forest management. Using multi-stakeholder processes, the organization develops forest management certification standards and schemes which have been signed by 37 nations in Europe and other inter-governmental processes for sustainable forestry management around the world.

**Raptor:** Predatory birds such as hawks and eagles.

**Regeneration:** Young forest trees produced naturally from seed of mature trees.

**Renewable Energy:** energy generated from natural resources, such as sunlight, wind, water, wood, geothermal, etc, which are naturally replenished.

**Residual Stand:** Those trees remaining uncut following a harvesting operation.

**Riparian Area:** An area adjacent to a water body such as a stream or pond, also acts as the transitional zone between aquatic habitats and dry or upland habitats. Riparian areas are very important in the protection of water quality and have many values for wildlife.

**Sapling:** A small tree less than four inches at dbh, and over 4.5 feet tall. These are usually, but not always young trees.

**Sawlog:** A portion of a tree that meets minimum standards of diameter, length, and defect for sawmills. Usually at least 8' long, sound and straight, and with minimum diameters specified by specific sawmills. Boards are sawn from sawlogs to be made into furniture, flooring and construction lumber, etc.

**Scarification:** The disturbance of the forest floor to expose areas of mineral soil. This is done to prepare a seedbed and encourage establishment of desired species of tree seedlings, i.e. white pine or northern hardwoods.

**Seed Tree System:** The removal of the mature stand in one entry, except for a few individuals which will act as the seed source to regenerate the forest floor.

**Shelterwood System:** Is when in a timber management, a new stand of trees is started in the environment before the older one is removed.

**Site index:** The height to which a tree species will grow in 50 years on a given site.

**Slash:** The tops, branches and non-merchantable parts of trees left on the forest floor after a harvesting job.

**Snags:** Dead standing trees, often with tops broken off; which serve as perches, lookouts, foraging, and home sites for wildlife. They are also considered extremely hazardous by O.S.H.A.

**Species Diversity:** Maintaining a number of wildlife and/or tree species; requires diversity of habitats.

**Spring Pole:** Saplings or smaller trees that are bent over by a larger felled tree. They can be under extreme tension and are dangerous if not cut properly.

**Stocking:** The degree of occupancy of the growing space of land by trees, measured in stems/acre.

**Sprouts:** Regeneration of stems coming from the stump of a harvested tree. Trees that commonly do this are red maple and beech.

**Stem Exclusion:** Where trees start to compete with each other for nutrients; vigorous stems survive and weaker ones die.

**Stumpage:** A term used to describe the value of standing timber.

**Suckers:** Regeneration of stems coming from the roots of a harvested tree. Trees that commonly do this are poplars.

**Sustainable Forestry Initiative ®:** the SFI program is a comprehensive system of objectives and performance measures which integrate the sustained growing and harvesting of trees and the protection of plants and animals

**Topography:** The characteristic of the land determined by surface features; usually expressed as flat, rolling, gently rolling, or mountainous.

**Tree Farm:** See American Tree Farm System.

**Tree Growth Tax Law:** This law of 1972 was designed to assist forest landowners in maintaining their parcels as productive forests by helping reduce taxes per acre of land. To enroll, you must have at least 10 acres of land managed for forest products and a management plan.

**TSI:** Timber stand improvement. Pre-commercial or noncommercial thinning, weeding, and/or crop tree release.

**Veneer Logs:** Usually a very high quality product. Veneer is peeled or sliced for paneling, furniture, and other uses.

**Vernal Pool:** A seasonal water body that has no permanent inlet, no viable population of fish, provides breeding ground, and is habitat for endangered and rare animals. Vernal Pools can contain up to 4 ‘indicator’ species, which gives an idea of how healthy and significant the pool is. The four species are wood frogs, blue spotted salamanders, yellow spotted salamanders, and fairy shrimp. Since fall of 2007, significant vernal pools became protected under the Natural Resources Protection Act (NRPA). In order to be considered significant, a pool needs to meet certain criteria over an extended period of time.

**Vigor:** Ability of a tree to transform environmental resources into its own substances in large quantities and at a rapid pace.

**Wildlife Habitat:** Four basic components of habitat are food, water, cover, and space. Specific requirements for each of these components will vary with species, season of year, and the age and sex of the animal.

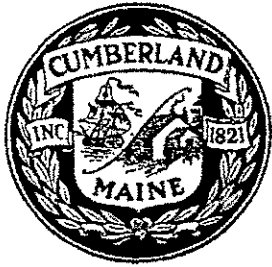
**Wolf Trees:** Usually large in size, limby, and poorly formed with little timber value. Same function as snags, except the tree is still alive and possibly producing mast.

# ITEM

# 23-009

To authorize the Lands & Conservation Commission to spend the \$50,000  
Community Resilience Partnership Community Action grant





## LANDS AND CONSERVATION COMMISSION

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

January 6, 2023

Allison Foster, Chair  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, ME 04021

Dear Ms. Foster:

At the January 4 meeting of your Lands and Conservation Commission, two actions were taken which we are referring to the Town Council for consideration and finalization:

- We accepted the resignation of John Stewart from the Trails Subcommittee. In his resignation message, he stated he has not been able to make the meetings. With the recent appointment of Paige Diamant, we feel no replacement appointment is needed.
- We accepted, subject to Town Council concurrence, the two-year, \$50,000 Community Resilience Partnership Community Action grant. These funds are to be used for:
  - The purchase of a Gravely Pro-Turn EV 60" mower (\$30,000 including a 10% match).
  - Soliciting an engineering analysis and RFP bid documents for a retrofit of the natural gas heating system at Prince Memorial Library (\$10,000).
  - Providing education for residents on how to naturalize the landscaping of their property to maximize carbon sequestration by natural systems (\$13,000).

Thank you for your consideration.

Sincerely,

Mike Schwindt,  
Chair

# ITEM

# 23-010

To hold a Public Hearing to consider and act on a liquor license renewal for Flannel Shirt Food Company, LLC (d/b/a Dara Bistro) for the period of March 27, 2023 to March 27, 2024



4. Indicate the type of license applying for: (choose only one)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input type="checkbox"/> Other: _____                                    |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

371 Tuttle Rd #1 Cumberland, ME 04021

6. Is the licensee/applicant(s) citizens of the United States?  Yes  No

7. Is the licensee/applicant(s) a resident of the State of Maine?  Yes  No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes  No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes  No

Not applicable – licensee/applicant(s) is a sole proprietor



10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes  No

If yes, please provide details: \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License?  Yes  No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Bryan Dame		North Attleboro, MA
Kelsey Pettengill		North Conway, NH

Residence address on all the above for previous 5 years	
Name Kelsey Pettengill	Address: New Gloucester
Name Bryan Dame	Address: New Gloucester
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes  No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license?  Yes  No

17. Does the licensee/applicant(s) own the premises?  Yes  No

If No, please provide the name and address of the owner:

Rebecca Williams(Tuttle Rd Associates, LLC) 6 Hemlock DR, Cumberland, ME 04021

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Alcohol to be stored in the Dry storage located in the basement. During Dinner Service, alcohol will be located on the bar/counter area. We wish to serve alcohol on our outdoor patio in the summertime, and inside the dining room.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Cumberland Congregational Church


Distance: 0.15

**Section II: Signature of Applicant(s)**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

*Please sign and date in blue ink.*

Dated: 1/25/2023

  
\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

Bryan Dame  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application?  Municipal Officers of \_\_\_\_\_

County Commissioners of \_\_\_\_\_ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.



**B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

**C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

**D.** If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

**A.** Conviction of the applicant of any Class A, Class B or Class C crime;

**B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

**C.** Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

**D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

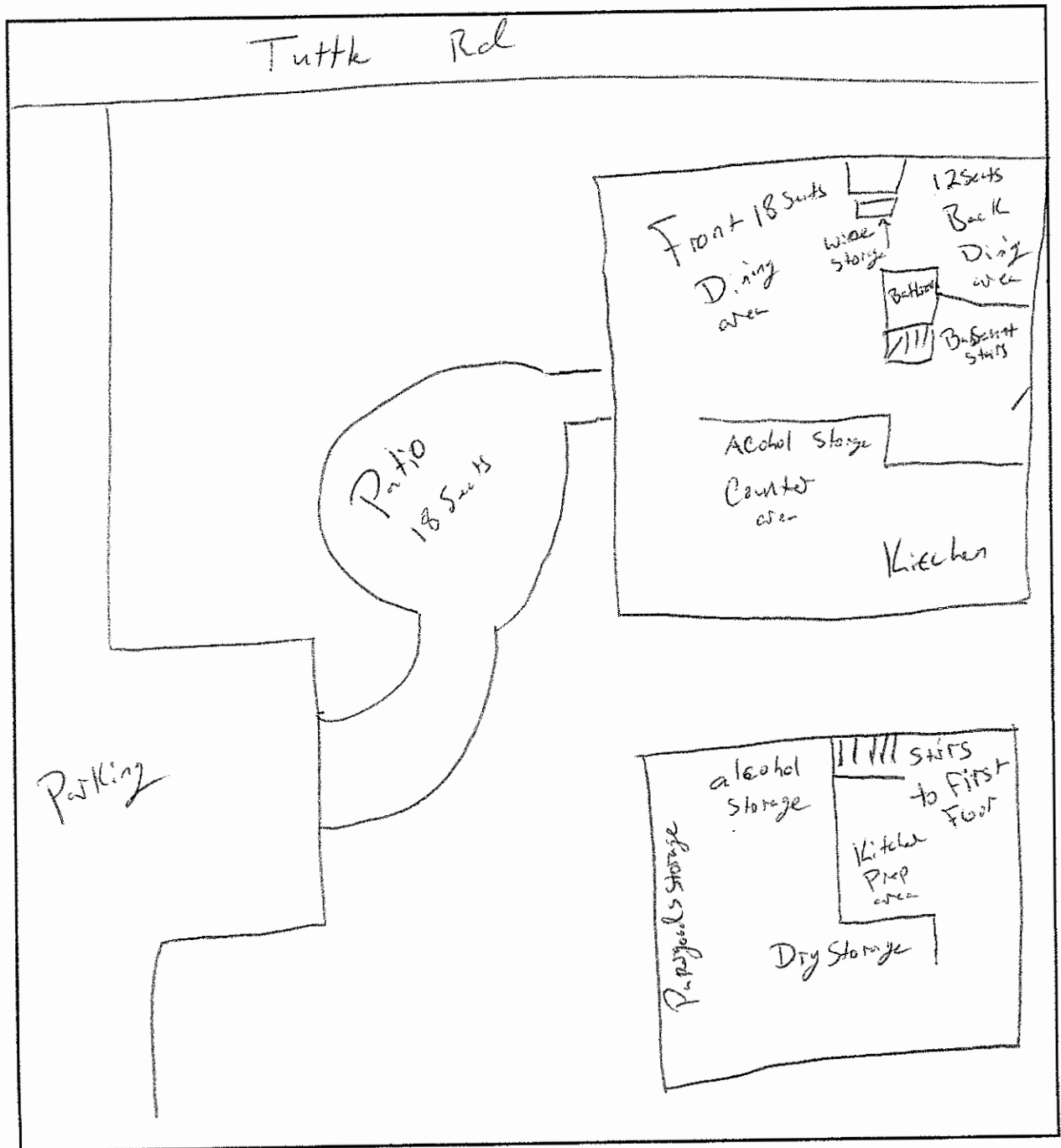
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Flannel Shirt Food Company, LLC
2. Doing Business As, if any: Dara Bistro
3. Date of filing with Secretary of State: 11/28/2016 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Bryan Dame	New Gloucester, ME		Owner	100.0000

(Ownership in non-publicly traded companies must add up to 100%.)



**STATE OF MAINE**  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: [maineliqor@maine.gov](mailto:maineliqor@maine.gov)

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- Your application is signed and dated by a duly authorized person.
- The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
  - The check must be made payable to “Treasurer, State of Maine”; both the license and filing fees can be submitted on one check.
  - If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- If you are a registered business entity with the Maine Secretary of State’s office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- Have you applied for other required licensing from other state and federal agencies? See attached list.

**Important** – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:
  - Bureau of Alcoholic Beverages and Lottery Operations
  - Division of Liquor Licensing and Enforcement
  - 8 State House Station
  - Augusta, ME 04333-0008
2. Courier/overnight address:
  - Bureau of Alcoholic Beverages and Lottery Operations
  - Division of Liquor Licensing and Enforcement
  - 19 Union Street, Suite 301-B
  - Augusta, ME 04330

**The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau**

<b>Obtained</b> ✓	<b>License/Permit</b>	<b>State/Federal Agency to Contact</b>	<b>Telephone Number</b>	<b>Physical Location</b>
✓	Seller Certificate or Sales Tax Number	Maine Revenue Services <a href="http://www.maine.gov/revenue">www.maine.gov/revenue</a>	(207) 624-9693	51 Commerce Dr, Augusta
✓	Health License	Health and Human Services <a href="http://www.maine.gov/dhhs">www.maine.gov/dhhs</a>	(207) 287 5671	286 Water St, 3 <sup>rd</sup> floor, Augusta
/	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
/	Shellfish License	Marine Recourses <a href="http://www.maine.gov/dmr">www.maine.gov/dmr</a>	(207) 624-6550	<ul style="list-style-type: none"> <li>• 32 Blossom Lane, Augusta</li> <li>• 194 McKown Point Rd, West Boothbay Harbor</li> <li>• Lamoine State Park, Lamoine</li> <li>• 650 State St, Bangor</li> <li>• 317 Whitneyville Rd, Jonesboro</li> </ul>
/	Dance or Entertainment License	Fire Marshall's Office <a href="http://www.maine.gov/dps/fmo">www.maine.gov/dps/fmo</a>	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
✓	Federal I.D. Number	<a href="http://www.irs.gov">www.irs.gov</a>	(800) 829-4933	
✓	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions <a href="http://www.maine.gov/sos/cec">www.maine.gov/sos/cec</a>	(207) 624-7752	111 Sewall St, 3 <sup>rd</sup> Fl, Augusta
/	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) <a href="https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers">https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers</a>	(877) 882-3277	

# ITEM

# 23-011

To appoint Jennifer Doten Registrar of Voters





# MEMORANDUM

Town of Cumberland, Maine  
290 Tuttle Road  
Cumberland, ME 04021  
Telephone (207) 829-2205 • Fax (207) 829-2214

To: Town Council  
From: William Shane, Town Manager  
Date: January 19, 2023  
Re: Item 23-011 Appointment of Registrar of Voters

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Every two years each municipality shall appoint a Registrar of Voters in accordance with Title 21-A §101.2. I recommend the appointment of Town Clerk, Jennifer Doten.

# ITEM

# 23-013

To consider and act on sending a Town Council resolution to the Rail Use  
Advisory Committee and the Commissioner of the  
Maine Department of Transportation

## **Town of Cumberland Resolution in Support of Rail**

Whereas the Town of Cumberland was asked to support the Rail Use Advisory Council established by Maine LD 1133, and

Whereas Cumberland Town Councilors supported creation of the RUAC so that Cumberland “could have a seat at the table,” and

Whereas a Cumberland Town Councilor was not appointed to the RUAC by Commissioner Bruce Van Note as was a condition of our support of the RUAC, and

Whereas the landowners abutting this land corridor were not represented on the RUAC, and

Whereas the Town of Cumberland currently has no public access to the Portland to Auburn rail land, and

Whereas the Town of Cumberland does not expect to gain any economic benefit from the establishment of a trail, and

Whereas it is not understood where the funding for the development of any of the proposals would come from and the Town of Cumberland has more immediate budget priorities, and

Where as the Town of Cumberland has two parallel transportation arteries (Route 1 and Route 88) with paved shoulders that are safely ridden by bicycles, and

Whereas the State of Maine is seeking to aggressively address Climate Change, and reestablishing a passenger rail among the communities from Portland to Auburn would be an actionable step in meeting these goals:

Now, therefore be it resolved that the Cumberland Town Council rejects the RUAC majority recommendation to completely remove the existing rail line and replace with a recreational bike path on the SLR rail corridor, and furthermore,

The Cumberland Town Council supports and actively requests that the MDOT Commissioner aggressively pursue the establishment of a more robust commuter rail system across the state of Maine to provide sustainable public transportation, including the SLA line from Portland to Auburn.

# Portland to Auburn Rail Use Advisory Council

## Summary and Recommendations

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### Executive Summary

After a 9-month review of potential rail and non-rail uses for the state-owned Berlin Subdivision rail corridor from Portland to the Auburn/New Gloucester town line Auburn, a majority (7 of 15 members) of the Portland to Auburn Rail Use Advisory Council (RUAC) voted to recommend the conversion of 26.5 miles of existing railroad track to an interim bicycle and pedestrian trail. Additionally, five (5) members of the RUAC voted to recommend the Trail with Rail option (i.e., leaving the track in place and building bicycle and pedestrian trail at an offset) and one (1) member voted for the Rail Use-only option. Both the majority and minority recommendations are included in this report. Two (2) members of the council abstained.

### Background

In June of 2021, two bills were signed into law that established a new process for reviewing a non-rail recreational or nonrecreational transportation use along state-owned rail corridors. [Public Law 21, Chapter 239](#) gave the Maine Department of Transportation (MaineDOT) Commissioner the authority to establish a Rail Use Advisory Council, upon the petition of one or more governmental entities. The purpose of these councils is to facilitate discussion, gather information, and provide advice to the commissioner regarding the future use of a rail corridor identified in the petition. These recommendations will include the benefits and costs of potential uses of the rail corridor, including rail and trail use, with the understanding that any non-rail use of the corridor is considered interim in nature

MaineDOT received letters of support from all communities along the rail corridor requesting the formation of a Rail Corridor Council and that the future use of the 26.5 miles of state-owned, inactive rail-line be studied and reviewed. The initial meeting of the RUAC occurred in April 2022. The process was concluded in January 2023.

The 15-member RUAC was composed of a single representative from each town along the section of rail corridor under consideration: Portland, Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester and Auburn. In addition, members included representatives from Bicycle Coalition of Maine, Casco Bay Trail Alliance, Genesee & Wyoming, Greater Portland Council of Governments (GPCOG), Live + Work in Maine, and Maine Yacht Center:



*Table 1. Portland to Auburn Rail Use Advisory Council Members*

Nate Wildes, Executive Director, Live + Work in Maine	Scott Laflamme, Director of Economic Development, Yarmouth
Brian Harris, General Manager, Maine Yacht Center	Jeremiah Bartlett, Transportation Systems Engineer, Portland
Charles Hunter, AVP Government Affairs, G&W RR Services, Inc.	Natalie Thomsen, Town Planner, New Gloucester
Tony Donovan, Maine Rail Transit Coalition	Jonathan P. LaBonté, Transportation Systems Analyst, Auburn
Dick Woodbury, Casco Bay Trail Alliance	Diane Barnes, Town Manager, North Yarmouth
Angela King, Advocacy Manager, Bicycle Coalition of Maine	Becky Taylor-Chase, Town Administrator, Pownal
Bill Shane, Town Manager, Cumberland	Christopher Chop, Transportation Director, Greater Portland Council of Governments (GPCOG)
Hope Cahan, Town Councilor, Falmouth	

The following MaineDOT Staff provided technical support and administration for the council:

- Nate Moulton, Director, Office of Freight and Passenger Services
- Nathan Howard, Director, Rail Program

**I. Location**

The portion of the Berlin Subdivision located within the State of Maine is slightly more than 85 miles long, of which approximately 26.5 miles between Auburn/New Gloucester town line and Portland is situated on right of-way owned by the State of Maine and is the subject of this RUAC Study. The State-owned portion of the Berlin Subdivision was previously owned and operated by St. Lawrence and Atlantic Railroad (SLR) and is currently out of service. The subject corridor is rendered inaccessible through the installation of a barricade and removal of



*Berlin Subdivision Rail Corridor Study area*

a short section of rail, demarking the northernmost point of State ownership and preventing trains from entering the State-owned ROW.

The State-owned corridor starts at Ocean Gateway in Portland and runs just past the Auburn/New Gloucester town line, passing through Portland's East Deering neighborhood, Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal and New Gloucester. The section corresponds to railroad mile point 0.0 to 26.5.

The rail swing bridge at Back Cove in Portland (MP 1.4 - 1.7) is damaged beyond repair and a portion of the trestle has been removed.

## **II. Existing and Recent Uses of the Berlin Subdivision**

The Maine Narrow Gauge Railroad Co. & Museum provides seasonal tourist excursions along a short portion of corridor from Ocean Gateway to a point south of the swing bridge along the Eastern Promenade. The Eastern Promenade Trail is located adjacent the rail along this same corridor.

In 2007 and 2010, MaineDOT acquired portions of the railroad line from SLR. In late 2015, SLR stopped providing service to B&M Baked Beans factory at Mile Post 1.7 in Portland, the only customer south of Auburn at the time. The SLR freight service between Auburn and Portland was placed in a status of discontinuance and has remained out of service to this day. However, SLR retains freight operating rights along the corridor.

## **III. Rail Use Advisory Council Process**

The RUAC met 8 times from April 2022 to January 2023. The Council was Chaired by Bill Shane, Town Manager of Cumberland. MaineDOT staff provided technical support and administration. The civil engineering consulting firm, VHB, provided engineering services and prepared the Feasibility study report (Section III).

The Council reviewed the approximately 26.5-mile-long section of the Berlin Subdivision from Portland to the Auburn/New Gloucester line for potential rail and non-rail uses. At these meetings, VHB presented the feasibility study for future rail, rail with trail, interim trail use options and an assessment of economic benefits prepared by RKG Associates. The Council also heard presentations on various rail and trail related topics from guest speakers, council members and MaineDOT staff.

Over the course of nine months the Council considered three primary uses of the railroad corridor:

- 1. Rail Use.** This alternative provides for possible restoration of rail service in the future with potential rehabilitation of the existing railroad infrastructure to support reestablishment of rail operations. Operations may include:
  - Continuation of MaineDOT's current patrol and maintenance activities along the existing track corridor to ensure the existing rails remains intact and viable for possible

reestablishment of rail service in the future as required by the [State Rail Preservation Act](#).

- Reestablishment of freight rail service, including performance of State of Good Repair and Deferred Maintenance projects, targeted to accommodate delivery of materials and goods to commercial and industrial customers.
- Implementation of a passenger rail service, including capital infrastructure improvements needed to attain higher operating speeds and support a level and frequency of service that would meet ridership demands

- 2. Interim Trail until Rail (TUR)** (multi-use trail using the existing rail bed). This alternative includes removal of the existing tracks and ties and developing a multi-use trail on the former track bed. The trail surface may be gravel/stone dust or paved. The corridor will require minor modifications to support trail user loads and provide a uniform surface appropriate for the trail as well as a railing system where needed to safely accommodate bicyclists and pedestrians.

The conversion of the state-owned railroad to a trail is considered an interim non-rail use under the Rail Preservation Act requiring legislative approval.

- 3. Rail with Trail (RWT)** (multi-use trail adjacent to the existing rail bed). This alternative maintains the existing tracks and ties in current condition and establishes an adjacent and parallel multi-use trail with either a gravel/stone dust or paved surface. Grade differences in certain areas of the corridor will require retaining walls to support a new trail. Since this option assumes the rail will be in service, or someday return to service, the near edge of the trail (not including shoulder) shall be a minimum of 15 feet from the nearest rail, in accordance with MaineDOT standards for development of a RWT. However, this setback may be reduced to 10.5 feet, with MaineDOT approval if a fence meeting MaineDOT standards is installed at the edge of the trail shoulder between the trail and the closest rail. A Rail with Trail configuration adjacent to passenger trains—typically moving much faster than freight trains—can be an uncomfortable experience for trail users when a minimum of 15 feet is not provided.

Rail with trail currently exists along the corridor from Ocean Gateway to a point south of the swing bridge along the Eastern Promenade.

Public engagement was an important part of the Berlin Subdivision Rail Corridor Study process. Comments were solicited in a variety of channels between April 2022 and January 2023, including five virtual RUAC meetings, three in-person RUAC meetings, one public meeting and through email comments, via direct email to MaineDOT and submissions through the MaineDOT website contact form. The public comments were reviewed, and specific opinions regarding the project were tabulated.

Over 700 public comments were received in an eight-month period from May 2022 through December 14, 2022. Approximately 86% of the public comments received indicated support for a trail. This included comments specifying desire for “rail until trail” and/or support for the development of the

relevant segment of the Casco Bay Trail Loop. A detailed assessment of the public comments can be found in Chapter 5 of *Berlin Subdivision Rail Corridor Study*.

#### IV. Summary of Berlin Subdivision Rail Corridor Study (Study)

##### Cost Estimates

Potential uses for the corridor and their associated cost estimates were developed based on the type of proposed rail service (passenger or freight) and trail surface (paved or gravel/stone dust). The Study also provided cost estimates for the “status quo” scenario – Alternative 0 maintain and preserve existing rail corridor. The costs range from \$0 in additional capital expenditure for maintaining/preserving the existing corridor to \$94.3 million for a paved rail with trail.

A conceptual cost estimate summary of each option for use of the corridor is shown in Table 2.

*Table 2 Conceptual Cost Estimate Summary*

Alternative	Segment	Cost Estimate
<b>0: Maintain/Preserve Existing Corridor</b>		
Narrow Gauge RR Operations	1: MP 0.0 to 1.3	<i>No additional cost beyond current maintenance</i>
MaineDOT Patrol & Repairs	2: MP 1.3 to 26.5	
<b>1: Restore Rail Service on Existing Corridor</b>		
1A: Freight Rail Service (Class 1-2)	1: MP 0.0 to 1.7	NA
	2: MP 1.7 to 26.5	\$13,400,000 - \$31,000,000
<b>1A TOTAL</b>		<b>\$13,400,000 - \$31,000,000</b>
1B: Passenger Rail Service (Class 3)	1: MP 0.0 to 1.7	\$60,000,000
	2: MP 1.7 to 26.5	\$214,000,000
<b>1B TOTAL</b>		<b>\$274,000,000</b>
<b>2: Interim Trail Until Rail (TUR)</b>		
2A: Gravel/Stone Dust Trail	1: MP 0.0 to 1.7	\$19,100,000
	2: MP 1.7 to 26.5	\$28,400,000
<b>2A TOTAL</b>		<b>\$47,500,000</b>
2B: Paved Trail	1: MP 0.0 to 1.7	\$19,200,000
	2: MP 1.7 to 26.5	\$35,800,000
<b>2B TOTAL</b>		<b>\$55,000,000</b>
<b>3: Rail with Trail (RWT)</b>		
3A: Gravel/Stone Dust Trail	1: MP 0.0 to 1.7	\$19,300,000
	2: MP 1.7 to 26.5	\$70,700,000
<b>3A TOTAL</b>		<b>\$90,000,000</b>
3B: Paved Trail	1: MP 0.0 to 1.7	\$19,300,000
	2: MP 1.7 to 26.5	\$75,000,000
<b>3B TOTAL</b>		<b>\$94,300,000</b>



## Economic Benefits: Summary

This study included an economic impact analysis of the various options for the state-owned rail corridor. While more detail can be found in both Chapter 4 and the Appendix of the Study, the key take-aways include:

- Based on economic modeling, the direct investments in any of the scenarios will have ripple effect through the regional and state economy (though varying with each alternative)
- Related to the preservation of the corridor with restoration of rail service
  - Development potential exists at future passenger rail stations, especially for housing and mixed-use buildings
  - Either freight or passenger rail service will induce increased employment and economic activity
  - Passenger rail service will provide a commuting alternative between Lewiston/Auburn and Portland and could lead to reduction of motor vehicle traffic, emissions, and transportation costs (though a more robust transportation study is needed to understand the level of impact)
  - Passenger rail service promotes more active lifestyle via walking and bicycling to/from station stops, and can lead to reduced health care costs
- Related to conversion of the corridor for interim trail use (either TUR or RWT configuration)
  - A strong baseline of potential trail users exists along the corridor based on socio-economic metrics, area population density, and demand for walking and bicycling facilities
  - Potential for increased consumer activity by trail users could lead to \$3.5m to \$5.3m in annual spending
  - Presence of either a TUR or a RWT has potential to show a positive fiscal impact on residential property values along the corridor
  - Offering expanded recreational facilities, an interim trail will encourage more active lifestyles and can lead to reduced health care costs

## V. Council Recommendations to the MaineDOT Commissioner

### ***Majority Recommendation: Interim Trail until Rail***

The Rail Use Advisory Council recommends ***Interim Trail until Rail*** (multi-use trail using the existing rail bed). This alternative includes removal of the existing tracks and ties and developing a multi-use trail on the former track bed. The recommendation was made by eight (7) out of fifteen (15) council members.

This non-rail use recommendation by the Council for the rail corridor is considered interim in nature, because all such rail corridors must be preserved for future rail use as provided in the [State Rail Preservation Act](#).

***Minority Recommendation: Rail with Trail***

The minority recommendation **Rail with Trail** (multi-use trail adjacent to the existing rail bed) was supported by five (5) of (15) council members. This alternative maintains the existing tracks and ties in current condition and establishes an adjacent and parallel multi-use trail with either a gravel/stone dust or paved surface. Grade differences in certain areas of the corridor will require retaining walls to support a new trail. Rail with Trail includes construction of new bridges, adjacent to existing rail bridges, to carry the trail over roadways and waterways. Additionally, this alternative also includes construction of new overhead bridges (i.e., bridges that carry roadways over the rail tracks) that are wide enough to allow rail and trail where the existing bridge clearance is insufficient.

***Minority Recommendation: Rail Use***

A single member (1) of the council voted for **Rail Use**. This alternative provides for possible restoration of rail service in the future with potential rehabilitation of the existing railroad infrastructure to support reestablishment of rail operations.

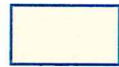
Finally, two (2) members of the council abstained from voting altogether.

*Table 1. Portland to Auburn Rail Use Advisory Council Members*

Nate Wildes, Executive Director, Live + Work in Maine	Scott Laflamme, Director of Economic Development, Yarmouth
Brian Harris, General Manager, Maine Yacht Center	Jeremiah Bartlett, Transportation Systems Engineer, Portland
<b>Charles Hunter, AVP Government Affairs, G&amp;W RR Services, Inc.</b>	Natalie Thomsen, Town Planner, New Gloucester
Tony Donovan, Maine Rail Transit Coalition	Jonathan P. LaBonté, Transportation Systems Analyst, Auburn
Dick Woodbury, Casco Bay Trail Alliance	Diane Barnes, Town Manager, North Yarmouth
Angela King, Advocacy Manager, Bicycle Coalition of Maine	Becky Taylor-Chase, Town Administrator, Pownal
Bill Shane, Town Manager, Cumberland	Christopher Chop, Transportation Director, Greater Portland Council of Governments (GPCOG)
Hope Cahan, Town Councilor, Falmouth	



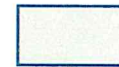
**Trail Until Rail (7)**



**Rail With Trail (5)**



**Rail (1)**



**Abstention (2)**

# TOWN OF YARMOUTH

200 Main Street  
Yarmouth, Maine 04096

PH: (207)846-9036

FAX: (207)846-2403

Ms. Kristina Egan  
Executive Director, GPCOG

Mr. Nathaniel Rudy, Town Manager  
Town of Gray

Mr. Nathan Poore, Town Manager  
Town of Falmouth

Ms. Diane Barnes, Town Manager  
Town of North Yarmouth

Ms. Danielle West, Interim City Manager  
City of Portland

Mr. William Kerbin, Jr., Town Manager  
Town of New Gloucester

Mr. William Shane, Town Manager  
Town of Cumberland

Ms. Becky Taylor-Chase, Town  
Administrator  
Town of Pownal

Dear All-

February 6, 2023

I write today to inquire to your interest in forming some sort of Interlocal Agreement for mutual cooperation and coordination of efforts regarding the potential authorization of a trail corridor within the existing St. Lawrence and Atlantic railroad corridor that runs from Portland to Auburn through our communities. State policy is under consideration by Commissioner of MDOT and perhaps by the Maine legislature, to allow the use of the existing railway area for pedestrian and bicycle travel...either along side or in place of the existing rail infrastructure ("Trails With Rails" and/or "Trails Until Rails"). One major consideration that we know the Commissioner is taking into account is the readiness and willingness of the communities affected to step into some individual or collective management or stewardship role(s). I imagine he wants to be reasonably certain that any concession or sharing of the State's control and use over the existing State-owned rail corridor is desired by the communities and that the communities have the interest and capacity (perhaps with help) to see that the corridor is used and maintained wisely and responsibly.

It strikes me that a collective voice of the communities, and a formal organizing effort to pursue a long term and shared vision might be helpful to those towns that are interested in seeing such an active transportation trail developed, and encouraging to the Commissioner and others to see a coordinated and formal organizing effort. There may be a number of different structures



and approaches available, but I start with this suggestion and invitation to consider an interlocal agreement under Title 30-A ( 30-A MRS Section 2201-2207). If other communities, agencies, or organizations should be included, I would be happy to extend the invitation further.

We could explore a wide variety of issues such as shared advocacy, development of a common vision, signage, policies, public safety responses and “mutual aid” , construction and maintenance obligations, collective grant applications and/or pooled private fundraising, public information and neighboring property respect campaigns, etc. I’m aware that all communities may not share the same interest -and some may even oppose the idea of an active transportation trail. Let’s start a conversation to find out where we have common interests and see how things might proceed that serve the interests of all. Other Towns and regions that could interconnect north, south, or west may see opportunities for a larger network of active transportation options connecting throughout Maine. Would that be part of our shared vision as well?

If you think that you or your town or city would have an interest of exploring ideas to collaborate on this possible opportunity to use the rail corridor, would you please just drop me a note or email indicating so. If there is sufficient interest, I’ll try to organize a meeting in the near future and see where it takes us. You can reach me at [ntupper@yarmouth.me.us](mailto:ntupper@yarmouth.me.us), or feel free to call or write.

Thank you,

*Nat*

Nat Tupper, Town Manager  
Town of Yarmouth.

# Revenues

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 08 OF 2023

ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
<hr/>					
0011 Other Tax Revenues					
0011 0303 Motor Vehicle Excise Tax	-1,495,192.12	-1,594,548.67	-1,503,364.39	-1,416,502.03	-2,003,000.00
0011 0304 Boat Excise Tax	-3,494.30	-4,943.00	-4,442.70	-3,672.90	-17,000.00
0011 0325 Supplemental Taxes	-38,940.00	.00	.00	.00	.00
0011 0328 Outer Islands Property Tax	-23,513.74	-22,947.69	-22,947.68	-22,947.68	-46,000.00
0011 0329 Payment in Lieu of Taxes	-16,061.48	-18,903.00	-38,079.00	-19,483.50	-33,000.00
TOTAL Other Tax Revenues	-1,577,201.64	-1,641,342.36	-1,568,833.77	-1,462,606.11	-2,099,000.00
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0012 License & Permit Revenues					
0012 0311 Hunting/Fishing Lic Agent Fees	-280.75	-240.00	-776.18	-183.00	-541.00
0012 0312 Marriage Lic & Vital Records	-1,827.00	-1,916.00	-2,073.60	-1,849.40	-2,400.00
0012 0313 Birth Certificates	-1,095.40	-916.80	-1,381.80	-1,092.00	-1,400.00
0012 0314 Death Certificates	-1,331.20	-1,170.60	-803.60	-1,243.40	-1,500.00
0012 0315 Clerk Licenses	-1,760.00	-1,310.00	-2,584.64	-1,785.00	-4,608.00
0012 0316 Shellfish Licenses	-483.26	-660.57	-729.59	-558.02	-600.00
0012 0317 Conservation Fees	-76.74	-149.43	-160.41	-121.98	-100.00
0012 0334 Snowmobile Reg. Agent Fees	-223.00	-263.00	-252.00	-161.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-19,109.00	-21,815.00	-20,900.00	-19,499.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-188.00	-189.00	-168.25	-118.00	-500.00
0012 0366 Building Permits	-49,544.31	-87,627.55	-107,103.41	-113,387.79	-75,000.00
0012 0367 Electrical Permits	-14,806.55	-23,708.82	-19,311.71	-25,780.76	-21,634.00
0012 0368 Plumbing Permits	-9,832.50	-16,100.00	-15,543.75	-14,623.75	-18,789.00
0012 0369 Other Permits	-446.00	-401.00	-1,413.00	-291.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-71.00	-59.00	-48.00	-117.00	-60.00
0012 0390 Misc. Revenue	.00	-100.00	-80.00	-100.00	.00
0012 0398 Application Fee	-1,250.00	-450.00	-1,200.00	-1,650.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-809.00	-615.00	-742.00	-1,145.00	-900.00
0012 0404 Commercial Haulers License	.00	-100.00	.00	.00	-500.00
TOTAL License & Permit Revenue	-103,133.71	-157,791.77	-175,271.94	-183,706.10	-152,989.00
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0013 Intergovernmental Revenues					
0013 0331 State Revenue Sharing	-513,481.29	-681,122.66	-1,013,647.25	-906,663.91	-1,300,000.00
0013 0335 Local Rd Asst Prog	-71,480.00	-66,876.00	-72,636.00	-72,216.00	-67,000.00

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 08 OF 2023

ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
<hr/>					
0013 0341 North Yarmouth Recreation Shar	1,742.50	-4,546.00	-32,304.00	-20,264.00	-82,230.00
0013 0342 North Yarmouth Library Share	-84,680.42	-45,848.25	-48,108.75	-47,539.00	-192,900.00
0013 0390 Misc. Revenue	.00	.00	-5,898.75	.00	.00
TOTAL Intergovernmental Revenue	-667,899.21	-798,392.91	-1,172,594.75	-1,046,682.91	-1,642,130.00
0015 Other Revenues					
<hr/>					
0015 0305 Interest & Penalties	-24,314.29	-11,214.99	-5,592.69	-5,521.48	-30,000.00
0015 0306 Over/Short	572.03	456.18	-27.99	238.00	-100.00
0015 0364 Growth Permits	-2,000.00	-2,600.00	-1,900.00	-4,900.00	-2,000.00
0015 0365 Board of Appeals	-200.00	.00	.00	-100.00	.00
0015 0390 Misc. Revenue	-31,976.27	-32,388.66	-44,292.55	-44,237.89	-25,000.00
0015 0399 Staff Review Fee	-9,025.00	-4,350.00	-3,950.00	-6,300.00	-9,700.00
0015 0403 Mooring Fees	-2,846.00	-2,644.00	-9,348.00	-826.00	-5,000.00
0015 0410 Private Ways	.00	-200.00	.00	-400.00	-400.00
0015 0508 Impact Fees	-58,209.20	-72,982.00	-78,754.20	-113,304.80	-60,000.00
TOTAL Other Revenues	-127,998.73	-125,923.47	-143,865.43	-175,352.17	-132,200.00
0021 Police Related Revenues					
<hr/>					
0021 0337 State Grant revenue	-1,846.00	-951.30	.00	.00	.00
0021 0351 Police Issued Permits	-7,734.00	-765.00	-417.00	-3,037.00	-2,000.00
0021 0353 Police Insurance Reports	-390.00	-250.00	-802.00	-292.00	-500.00
0021 0390 Miscellaneous Police Revenue	-177.00	-51.00	-185.00	-920.00	-648.00
0021 0427 Parking Tickets	-575.00	-225.00	-25.00	.00	-100.00
0021 0536 Dog Licenses ACO Revenue	-2,851.00	-1,301.00	-1,576.00	-2,144.00	-1,800.00
0021 0546 Court Reimbursements	-3,492.28	-119.02	-932.88	-972.08	-2,200.00
0021 0620 Federal Grant revenue	.00	.00	.00	-1,252.79	.00
TOTAL Police Related Revenues	-17,065.28	-3,662.32	-3,937.88	-8,617.87	-7,248.00
0022 Fire Related Revenues					
<hr/>					
0022 0390 Misc. Revenue	-15.00	.00	.00	.00	.00
0022 0504 Rescue Billing	-96,561.77	-75,052.39	-106,178.82	-76,190.62	-160,000.00
0022 0507 Paramedic Intercepts	.00	-300.00	.00	.00	.00

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ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
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0022 0617 Donations Received	-1,000.00	-4,295.00	.00	.00	.00
0022 0617 COVID Donations Received	.00	8.99	.00	.00	.00
TOTAL Fire Related Revenues	-97,576.77	-79,638.40	-106,178.82	-76,190.62	-160,000.00
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0031 Public Services Revenues					
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0031 0390 Misc. Revenue	-5,976.00	-3,560.00	-28.00	.00	-20,500.00
0031 0391 Field Usage Fees	-4,031.80	.00	-60.00	-3,518.40	-5,000.00
0031 0431 Outside Details	-852.16	.00	.00	.00	.00
0031 0517 Bags/Universal Waste	-152,681.50	-180,765.00	-114,257.50	-102,049.16	-295,015.00
0031 0539 Brush Passes	-1,717.00	-6,409.00	-3,234.00	-2,722.00	-8,277.00
0031 0617 Twin Brooks Donations	-100.00	-1,885.00	-2,908.60	-505.00	.00
TOTAL Public Services Revenues	-165,358.46	-192,619.00	-120,488.10	-108,794.56	-328,792.00
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0035 VH Other Revenues					
<hr/>					
0035 0329 Payment in Lieu of Taxes	-9,000.00	.00	.00	.00	.00
0035 0378 Soda Sales	-1,594.40	-2,085.40	-2,745.00	-3,175.00	-2,500.00
0035 0560 Rental Income	-6,750.00	-6,750.00	-7,500.00	-6,750.00	-9,000.00
0035 0565 Cell Tower Land Lease	-14,400.00	-15,480.00	-16,560.00	-14,490.00	-24,840.00
TOTAL VH Other Revenues	-31,744.40	-24,315.40	-26,805.00	-24,415.00	-36,340.00
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0037 VH Golf Revenues					
<hr/>					
0037 0306 Over/Short	506.47	-3.89	-.64	-13.85	.00
0037 0357 Golf Memberships	-93,154.48	-123,701.55	-190,331.60	-257,011.76	-315,094.00
0037 0358 Greens Fees	-80,082.44	-125,666.61	-146,279.50	-199,901.50	-241,174.00
0037 0359 Golf Cart Rentals	-52,915.45	-72,911.19	-87,765.00	-108,611.00	-124,391.00
0037 0416 Practice Range	-1,248.25	-6,478.97	-4,888.00	-7,023.00	-9,006.00
0037 0417 VH Program Revenues	-42,284.00	-50,811.63	-80,230.00	-98,388.00	-86,100.00
0037 0419 Advertising Sales	.00	.00	-1,200.00	-3,200.00	-24,600.00
0037 0522 Outing Golf	-66,487.00	-36,038.00	-64,708.00	-70,166.00	-55,775.00
0037 0617 Donations Received	.00	.00	.00	-240.00	.00
TOTAL VH Golf Revenues	-335,665.15	-415,611.84	-575,402.74	-744,555.11	-856,140.00
<hr/>					
0041 Recreation Related Revenues					



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TOWN OF CUMBERLAND  
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ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
0041 0440 41100 After School Programs	-223,123.50	-201,727.00	-229,512.00	-205,579.00	-320,000.00
0041 0441 41110 Youth Enrichment Programs	-117,886.07	-19,613.50	-143,025.50	-101,539.10	-165,000.00
0041 0441 41180 Youth Summer Enrichment Re	.00	.00	.00	-101,715.25	.00
0041 0442 41120 Youth Sports Programs	-60,503.00	-7,372.50	-95,640.75	-154,063.50	-127,000.00
0041 0443 41130 Skiing Programs	-57,274.00	-13,802.50	-25,255.00	-29,076.00	-41,510.00
0041 0444 41140 Day Camps	-30,108.43	-71,445.50	-211,997.90	-314,842.00	-215,000.00
0041 0445 41150 Swimming Programs	-20,171.00	-1,155.00	-5,315.00	-60,523.00	-50,200.00
0041 0446 41160 Adult Enrichment Revenue	-32,691.26	-7,975.00	-14,315.40	-20,223.20	-15,000.00
0041 0447 41170 Adult Fitness Revenue	-43,060.20	-20,223.00	-36,447.00	-42,844.00	-29,000.00
0041 0448 41190 Special Events/Trips Reven	-3,481.00	.00	-7,481.00	-2,830.00	-7,200.00
0041 0449 41190 Recreation Programs	-5,984.28	.00	.00	.00	-1,995.00
0041 0570 41190 Rec Soccer Revenue	-20,190.00	-9,123.00	-29,782.00	-37,421.00	-28,300.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-6,890.00	-720.00	-8,860.00	-4,215.00	-14,100.00
0041 0606 41190 CPR/First Aid Revenues	-575.00	-165.00	-475.00	-1,275.00	-250.00
TOTAL Recreation Related Reven	-621,937.74	-353,322.00	-808,106.55	-1,076,146.05	-1,014,555.00
0044 W Cumberland Hall Revenues					
0044 0377 Hall Rental	.00	.00	-680.00	-850.00	.00
TOTAL W Cumberland Hall Revenu	.00	.00	-680.00	-850.00	.00
0045 Library Related Revenues					
0045 0392 Library Fines	-2,995.02	-636.59	-49.15	.00	.00
0045 0394 Misc. Library Revenue	-885.20	-480.62	-193.57	-566.63	.00
TOTAL Library Related Revenues	-3,880.22	-1,117.21	-242.72	-566.63	.00
0211 Police- Salaries & Bens					
0211 0431 Outside Details	-19,467.78	-2,948.76	-28,251.24	-16,980.60	-26,404.00
TOTAL Police- Salaries & Bens	-19,467.78	-2,948.76	-28,251.24	-16,980.60	-26,404.00
0221 Fire- Salaries & Benefits					
0221 0431 Outside Details	-16,333.40	.00	-47,562.00	-55,008.44	-18,000.00

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 08 OF 2023

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
TOTAL Fire- Salaries & Benefit	-16,333.40	.00	-47,562.00	-55,008.44	-18,000.00
<hr/>					
0311 Public Works- Salaries & Bens					
0311 0431 Outside Details	.00	.00	-1,054.43	-1,788.14	.00
TOTAL Public Works- Salaries & Bens	.00	.00	-1,054.43	-1,788.14	.00
TOTAL General Fund	-3,785,262.49	-3,796,685.44	-4,779,275.37	-4,982,260.31	-6,473,798.00
TOTAL REVENUES	-3,785,262.49	-3,796,685.44	-4,779,275.37	-4,982,260.31	-6,473,798.00
GRAND TOTAL	-3,785,262.49	-3,796,685.44	-4,779,275.37	-4,982,260.31	-6,473,798.00

# Expenses



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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 08 OF 2023

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
130 Administration	431,607.69	374,869.26	410,634.35	411,987.81	686,862.00
140 Assessor	66,711.64	71,314.52	72,974.44	70,721.07	124,953.00
150 Town Clerk	177,610.75	144,523.34	179,384.21	215,803.60	345,946.00
160 Technology	178,811.34	211,589.77	196,311.10	198,381.60	288,730.00
165 Elections	7,530.43	5,666.78	21,722.26	27,982.59	42,124.00
170 Planning	40,860.03	37,012.83	44,091.45	44,440.28	80,481.00
190 Legal	38,266.83	39,969.65	36,239.66	15,384.38	47,500.00
210 Police	934,559.80	911,417.02	944,840.66	999,049.74	1,733,238.00
220 Fire	647,103.85	638,802.25	655,971.13	689,346.96	1,237,397.00
240 Code Enforcement	93,933.39	96,954.16	101,916.19	94,423.64	157,112.00
250 Harbor Master	12,012.04	14,154.76	13,116.05	8,968.26	21,033.00
260 Animal Control	24,221.95	35,244.22	35,817.07	35,714.41	40,820.00
310 Public Works	818,134.99	760,313.32	867,329.29	788,566.46	1,416,439.00
320 Waste Disposal	352,860.03	363,941.44	424,593.30	441,461.63	724,904.00
350 Valhalla-Club	17,278.41	19,795.14	19,054.04	27,316.50	27,231.00
360 Valhalla-Course	357,325.98	371,242.57	408,453.63	405,491.91	617,981.00
370 Valhalla-Pro Shop	154,740.63	139,478.42	138,325.69	180,456.69	277,102.00
410 Recreation	769,756.90	489,506.61	673,052.54	819,987.25	1,083,459.00
420 Aging in Place	63,951.48	62,563.52	72,879.14	27,630.44	41,458.00
430 Parks	206,500.61	221,913.03	207,000.09	255,199.38	340,014.00
440 West Cumberland Rec	3,569.47	3,403.33	4,902.39	4,814.92	8,920.00
450 Library	338,545.86	322,529.65	342,043.25	369,055.12	619,070.00
470 Historical Society Building	4,317.30	204.00	1,936.24	5,858.34	11,364.00
580 General Assistance	28,690.53	19,599.29	12,441.78	4,065.54	34,971.00
590 Health Services	16,533.85	.00	2,416.10	2,256.61	3,875.00
620 Cemetery Association	26,700.00	26,700.00	26,700.00	28,035.00	28,035.00
630 Conservation	2,327.69	9,889.47	20,359.10	41,075.84	80,000.00
650 Debt Service	383,488.71	300,580.47	14,808.25	289,619.86	1,279,933.00
750 Insurance	240,176.06	293,701.86	303,524.74	432,680.34	354,103.00
800 Fire Hydrants	47,960.36	48,840.87	56,504.85	51,773.77	87,675.00
810 Street Lighting	24,899.28	45,000.00	45,000.00	49,500.00	49,500.00
830 Contingent	2,722.00	59,248.51	11,704.11	2,427.55	10,000.00
840 Municipal Building	56,225.18	71,305.26	110,359.49	79,289.15	130,234.00
850 Abatements	34,592.46	5,327.14	9,605.08	25,004.56	1.00
TOTAL General Fund	6,604,527.52	6,216,602.46	6,486,011.67	7,143,771.20	12,032,465.00
TOTAL EXPENSES	6,604,527.52	6,216,602.46	6,486,011.67	7,143,771.20	12,032,465.00
GRAND TOTAL	6,604,527.52	6,216,602.46	6,486,011.67	7,143,771.20	12,032,465.00