AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, April 24, 2017
6:00 P.M. Executive Session
7:00 P.M. Call to Order

6:00 P.M. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.

I. CALL TO ORDER

II. APPROVAL OF MINUTES
   April 10, 2017

III. MANAGER’S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

   17 – 057 To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana.

   17 – 058 To send to the Planning Board for a Public Hearing and recommendation, ordinance language for the retail sale of marijuana.

   17 – 059 To set a Public Hearing date of May 8th to consider and act on extending the moratorium ordinance regarding retail marijuana establishments and social clubs, which will expire on May 14, 2017.

   17 – 060 To hear a report from the Finance Director re: 3rd Quarter Financials.

   17 – 061 To hold a Public Hearing to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board. (To move the landfill off Village Green Homeowners Association property)

   17 – 062 To consider and act on amendments to Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee.

   17 – 063 To appoint a member to the Planning Board and the Conservation Subdivision Committee.

   17 – 064 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

   17 – 065 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

   17 – 066 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.
17 – 067 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2107 at the Cumberland Fair Grounds.

17 – 068 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds.

17 – 069 To set a Public Hearing date of May 8th to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.

17 – 070 To hold a Public Hearing to consider and act on adoption of the FY2018 Municipal Budget. (Table to May 22nd per Finance Committee recommendation)

VI. NEW BUSINESS

VII. ADJOURNMENT
MOTIONS
MOTIONS

17 – 057  No action

17 – 058  I move to send to the Planning Board for a Public Hearing and recommendation, ordinance language for the retail sale of marijuana.

17 – 059  I move to set a Public Hearing date of May 8th to consider and act on extending the moratorium ordinance regarding retail marijuana establishments and social clubs, which will expire on May 14, 2017.

17 – 060  No action

17 – 061  I move to approve the Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

17 – 062  I move to amend Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee.

17 – 063  I move to appoint Paul Auclair to the Planning Board and Margaret Coon to the Conservation Subdivision Committee.

17 – 064  I move to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

17 – 065  I move to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

17 – 066  I move to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.

17 – 067  I move to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2107 at the Cumberland Fair Grounds.

17 – 068  I move to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds.
17 – 069  **I move to set** a Public Hearing date of May 8th to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.

17 – 070  **I move to table** to May 22nd per the Finance Committee’s recommendation.
MINUTES
04/10/17
MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, April 10, 2017

7:00 P.M. Call to Order
Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, Storey-King and Turner

I. APPROVAL OF MINUTES
Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the March 27, 2017 meeting minutes as presented.
VOTE: 7-0 UNANIMOUS

II. MANAGER’S REPORT
Portland Water District will hold a meeting on Wednesday, April 19th at 7:00 p.m. in the Council Chambers to discuss the water main improvements from Flintlock Drive to Middle Road.

There has been some confusion regarding the brown tail moth spraying program. The spraying is only taking place on the Foreside, nowhere else in Town, and only those residents who want their property sprayed will be sprayed. If people opt out, there will be no spraying at their property. Private Roads need to have agreement from their entire association in order to have any spraying done.

Communications Director, Eliza Porter did a demonstration on the construction update portion of the Town website.

III. PUBLIC DISCUSSION
Rick Doane said that he noticed on the Planning Board agenda an item for site approval for the new salt and sand shed next to Town Hall. He was not aware that there was a finite plan that was already moving forward. He realizes that the Town is not seeking to build a new Public Works facility right away, but after incurring the expense of building the road and moving the salt and sand shed, the Town is set on that location if the entire facility is to be relocated. He is a little disappointed that there has not been more broad based discussion outside of Town Hall. He would like an opportunity to understand what options were considered and perhaps comment on them. He hopes that there may be some willingness of the Council to put this on hold in order to get more public dialogue.

IV. LEGISLATION AND POLICY
17 – 047 To hear a presentation re: Brown Tail Moths from Charlene Donahue, Department of Agriculture, Conservation and Forestry and Lebelle Hicks, PhD DABT, of the Maine Board of Pesticides Control.
Charlene Donahue presented the following:
Browntail Moth

Maine
Department of Agriculture, Conservation & Forestry
Maine Forest Service

Browntail Moth

- BTM caterpillars have toxic hairs that cause:
  - Rash
  - Breathing problems

- BTM caterpillar feeding causes:
  - branch dieback
  - tree mortality

Browntail Moth - Toxic hairs

- Tiny hairs (0.15 mm long) from caterpillars & cocoons are like hypodermic needles that inject toxins into skin and lungs.
- Carried in air, settle on grass, leaves, brush, in yards, on porches, under boats, etc.
- Can become air-borne again
- Toxins last 1-3 years in environment

Browntail Moth - History

*Euproctis chrysorrhoea*

- Invasive – native to Europe
- First established in Somerville, Massachusetts in 1897

Browntail Moth - History

- Population collapsed in 1920’s
- Possibly due to a combination of weather and fungus, *Entomophaga aulicae* and a fly
- Expands periodically
- 1990’s- 2005
**Browntail Moth**
- Population increasing and expanding

**Browntail Moth - Life Cycle**
- Caterpillars emerge in late April and May
- Feed on foliage until late June
- Molt skins five times
- Cast skins have toxic hairs on them

**BTM Life Cycle: Late June**
- In late June – early July, caterpillars move around looking for a good place to spin a cocoon and pupate
- They make loosely woven “pupal webs” & cocoons in leaves, on branches, buildings, under eaves & boats
- Cocoons are full of toxic hairs!

**Early July: Spin Cocoons**

**Late July through August**
- Moths emerge from cocoons in July & mate
- Lay eggs on leaves of host trees (apple, oak, cherry, etc.)
  - 25-2000+ eggs
  - Covered with felt-like toxic hairs
- Eggs hatch in August

**August through September**
- Young caterpillars skeletonize leaves
- Spin silk while feeding
- Tie leaves together to build an overwintering nest

---

TOWN COUNCIL MEETING MINUTES
April 10, 2017
17 – 048  To hold a Public Hearing to consider and act on authorizing the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth’s on Route 88 provided that the majority of residents participate.

Chairman Turner opened the Public Hearing.
Public discussion: None
Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth’s on Route 88, provided that the majority of residents participate.

VOTE: 6-0-1 (Copp abstained)  MOTION PASSES

17 – 049  To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

Town Manager Shane explained that the Council was able to view a demonstration of the sign at the High School last evening, but it was very hard to see the different levels of illumination. Tonight he is hopeful that we can move the new sign ordinance forward.

Chairman Turner opened the Public Hearing.
Public discussion: John Davis of 2 Village Way said that the Council is facing is that the proposed Church sign is aesthetically pleasing, and he agrees with this. What is objectionable to him is what we want our Town center to look like 10 or 20 years from now. This is the issue that he would like the Council to consider. He would like the Council to consider to pulling the LED signs out of the Town center and allowing them on Route 1 and Route 100. He had the opportunity to drive through the Town centers of Yarmouth and Freeport and noticed that there were no internally lit signs in either place. These are both heavy commercial areas and they have made the conscience decision to no allow internally lit signs. He hopes we will do the same.

Paul Auclair of Olivia Lane said that the Congregational Church has made every effort to maintain the rural appearance of Cumberland. He reference the photo below and reminded everyone that per the current ordinance, external lighting is allowed. Passing the ordinance will not allow for control of the flood lights, but feels that the LED signs will not harm the aesthetics of the Town.
Carolyn Currie of 321 Main Street said that the current ordinance encourages downward facing lights that shine on the sign or the establishment. The LED signs shine outward and this concerns her. Since Main Street is a Mixed Use Zone, every property on Main Street has the potential of becoming a commercial property and having an LED sign. It seems unfortunate to her to make this type of change in the ordinance in hopes that nobody will take us up on it. If it is allowed, eventually businesses will have them. There is very shaky compliance on Main Street and she spoke to the Code Enforcement Officer and he admitted that there is no way for him to enforce the ordinance. She strongly encouraged the Council to not change the character of our Town.

Ken Leeman said that what you see as you drive down Main Street is indicative of who we are as a Town. He was “absolutely floored” when he first saw the Greely sign. He feels that it would be a terrible mistake to allow the internally lit signs. They are very harsh and do not match the view of Cumberland that we have. He urged the Council not to support this ordinance change on Main Street.

Melissa Gattine of 325 Main Street said that she is opposed to this change because we already had this discussion when the design standards for Main Street were developed. When a Town and a neighborhood goes through that process, how long can they depend on those zone changes lasting? Her neighborhood has only had about 5 or 6 years, which is not a long time. A lot of time was put into the current design standards.

Doug Currie of 321 Main Street said that he recognizes that this is a difficult decision for the Council. If this seems appropriate for Main Street, it should also be appropriate for the rest of Town. He is concerned with this spreading beyond Main Street throughout the rest of Town. Looking down the road a few years, the cost of LED signs will be much more affordable for all businesses. There are currently 11 establishments on Main Street that have the potential to have an LED sign. This is a decision for the long term look, feel, and character of Main Street.

Chairman Turner closed the Public Hearing.

Chairman Turner said that we still have an eliminent of rural character, but the question is compared to what? The rural character when Verrill’s turkey farm was on Main Street is vastly different than it is now. Things evolve and people continue to love the Town. His major concern, if this passes, is enforcement.
Councilor Bingham said that the impact is overstated given the regulations in regard to design and illuminations. There is enough built into the ordinance to make sure they will be tasteful signs. If approved, he would like to see the Ordinance Committee look into it every 2 years to be sure that it’s working as intended.

Councilor Copp said that he has really struggled with this and is afraid that Main Street will become littered with signs.

Councilor Stiles said that he would like to prohibit signs from having a commercial message. This way, only the Church and the school would be allowed to have them.

Town Manager Shane reminded the Council that the Town Attorney has advised against this.

Councilor Storey-King said that she agrees with Councilor Copp. She does not want this on Main Street, but wants to make it work somehow for the Church.

Councilor Edes said that he is still in favor of allowing the LED signs and would like to move forward.

Motion by Councilor Bingham, seconded by Councilor Edes, to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Ordinance Committee and subject to review by the Ordinance Committee in 2 years to make any necessary adjustments.

VOTE: 3-4 (Turner, Stiles, Copp and Storey-King opposed)  MOTION FAILED

Motion by Councilor Storey-King, seconded by Councilor Stiles, to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 4-3 (Edes, Gruber & Bingham opposed)  MOTION PASSES

17 – 050  To hold a Public Hearing to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Gruber, to table indefinitely.

VOTE: 7-0  UNANIMOUS

17 – 051  To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media’s Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

Town Manager Shane said that staff is recommending approval.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman Turner closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Mass Gathering Permit for Binnie Media’s Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

VOTE: 7-0  UNANIMOUS
17 – 052 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road.

Town Manager Shane explained that many years ago, the Code Enforcement Officer would issue “No Action Letters” on property infringement issues. The problem is that banks do not recognize the no action letters and a consent agreement has to be issued.

Councilor Storey-King said that the people who added the addition to the house requested and received a variance. Therefore, they got permission to build it and went through the proper process. We are going to be in this same boat every time someone with a variance sells their property.

Town Manager Shane said the Council could waive the fee if they choose.

Motion by Councilor Bingham, seconded by Councilor Edes, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road, with no fees to be charged.

VOTE: 7-0 UNANIMOUS

17 – 053 To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.

Town Manager Shane explained that this is the next step in the Contract Zone Agreement amendment process to move the line of the old landfill property back on to Town property and off the Village Green property.

Chairman Turner opened the Public Hearing.
Public discussion: none
Chairman Turner closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to forward the Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0 UNANIMOUS

17 – 054 To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana.

Town Manager Shane said that the Town is not trying overturn any of the rights that were afforded by the passing of the referendum, but as the law allows, to restrict the retail sale of marijuana, which is allowed under the referendum language. This will require a very simple amendment to our zoning ordinance that will clarify some of the definitions and adds language to prohibit the retail sale of marijuana.

Chairman Turner suggested adding this to the next agenda in hopes of getting some public input.

17 – 055 To set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS
17 – 056  To set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

Councilor Bingham said that the Finance Committee will meet on April 18th and depending on the outcome of that meeting, the adoption of the budget may be tabled to a later date.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – Dr. Robert Pawle passed away at the age of 90. His wife was a long time librarian at our Library. Dr. Pawle was a true gentleman and there are not many around like him anymore.

Councilor Gruber – The Aging in Place Committee will meet this Wednesday at 5:00 p.m.

The Police and Fire Chief will hold a safety meeting for our senior residents this Thursday.

Councilor Storey-King – on Friday morning, she represented the Council at an Immigration and Naturalization ceremony at Greely Middle School. 31 citizens from 24 countries joined the ranks of our voting public. It was a phenomenal ceremony.

Greeley’s Sounds of Silence Club will be travelling to Fenway to sign the National Anthem before the Red Sox game.

Congratulations to Coach Soule on his induction into the Hall of Fame. Coach Seaver for the Boys Basketball team and Coach Folan for the Girls Track team have both been selected the Forecaster Coaches of the Year for the Northern Edition.

She received some calls from Middle Road residents who are concerned with tree cutting that will take place during the Middle Road reconstruction project. She understands that once the utility poles are moved, CMP will come in and cut some more trees. She wonders if the poles can be moved to the other side of the street if it can save a tree from being cut.

Councilor Edes – He attended the groundbreaking ceremony at the fire station. It was a very good day and he is looking forward to the project going forward.

He asked the Manager if the railroad might be interested in using the future site of the public works sand and salt shed as their staging area for the materials they will be using to install the new tracks.

Town Manager Shane said that this is a great idea and he will look into it.

Chairman Turner – On May 2nd there will be a Special Town Council Meeting to countersign the Warrant and Notice of Election calling the June 13, 2017 M.S.A.D. 51 Budget Validation Referendum.
Councilor Stiles – He wants the public to know that the house next to the Fire Station will be moved soon and construction on the new fire station will begin soon. The Central Fire Station Building Committee has been the most hardworking, dedicated committee that he has ever worked on.

Thank you to those who have donated to the 4-H auction to benefit the food pantry.

Councilor Copp – He and his wife are proud grandparents of a new grandson, Bodie Mark Copp, who weighed 9 pounds 8 ounces. Bodie is the sixth generation of the Copp family to be born in Cumberland.

A lot of people have been asking about the tree cutting on the land that they own on Route 100. There are no definite plans for the property. It will be put on the market soon to be sold.

VI. ADJOURNMENT
Motion by Councilor Copp, seconded by Councilor Gruber, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 9:08 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
ITEM
17-057

To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana
MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: April 6, 2017
Re: Retail Recreational Marijuana – Ordinance Draft

The Ordinance Committee is recommending the Town Council consider the prohibition of Retail Marijuana. The Ordinance Committee met with the Town Attorney to discuss the impacts of the Referendum passed in November of 2016 under the “Marijuana Legalization Act”.

To prohibit the retail sales the Committee recommends changes to the following sections of the Ordinance:

315-4 Definitions and adding a new section 315-59.1.2 Retail Marijuana that expressly prohibits the retail uses associated with the pending new legislation.

As you know, since this is part of our land use codes, the Planning Board will need to hold a public hearing on the proposed changes. The Ordinance Committee believed it would be helpful to use both April meetings to allow for public input at the Council level before forwarding to the Planning Board for a Public Hearing and their recommendation.
Proposed Ordinance Changes
§ 315-4. Word usage and definitions.

ACCESSORY BUILDING OR USE
A subordinate building or use customarily incidental to, and located on the same lot with, the main building or use, including farm markets for the sale of agricultural and similar products where at least 60% of the gross receipts is derived from the sale of products produced or grown, or where some ingredients of products are grown or produced, on the lot. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ADDITION TREATMENT FACILITY
A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

AGRICULTURE
The use of a tract of land for commercial purposes for cultivation and the production of crops, truck gardening, nurseries or greenhouses, or any allied industry, but exclusive of animal husbandry and exclusive of private gardens less than 1/2 acre. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ASSOCIATED RETAIL
A subordinate use customarily incidental to, and located on the same lot with, the main building or use. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

BUSINESS AND PROFESSIONAL OFFICE
The place of business of individuals or groups providing professional services, including but not limited to doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, and counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services, excluding freestanding automated teller machines (ATMs). This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

CAFE
A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold for consumption on or off the premises. Cafes shall be no larger than 2,500 square feet, with no drive-through and in accordance with § 315-18F(3).

CATERING SERVICE
An establishment in which the principal use is the preparation of food and meals on the premises and where such food and meals are delivered to another location for consumption.

CLINIC
An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

**CLUB, PRIVATE**
A building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

**COMMERCIAL KITCHEN**
A licensed kitchen facility providing food entrepreneurs the space and equipment to prepare and process for sale on or off premises.

**FARM-BASED RETAIL**
The selling of agricultural produce or products, the majority of which is grown or raised by the landowner on property owned by the landowner within the Rural Residential 1 (RR1) and Rural Residential 2 (RR2) Districts.

**GROCERY STORE**
A business establishment engaged in the sale of groceries.

**HOME-BASED OCCUPATION**
An occupation based or located within a dwelling or an accessory structure which is performed or conducted at a location or locations remote from the dwelling and which:
A. Is accessory to a residential use;
B. Is clearly incidental and secondary to the residential use of the dwelling unit; and
C. Does not change the character of the dwelling.

**HOME-BASED RETAIL**
A retail establishment owned and operated by the owner and resident of the dwelling unit that is located on the same lot. The size of the retail space shall be no larger than 2,000 square feet.

**HOME OCCUPATION**
A. An occupation performed or conducted within a dwelling or accessory structure by the residents thereof which:
   (1) Is accessory to a residential use;
   (2) Is clearly incidental and secondary to the residential use of the dwelling unit; and
   (3) Does not change the character of the dwelling.
B. Home occupations may include, but are not necessarily limited to, arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a dwelling as a bed-and-breakfast, a day-care home, a professional office such as that of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, or accountant, or similar uses.

**INDUSTRIAL**
The assembling, fabrication, finishing, manufacturing, packing or processing of goods or the extraction of minerals.

LIGHT MANUFACTURING
An establishment which is engaged in the mechanical transformation of materials into new products, including the assembling of component parts, and which has the following characteristics:
A. Does not create any offensive smoke, dust, odor, or other unhealthy or offensive airborne discharge;
B. Does not create any offensive noise or vibration;
C. Does not include any outdoor storage of equipment or material; and
D. Is designed so that the external appearance of any building is compatible with the neighborhood in which it is located.

MARKET
A retail store selling primarily food products that does not exceed 5,000 square feet.

PERMITTED USE
A use specifically allowed in a zoning district, excluding nonconforming uses and special exceptions.

REGISTERED DISPENSARY
A not-for-profit entity registered by the State of Maine in accordance with state statute that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Registered dispensaries include the physical location of the dispensary and any other facility under common management and operating under the same state registration that cultivates marijuana for patients of the dispensary.

RESTAURANT
An establishment where food and drink are prepared and served to the public for consumption on or off the premises.

RETAIL MARIJUANA
"Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

RETAIL MARIJUANA CULTIVATION FACILITY
"Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

RETAIL MARIJUANA ESTABLISHMENT
"Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

RETAIL MARIJUANA PRODUCT
Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

**RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY**
"Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

**RETAIL MARIJUANA SOCIAL CLUB**
"Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

**RETAIL MARIJUANA STORE**
"Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

**RETAIL MARIJUANA TESTING FACILITY**
"Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

**RETAIL STORE**
Any shop or store for the retail sale of goods or personal services, excluding any drive-up service, freestanding retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

*Signs – Need to amend per sign ordinance amendments*

**WAREHOUSE AND STORAGE**
A use in which materials, goods, or equipment is stored for compensation or in connection with a business operation. Not to include distribution.

**WHOLESALE DISTRIBUTION FACILITIES**
Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business uses, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to, such individuals or companies. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.
§ 315-59.1. Registered dispensaries.

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, these performance standards, when enacted, shall govern any proposed registered dispensary for which an application has not been submitted and acted on by the Planning Board prior to February 10, 2014. The following standards apply to all registered dispensaries:

A. Location criteria.
   (1) No medical marijuana dispensary shall be sited within 500 feet of the lot lines of any of the following:
      (a) Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center;
      (b) A State of Maine licensed child-care facility; or
      (c) A State of Maine licensed family home child-care facility.
   (2) The distance cited in this subsection shall be measured between the lot line of the proposed site for the registered dispensary and the lot line of the site of the use listed in Subsection A(1)(a) through (c) above at their closest points.

B. Hours of operation. Registered dispensaries may be open for business only between the hours of 8:00 a.m. and 5:00 p.m., locally prevailing time.

C. Signage and advertising. All signage and advertising for a registered dispensary shall comply with all applicable provisions of this Code. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

D. Security requirements. Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:
   (1) Security surveillance cameras installed, recording and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
      (a) All security recordings shall be preserved for at least 30 days by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a twenty-four-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.
      (b) Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;
(c) Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Code; and
(d) Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

E. Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.

F. On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a registered patient, as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.

G. Visibility of activities; control of emissions; disposal plan.
   (1) All activities of registered dispensaries, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
   (2) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.
   (3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
   (4) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Sale of edible products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

I. Other laws remain applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.
J. Maximum number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one.

K. Application submission requirements. The applicant shall provide the Planning Board with documentation of any required state approvals for the operation of a registered dispensary.

§ 315-59.1. 2 Retail Marijuana.

A. The following uses as defined by this Chapter and under the “Marijuana Legalization Act” (7 M.R.S.A. §§ 2441 – 2454 as may be amended and successor provisions thereof) are hereby expressly prohibited in all Districts within the Town of Cumberland:

(1) Retail Marijuana Cultivation Facility
(2) Retail Marijuana Establishment
(3) Retail Marijuana Products Manufacturing Facility
(4) Retail Marijuana Social Club
(5) Retail Marijuana Store
(6) Retail Marijuana Testing Facility

(7) Farm based retail? may have to research further.
Maine Citizen’s Guide to the
Referendum Election

Tuesday, November 8, 2016

In Accordance with
the May 9, 2016 Proclamations of the Governor and with
the Act Passed by the 127th Legislature
at the Second Regular Session

Matthew Dunlap
Secretary of State

Appropriation 010-29A-4213-012
Question 1: Citizen's Initiative

Do you want to allow the possession and use of marijuana under state law by persons who are at least 21 years of age, and allow the cultivation, manufacture, distribution, testing, and sale of marijuana and marijuana products subject to state regulation, taxation and local ordinance?

STATE OF MAINE

"An Act To Legalize Marijuana"

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

Sec. 1. 7 MRSA c. 417 is enacted to read:

CHAPTER 417

MARIJUANA LEGALIZATION ACT

§2441. Short title
This chapter may be known and cited as "the Marijuana Legalization Act."

§2442. Definitions
As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advertising. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation or circulation, visual, oral or written, to induce directly or indirectly any person to patronize a particular retail marijuana establishment or retail marijuana social club or to purchase particular retail marijuana or a retail marijuana product. "Advertising" includes marketing, but does not include packaging and labeling. "Advertising" proposes a commercial transaction or otherwise constitutes commercial speech.

2. Applicant. "Applicant" means a person that has submitted an application for licensure as a retail marijuana establishment or retail marijuana social club pursuant to this chapter that was accepted by the state licensing authority for review but has not been approved or denied by the state licensing authority.

3. Batch. "Batch" means a specific quantity of cannabis harvested during a specified time period from a specified cultivation area.

4. Batch number. "Batch number" means any distinct group of numbers, letters or symbols, or any combination thereof, assigned by a retail marijuana cultivation facility or retail marijuana products manufacturing facility to a specific harvest batch or production batch of retail marijuana.

5. Cannabis. "Cannabis" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Cannabis" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. "Cannabis" also means marijuana.

6. Child-resistant. "Child-resistant" means special packaging that is:
   A. Designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly;
   B. Opaque so that the product cannot be seen from outside the packaging; and
   C. Closable, for any product intended for more than a single use or containing multiple servings.

8. Container. "Container" means the sealed package in which retail marijuana or a retail marijuana product is placed for sale to a consumer and that has been labeled according to the requirements set forth in section 2446, subsection 1.

9. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

10. Edible retail marijuana product. "Edible retail marijuana product" means any retail marijuana product that is intended to be consumed orally, including, but not limited to, any type of food, drink or pill.

11. Final agency order. "Final agency order" means an order of the state licensing authority issued in accordance with this chapter and the Maine Administrative Procedure Act following review of the initial decision and any exceptions filed thereto or at the conclusion of the declaratory order process.

12. Flowering marijuana plant. "Flowering marijuana plant" means the gametophytic or reproductive state of cannabis in which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of marijuana.

13. Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:
   A. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or
   B. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

14. Harvest batch. "Harvest batch" means a batch of processed retail marijuana that is uniform in strain, cultivated using the same herbicides, pesticides and fungicides and harvested at the same time.

15. Identity statement. "Identity statement" means the name of the business as it is commonly known and used in any advertising.

16. Immature plant. "Immature plant" means a nonflowering retail marijuana plant that is taller than 24 inches and is wider than 18 inches.

17. Initial decision. "Initial decision" means a decision of a hearing officer in the department following a licensing, disciplinary or other administrative hearing.

18. Law enforcement agency. "Law enforcement agency" means any federal, state or municipal agency or any governmental agency or subunit of such agency or any state or federal court that administers criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

19. Licensed premises. "Licensed premises" means the premises specified in an application for a license pursuant to this chapter that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, consume or test retail marijuana in accordance with the provisions of this chapter and rules adopted pursuant to this chapter.

20. Licensee. "Licensee" means a person licensed pursuant to this chapter or, in the case of a holder of an occupational license, a natural person licensed pursuant to this chapter.

21. Limited access area. "Limited access area" means a building, room or other contiguous area upon the licensed premises where retail marijuana is grown, cultivated, stored, weighed, packaged, sold or processed for sale under control of the licensee.

23. **Marijuana extraction.** "Marijuana extraction" means the process of extracting marijuana with solvents or gases.

24. **Mother plant.** "Mother plant" means a plant that is used solely by a cultivator for the taking of seedling cuttings.

25. **Natural person.** "Natural person" means a citizen of this State who has a verifiable social security number.

26. **Occupational license.** "Occupational license" means a license granted to a natural person by the state licensing authority.

27. **Owner.** "Owner" means a person whose beneficial interest in a retail marijuana establishment or retail marijuana social club is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a retail marijuana establishment or retail marijuana social club and has a controlling interest in a retail marijuana establishment or retail marijuana social club.

28. **Person.** "Person" means a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

29. **Plant canopy.** "Plant canopy" means the area upon the licensed premises dedicated to live plant cultivation, such as maintaining mother plants, propagating plants from seed to plant tissue, cloning and maintaining a vegetative or flowering area. "Plant canopy" does not include areas such as space for storage of fertilizers, pesticides or other products, quarantine areas, office space, walkways, work areas and other similar areas.

30. **Production batch.** "Production batch" means a group of retail marijuana products created from a production run of retail marijuana products.

31. **Propagation.** "Propagation" means the reproduction of retail marijuana plants by seeds, cuttings or grafting.

32. **Registered dispensary.** "Registered dispensary" means a dispensary that is a nonprofit corporation organized under Title 13-B and registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act and holds one or more dispensary registrations.

33. **Restricted access area.** "Restricted access area" means a designated and secure area within the licensed premises in a retail marijuana store or retail marijuana social club where retail marijuana and retail marijuana products are sold, possessed for sale and displayed for sale and where no one under 21 years of age is permitted.

34. **Retail marijuana.** "Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

35. **Retail marijuana cultivation facility.** "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

36. **Retail marijuana establishment.** "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

37. **Retail marijuana product.** "Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

38. **Retail marijuana products manufacturing facility.** "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.
39. Retail marijuana social club. "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

40. Retail marijuana store. "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

41. Retail marijuana testing facility. "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

42. Sample. "Sample" means any retail marijuana or retail marijuana product provided for testing or research purposes to a retail marijuana testing facility by a retail marijuana establishment or retail marijuana social club.

43. Seedling. "Seedling" means a nonflowering retail marijuana plant that is no taller than 24 inches and no wider than 18 inches.

44. State licensing authority. "State licensing authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products in this State pursuant to this chapter.

45. THC. "THC" means tetrahydrocannabinol.

46. Universal symbol. "Universal symbol" means the image established by the state licensing authority and made available to licensees through the state licensing authority's website for indicating that retail marijuana or a retail marijuana product is within a container.

47. Unreasonably impracticable. "Unreasonably impracticable" means that the measures necessary to comply with the rules require such a high investment of risk, money, time or any other resource or asset that the operation of a retail marijuana establishment or retail marijuana social club is not worth being carried out in practice by a reasonably prudent business person.

§2443. Exemption from criminal and civil penalties, seizure and forfeiture

Notwithstanding Title 17-A, chapter 45 or any other provision of law to the contrary and except as provided in this chapter, the actions specified in this chapter are legal under the laws of this State and do not constitute a civil or criminal offense under the laws of this State or the law of any political subdivision within this State or serve as a basis for seizure or forfeiture of assets under state law. This chapter may not be construed to shield any individual, partnership, corporation, firm, association or other legal entity from federal prosecution.

§2444. State licensing authority

For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products in this State, the state licensing authority is the Department of Agriculture, Conservation and Forestry.

1. Commissioner is chief administrative officer. The Commissioner of Agriculture, Conservation and Forestry is the chief administrative officer of the state licensing authority and may employ such officers and employees as may be determined to be necessary. The state licensing authority has the authority to:
   A. Grant or refuse licenses for the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products as provided by this chapter;
   B. Suspend, fine, restrict or revoke licenses under paragraph A upon a violation of this chapter or any rule adopted pursuant to this chapter; and
   C. Impose any penalty authorized by this chapter or any rule adopted pursuant to this chapter.

2. Adoption of rules. The state licensing authority shall adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and
retail marijuana products and for the enforcement of this chapter, not later than 9 months after the
effective date of this Act, and shall adopt amended rules and such special rules and make findings
as necessary. These rules are major substantive rules pursuant to Title 5, chapter 375,
subchapter 2-A. Rules must address but are not limited to the following issues:

A. The hearing of contested state license denials at a public hearing, employing full due
process, including the subpoena power, the taking of oaths, the calling of witnesses and the
maintaining of the confidentiality of customer records. Provision must be made for the conduct
of appeal hearings following license actions, including, but not limited to, the denial of a license
renewal or of an initial license and license revocation and suspension, and hearings contesting
the imposition of a fine;

B. The development of such forms, licenses, identification cards and applications as
necessary for the administration of this chapter or of any of the rules adopted under this
chapter;

C. The preparation and transmission annually, in the form and manner prescribed by this
chapter, of a report to the Legislature accounting for the efficient discharge of all
responsibilities assigned by law or rules to the state licensing authority;

D. Procedures consistent with this chapter for the issuance, renewal, suspension and
revocation of licenses to operate retail marijuana establishments;

E. Limits on the concentration of THC and other cannabinoids per serving in any retail
marijuana product;

F. Qualifications for licensure including, but not limited to, the requirement for a fingerprint­
based criminal history record check for all owners, officers, managers, employees and other
support staff of entities licensed pursuant to this chapter;

G. Security requirements for any licensed premises under this chapter including, at a
minimum, lighting, physical security, alarm requirements and other minimum procedures for
internal control as determined necessary by the state licensing authority to properly administer
and enforce the provisions of this chapter, including reporting requirements for changes,
alterations or modifications to the licensed premises. Security requirements may not be
unreasonably impracticable; and

H. Securing and recording permission for a local fire department or the State Fire Marshal to
conduct an annual fire inspection of a retail marijuana cultivation facility.

§2445. Independent testing and certification program

The state licensing authority shall establish, within a specific time frame, a retail marijuana and
retail marijuana products independent testing and certification program. This program must
require licensees to test retail marijuana and retail marijuana products to ensure at a minimum that
products sold for human consumption do not contain contaminants that are injurious to health and
to ensure correct labeling.

1. Content of testing. Testing must include, but is not limited to, analysis for residual
solvents, poisons and toxins; harmful chemicals; dangerous molds and mildew; harmful microbes,
such as Escherichia coli and salmonella; and pesticides.

2. Presence of injurious substance. In the event that test results indicate the presence of
quantities of any substance determined to be injurious to health in any product, these products
must be immediately quarantined and immediate notification to the persons responsible for
enforcing the marijuana laws must be made. These products must be documented and properly
destroyed.

3. THC potency. Testing must verify THC potency representations for correct labeling.

The establishment of an independent testing and certification program does not affect the
adoption of rules in section 2444 or affect the implementation of cultivation, production and sale of
retail marijuana and retail marijuana products.
§2446. Labeling; health and safety requirements; training; identification cards

1. **Labeling requirements for sales of retail marijuana and retail marijuana products.** Labeling requirements for sales of retail marijuana and retail marijuana products include when applicable:
   A. The license number of the retail marijuana cultivation facility license;
   B. The license number of the retail marijuana store license;
   C. An identity statement and a universal symbol;
   D. The batch number;
   E. A net weight statement;
   F. THC potency and the potency of such other cannabinoids or other chemicals, including, but not limited to, cannabidiol, as determined relevant by the state licensing authority;
   G. Warning labels;
   H. Solvents used in marijuana extraction;
   I. Amount of THC per serving and the number of servings per package for retail marijuana products;
   J. A list of ingredients and possible allergens for retail marijuana products;
   K. A recommended use date or expiration date for retail marijuana products; and
   L. A nutritional fact panel for edible retail marijuana products.

2. **Health and safety rules.** The state licensing authority shall adopt health and safety rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, and standards for the manufacture of retail marijuana products and the cultivation of retail marijuana, which must include:
   A. Limitations on the display of retail marijuana and retail marijuana products;
   B. Regulation of the storage of, warehouses for and transportation of retail marijuana and retail marijuana products; and
   C. Sanitary requirements for retail marijuana establishments, including but not limited to sanitary requirements for the preparation of retail marijuana products.

3. **Training for local jurisdictions and law enforcement officers.** The state licensing authority shall adopt rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, and processes for training local jurisdictions and law enforcement officers in the law, including the requirements for inspections, investigations, searches, seizures, forfeitures and such additional activities as may become necessary from time to time.

4. **Identification cards.** The following provisions govern identification cards.
   A. The state licensing authority shall adopt rules detailing the format of, and inclusion of information on, individual identification cards for owners, officers, managers, contractors, employees and other support staff of entities licensed pursuant to this chapter, including a fingerprint-based criminal history record check as may be required by the state licensing authority prior to issuing an identification card.
   B. The state licensing authority shall specify those forms of photo identification that a retail marijuana store may accept when verifying a sale, including but not limited to government-issued identification cards.
   C. The state licensing authority shall develop procedures for license renewals, reinstatements, initial licenses and the payment of licensing fees, as well as other matters that are necessary for the fair, impartial and comprehensive administration of this chapter.
   D. Rules adopted pursuant to this subsection are routine technical rules, pursuant to Title 5, chapter 375, subchapter 2-A.
§2447. License application and issuance

An application for a license under the provisions of this chapter must be made to the state licensing authority on forms prepared and furnished by the state licensing authority and must set forth such information as the state licensing authority may require to enable the state licensing authority to determine whether a license should be granted. The information must include the name and address of the applicant and the names and addresses of the applicant’s officers, directors or managers. Each application must be verified by the oath or affirmation of such person or persons as the state licensing authority may prescribe. The state licensing authority may issue a license to an applicant pursuant to this section upon completion of the applicable criminal history record check associated with the application. The license is conditioned upon municipal approval. An applicant is prohibited from operating a retail marijuana establishment or retail marijuana social club without state licensing authority and municipal approval. If the applicant does not receive municipal approval within one year from the date of state licensing authority approval, the license expires and may not be renewed. If an application is not approved by the municipality, the state licensing authority shall revoke the license.

1. Qualifications. The following provisions govern the qualifications for licensure as a retail marijuana establishment or retail marijuana social club. A person is not qualified to conduct licensed activities until the required annual fee has been paid.

A. An applicant who is a natural person must be at least 21 years of age. If an applicant is a corporation, all members of the board must comply with this paragraph.

B. A person who has been convicted of a disqualifying drug offense may not be a licensee. For purposes of this paragraph, “disqualifying drug offense” means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for 5 years or more. “Disqualifying drug offense” does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to application for licensure or an offense that consisted of conduct that is permitted under this chapter.

C. A person who has had a license for a retail marijuana establishment or retail marijuana social club revoked may not be a licensee.

D. A sheriff, deputy sheriff, police officer, prosecuting officer or an officer or employee of the state licensing authority or a municipality is ineligible to become a licensee.

E. The state licensing authority shall investigate all applicants for compliance with this chapter prior to issuing a license.

F. First priority for licensure must be given to registered caregivers who have been continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act or who have experience serving as a principal officer or board member of a nonprofit medical dispensary registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act. If an applicant, either a business entity or an individual, owns, has a financial interest in or controls the management of more than one dispensary in this State, that applicant may receive preference for only one license in each license class. As long as there are other preferred applicants for any or all license classes an applicant who owns, has a financial interest in or controls the management of more than one dispensary in this State is not eligible for multiple licenses in any class. Preference must be given to an applicant who has at least 3 medical marijuana caregiver registrations when determining which applicants receive licenses.

G. The state licensing authority shall accept applications from registered caregivers and principal officers or board members of registered dispensaries who have continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act.

H. The state licensing authority shall adopt rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, for a streamlined application process for registered caregivers and principal officers or board members of dispensaries registered with the
Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act, which must include an initial site inspection confirming compliance with this chapter.

2. Investigation of qualifications. In investigating the qualifications of an applicant or a licensee, the state licensing authority and municipality may have access to criminal history record information furnished by a law enforcement agency subject to any restrictions imposed by that agency. In the event the state licensing authority or municipality considers the applicant's criminal history record, the state licensing authority or municipality shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the time between the applicant's last criminal conviction and the consideration of the application for a license.

At the time of filing an application for issuance of a retail marijuana establishment or retail marijuana social club license, an applicant shall submit a set of the applicant's fingerprints and personal history information concerning the applicant's qualifications for a license on forms prepared by the state licensing authority. The state licensing authority shall submit the fingerprints and the municipality may forward fingerprints to the State Bureau of Investigation for criminal history background information. The state licensing authority shall also forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a federal fingerprint-based criminal history record check. The state licensing authority may acquire a name-based criminal history record check for an applicant or a licensee who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. An applicant who has previously submitted fingerprints for state licensing purposes may request that the fingerprints on file be used. The state licensing authority shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this chapter. The state licensing authority or municipality may verify any of the information an applicant is required to submit.

3. Applications; issuance. The following provisions govern applications for and issuance of a retail marijuana establishment or retail marijuana social club license.

A. An applicant shall file an application in the form required by the state licensing authority for the type of license sought, along with the application fee as set by the state licensing authority.

B. An applicant may apply for and be granted more than one type of license except that a person licensed as a retail marijuana testing facility may not hold any other retail marijuana establishment license. Registered caregivers and registered dispensaries who have held a registration in good standing for 2 years by the date of the application must be given priority in the granting of licenses for a retail marijuana cultivation facility, retail marijuana products manufacturing facility or retail marijuana store license. The state licensing authority shall begin accepting and processing applications by 30 days after the adoption of rules under section 2444, subsection 2. If after 90 days those applications do not meet the maximum square footage allotment set by this chapter, the state licensing authority may begin accepting and processing applications by all other qualified applicants.

C. The state licensing authority shall issue or renew a license to operate a retail marijuana establishment or retail marijuana social club to an applicant who meets the requirements of the state licensing authority, which must include a review of the site plan, operating plan and relevant experience in the marijuana industry in this State, as set forth in rule, within 90 days of the date of receipt of the application unless:

1. The state licensing authority finds the applicant is not in compliance with this section or rules adopted by the state licensing authority;

2. The state licensing authority is notified by the relevant municipality that the applicant is not in compliance with an ordinance, rule or regulation in effect at the time of application; or

3. The number of retail marijuana establishments or retail marijuana social clubs allowed in the municipality has been limited pursuant to local ordinance or is limited by subsection 7 and the state licensing authority has already licensed the maximum number of retail
marijuana establishments or retail marijuana social clubs allowed in the municipality for the class of license that is sought.

D. The following provisions govern the situation when more than one application is received by the state licensing authority for establishment of a retail marijuana establishment or retail marijuana social club in the same municipality.

1. If a greater number of applications are received from qualified applicants to operate a retail marijuana store in a municipality than are allowed under the limits enacted by that municipality pursuant to subsection 4, the state licensing authority shall solicit and consider input from the municipality as to the municipality’s preferences for licensure. Within 180 days of the date the first application is received, the state licensing authority shall issue the maximum number of applicable licenses.

2. In any competitive application process to determine which applicants receive licenses for any class of license, the state licensing authority shall give first preference to an applicant who has at least 2 years of previous experience cultivating marijuana in compliance with Title 22, section 2423 and who has been continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act. Preference must be given to an applicant who has 3 medical marijuana caregiver registrations when determining which applicants receive licenses.

E. The state licensing authority may not grant a license for a retail marijuana establishment to a licensee who has already received a license to operate the same type of retail marijuana establishment if doing so would prevent another qualified applicant from receiving a license. The state licensing authority may not grant a license for a retail marijuana social club to a licensee who has already received a license to operate a retail marijuana social club if doing so would prevent another qualified applicant from receiving a license.

4. Limitation on number of retail marijuana stores. The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.

5. Limitations on retail marijuana cultivation. The state licensing authority may establish limitations upon retail marijuana cultivation through one or more of the following methods:

A. Placing or modifying a limit on the number of licenses that it issues, by class or overall, but in placing or modifying the limits, the state licensing authority shall consider the reasonable availability of new licenses after a limit is placed or modified; and

B. Placing or modifying a limit on the amount of production permitted by a retail marijuana cultivation facility license or class of licenses based upon some reasonable metric or set of metrics, including, but not limited to, previous months’ sales, pending sales or other reasonable metric as determined by the state licensing authority.

6. Limitation on retail marijuana cultivation facility size. The amount of space approved for marijuana cultivation at retail marijuana cultivation facilities is limited to 800,000 square feet of plant canopy, unless the state licensing authority determines that a greater amount may be needed to ensure an adequate supply to meet demand for various strains of marijuana throughout the State. An applicant must designate on the applicant’s operating plan the size category of the licensed premises and the amount of actual square footage in the applicant’s licensed premises that will be designated as plant canopy.

The state licensing authority shall license 2 types of retail marijuana cultivation facilities, those with 3,000 square feet or less of plant canopy and those with more than 3,000 square feet of plant canopy. The state licensing authority shall license marijuana cultivation at retail marijuana cultivation facilities by unit blocks of 10 feet by 10 feet, or 100 square feet, of plant canopy, with 40% of all licenses issued going to licensees of 30 unit blocks or less. The maximum amount of unit blocks allowed to a single licensee is 300.
An applicant who applies for a retail marijuana cultivation facility license for a facility with more than 3,000 square feet of plant canopy but is not licensed by the state licensing authority may be considered for a license for a facility with 3,000 square feet or less of plant canopy.

No more than 6 retail marijuana cultivation facilities or more than 300 unit blocks of plant canopy may be located on the same parcel of property.

The state licensing authority may reduce the number of unit blocks a retail marijuana cultivation facility is authorized to cultivate if 50% or fewer of the unit blocks a facility is authorized to cultivate are not used by the end of the first year of operation.

7. Restrictions on applications for licenses. The state licensing authority may not approve an application for the issuance of a license pursuant to this chapter:

A. If the application for the license concerns a location that is the same as or within 1,000 feet of a location for which, within the 2 years immediately preceding the date of the application, the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location; or

B. Until it is established that the applicant is in or will be entitled to possession of the licensed premises for which application is made under a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

§2448. Classes of licenses; license provisions

1. State licensing authority may issue license. For the purpose of regulating the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products, the state licensing authority, in its discretion, upon receipt of an application in the prescribed form, may issue and grant to the applicant a license from one or more of the following classes, subject to the provisions and restrictions provided by this chapter:

   A. Retail marijuana store license;
   B. Retail marijuana cultivation facility license;
   C. Retail marijuana products manufacturing facility license;
   D. Retail marijuana testing facility license;
   E. Retail marijuana social club license; and
   F. Occupational licenses and registrations for owners, managers, operators, employees, contractors and other support staff employed at, working in or having access to restricted access areas of the licensed premises, as determined by the state licensing authority.

2. Licensee to collect tax. A retail marijuana store licensee or retail marijuana social club licensee shall collect sales tax on all retail sales made at a retail marijuana store or retail marijuana social club, respectively.

3. Retail marijuana store license. The following provisions govern a retail marijuana store.

   A. A licensed retail marijuana store may sell only retail marijuana, retail marijuana products, marijuana accessories, nonconsumable products such as apparel and marijuana-related products such as child-resistant containers, but is prohibited from selling or giving away any consumable product, including but not limited to cigarettes, alcohol and edible products that do not contain marijuana, including but not limited to sodas, candies and baked goods. Automatic dispensing machines that contain retail marijuana and retail marijuana products are prohibited.

   B. A retail marijuana store licensee shall track all of its retail marijuana and retail marijuana products from the point at which they are transferred from a retail marijuana cultivation facility or retail marijuana products manufacturing facility to the point of sale.

   All retail marijuana and retail marijuana products sold at a licensed retail marijuana store must be packaged and labeled as required by rules of the state licensing authority and pursuant to section 2446, subsection 1. Notwithstanding the provisions of this section, a retail marijuana store licensee may also sell retail marijuana products that are prepackaged and labeled as required by rules of the state licensing authority and pursuant to section 2446, subsection 1.

   C. A person must be 21 years of age or older to make a purchase in a retail marijuana store.
(1) Prior to initiating a sale, the employee of the retail marijuana store making the sale shall verify that the purchaser has a valid government-issued identification card, or other acceptable identification, showing that the purchaser is 21 years of age or older. If a person under 21 years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age may not be grounds for the revocation or suspension of any license issued under this chapter.

(2) The state licensing authority shall adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, to prohibit certain signs, marketing and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching persons under 21 years of age.

These rules may include:

(a) A prohibition on health or physical benefit claims in advertising, merchandising and packaging;
(b) A prohibition on unsolicited advertising on the Internet;
(c) A prohibition on opt-in marketing that does not permit an easy and permanent opt-out feature; and
(d) A prohibition on marketing directed toward location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

(3) A magazine whose primary focus is marijuana or marijuana businesses may be sold only in a retail marijuana store or behind the counter in an establishment where persons under 21 years of age are present.

(4) A retail marijuana product may not contain an additive designed to make the product more appealing to children.

(5) Notwithstanding any other provision of state law, sales of retail marijuana and retail marijuana products are not exempt from state sales tax.

(6) Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment or retail marijuana social club. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

D. Retail marijuana and retail marijuana products may be transported between a licensed retail marijuana store and retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

4. Retail marijuana cultivation facility license. The state licensing authority shall create a statewide licensure class system for retail marijuana cultivation facilities.

A. The following provisions govern retail marijuana cultivation facilities.

(1) A retail marijuana cultivation facility licensee is permitted to cultivate retail marijuana for sale and distribution only to licensed retail marijuana stores, retail marijuana products manufacturing facilities, other retail marijuana cultivation facilities or retail marijuana social clubs.

(2) A retail marijuana cultivation facility may have a retail marijuana store if it is located on the same licensed premises as the retail marijuana cultivation facility. If the retail marijuana cultivation facility chooses the option to have a retail marijuana store it must meet all requirements set by the state licensing authority and municipality in which it is located. A retail marijuana store located on the licensed premises of a retail marijuana cultivation facility does not count against any municipal limits on the number of retail marijuana stores.

(3) A retail marijuana cultivation facility shall track the marijuana it cultivates from seed or immature plant to wholesale purchase. The state licensing authority may not make rules
that are unreasonably impracticable concerning the tracking of marijuana from seed or immature plant to wholesale purchase.

(4) A retail marijuana cultivation facility may provide, except as required by subsection 6, a sample of its products to a retail marijuana testing facility for testing and research purposes. A retail marijuana cultivation facility shall maintain a record of what was provided to the retail marijuana testing facility, the identity of the retail marijuana testing facility and the testing results.

B. Retail marijuana may be transported between a licensed retail marijuana cultivation facility and retail marijuana stores, other retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

5. Retail marijuana products manufacturing facility license. The following provisions govern retail marijuana products manufacturing facilities and the preparation of retail marijuana products.

A. The following provisions govern retail marijuana products manufacturing facilities.

(1) A retail marijuana products manufacturing facility licensee is permitted to manufacture retail marijuana products pursuant to the terms and conditions of this chapter.

(2) A retail marijuana products manufacturing facility may cultivate its own retail marijuana if it obtains a retail marijuana cultivation facility license, or it may purchase retail marijuana from a licensed retail marijuana cultivation facility. A retail marijuana products manufacturing facility licensee shall track all of its retail marijuana from the point it is either transferred from its retail marijuana cultivation facility or the point when it is delivered to the retail marijuana products manufacturing facility from a licensed retail marijuana cultivation facility to the point of transfer to a licensed retail marijuana store, retail marijuana social club or retail marijuana testing facility.

B. A retail marijuana products manufacturing facility licensee may not:

(1) Add any marijuana to a food product if the manufacturer of the food product holds a trademark to the food product’s name, except that a retail marijuana products manufacturing facility licensee may use a trademarked food product if the licensee uses the product as a component or as part of a recipe and if the licensee does not state or advertise to the consumer that the final retail marijuana product contains a trademarked food product;

(2) Intentionally or knowingly label or package a retail marijuana product in a manner that would cause a reasonable consumer confusion as to whether the retail marijuana product was a trademarked food product;

(3) Label or package a product in a manner that violates any federal trademark law or regulation; or

(4) Include harmful additives in any retail marijuana product, including, but not limited to, those that are toxic, designed to make the product more addictive and designed to make the product more appealing to children or misleading to consumers, but not including common baking and cooking items.

C. The following provisions govern the preparation of retail marijuana products.

(1) Retail marijuana products must be prepared on licensed premises that are used exclusively for the manufacture and preparation of retail marijuana or retail marijuana products and prepared using equipment that is used exclusively for the manufacture and preparation of retail marijuana and retail marijuana products.

(2) All licensed premises in which retail marijuana products are manufactured must meet the sanitary standards for retail marijuana product preparation adopted pursuant to section 2446, subsection 2 and must be licensed as commercial kitchens by the Department of Health and Human Services.

(3) Retail marijuana products must be packaged, sealed and conspicuously labeled in compliance with this chapter and any rules adopted pursuant to this chapter.
(4) A retail marijuana products manufacturing facility licensee may provide a sample of the licensee's products to a licensed retail marijuana testing facility pursuant to subsection 6 for testing and research purposes. A retail marijuana products manufacturing facility licensee shall maintain a record of what was provided to the retail marijuana testing facility, the identity of the testing facility and the results of the testing.

(5) A retail marijuana products manufacturing facility licensee may list ingredients and compatibility with dietary practices on an edible retail marijuana product.

(6) All retail marijuana products that require refrigeration to prevent spoilage must be stored and transported in a refrigerated environment.

D. Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

E. Retail marijuana products may be transported between a licensed retail marijuana products manufacturing facility and retail marijuana stores, other retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

6. Retail marijuana testing facility license. A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana. The facility may develop and test retail marijuana products.

The state licensing authority shall adopt rules pursuant to its authority in section 2445 related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, chemical identification and other practices used in bona fide research methods.

A. A person that has an interest in a retail marijuana testing facility license from the state licensing authority for testing purposes may not have any interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility. A person that has an interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility may not have an interest in a facility that has a retail marijuana testing facility license. For purposes of this paragraph, "interest" includes an ownership interest or partial ownership interest or any other type of financial interest, such as being an investor or serving in a management position.

B. Retail marijuana and retail marijuana products may be transported between the licensed retail marijuana testing facility and retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

7. Retail marijuana social club license. The following provisions govern retail marijuana social clubs.

A. A licensed retail marijuana social club may sell only retail marijuana, retail marijuana products, marijuana accessories, nonconsumable products such as apparel, marijuana-related products and edible products that do not contain marijuana, including but not limited to sodas, candies and baked goods, but may not sell or give away cigarettes or alcohol. All retail marijuana and retail marijuana products purchased at a licensed retail marijuana social club must be consumed or disposed of on and may not be taken off the licensed premises.

B. A retail marijuana social club shall track all of its retail marijuana and retail marijuana products from the point at which they are transferred from a retail marijuana cultivation facility, retail marijuana store or retail marijuana products manufacturing facility to the point of sale.

C. The following provisions govern procedures for preventing sales to persons under 21 years of age.
Prior to allowing a person onto the retail marijuana social club's licensed premises, an employee of the retail marijuana social club shall verify that the person has a valid government-issued identification card, or other acceptable identification, showing that the person is 21 years of age or older. If a person under 21 years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age may not be grounds for the revocation or suspension of any license issued under this chapter.

The state licensing authority shall adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, to prohibit certain signs, marketing and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching persons under 21 years of age.

These rules may include:

(a) A prohibition on health or physical benefit claims in advertising, merchandising and packaging;
(b) A prohibition on unsolicited advertising on the Internet;
(c) A prohibition on opt-in marketing that does not permit an easy and permanent opt-out feature; and
(d) A prohibition on marketing directed toward location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

Notwithstanding any other provision of state law, sales of retail marijuana and retail marijuana products are not exempt from state sales tax.

Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

Retail marijuana and retail marijuana products may be transported between a licensed retail marijuana social club and other retail marijuana social clubs or retail marijuana testing facilities.

8. Inspection of books and records. Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which must be open at all times during business hours for the inspection and examination by the state licensing authority or its duly authorized representatives. The state licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter and may require an audit to be made of the books of account and records on such occasions as it may consider necessary by an auditor to be selected by the state licensing authority. The auditor must have access to all books and records of the licensee, and the cost of the audit must be paid by the licensee.

The licensed premises, including any places of storage, where retail marijuana or retail marijuana products are stored, cultivated, sold, dispensed or tested are subject to inspection by the State or the municipality in which the licensed premises are located and by the investigators of the State or municipality during all business hours and other times of apparent activity for the purpose of inspection or investigation. Access must be granted during business hours for examination of any inventory or books and records required to be kept by a licensee. When any part of the licensed premises consists of a locked area, upon demand to the licensee this area must be made available for inspection, and, upon request by authorized representatives of the State or municipality, the licensee shall open the area for inspection.

Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period comprising the current tax year and the 2 immediately preceding tax years.
9. **Product pricing.** Nothing in this chapter may be construed as granting to the state licensing authority the power to fix prices for retail marijuana or retail marijuana products.

10. **License fees.** The state licensing authority shall determine the revenue needed to set up the licensing and enforcement operations of the department and set the fees applicable to the categories as outlined in subsection 1 within the ranges specified in the following schedule:

   A. Retail marijuana store license, $250 to $2,500, with a $10 to $250 nonrefundable application fee;
   B. Retail marijuana cultivation facility license, $10 to $100 per unit block, with a $10 to $250 nonrefundable application fee;
   C. Retail marijuana products manufacturing facility license, $100 to $1,000, with a $10 to $250 nonrefundable application fee;
   D. Retail marijuana testing facility license, $500, with a $10 to $250 nonrefundable application fee;
   E. Retail marijuana social club license, $250 to $2,500, with a $10 to $250 nonrefundable application fee; and
   F. Occupational licenses and registrations for owners, managers, operators, employees, contractors and other support staff employed at, working in or having access to restricted access areas of the licensed premises, as determined by the state licensing authority.

11. **License terms.** All licenses under this chapter are effective for one year from the date of issuance.

12. **License renewal.** The following provisions govern license renewals.

   A. Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first class mail at the licensee's address of record with the state licensing authority. A licensee may apply for the renewal of an existing license to the state licensing authority not less than 30 days prior to the date of expiration. Upon receipt of an application for renewal of an existing license and any applicable fees, the state licensing authority shall, within 7 days, submit a copy of the application to the appropriate municipality to determine whether the application complies with all local restrictions on renewal of licenses.

   B. The state licensing authority may not accept an application for renewal of a license after the date of expiration, except that the state licensing authority may extend the expiration date of the license and accept a late application for renewal of a license as long as the applicant has filed a timely renewal application with the municipality. The state licensing authority or the municipality, in its discretion, subject to the requirements of section 2447 and based upon reasonable grounds, may waive the 30-day time requirements set forth in this subsection.

   C. Notwithstanding the provisions of paragraph A, a licensee whose license has been expired for not more than 90 days may file a late renewal application upon the payment of a nonrefundable late application fee of $250 to the state licensing authority. A licensee who files a late renewal application and pays the requisite fees may continue to operate until the state licensing authority takes final action to approve or deny the licensee's late renewal application unless the state licensing authority summarily suspends the license pursuant to subsection 16, this chapter and rules adopted pursuant to this chapter.

   D. The state licensing authority may administratively extend the expiration date of a license and accept a later application for renewal of a license at the discretion of the state licensing authority.

   E. The state licensing authority may, for good cause, elect to not renew a license.

13. **Inactive licenses.** The state licensing authority, in its discretion, may revoke or elect not to renew any license if it determines that the licensed premises have been inactive, without good cause, for at least one year.

14. **Unlawful financial assistance.** The state licensing authority shall require a complete disclosure of all persons having a direct or indirect financial interest, and the extent of such
interest, in each license issued under this chapter. This subsection is intended to prohibit and
prevent the control of a retail marijuana store, retail marijuana cultivation facility, retail marijuana
products manufacturing facility or retail marijuana social club by a person or party other than the
persons licensed pursuant to the provisions of this chapter.

15. Denial of license. The state licensing authority may, for good cause, deny approval of a
license application. Upon denial of a license application, the state licensing authority shall inform
the applicant of the basis for denial and the right to appeal the denial in a hearing.

16. Disciplinary actions. In addition to any other sanctions prescribed by this chapter, or
rules adopted pursuant to this chapter, the state licensing authority has the power, on its own
motion or on complaint, after investigation and opportunity for a public hearing at which the
licensee must be afforded an opportunity to be heard, to fine a licensee or to suspend or revoke a
license issued by the state licensing authority for a violation by the licensee, or by any of the
agents or employees of the licensee, of the provisions of this chapter or any of the rules adopted
pursuant to this chapter or of any of the terms, conditions or provisions of the license issued by the
state licensing authority. The state licensing authority has the power to administer oaths and
issue subpoenas to require the presence of persons and the production of papers, books and
records necessary for a hearing that the state licensing authority is authorized to conduct.

The state licensing authority shall provide notice of suspension, revocation, fine or other sanction,
as well as the required notice of the hearing required by this subsection, by mailing the same in
writing to the licensee at the address contained in the license and, if different, at the last address
furnished to the state licensing authority by the licensee. Except in the case of a summary
suspension, a suspension may not be for a period longer than 6 months. If a license is suspended
or revoked, a part of the fees paid must be retained by the state licensing authority.

Whenever a decision of the state licensing authority suspending a license for 14 days or less
becomes final, the licensee may, before the operative date of the suspension, petition for
permission to pay a fine in lieu of having the license suspended for all or part of the suspension
period. Upon the receipt of the petition, the state licensing authority may, in its sole discretion, stay
the proposed suspension and cause any investigation to be made that it considers desirable and
may, in its sole discretion, grant the petition if the state licensing authority is satisfied that:

A. The public welfare would not be impaired by permitting the licensee to operate during the
period set for suspension and that the payment of the fine will achieve the desired disciplinary
purposes; and

B. The books and records of the licensee are kept in such a manner that the loss of sales that
the licensee would have suffered had the suspension gone into effect can be determined with
reasonable accuracy.

The fine imposed may not be less than $500 nor more than $10,000. Payment of a fine pursuant
to the provisions of this subsection must be in the form of cash or in the form of a certified check
or cashier's check made payable to the state licensing authority.

Upon payment of the fine pursuant to this subsection, the state licensing authority shall enter its
order permanently staying the imposition of the suspension. Fines paid to the state licensing
authority pursuant to this subsection must be transmitted to the Treasurer of State.

In connection with a petition pursuant to this subsection, the authority of the state licensing
authority is limited to the granting of such stays as are necessary for the state licensing authority
to complete its investigation and make its findings and, if the state licensing authority makes such
findings, to the granting of an order permanently staying the imposition of the entire suspension or
that portion of the suspension not otherwise conditionally stayed.

If the state licensing authority does not make the findings required in this subsection and does not
order the suspension permanently stayed, the suspension goes into effect on the operative date
finally set by the state licensing authority.

No later than January 15th of each year, the state licensing authority shall compile a report of the
preceding year's actions in which fines, suspensions or revocations were imposed by the state
licensing authority. The state licensing authority shall include this information in its annual report
to the Legislature.
17. Disposition of unauthorized retail marijuana or retail marijuana products and related materials. The following provisions apply to the disposition of unauthorized retail marijuana or retail marijuana products and related materials.

A. The provisions of this subsection apply in addition to any criminal, civil or administrative penalties and in addition to any other penalties prescribed by this chapter or any rules adopted pursuant to this chapter. Every licensee is deemed, by virtue of applying for, holding or renewing that licensee’s license, to have expressly consented to the procedures set forth in this subsection.

B. If the state licensing authority issues a final agency order imposing a disciplinary action against a licensee pursuant to subsection 16, then, in addition to any other remedies, the state licensing authority’s final agency order may specify that some or all of the licensee’s marijuana or marijuana products is not retail marijuana or a retail marijuana product and is an illegal controlled substance. The order may further specify that the licensee loses any ownership interest in any of the marijuana or marijuana products even if the marijuana or marijuana products previously qualified as retail marijuana or a retail marijuana product. The final agency order may direct the destruction of any such marijuana and marijuana products. The authorized destruction may include the incidental destruction of any containers, equipment, supplies and other property associated with the marijuana or marijuana products.

C. A district attorney, or an assistant attorney general, shall notify the state licensing authority if an investigation of a retail marijuana establishment or retail marijuana social club is commenced. If the state licensing authority has received notification from a district attorney, or an assistant attorney general, that an investigation is being conducted, the state licensing authority may not destroy any marijuana or marijuana products from the retail marijuana establishment or retail marijuana social club until the destruction is approved by the district attorney or assistant attorney general.

D. A state or local agency may not be required to cultivate or care for any retail marijuana or retail marijuana products belonging to or seized from a licensee. A state or local agency is not authorized to sell marijuana, retail or otherwise.

18. Judicial review. Final agency actions by the state licensing authority are subject to judicial review pursuant to Title 5, section 11001, et seq.

§2449. Local licensing

1. Municipality may regulate retail marijuana establishments and retail marijuana social clubs. A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. A municipality may adopt and enforce regulations for retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter. Nothing in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.

2. Municipal approval required. A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority pursuant to this chapter and approved by the municipality in which it is located. If an application is denied by the municipality, the licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked.

3. Notice and portion of fee must be given to municipality. When the state licensing authority receives an application for original licensing, or renewal of an existing license, for any retail marijuana establishment or retail marijuana social club, the state licensing authority shall, within 7 business days, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located. The municipality shall determine whether the application complies with the local land use ordinance and any other restrictions on time, place, manner and the number of marijuana businesses within the municipality. The municipality shall inform the state licensing authority whether the application complies with the local land use ordinance and other local restrictions.
4. Municipality may impose licensing requirement. A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses. A municipality may decline to impose any local licensing requirements, but a municipality shall notify the state licensing authority that it either approves or denies each application forwarded to it within 14 business days.

5. Public hearing notice. The following provisions govern local public hearings and notice.

A. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing. The municipality shall give public notice by posting a sign in a conspicuous place on the premises identified in a local license application and by publication in a newspaper of general circulation in the county in which the premises are located.

B. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a newspaper of general circulation in the county in which the premises are located.

§2450. Transfer of ownership

A license granted under the provisions of this chapter is not transferable except as provided in this section, but this section does not prevent a change of location as provided in section 2451, subsection 7.

For a transfer of ownership, a licensee shall apply to the state licensing authority on forms prepared and furnished by the state licensing authority. Upon receipt of an application for transfer of ownership, the state licensing authority shall, within 7 days, submit a copy of the application to the appropriate municipality to determine whether the transfer complies with any local restriction on transfer of ownership. In determining whether to permit a transfer of ownership, the state licensing authority shall consider only the requirements of this chapter, any rules adopted by the state licensing authority and any other local restrictions. The municipality may hold a hearing on the application for transfer of ownership. The municipality may not hold a hearing pursuant to this section until the municipality has posted a notice of hearing in the manner described in section 2449, subsection 5 on the licensed premises for a period of 10 days and has provided notice of the hearing to the applicant at least 10 days prior to the hearing. Any transfer of ownership hearing by the state licensing authority must be held in compliance with the requirements specified for a municipality in this section.

§2451. Licensing in general

The following provisions govern licensing in general.

1. Notice of new owner, officer, manager or employee. A retail marijuana establishment or retail marijuana social club shall notify the state licensing authority in writing of the name, address and date of birth of an owner, officer, manager or employee before the new owner, officer, manager or employee begins managing, owning or associating with the establishment or club. The owner, officer, manager or employee must pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification card prior to being associated with, managing, owning or working at the establishment or club.

2. Each license separate. Each license issued under this chapter is separate and distinct. A person may not exercise any of the privileges granted under a license other than the license that the person holds and a licensee may not allow any other person to exercise the privileges granted under the licensee's license. A separate license is required for each specific business or business entity and each geographical location.

3. Licensee to maintain possession of premises. At all times, a licensee shall possess and maintain possession of the licensed premises identified in the license by ownership, lease, rental or other arrangement for possession of the premises.
4. License specifics; display. A license issued pursuant to this chapter must specify the date of issuance, the period of licensure, the name of the licensee and the premises licensed. A licensee shall conspicuously place the license at all times on the licensed premises.

5. Computation of time. In computing any time prescribed by this chapter, the day of the act, event or default from which the designated time begins to run is not included. Saturdays, Sundays and legal holidays are counted as any other day except that any documents due to be submitted to state or local government on a date that falls on a Saturday, Sunday or legal holiday are due on the next business day.

6. Licensee to report transfer of interest. A licensee shall report each transfer or change of financial interest in the license to the state licensing authority and appropriate municipality and receive approval prior to any transfer or change pursuant to section 2450.

7. Relocation of licensed premises. A licensee may move the permanent location of licensed premises to any other place in this State once permission to do so is granted by the state licensing authority and municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate. Upon receipt of an application for change of location, the state licensing authority shall, within 7 days, submit a copy of the application to the municipality to determine whether the transfer complies with all local restrictions on change of location. In permitting a change of location, the municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate shall consider all reasonable restrictions that are or may be placed upon the new location by the governing board of the municipality. Any such change in location must be in accordance with all requirements of this chapter and rules adopted pursuant to this chapter.

§2452. Personal use of marijuana

1. Person 21 years of age or older. A person 21 years of age or older may:
   A. Use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana;
   B. Transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older;
   C. Possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and unlimited seedlings, and possess all the marijuana produced by the plants at the adult's residence;
   D. Purchase up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store; and
   E. Purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.

2. Home cultivation. The following provisions apply to the home cultivation of marijuana for personal use by a person who is 21 years of age or older.
   A. A person may cultivate up to 6 flowering marijuana plants at that person's place of residence, on property owned by that person or on another person's property with written permission of the owner of the property.
   B. A person who elects to cultivate marijuana shall ensure the marijuana is not visible from a public way without the use of binoculars, aircraft or other optical aids and shall take reasonable precautions to prevent unauthorized access by a person under 21 years of age.

3. Legible tag on each marijuana plant. A person 21 years of age or older must have a legible tag on each marijuana plant. The tag must include at least the person's name and Maine driver's license number or Maine identification number.

4. Exemptions. The following exemptions apply.
   A. Marijuana cultivation for medical use is not considered cultivation for personal use under this chapter and is governed by Title 22, section 2423-A.
   B. This section does not apply to cultivation by a registered dispensary licensed pursuant to Title 22, section 2428.
5. **Use.** A person may consume marijuana in a nonpublic place including a private residence.
   A. The prohibitions and limitations on smoking tobacco products in specified areas in Title 22, chapters 262 and 263 apply to smoking marijuana.
   B. A person who smokes marijuana in a public place other than as governed by Title 22, chapters 262 and 263 commits a civil violation for which a fine of not more than $100 may be adjudged.
   C. This subsection may not be construed to shield any adult from federal prosecution.
   D. This subsection may not be construed to allow any adult to possess or consume marijuana on federal property.

§2453. **Unlawful acts and exceptions**

1. **Consumption; transfer.** Except as otherwise provided in this chapter, a person may not:
   A. Consume retail marijuana or retail marijuana products in a retail marijuana establishment. A retail marijuana establishment may not allow retail marijuana or retail marijuana products to be consumed upon its licensed premises; or
   B. Buy, sell, transfer, give away or acquire retail marijuana or retail marijuana products.

2. **Limited access area; transfer of ownership.** Except as otherwise provided in this chapter, a person licensed pursuant to this chapter may not:
   A. Be within a limited access area unless the person's identification card is displayed as required by this chapter;
   B. Fail to designate areas of ingress and egress for limited access areas and post signs in conspicuous locations as required by this chapter; or
   C. Fail to report a transfer as required by section 2450.

3. **Person licensed to sell retail marijuana or retail marijuana products.** A person licensed to sell retail marijuana or retail marijuana products pursuant to this chapter may not:
   A. Display any signs that are inconsistent with local laws or regulations;
   B. Use advertising material that is misleading, deceptive or false, or that is designed to appeal to a person under 21 years of age;
   C. Have in that person's possession or upon the licensed premises any marijuana the sale of which is not permitted by the license;
   D. Sell retail marijuana or retail marijuana products to a person under 21 years of age without checking the person's identification;
   E. Except for a retail marijuana social club licensee, have on the licensed premises any retail marijuana, retail marijuana products or marijuana paraphernalia that shows evidence of the retail marijuana having been consumed or partially consumed; or
   F. Violate the provisions of section 2450 or abandon the licensed premises or otherwise cease operation without notifying the state licensing authority and appropriate municipality at least 48 hours in advance and without accounting for and forfeiting to the state licensing authority for destruction all marijuana and products containing marijuana.

§2454. **Construction**

1. **Relation to the Maine Medical Use of Marijuana Act.** This chapter may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

2. **Employment policies.** This chapter may not be construed to require an employer to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or growing of cannabis in the workplace. This chapter does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace.
3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's property.

4. Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interest of the minor child as set out in Title 19-A, section 1653, subsection 3.

Sec. 2. 22 MRSA §2383, sub-§1, as repealed and replaced by PL 2009, c. 652, Pt. B, §6, is repealed.

Sec. 3. 36 MRSA §1817 is enacted to read:

§1817. Taxes on retail marijuana and retail marijuana products

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Retail marijuana" has the same meaning as in Title 7, section 2442, subsection 34.
B. "Retail marijuana product" has the same meaning as in Title 7, section 2442, subsection 37.
C. "Retail marijuana social club" has the same meaning as in Title 7, section 2442, subsection 39.
D. "Retail marijuana store" has the same meaning as in Title 7, section 2442, subsection 40.
E. "State licensing authority" has the same meaning as in Title 7, section 2442, subsection 44.

2. Sales tax on retail marijuana and retail marijuana products. The sales tax on retail marijuana and retail marijuana products is 10% and is the only tax charged on the sale of retail marijuana and retail marijuana products at the point of final sale at a retail marijuana store or retail marijuana social club.

3. Returns; payment of tax; penalty. A retail marijuana store or retail marijuana social club shall file, on or before the last day of each month, a return on a form prescribed and furnished by the state licensing authority together with payment of the sales tax due under this section. The return must report all sales of retail marijuana and retail marijuana products within the State during the preceding calendar month. A retail marijuana store or retail marijuana social club shall keep a complete and accurate record at its principal place of business to substantiate all receipts and sales of retail marijuana and retail marijuana products.

4. Failure to make payments. The state licensing authority shall adopt rules to address the case in which a retail marijuana store or retail marijuana social club fails to make tax payments as required by this section, including fines and other penalties up to permanently revoking the retail marijuana store's or retail marijuana social club's license. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

5. Exemption. The tax on marijuana imposed pursuant to this section may not be levied on marijuana sold by a registered nonprofit dispensary or registered caregiver to a qualifying patient or primary caregiver pursuant to Title 22, chapter 558-C.

6. Records. The following records must be kept by a licensee and those records must be available for inspection by an agent of the state licensing authority:

A. The reports and transmittal of monthly sales tax payments by retail marijuana stores and retail marijuana social clubs; and
B. Authorization for the Bureau of Revenue Services to have access to licensing information to ensure sales, excise and income tax payment.

7. Application of tax revenues. All sales tax revenue collected pursuant to this section must be deposited in the General Fund. Sales tax revenue derived from the sale of retail marijuana and retail marijuana products may not be used to directly fund any new state programs except that this
revenue may be appropriated to the Maine Criminal Justice Academy for the purpose of training law enforcement personnel on retail marijuana and retail marijuana products laws and rules. Funds appropriated to the Maine Criminal Justice Academy pursuant to this subsection may be used only for the actual costs incurred to provide the necessary education and training of law enforcement personnel.

SUMMARY

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.

The initiated bill allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2 1/2 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

The initiated bill allows a person to consume marijuana in a nonpublic place including a private residence. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as governed by law commits a civil violation for which a fine of not more than $100 may be adjudged.

The initiated bill places a sales tax of 10% on retail marijuana and retail marijuana products.
This citizen-initiated legislation would repeal the existing state law that makes it a civil violation to possess up to 2 ½ ounces of marijuana (broadly defined to include all parts of the Cannabis plant, as well as any resin, compounds, or derivatives), other than for medical use by a qualifying patient. It would make it permissible under state law for a person 21 years of age or older to possess, grow, cultivate, process, transfer or purchase up to certain specified amounts of marijuana. (These activities would still be prohibited by federal law.) The initiative would establish a system of state regulation and licensing of the cultivation, manufacture, distribution, testing and retail sale of marijuana and marijuana products, and would authorize municipal regulation as described below. It would impose a 10% sales tax on sales by retail marijuana stores and social clubs, with revenues to be deposited in the General Fund.

**Personal use of marijuana:** The initiative would allow any person 21 years of age or older to:

- use, possess, or transport up to 2½ ounces of prepared marijuana;
- transfer or furnish to another person who is 21 years of age or older, without payment of any kind, up to 2½ ounces of marijuana and up to 6 immature marijuana plants or seedlings;
- possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and an unlimited number of seedlings, and possess all the marijuana produced by these plants at the person’s residence;
- purchase up to 2½ ounces of retail marijuana from a retail marijuana store;
- purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility;
- cultivate up to 6 flowering plants at the person’s residence, or on property the person owns or has written permission to use for this purpose; and
- consume marijuana in a nonpublic place, including a private residence.

The term "nonpublic place" is not defined in the bill. The initiated bill does not repeal state criminal laws relating to marijuana but provides that personal use and other activities specifically authorized in the bill are nevertheless legal. Cultivation of marijuana for medical use would continue to be regulated under the existing medical marijuana law. Existing laws that restrict where people may smoke tobacco would also apply to smoking marijuana, though not to ingestion of marijuana and marijuana products by other means.

**State licensing and regulation:** The Department of Agriculture, Conservation and Forestry (the “Department”) would become the state licensing authority and would be required to adopt rules within nine months. A state license would be required for any entity to locate or operate a "retail marijuana establishment" or "retail marijuana social club." A retail marijuana social club means a facility that sells retail marijuana to consumers for consumption on the premises. A retail marijuana establishment includes the following facilities, all of which are prohibited from allowing consumption of retail marijuana or retail marijuana products on the premises:

- a retail marijuana store, which sells retail marijuana and/or retail marijuana products to consumers;
- a retail marijuana testing facility, which analyzes and certifies the potency of retail marijuana and retail marijuana products;
a retail marijuana cultivation facility, where retail marijuana is grown, prepared and packaged; and

a retail marijuana manufacturing facility, where retail marijuana products are manufactured, prepared and packaged.

The Department would be required to regulate the labeling and advertising of retail marijuana and retail marijuana products, including a prohibition on mass market advertising campaigns that would "have a high likelihood of reaching persons under 21 years of age."

Municipal authority: Local approval by the municipality where the applicant proposes to locate the facility would be required before the issuance of any state license. In addition, this initiative would authorize municipalities, within their jurisdictions, to:

- prohibit the operation of retail marijuana establishments and retail marijuana social clubs;
- restrict the number of retail marijuana stores in the municipality;
- regulate the location and operation of retail marijuana establishments and social clubs; and
- adopt and enforce regulations for retail marijuana establishments and social clubs, which are at least as restrictive as the state law and regulations and may include local licensing requirements.

Employment policies: The proposed law specifies that employers would not be required to allow or to accommodate the consumption, use, possession, sale, trade, display or growing of marijuana in the workplace. Employers also could adopt and enforce policies restricting use of marijuana by employees and could discipline employees who were under the influence of marijuana in the workplace.

If approved, this citizen initiated legislation would take effect 30 days after the Governor proclaims the official results of the election.

A "YES" vote is to enact the initiated legislation.

A "NO" vote opposes the initiated legislation.
Fiscal Impact Statement
Prepared by the Office of Fiscal and Program Review

This citizen initiative legalizes recreational marijuana and assesses a sales tax of 10%. Assuming a January 1, 2018 effective date, State sales tax collections would increase by an estimated $2,800,000 in fiscal year 2017-18 and by an estimated $10,700,000 in subsequent years. Under current statute 98% of any sales tax collected is credited to the General Fund and 2% is transferred to the Local Government Fund for distribution to cities and towns.

The initiative designates the Department of Agriculture, Conservation and Forestry (ACF) as the state licensing authority for retail marijuana. ACF may collect fees of $250 to $2,500 from each retail marijuana store license, $10 to $100 per unit block from each retail marijuana cultivation facility license, $100 to $1,000 from each retail marijuana products manufacturing facility license, $500 from each retail marijuana testing facility license, $250 to $2,500 from each retail marijuana social club license and other fees determined by ACF for certain other occupational licenses. Half of the revenue from these fees will go to the State and half will go to the municipality in which the establishment or club is located. Although there is no way to predict how many municipalities will allow marijuana establishments within their borders, this fiscal note assumes ACF will set license fees to generate enough revenue to cover ACF costs. ACF will require funding of approximately $132,633 in fiscal year 2016-17 and $2,379,534 in fiscal year 2017-18 for 3 permanent positions in fiscal year 2016-17 and an additional 15 permanent positions (18 total) in fiscal year 2017-18, related costs and certain one-time costs to regulate and control the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products. As these funding requirements will begin prior to receipt of revenues from licensing fees, General Fund appropriations will be required until other fee revenue becomes available.

The Department of the Attorney General, the Judicial Department, the Maine Commission on Indigent Legal Services and the Department of Corrections will experience a decrease in the number of marijuana-related offenses. The amount of savings generated from the reduction in the number of civil and criminal cases is expected to be significant. Some of these savings may be offset by increased legal costs related to the licensing process and the regulation of the legalized marijuana industry.
ITEM 17-058

To send to the Planning Board for a Public Hearing and recommendation, ordinance language for the retail sale of marijuana
The Ordinance Committee is recommending the Town Council consider the prohibition of Retail Marijuana. The Ordinance Committee met with the Town Attorney to discuss the impacts of the Referendum passed in November of 2016 under the “Marijuana Legalization Act”.

To prohibit the retail sales the Committee recommends changes to the following sections of the Ordinance:

315-4 Definitions and adding a new section 315-59.1.2 Retail Marijuana that expressly prohibits the retail uses associated with the pending new legislation.

As you know, since this is part of our land use codes, the Planning Board will need to hold a public hearing on the proposed changes. The Ordinance Committee believed it would be helpful to use both April meetings to allow for public input at the Council level before forwarding to the Planning Board for a Public Hearing and their recommendation.
Proposed Ordinance Changes
§ 315-4. Word usage and definitions.

ACCESSORY BUILDING OR USE
A subordinate building or use customarily incidental to, and located on the same lot with, the main building or use, including farm markets for the sale of agricultural and similar products where at least 60% of the gross receipts is derived from the sale of products produced or grown, or where some ingredients of products are grown or produced, on the lot. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ADDITION TREATMENT FACILITY
A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

AGRICULTURE
The use of a tract of land for commercial purposes for cultivation and the production of crops, truck gardening, nurseries or greenhouses, or any allied industry, but exclusive of animal husbandry and exclusive of private gardens less than 1/2 acre. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ASSOCIATED RETAIL
A subordinate use customarily incidental to, and located on the same lot with, the main building or use. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

BUSINESS AND PROFESSIONAL OFFICE
The place of business of individuals or groups providing professional services, including but not limited to doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, and counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services, excluding freestanding automated teller machines (ATMs). This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

CAFE
A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold for consumption on or off the premises. Cafes shall be no larger than 2,500 square feet, with no drive-through and in accordance with § 315-18F(3).

CATERING SERVICE
An establishment in which the principal use is the preparation of food and meals on the premises and where such food and meals are delivered to another location for consumption.

CLINIC
An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

**CLUB, PRIVATE**
A building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

**COMMERCIAL KITCHEN**
A licensed kitchen facility providing food entrepreneurs the space and equipment to prepare and process for sale on or off premises.

**FARM-BASED RETAIL**
The selling of agricultural produce or products, the majority of which is grown or raised by the landowner on property owned by the landowner within the Rural Residential 1 (RR1) and Rural Residential 2 (RR2) Districts.

**GROCERY STORE**
A business establishment engaged in the sale of groceries.

**HOME-BASED OCCUPATION**
An occupation based or located within a dwelling or an accessory structure which is performed or conducted at a location or locations remote from the dwelling and which:
A. Is accessory to a residential use;
B. Is clearly incidental and secondary to the residential use of the dwelling unit; and
C. Does not change the character of the dwelling.

**HOME-BASED RETAIL**
A retail establishment owned and operated by the owner and resident of the dwelling unit that is located on the same lot. The size of the retail space shall be no larger than 2,000 square feet.

**HOME OCCUPATION**
A. An occupation performed or conducted within a dwelling or accessory structure by the residents thereof which:
   (1) Is accessory to a residential use;
   (2) Is clearly incidental and secondary to the residential use of the dwelling unit; and
   (3) Does not change the character of the dwelling.
B. Home occupations may include, but are not necessarily limited to, arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a dwelling as a bed-and-breakfast, a day-care home, a professional office such as that of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, or accountant, or similar uses.

**INDUSTRIAL**
The assembling, fabrication, finishing, manufacturing, packing or processing of goods or the extraction of minerals.

LIGHT MANUFACTURING
An establishment which is engaged in the mechanical transformation of materials into new products, including the assembling of component parts, and which has the following characteristics:
A. Does not create any offensive smoke, dust, odor, or other unhealthy or offensive airborne discharge;
B. Does not create any offensive noise or vibration;
C. Does not include any outdoor storage of equipment or material; and
D. Is designed so that the external appearance of any building is compatible with the neighborhood in which it is located.

MARKET
A retail store selling primarily food products that does not exceed 5,000 square feet.

PERMITTED USE
A use specifically allowed in a zoning district, excluding nonconforming uses and special exceptions.

REGISTERED DISPENSARY
A not-for-profit entity registered by the State of Maine in accordance with state statute that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Registered dispensaries include the physical location of the dispensary and any other facility under common management and operating under the same state registration that cultivates marijuana for patients of the dispensary.

RESTAURANT
An establishment where food and drink are prepared and served to the public for consumption on or off the premises.

RETAIL MARIJUANA
"Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

RETAIL MARIJUANA CULTIVATION FACILITY
"Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

RETAIL MARIJUANA ESTABLISHMENT
"Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

RETAIL MARIJUANA PRODUCT
Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

**RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY**
"Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

**RETAIL MARIJUANA SOCIAL CLUB**
"Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

**RETAIL MARIJUANA STORE**
"Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

**RETAIL MARIJUANA TESTING FACILITY**
"Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

**RETAIL STORE**
Any shop or store for the retail sale of goods or personal services, excluding any drive-up service, freestanding retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

*Signs – Need to amend per sign ordinance amendments*

**WAREHOUSE AND STORAGE**
A use in which materials, goods, or equipment is stored for compensation or in connection with a business operation. Not to include distribution.

**WHOLESALE DISTRIBUTION FACILITIES**
Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business uses, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to, such individuals or companies. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.
§ 315-59.1. Registered dispensaries.

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, these performance standards, when enacted, shall govern any proposed registered dispensary for which an application has not been submitted and acted on by the Planning Board prior to February 10, 2014. The following standards apply to all registered dispensaries:

A. Location criteria.

1. No medical marijuana dispensary shall be sited within 500 feet of the lot lines of any of the following:
   a. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center;
   b. A State of Maine licensed child-care facility; or
   c. A State of Maine licensed family home child-care facility.

2. The distance cited in this subsection shall be measured between the lot line of the proposed site for the registered dispensary and the lot line of the site of the use listed in Subsection A(1)(a) through (c) above at their closest points.

B. Hours of operation. Registered dispensaries may be open for business only between the hours of 8:00 a.m. and 5:00 p.m., locally prevailing time.

C. Signage and advertising. All signage and advertising for a registered dispensary shall comply with all applicable provisions of this Code. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

D. Security requirements. Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:

1. Security surveillance cameras installed, recording and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
   a. All security recordings shall be preserved for at least 30 days by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a twenty-four-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.
   b. Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;
(c) Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Code; and
(d) Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

E. Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.

F. On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a registered patient, as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary’s entrance.

G. Visibility of activities; control of emissions; disposal plan.
(1) All activities of registered dispensaries, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
(2) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.
(3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
(4) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Sale of edible products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

I. Other laws remain applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.
J. Maximum number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one.

K. Application submission requirements. The applicant shall provide the Planning Board with documentation of any required state approvals for the operation of a registered dispensary.

§ 315-59.1.2 Retail Marijuana.

A. The following uses as defined by this Chapter and under the “Marijuana Legalization Act” (7 M.R.S.A. §§ 2441 – 2454 as may be amended and successor provisions thereof) are hereby expressly prohibited in all Districts within the Town of Cumberland:

(1) Retail Marijuana Cultivation Facility
(2) Retail Marijuana Establishment
(3) Retail Marijuana Products Manufacturing Facility
(4) Retail Marijuana Social Club
(5) Retail Marijuana Store
(6) Retail Marijuana Testing Facility

(7) Farm based retail
ITEM
17-059

To set a Public Hearing date of May 8th to consider and act on extending the moratorium ordinance regarding retail marijuana establishments and social clubs, which will expire on May 14, 2017

No materials
ITEM
17-060

To hear a report from the Finance Director re: 3rd Quarter Financials
Town of Cumberland
Fiscal Year 2017
Q3 Revenues & Expenses
## General Fund
### Q3 Revenues & Expenditures

<table>
<thead>
<tr>
<th></th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>FY17%</th>
<th>FY16%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>$ 4,513,720</td>
<td>$ 3,984,254</td>
<td>88.3%</td>
<td>82.3%</td>
</tr>
<tr>
<td><strong>Controllable Expenses</strong></td>
<td>$ 7,462,114</td>
<td>$ 6,036,528</td>
<td>80.9%</td>
<td>78.1%</td>
</tr>
<tr>
<td><strong>Fixed Expenses</strong></td>
<td>$ 19,109,524</td>
<td>$ 14,927,600</td>
<td>78.1%</td>
<td>78.6%</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>$26,571,638</td>
<td>$20,964,128</td>
<td>78.9%</td>
<td>78.4%</td>
</tr>
</tbody>
</table>
## Q3 Selected Revenues

<table>
<thead>
<tr>
<th></th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>FY17%</th>
<th>FY16%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excise Tax</td>
<td>$1,480,000</td>
<td>$1,385,002</td>
<td>93.6%</td>
<td>90.7%</td>
</tr>
<tr>
<td>State Revenue Sharing</td>
<td>$385,710</td>
<td>$296,759</td>
<td>76.9%</td>
<td>79.9%</td>
</tr>
<tr>
<td>Permits &amp; Impact Fees</td>
<td>$158,000</td>
<td>$316,158</td>
<td>200.1%</td>
<td>112.5%</td>
</tr>
<tr>
<td>EMS Billing</td>
<td>$186,200</td>
<td>$176,558</td>
<td>94.8%</td>
<td>89.1%</td>
</tr>
<tr>
<td>Recreation - After School</td>
<td>$195,152</td>
<td>$197,102</td>
<td>101.0%</td>
<td>90.2%</td>
</tr>
<tr>
<td>Recreation - All Other</td>
<td>$530,991</td>
<td>$346,764</td>
<td>65.3%</td>
<td>52.5%</td>
</tr>
<tr>
<td>Val Halla - Golf Revenues</td>
<td>$603,447</td>
<td>$313,365</td>
<td>51.9%</td>
<td>59.9%</td>
</tr>
<tr>
<td>Val Halla - Rents etc</td>
<td>$46,423</td>
<td>$33,954</td>
<td>73.1%</td>
<td>30.9%</td>
</tr>
</tbody>
</table>
### Q3 Selected Expenditures

<table>
<thead>
<tr>
<th>Service</th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>FY17%</th>
<th>FY16%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>$1,251,821</td>
<td>$1,020,441</td>
<td>81.5%</td>
<td>83.0%</td>
</tr>
<tr>
<td>Fire</td>
<td>$892,066</td>
<td>$727,684</td>
<td>81.6%</td>
<td>74.9%</td>
</tr>
<tr>
<td>Public Services</td>
<td>$1,839,963</td>
<td>$1,448,650</td>
<td>78.7%</td>
<td>74.5%</td>
</tr>
<tr>
<td>Val Halla Golf Club</td>
<td>$695,465</td>
<td>$530,237</td>
<td>76.2%</td>
<td>74.0%</td>
</tr>
<tr>
<td>Recreation</td>
<td>$839,396</td>
<td>$679,713</td>
<td>81.0%</td>
<td>78.8%</td>
</tr>
<tr>
<td>Abatements</td>
<td>$20,000</td>
<td>$42,276</td>
<td>211.4%</td>
<td>402.4%</td>
</tr>
</tbody>
</table>
Questions?
ITEM 17-061

To hold a Public Hearing to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board

(To move the landfill off Village Green Homeowners Association property)
Public Notice from the Town of Cumberland
Village Green Subdivision Contract Zone Agreement Amendment

The Town of Cumberland is considering an amendment to the Village Green Subdivision Contract Zone Agreement.

Information regarding the proposed amendment to the Village Green Subdivision Contract Zone Agreement is enclosed with this notice. A copy of the full proposed amended agreement can viewed at Cumberland Town Hall in the Planning Department or on the Town’s website at www.cumberlandmaine.com.

Please note important meeting dates regarding this proposed amendment listed below. All meetings are open to the public. The public will have an opportunity to speak at the neighborhood meeting and all of the public hearings.

April 3, 2017 at 6:30 pm – Neighborhood Meeting at Cumberland Town Hall in Council Chambers.

April 3, 2017 at 7:00 pm – Town Council Workshop with Planning Board at Cumberland Town Hall in Council Chambers.

April 10, 2017 at 7:00 pm – Town Council Public Hearing and vote to consider referring the proposed amended agreement to the Planning Board for the Planning Board’s recommendation.

April 18, 2017 at 7:00 pm – Planning Board Public Hearing and vote to make a recommendation to the Town Council regarding the proposed amended agreement. A map of the property and the proposed conditions of the rezoning and are included with this notice.

April 24, 2017 at 7:00 pm – Town Council Public Hearing and vote to approve, modify or deny the proposed amended agreement.

For More Information call the Cumberland Planning Department at (207)829-2206, email csilberman@cumberlandmaine.com or visit the Cumberland Town Hall Planning Department, 290 Tuttle Road, Cumberland, Maine 04021.

For cancellations check Channel 6, 8 or 13 or check the town website www.cumberlandmaine.com.

Please inform us of any special requirement you may have due to a disability.
March 21, 2017

George Turner, Chairman
Cumberland Town Council
290 Tuttle Road
Cumberland, Maine 04021

RE: Application for CZA Amendment for Village Green and Future Subdivision amendment

Dear Chairman Turner,

Several years ago, the Town sold the property that is now known as Village Green, to Bateman Partners. Part of that agreement was to locate the existing demolition landfill entirely on Town property. At the time of transfer, limited test pit information was available and the property line was agreed upon based on what we had assumed were the limits of the demolition landfill area.

The Town then began the permitting process through the Maine Department of Environmental Protection (MDEP) for the closure and capping of the 30 year old dormant landfill and found the limits to be over the agreed upon property line. This Contract Zone amendment is to place the entire demolition site onto Town property and off the property of the Village Green Homeowner’s Association. The Town has been working closely with Bateman Partners to resolve this matter. As developer, Bateman Partners is the required party to bring this matter forward, but they truly have no fault in this required amendment. Since the project was a Contract Zone Agreement it requires, by Town Ordinance, a Neighborhood Meeting, a Planning Board recommendation and Town Council action prior to applying to the Planning Board for the subdivision line to be amended and moved closer to the pond to have all the landfill located on Town Property (see Attached sketch). The meeting schedule is outlined in the attached Public Notice.

As required by Ordinance, the Town Council will be facilitating the Neighborhood Meeting on Monday, April 3, 2017 at 6:30 PM and will only be discussing the moving of the property line. This is the only reason for the amendment to this Contract Zone Agreement. Exhibit A & Exhibit B will need to be amended as part of this agreement.

The area to be transferred to the Town is 0.6 acres adjacent to the pond. Exhibit A & B will be modified to reflect the changes depicted in the attached graphic (Figure 1).
Please contact me with any questions, concerns, or requests for additional information.

Sincerely,

William R. Shane  
Town Manager  
<wshane@cumberlandmaine.com>

cc:  Bateman Partners  
     Carla Nixon, Town Planner
AMENDED AND RESTATED
CONTRACT ZONING AGREEMENT
BY AND BETWEEN THE TOWN OF CUMBERLAND
AND
VILLAGE GREEN CUMBERLAND, LLC

RELATING TO PHASE 1 and PHASE 4 OF THE
VILLAGE GREEN REVITALIZATION MASTER PLAN

This Amended and Restated Contract Zoning Agreement is entered into this ____ day of __________, 2017 by and between the Town of Cumberland, a Municipal Corporation (the “Town”), and Village Green Cumberland, LLC, a Maine Limited Liability Company with a business address of PO Box 3572, Portland, ME 04104-3571, its nominee or assigns (the “Developer”), pursuant to the Conditional and Contract rezoning provisions set forth in 30-A M.R.S.A. Section 4352 (the “Act”) and Section 315-79 of the Cumberland Code, as amended (the “Code”).

WHEREAS, the Town and Developer entered into a Contract Zoning Agreement dated April 11, 2011, which is recorded at the Cumberland County Registry of Deeds in Book 28735, Page 158 (the “Original Agreement”); and

WHEREAS, the Town conveyed to the Developer the property subject to the Original Agreement, a 40.7 +/- acre parcel of unimproved real estate located between Drowne Road and Wyman Way, identified on the Town of Cumberland Tax Assessor map as Map U10, Lot 7B (the “Original Property”), by virtue of a Deed dated January 18, 2012, recorded in the Cumberland County Registry of Deeds in Book 29285, Page 284; and

WHEREAS, the Developer has begun developing the Original Property into a 59 lot residential subdivision, subject to the terms and conditions set forth in the Original Agreement and a subdivision plan as approved by the Cumberland Planning Board on January 17, 2012, recorded in the Cumberland County Registry of Deeds in Plan Book 212, Page 18; and

WHEREAS, the Developer intends to expand the residential subdivision of the Original Property, subject to the terms and conditions set forth herein, to include additional residential lots on a 5.66 +/- parcel of real estate adjoining the Original Property, identified on the Town of Cumberland Tax Assessor map as Map U10, Lot 1B (the “Phase 4 Property”), which property is currently owned by George and Constance Russell by virtue of a Deed dated August 20, 2001, recorded in the Cumberland County Registry of Deeds in Book 16675, Page 235; and

WHEREAS, the Town and the Developer desire to amend and restate the Original Agreement in its entirety;

NOW THEREFORE, the Original Agreement is hereby amended and restated in its entirety, as follows, it being understood that this Amended and Restated Contract Zoning Agreement
Agreement supersedes and replaces the Original Agreement, which shall be of no further force and effect:

WHEREAS, the property subject to this Amended and Restated Contract Zoning Agreement consists of two separate parcels, the Original Property, a 40.7 +/- acre parcel of real estate located between Drowne Road and Wyman Way, identified on the Town’s Tax Assessor map as MAP U10, Lot 7B, and the Phase 4 Property, a 5.66 +/- acre parcel of real estate located adjacent to the northern boundary of the Original Property, identified on the Town’s Tax Assessor map as Map U10, Lot 1B, both properties consisting of 46.36 +/- acres total as more particularly shown on Exhibit A attached hereto (together hereinafter referred to as the “Property”); and

WHEREAS, the Original Property is located in the Village Mixed-Use Zone (VMUZ) District (the “V-MUZ District”) located in Section 315-18 of the Cumberland Code; and

WHEREAS, the Phase 4 Property is located in the Rural Residential 1 (RR1) Zoning District (the “RR1 Zoning District”) located in Section 315-6 of the Cumberland Code; and

WHEREAS, the Town desires to sell the property to generate tax revenue and stimulate further economic development in the town center as recommended by the 2009 Comprehensive Plan.

WHEREAS, the Developer has submitted an application for subdivision approval to the Cumberland Planning Board, in accordance with the subdivision plan attached hereto as Exhibit E; and

WHEREAS, in order for the Project to be financially feasible for the construction and sale of residential dwelling units while meeting all applicable codes, certain Amendments with respect to dimensional, design and certain other performance standards of the Cumberland Zoning Ordinance are required; and

WHEREAS, on May 23, 2016, the Cumberland Town Council approved the execution of this Amended and Restated Contract Zoning Agreement, subject to later compliance with the Subdivision and Site Plan Standards as set forth in Chapter 250 and Chapter 229, respectively, of the Cumberland Code, provided such provisions are not in conflict with the Act;

NOW THEREFORE, pursuant to the provisions of 30-A.M.R.S.A. § 4352(8) and Section 315-79 of the Code, as amended, the Cumberland Town Council hereby finds that this Amended and Restated Contract Zoning Agreement:

A) is consistent with the Comprehensive Plan duly adopted by the Town of Cumberland on November 9, 2009; and

B) establishes a contract zone area consistent with the existing and permitted uses in the original zone of the area involved; and
C) only includes conditions and restrictions which relate to the physical development and future operation of the proposed development; and

D) imposes those conditions and restrictions which are necessary and appropriate for the protection of the public health, safety and general welfare of the Town.

In furtherance of these common goals, the parties agree as follows:

I. **Establishment of the Contract Zone:**

The Town hereby agrees that the Property as described herein shall be a contract zone (the “Contract Zone”) pursuant to the provisions of 30-A.M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code. This Agreement shall create an overlay zone. Except as expressly modified or otherwise stated herein, the Property shall be subject to the requirements of the V-MUZ District, as the same may be amended from time to time, together with all applicable lot requirements and general requirements, not modified herein.

II. **Permitted Uses Within the Contract Zone:**

The development permitted within the Contract Zone established herein shall be as follows:

A. All uses currently authorized either as permitted uses or special exceptions in the V-MUZ District, or as specifically authorized herein.

B. Up to four additional residential dwelling units may be constructed on the Phase 4 Property, not including the existing residential dwelling unit that currently exists on the Phase 4 Property and is currently occupied by the property owners George and Constance Russell.

III. **Restrictions and Certain Design Standards Within the Contract Zone:**

All restrictions as currently set forth in Section 315-79 of the Cumberland Code, except as modified herein and as appears on Exhibit C, attached hereto and made a part hereof.

IV. **Performance Standards Within the Contract Zone:**

The following performance standards shall apply to the Contract Zone (Phase 1 and Phase 4 of the VGRMP) as follows:

A. The Recreation Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland shall be waived in accordance with Article Section 137-10, Waiver of Impact Fee subject to the following provisions:

   - 137-6 Payment of Fees shall be modified as follows: the Developer shall submit to the Town a list of specific public
improvements with corresponding values for said improvements to be provided by each Phase of the approved Village Green Revitalization Master Plan (VGRMP). The public improvements shall include construction of a roadway from the existing terminus of Wyman Way, crossing the Property and connecting with Drowne Road. All public improvements provided in lieu of the impact fee for each Phase of the approved VGRMP shall be completed prior to the final release of bonds or letter of credit(s) required to secure all public improvements for each Development Phase. Performance guarantees, including Letters of Credit and bonds, shall include the value of the in lieu payments attributed to Public Improvements, even where the Public Improvements are to be located upon future Phases which may or may not be constructed.

- The public improvements provided for each Phase of the approved VGRMP will, at a minimum, equal the value of the impact fee(s) otherwise due as provided in 137-11 Calculation of Fee.

- All public improvements to be located within the adjacent “Civic Lot” (Map U10-A, Lot 13) provided by the Developer as part of this Agreement shall be in accordance with a Site Plan approved in advance by the Town.

- Certain areas within the parcel purchased from the Town (Map U10, Lot 7B) by the Developer shall be subject to an easement which allows for public use and recreation (see Exhibit D Plan of Open Space/Recreational Easements). The value of these easements for the purposes of 137-11 Calculation of Fees (Land for Public Use) shall be based on the total purchase price paid for said parcel, divided by the total acreage of the parcel multiplied by the acreage finally included within the easement area(s). Provided, however, that the Developer shall not be credited for any easements or improvements that are required by law or ordinance of residential subdivisions approved by the Town. The financial guarantees, including Letters of Credit, posted by the Developer to assure the construction of qualifying public improvements in phases future to Phase 1, may be required to be maintained in applicable portion by the Town until the Town and Developer have mutually determined an agreed plan for the future phases.

B. The Town of Cumberland’s Growth Management Ordinance is hereby amended to include the following additional exemption within Section 118-6 of this ordinance:
118-6(E) Lots included within the Phase 1 and Phase 4 subdivision of the approved Village Green Revitalization Plan.

C. The improvements to be constructed within Phase 1 and Phase 4 of the development shall be constructed in a manner to take advantage of emerging energy conservation techniques and technologies, consistent with the standards set forth in Exhibit F hereto.

Subject to the terms herein, the Cumberland Planning Board shall have review authority under the applicable provisions of the Cumberland Subdivision, Site Plan and Zoning Ordinances to impose conditions of approval pursuant to said Ordinances relating to the development and construction.

V. Miscellaneous Provisions:

A. Survival Clause: The terms and conditions of this Agreement shall run with the land and be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. This Agreement shall not be assignable without the prior approval of the Cumberland Town Council, provided, however, that the Developer may assign this Agreement without such approval to a corporate entity or limited liability company solely owned and organized by the Developer for the purpose of developing the Project. A true copy of this Agreement shall be recorded in the Cumberland County Registry of Deeds.

VI. Further Assurances: In order to effectively and properly implement this Agreement, the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements as may be reasonably necessary from time to time to give effect to this Agreement.

VII. Maine Agreement: This contract is a Maine Agreement, entered into in the State of Maine and shall be governed by and enforced in accordance with the laws of the State of Maine.

VIII. Binding Covenants: The above stated restrictions, provisions, and conditions are an essential part of this contract and shall run with the subject premises, shall bind the interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. This Agreement may not be amended except by mutual written agreement by the parties.

IX. Severability: In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and
the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.

X. **Enforcement:** The Town shall also have the ability to enforce any breach of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S.A § 4452.
IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed as of the day and year first above written.

WITNESS: Town of Cumberland

___________________________   By:  ___________________________

William R. Shane
Its Town Manager

WITNESS: Village Green Cumberland, LLC

___________________________   By:  ___________________________

David H. Bateman
Its Manager

State of Maine
County of Cumberland, ss.  __________________, 2017

Personally appeared the above-named William R. Shane, Town Manager of the Town of Cumberland and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Cumberland and subscribed and swore to the same.

Notary Public/Attorney-at-Law
Print Name: _____________________

State of Maine
County of Cumberland, ss.  __________________, 2017

Personally appeared the above-named David H. Bateman, Manager of Village Green Cumberland, LLC and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of Village Green Cumberland, LLC.

Notary Public/Attorney-at-Law
Print Name: _____________________
## EXHIBITS

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit A</td>
<td>Survey of the Property</td>
</tr>
<tr>
<td>Exhibit B</td>
<td>Approved Village Green Revitalization Master Plan (VGRMP) Phase 1 and Phase 4</td>
</tr>
<tr>
<td>Exhibit C</td>
<td>Summary of Zoning Amendments</td>
</tr>
<tr>
<td>Exhibit D</td>
<td>Plan of Open Space/Recreational Easement(s)</td>
</tr>
<tr>
<td>Exhibit E</td>
<td>Proposed Subdivision Plan</td>
</tr>
<tr>
<td>Exhibit F</td>
<td>Energy Conservation Standards</td>
</tr>
<tr>
<td>Exhibit F-1</td>
<td>Street Lighting</td>
</tr>
</tbody>
</table>
EXHIBIT C
Summary of Zoning Amendments

A) The following minimum lot frontages shall be required on a Private Drive within the Contract Zone (Phase I and Phase 4 of the Village Green Revitalization Master Plan, VGRMP) as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Min. Lot Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family Residential Structure</td>
<td>15’</td>
</tr>
<tr>
<td>Attached Single Family Residential Structure</td>
<td>15’</td>
</tr>
<tr>
<td>Duplex Residential Structure</td>
<td>50’</td>
</tr>
</tbody>
</table>

Maximum Number of Residential Units Accessed from Private Drive = 6

B) The following minimum setbacks within the V-MUZ District shall be modified for all structures within the Contract Zone (Phase I and Phase 4 of the VGRMP) as follows:

<table>
<thead>
<tr>
<th>Structure Type</th>
<th>Front</th>
<th>Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single Family Residential Structure and Garage</td>
<td>15’ *</td>
<td></td>
</tr>
<tr>
<td>Attached Single Family Residential Structure and Garage</td>
<td>15’ *</td>
<td>10’ **</td>
</tr>
<tr>
<td>Duplex Residential Structure and Garage</td>
<td>15’ *</td>
<td></td>
</tr>
<tr>
<td>Driveways</td>
<td>0’</td>
<td>8’ **</td>
</tr>
</tbody>
</table>

Note: See additional buffer and setback requirements in Section F below

* Setback between face of garage and sidewalk shall be minimum distance of 20’

** Side setback reduced to 0’ along common sideline between attached residential structures and garages

C) All public roads within the Contract Zone (Phase I and Phase 4 of the VGRMP), including the full extent of Wyman Way connecting to Main Street, shall be designed in accordance with the residential sub-collector roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code, as modified by Section 315-18, the V-MUZ District, of the Cumberland Code, and as further modified below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Public Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass Esplanade</td>
<td>6’ *</td>
</tr>
<tr>
<td>(one side)</td>
<td></td>
</tr>
<tr>
<td>Paved Sidewalk</td>
<td>6’</td>
</tr>
<tr>
<td>(one side)</td>
<td></td>
</tr>
<tr>
<td>Min. Tangent Length Between Curves of Reverse Alignment</td>
<td>0’</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on Same Side</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on</td>
<td>200’</td>
</tr>
</tbody>
</table>
Opposite Side

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Pavement Radii at Intersections</td>
<td>25’</td>
</tr>
<tr>
<td>Min. K Factor, Crest Vertical Curve</td>
<td>15</td>
</tr>
<tr>
<td>Min. K Factor, Sag Vertical Curve</td>
<td>20</td>
</tr>
<tr>
<td>MPH Design Speed</td>
<td>25</td>
</tr>
<tr>
<td>Min. Property Line Radius at Intersection</td>
<td>15’</td>
</tr>
<tr>
<td>Dead End Turn Around</td>
<td>Cul-de-Sac</td>
</tr>
<tr>
<td></td>
<td>Per 8.2.D.3</td>
</tr>
<tr>
<td>Right-of-Way Width</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>100’</td>
</tr>
<tr>
<td>Minimum Angle of Street Intersection</td>
<td>71 degrees</td>
</tr>
<tr>
<td>Minimum Pavement Radii at Intersection</td>
<td>25’</td>
</tr>
<tr>
<td>Aggregate Subbase Course: Sand</td>
<td>0”</td>
</tr>
</tbody>
</table>

* Reduce esplanade width to 0’ along portion of Wyman Way extending between Parcel 1 (Tax Map U10, Lot 7B) – Former Doane Parcel and Main Street (Route 9).

D) All private roads within the Contract Zone (Phase 1 and Phase 4 of the VGRMP) shall be designed in accordance with the private roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code, as modified by Section 315-18, the V-MUZ District, of the Cumberland Code, and as further modified below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Private Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass Esplanade</td>
<td>4’ (one side)</td>
</tr>
<tr>
<td>Paved Sidewalk</td>
<td>5’ (one side)</td>
</tr>
<tr>
<td>Min. Tangent Length Between Curves of Reverse Alignment</td>
<td>0’</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on Same Side</td>
<td>100’</td>
</tr>
<tr>
<td>Dead End Turn Around</td>
<td>Tee Turn Around</td>
</tr>
<tr>
<td></td>
<td>25’ Length</td>
</tr>
</tbody>
</table>

E) The following roadway standards shall apply to private drives within the Contract Zone (Phase 1 and Phase 4 of the VGRMP):

<table>
<thead>
<tr>
<th>Standard</th>
<th>Private Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Width</td>
<td>30’</td>
</tr>
<tr>
<td>Roadway Pavement Width</td>
<td>18’</td>
</tr>
<tr>
<td>Grass Esplanade</td>
<td>N/A</td>
</tr>
<tr>
<td>Paved Sidewalk</td>
<td>N/A</td>
</tr>
<tr>
<td>Max. Dead End Road Length</td>
<td>675’</td>
</tr>
<tr>
<td>Min. Roadway Centerline Grade (1.0% preferred)</td>
<td>1.0%</td>
</tr>
<tr>
<td>Max. Roadway Centerline Grade</td>
<td>10%</td>
</tr>
<tr>
<td>Min. Centerline Radius (100’ Preferred)</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Tangent Length Between Curves of Reverse Alignment</td>
<td>0’</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Min. Angle of Street Intersections (90° Preferred)</td>
<td>75°</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on Same Side</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on Opposite Side</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Pavement Radii at Intersections</td>
<td>10’</td>
</tr>
<tr>
<td>Min. Pavement Crown</td>
<td>¼” per foot</td>
</tr>
<tr>
<td>Min. Slope of Gravel Shoulder</td>
<td>½” per foot</td>
</tr>
<tr>
<td>Min. K Factor, Crest Vertical Curve</td>
<td>15</td>
</tr>
<tr>
<td>Min. K Factor, Sag Vertical Curve</td>
<td>20</td>
</tr>
<tr>
<td>MPH Design Speed</td>
<td>25</td>
</tr>
<tr>
<td>Max. Grade within 75’ of Intersection</td>
<td>3%</td>
</tr>
<tr>
<td>Min. Property Line Radius at Intersection</td>
<td>0’</td>
</tr>
<tr>
<td>Dead End Turn Around</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**F)** The following design standards shall apply to the Contract Zone (Phase I and Phase 4 of the VGRMP) as follows:

1. The portion of public roadway along the existing Wyman Way right-of-way shall conform to the existing right-of-way dimensions and geometry, which shall include the ability of the roadway not to be centered within the existing right-of-way.

2. The drainage system for public and private roadways shall consist of closed drainage to the extent practicable; however, shallow under-drained swales may be used alongside roadways where no sidewalk is proposed. Where sidewalks are proposed, they shall be constructed with curb and access to the closed drain system through catch basin inlets, for example.

3. Parking and garage doors facing towards the public right-of-way are permissible provided the garages are architecturally designed to not be the principal element of the structure. Parking and garage doors facing towards private roads and private drives are permissible.

4. No minimum wooded buffer strip is required to be maintained along existing public streets as referenced in Section 7.9 of the Subdivision Ordinance.

5. Curbing at roadways to be either bituminous or slip form concrete.

6. A minimum 50’ buffer shall be maintained along the exterior of the VGRMP parcel (excluding Wyman Way right-of-way and the Phase 4 Property) and abutting residential development. The 50’ buffer shall not be required to adjacent land owned by the Town.
7. For the residential lots proposed to be built on the Phase 4 Property (Lots 2, 3, 4 and 5 as shown on Exhibit E) the following buffers shall be maintained:
   
   a. A 75 foot wide buffer between the project boundary line that abuts the Cumberland Common residential lots and the proposed new residential Lots 3 and 4 as shown on Exhibit E. Of the 75 foot wide buffer, 50 feet shall remain natural and undisturbed, and 25 feet shall be vegetated.
   
   b. A 40 foot wide setback along the boundary line of the Phase 4 Property that abuts the Town Civic Lot, behind proposed residential Lots 2 and 3, as shown on Exhibit E.

8. Upon completion of construction providing access to Phase 4 via Bradbury Way as shown on Exhibit E, no access to the VGRMP Property, including, but not limited to, the Phase 1 and Phase 4 Property, shall be permitted from Amanda’s Way. Current access from Amanda’s Way shall be discontinued and landscaping shall be installed along the Phase 4 property boundary to prevent future access to and from Amanda’s Way. The Developer shall add proposed landscaping features to the subdivision plan and submit to the Planning Board for review and approval.
EXHIBIT F
CHAPTER 4
RESIDENTIAL ENERGY EFFICIENCY

SECTION 401
GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.1 and 403 through 403.3 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2, and 404.1 (prescriptive); or
2. Section 403 (performance).

401.3 Certification. A permanent certificate shall be posted or in the electrical distribution panel. The certificate shall cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant $R$-values of insulation installed in or on ceilings, roof, walls, foundation (slab, basement wall, crawl space wall and/or floor) and ducts inside conditioned spaces. $U$-factors for fenestration and the solar heat gain coefficients (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiency of heating, cooling, and service water heating equipment. Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace," or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

SECTION 402
BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table 402.1.1 based on the climate zone specified in Chapter 3.

402.1.2 $R$-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheeting, shall be summed to compute the component $R$-value. The manufacturer's stated $R$-value shall be used for blown insulation. Computed $R$-values shall not include an $R$-value for other building materials or air films.

<table>
<thead>
<tr>
<th>TABLE 402.1.1</th>
<th>INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLIMATE ZONE</td>
<td>FENESTRATION $U$-FACTOR</td>
</tr>
<tr>
<td>1</td>
<td>0.75</td>
</tr>
<tr>
<td>2</td>
<td>0.65</td>
</tr>
<tr>
<td>3</td>
<td>0.50</td>
</tr>
<tr>
<td>4 except Maui</td>
<td>0.35</td>
</tr>
<tr>
<td>5 and Mauie</td>
<td>0.35</td>
</tr>
<tr>
<td>6</td>
<td>0.35</td>
</tr>
<tr>
<td>7 and 8</td>
<td>0.35</td>
</tr>
</tbody>
</table>

a. $R$-values are minimums. $U$-factors and SHGC are maximums. R-19 batts compressed to a nominal 2 x 6 framing cavity such that the $R$-value is reduced by 0.1 or more shall be marked with the compressed batt $R$-value in addition to the full thickness $R$-value.

b. The fenestration $U$-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "13+5" means R-13 cavity insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall. "13/17" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

d. R-5 shall also be added to the required slab edge $R$-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zones.

f. Basement wall insulation is not required in warm humid locations as defined in Figure 301.1 and Table 301.1.

g. Insulation sufficient to fill the framing cavity, R-10 minimums.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulated sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-5.

i. The second $R$-value applies when more than half the insulation is on the interior of the mass wall.

j. For impacted fenestration complying with Section R301.2.1.2 of the International Residential Code or Section 1608.1.3 of the International Building Code, the maximum $U$-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.
**TABLE 402.1.3**

<table>
<thead>
<tr>
<th>CLIMATE ZONE</th>
<th>FENESTRATION U-FACTOR</th>
<th>SKYLIGHT U-FACTOR</th>
<th>CEILING U-FACTOR</th>
<th>FRAME WALL U-FACTOR</th>
<th>MASS WALL U-FACTOR</th>
<th>FLOOR U-FACTOR</th>
<th>BASEMENT WALL U-FACTOR</th>
<th>CRAWL space WALL U-FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1.20</td>
<td>0.75</td>
<td>0.035</td>
<td>0.082</td>
<td>0.191</td>
<td>0.064</td>
<td>0.386</td>
<td>0.477</td>
</tr>
<tr>
<td>2</td>
<td>0.85</td>
<td>0.75</td>
<td>0.035</td>
<td>0.082</td>
<td>0.165</td>
<td>0.064</td>
<td>0.386</td>
<td>0.477</td>
</tr>
<tr>
<td>3</td>
<td>0.50</td>
<td>0.65</td>
<td>0.040</td>
<td>0.082</td>
<td>0.141</td>
<td>0.064</td>
<td>0.360</td>
<td>0.135</td>
</tr>
<tr>
<td>1 except Marine</td>
<td>0.25</td>
<td>0.60</td>
<td>0.030</td>
<td>0.082</td>
<td>0.141</td>
<td>0.047</td>
<td>0.355</td>
<td>0.065</td>
</tr>
<tr>
<td>5 and Marine 4</td>
<td>0.25</td>
<td>0.50</td>
<td>0.030</td>
<td>0.082</td>
<td>0.057</td>
<td>0.033</td>
<td>0.055</td>
<td>0.065</td>
</tr>
<tr>
<td>7 and 8</td>
<td>0.55</td>
<td>0.60</td>
<td>0.026</td>
<td>0.057</td>
<td>0.057</td>
<td>0.028</td>
<td>0.050</td>
<td>0.055</td>
</tr>
</tbody>
</table>

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

b. When more than half the insulation is on the exterior, the mass wall U-factors shall be a maximum of 0.17 in Zone 1, 0.14 in Zone 2, 0.12 in Zone 3, 0.10 in Zone 4 except Marine, and the same as the frame wall U-factors in Marine Zone 4 and Zones 5 through 8.

c. Basements wall U-factor of 0.500 in warm-humid locations as defined by Figure 301.1 and Table 301.1.

**402.1.3 U-factor alternative.** An assembly with a U-factor equal to or less than that specified in Table 402.1.3 shall be permitted as an alternative to the R-value in Table 402.1.1.

**402.1.4 Total UA alternative.** If the total building thermal envelope UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. The UA calculation shall be done using a method consistent with the ASHRAE Handbook of Fundamentals and shall include the thermal bridging effects of framing materials. The SHEC requirements shall be met in addition to UA compliance.

**402.2 Specific insulation requirements.**

**402.2.1 Ceilings with attic spaces.** When Section 402.1.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly, R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

**402.2.2 Ceilings without attic spaces.** Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46.5 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

**402.2.3 Access hatches and doors.** Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment that prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed. The purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

**402.2.4 Mass walls.** Mass walls for the purposes of this chapter shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid lumber/legs.

**402.2.5 Steel-frame ceilings, walls, and floors.** Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table 402.2.5 or shall meet the U-factor requirements in Table 402.1.3. The calculation of the U-factor for a steel frame envelope assembly shall use a series-parallel path calculation method.

*Exception:* In Climate Zones 1 and 2, the continuous insulation requirements in Table 402.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.
TABLE 402.2.5  
STEEL-FRAME CEILING, WALL AND FLOOR INSULATION  
(RVALUE)

<table>
<thead>
<tr>
<th>WOOD FRAME R-VALUE REQUIREMENT</th>
<th>COLD-FORMED STEEL EQUIVALENT R-VALUEb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steel Studs Collage 1</td>
<td>Steel Studs Collage 1</td>
</tr>
<tr>
<td>R-30</td>
<td>R-38 or R-30 + 3 or R-26 + 5</td>
</tr>
<tr>
<td>R-38</td>
<td>R-49 or R-38 + 3</td>
</tr>
<tr>
<td>R-49</td>
<td>R-38 + 5</td>
</tr>
<tr>
<td>R-30</td>
<td>R-38 in 2 x 4 or 2 x 6 or 2 x 8</td>
</tr>
<tr>
<td>R-38</td>
<td>R-49 in 2 x 4 or 2 x 6 or 2 x 8 or R-2 x 10</td>
</tr>
<tr>
<td>R-19</td>
<td>R-19 in 2 x 8 or 2 x 6 or 2 x 8 or R-19 + 8</td>
</tr>
<tr>
<td>R-13</td>
<td>R-19 + 8 or 2 x 8 or R-2 x 10</td>
</tr>
</tbody>
</table>

a. Cold insulation R-value is based first, followed by continuous insulation R-value.

b. Insulation exceeding the height of the framing shall cover the framing.

402.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor deck.

402.2.7 Basement walls. Walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet (3048 mm) below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections 402.1.1 and 402.2.6.

402.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches (305 mm) below grade shall be insulated in accordance with Table 402.1.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table 402.1.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the exterior wall and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the exterior wall. Slab edge insulation is not required in jurisdictions designated by the code official as having a very heavy termites infestation.

402.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished grade level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unventilated crawl space foundations shall be covered with a continuous Class 1 vapor retarder in accordance with the International Building Code. All joints of the vapor retarder shall overlap by 6 inches (153 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (153 mm) up the stem wall and shall be attached to the stem wall.

402.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

402.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation R-values shall be R-19 in Zones 1 through 4 and R-21 in Zones 5 through 8. The minimum wall R-value shall be R-13 in all zones. New wall(s) separating a sunroom from conditioned space shall meet the building thermal envelope requirements.

402.3 Fenestration. (Prescriptive)

402.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the U-factor requirements.

402.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

402.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per dwelling unit shall be permitted to be exempt from U-factor and SHGC requirements in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m²) in area is exempted from the U-factor requirement in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.3.5 Thermally isolated sunroom U-factor. For Zones 4 through 8, the maximum fenestration U-factor shall be 0.50 and the maximum daylight U-factor shall be 0.75. New windows and doors separating the sunroom from conditioned space shall meet the building thermal envelope requirements.

402.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including cash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table 402.1.1.

402.4 Air leakage (Mandatory).

402.4.1 Building thermal envelope. The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material:

1. All joints, seams and penetrations.
RESIDENTIAL ENERGY EFFICIENCY

2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
5. Dropped ceilings or chases adjacent to the thermal envelope.
7. Walls and ceilings separating a garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Attic access openings.
11. Rim joint installation.
12. Other sources of infiltration.

402.1.2 Air sealing and Insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section 402.2.1 or 402.2.2:

402.2.1 Testing option. Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven air changes per hour (ACH) when tested with a blower door at a pressure of 50 pascals (1 psf). Testing shall occur after rough-in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

During testing:
1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

402.2.2 Visual inspection option. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.2.2, applicable to the method of construction, are field verified. Where required by the code official, an approved party independent from the installer of the insulation shall inspect the air barrier and insulation.

402.3 Fireplaces. New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.

402.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot (1.3 L/s/m²), and swinging doors no more than 0.5 cfm per square foot (2.6 L/s/m²), when tested according to NFRC 400 or AAMA/WMV/CSA 101/13.2/A440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Exceptions: Site-built windows, skylights and doors.

402.4.5 Recessed lighting. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.94 L/s) of air movement from the conditioned space to the ceiling cavity.

All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

402.5 Maximum fenestration U factor and SHGC (Mandatory). The area-weighted average maximum fenestration U-factor permitted using trade-offs from Section 402.1.4 or 405 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through 8 for vertical fenestration, and 0.75 in Zones 4 through 8 for skylights. The area-weighted average maximum fenestration SHGC permitted using trade-offs from Section 405 in Zones 1 through 3 shall be 0.50.

SECTION 403 SYSTEMS

403.1 Controls (Mandatory). At least one thermostat shall be provided for each separate heating and cooling system.

403.1.1 Programmable thermostat. Where the primary heating system is a forced-air furnace, at least one thermostat per dwelling unit shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

403.1.2 Heat pump supplemental heat (Mandatory). Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

403.2 Ducts.

403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-8.

Exception: Ducts or portions thereof located completely inside the building thermal envelope.

403.2.2 Sealing (Mandatory). All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed.

2009 INTERNATIONAL ENERGY CONSERVATION CODE*
Joints and seams shall comply with Section M1601.4.1 of the International Residential Code.

Duct tightness shall be verified by either of the following:

1. Postconstruction test: Leakage to outdoors shall be less than or equal to 8 cfm (226.6 L/min) per 100 ft² (3.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (33.1 L/min) per 100 ft³ (0.036 m³) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer’s air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (169.9 L/min) per 100 ft² (3.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the roughed in system, including the manufacturer’s air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 2 cfm (55.6 L/min) per 100 ft² (3.29 m²) of conditioned floor area.

Exceptions: Duct tightness test is not required if the air handler and all ducts are located within conditioned space.

### TABLE 402.4.2

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air barrier and thermal barrier</td>
<td>Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material. Air-permeable insulation is outside of an air barrier.</td>
</tr>
<tr>
<td>Ceiling/Attic</td>
<td>Air barrier in any dropped ceiling/skylight is substantially aligned with insulation and any gaps are sealed. Attic access (except unvented attic), knee wall door, or drop down stair is sealed.</td>
</tr>
<tr>
<td>Walls</td>
<td>Corners and headers are insulated. Junction of foundation and sill plate is sealed.</td>
</tr>
<tr>
<td>Windows and doors</td>
<td>Space between windows/door jambs and framing is sealed.</td>
</tr>
<tr>
<td>Rim joints</td>
<td>Rim joints are insulated and include an air barrier.</td>
</tr>
<tr>
<td>Floors (including above-garage and cantilevered floors)</td>
<td>Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of insulation.</td>
</tr>
<tr>
<td>Crawlspace walls</td>
<td>Insulation is permanently attached to walls. Exposed earth in unventilated crawl spaces is covered with Class I vapor retarder with overlapping joints taped.</td>
</tr>
<tr>
<td>Shafts, penetrations</td>
<td>Duct shafts, utility penetrations, knee walls and flare shafts opening to exterior or unconditioned space are sealed.</td>
</tr>
<tr>
<td>Narrow cavities</td>
<td>Batts in narrow cavities are cut to fit. Narrow cavities are filled by sprayed/blown Insulation.</td>
</tr>
<tr>
<td>Garage separation</td>
<td>Air sealing is provided between the garage and conditioned spaces.</td>
</tr>
<tr>
<td>Recessed lighting</td>
<td>Recessed light fixtures are air tight, IC rated, and sealed to drywall. Exemption—fixtures in conditioned space.</td>
</tr>
<tr>
<td>Plumbing and wiring</td>
<td>Insulation is placed between outside and pipes. Batts insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.</td>
</tr>
<tr>
<td>Shower/tub on exterior wall</td>
<td>Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.</td>
</tr>
<tr>
<td>Electrical/phone box on exterior walls</td>
<td>Air barrier extends behind boxes or air sealed-type boxes are installed.</td>
</tr>
<tr>
<td>Common wall</td>
<td>Air barrier is installed in common wall between dwelling units.</td>
</tr>
<tr>
<td>HVAC register boots</td>
<td>HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.</td>
</tr>
<tr>
<td>Fireplace</td>
<td>Fireplace walls include an air barrier.</td>
</tr>
</tbody>
</table>

2009 INTERNATIONAL ENERGY CONSERVATION CODE®
403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts.

403.3 Mechanical system piping insulation (Mandatory). Mechanical system piping capable of carrying fluids above 105°F (41°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

403.4 Circulating hot water systems (Mandatory). All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot-water circulating pump when the system is not in use.

403.5 Mechanical ventilation (Mandatory). Outdoor air inlets and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

403.6 Equipment sizing (Mandatory). Heating and cooling equipment shall be sized in accordance with Section M1401.3 of the International Residential Code.

403.7 Systems serving multiple dwelling units (Mandatory). Systems serving multiple dwelling units shall comply with Sections 503 and 504 in lieu of Section 503.

403.8 Snow melt system controls (Mandatory). Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F, and no precipitation is falling and an automatic or manual control that will allow shut-off when the outdoor temperature is above 40°F.

403.9 Pools (Mandatory). Pools shall be provided with energy-conserving measures in accordance with Sections 403.9.1 through 403.9.3.

403.9.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LP gas shall not have continuously burning pilot lights.

403.9.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.

403.9.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.

SECTION 404
ELECTRICAL POWER AND LIGHTING SYSTEMS

404.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficiency lamps.

SECTION 405
SIMULATED PERFORMANCE ALTERNATIVE (Performance)

405.1 Scope. This section establishes criteria for compliance using simulated energy performance analysis. Such analysis shall include heating, cooling, and service water heating energy only.

405.2 Mandatory requirements. Compliance with this section requires that the mandatory provisions identified in Section 401.2 be met. All supply and return ducts not completely inside the building thermal envelope shall be insulated to a minimum of R-6.

405.3 Performance-based compliance. Compliance based on simulated energy performance requires that a proposed residence (proposed design) be shown to have an annual energy cost that is less than or equal to the annual energy cost of the standard reference design. Energy prices shall be taken from a source approved by the code official, such as the Department of Energy, Energy Information Administration's State Energy Price and Expenditure Report. Code officials shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of conditioned floor area shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

405.4 Documentation.

405.4.1 Compliance software tools. Documentation verifying that the methods and accuracy of the compliance software tools conform to the provisions of this section shall be provided to the code official.

405.4.2 Compliance report. Compliance software tools shall generate a report that documents that the proposed design complies with Section 405.3. The compliance documentation shall include the following information:

1. Address or other identification of the residence;
2. An inspection checklist documenting the building component characteristics of the proposed design as listed in Table 405.5.2(1). The inspection checklist shall show results for both the standard reference design and the proposed design, and shall document all inputs entered by the user necessary to reproduce the results;
3. Name of individual completing the compliance report; and
405.4.3 Additional documentation. The code official shall be permitted to require the following documents:

1. Documentation of the building component characteristics of the standard reference design.
2. A certification signed by the builder providing the building component characteristics of the proposed design as given in Table 405.5.2(1).
3. Documentation of the actual values used in the software calculations for the proposed design.

405.5 Calculation procedure.

405.5.1 General. Except as specified by this section, the standard reference design and proposed design shall be configured and analyzed using identical methods and techniques.

405.5.2 Residence specifications. The standard reference design and proposed design shall be configured and analyzed as specified by Table 405.5.2(1). Table 405.5.2(1) shall include by reference all notes contained in Table 402.1.1.

405.6 Calculation software tools.

405.6.1 Minimum capabilities. Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the standard reference design and the proposed design and shall include the following capabilities:

1. Computer generation of the standard reference design using only the input for the proposed design. The calculation procedure shall not allow the user to directly modify the building component characteristics of the standard reference design.
2. Calculation of whole-building (as a single zone) sizing for the heating and cooling equipment in the standard reference design residence in accordance with Section M1401.3 of the International Residential Code.
3. Calculations that account for the effects of indoor and outdoor temperatures and part-load ratios on the performance of heating, ventilating and air-conditioning equipment based on climate and equipment sizing.
4. Printed code official inspection checklist listing each of the proposed design component characteristics from Table 405.3.2(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g., R-value, U-factor, SHGC, HSPF, AFUE, SEER, EF, etc.).
## Table 406.8.2(1)

### Specifications for the Standard Reference and Proposed Designs

<table>
<thead>
<tr>
<th>Building Component</th>
<th>Standard Reference Design</th>
<th>Proposed Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-grade walls</td>
<td>Type: mass wall if proposed wall is mass; otherwise wood frame.</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Gross area: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: from Table 402.1.3</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Solar absorptance = 0.75</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Emittance = 0.90</td>
<td>As proposed</td>
</tr>
<tr>
<td>Basement and crawl space walls</td>
<td>Type: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Gross area: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: from Table 402.1.3, with insulation layer on interior side of walls</td>
<td>As proposed</td>
</tr>
<tr>
<td>Above-grade floors</td>
<td>Type: wood frame</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Gross area: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: from Table 402.1.3</td>
<td>As proposed</td>
</tr>
<tr>
<td>Ceilings</td>
<td>Type: wood frame</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Gross area: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: from Table 402.1.3</td>
<td>As proposed</td>
</tr>
<tr>
<td>Roofs</td>
<td>Type: composition shingle on wood sheathing</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Gross area: same as proposed</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Solar absorptance = 0.75</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Emittance = 0.90</td>
<td>As proposed</td>
</tr>
<tr>
<td>Attics</td>
<td>Type: vented with aperture = 1 ft² per 300 ft² ceiling area</td>
<td>As proposed</td>
</tr>
<tr>
<td>Foundations</td>
<td>Type: same as proposed foundation wall area above and below grade and soil characteristics: same as proposed.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Doors</td>
<td>Area: 40 ft²</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Orientation: North</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: same as fenestration from Table 402.1.3.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Glazing*</td>
<td>Total area = (a) The proposed glazing area, where proposed glazing area is less than 15% of the conditioned floor area</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>(b) 15% of the conditioned floor area; when the proposed glazing area is 15% or more of the conditioned floor area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orientation: equally distributed to four cardinal compass orientations [N, E, S &amp; W];</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>U-factor: from Table 402.1.3</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>SHGC: From Table 402.1.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.</td>
<td>As proposed</td>
</tr>
<tr>
<td></td>
<td>Same as standard reference design</td>
<td>Same as standard reference design</td>
</tr>
<tr>
<td>Skylights</td>
<td>None</td>
<td>As proposed</td>
</tr>
<tr>
<td>Thermally isolated sunrooms</td>
<td>None</td>
<td>As proposed</td>
</tr>
</tbody>
</table>

(continued)
### Table 405.5.2(1)—continued

<table>
<thead>
<tr>
<th>Building Component</th>
<th>Standard Reference Design</th>
<th>Proposed Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air exchange rate</td>
<td>Specific leakage area (SLA)° = 0.00126 assuming no energy recovery.</td>
<td>For residences that are not tested, the same as the standard reference design. For residences without mechanical ventilation that are tested in accordance with ASHRAE 110, Section 5.1, the measured air exchange rate° but not less than 0.35 ACH. For residences with mechanical ventilation that are tested in accordance with ASHRAE 110, Section 5.1, the measured air exchange rate° combined with the mechanical ventilation rate. (which shall not be less than 0.01 × CFA + 7.5 × (N, +1)) where: CFA = conditioned floor area N, = number of bedrooms.</td>
</tr>
<tr>
<td>Mechanical ventilation</td>
<td>None, except where mechanical ventilation is specified by the proposed design, in which case: Annual vent fan energy use: kWh/year = 0.0394° × CFA + 29.565 × (N, +1) where: CFA = conditioned floor area N, = number of bedrooms.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Internal gains</td>
<td>IGain = 17.900 × 21.3 × CFA + 4104 × N,</td>
<td>Same as standard reference design.</td>
</tr>
<tr>
<td>Internal mass</td>
<td>An internal mass for furniture and contents of 8 pounds per square foot of floor area.</td>
<td>Same as standard reference design, plus any additional mass specifically designed as a thermal storage element but not integral to the building envelope or structure.</td>
</tr>
<tr>
<td>Structural mass</td>
<td>For masonry floor slabs, 80% of floor area covered by R-2 carpet and pad, and 20% of floor directly exposed to room air. For masonry basement walls, as proposed, but with insulation required by Table 402.1.3 located on the interior side of the walls. For other walls, for ceilings, floors, and interior walls, wood frame construction.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Heating systems§</td>
<td>As proposed Capacity: sized in accordance with Section M.1401.3 of the International Residential Code.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Cooling systems§.¹</td>
<td>As proposed Capacity: sized in accordance with Section M.1401.3 of the International Residential Code.</td>
<td>As proposed</td>
</tr>
<tr>
<td>Service H₂O heating§.¹</td>
<td>As proposed Using: same as proposed design</td>
<td>As proposed gal/day = 30 + (10 × N,).</td>
</tr>
<tr>
<td>Thermal distribution systems</td>
<td>A thermal distribution system efficiency (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies for all systems other than tested duct systems. Duct insulation: From Section 403.2.1. For tested duct systems, where the leakage rate shall be the applicable maximum rate from Section 403.2.2.</td>
<td>As tested or as specified in Table 405.5.2(2) if not tested</td>
</tr>
<tr>
<td>Thermostat</td>
<td>Type: Manual, cooling temperature setpoint = 75°F; heating temperature setpoint = 72°F.</td>
<td>Same as standard reference.</td>
</tr>
</tbody>
</table>

(continued)
RESIDENTIAL ENERGY EFFICIENCY

TABLE 405.5.2(1)—continued

For SI: 1 square foot = 0.093 m²; 1 British thermal unit (Btu) = 1055 J; 1 pound per square foot = 48.8 Pa; 1 gallon (U.S.) = 3.785 L; °C = (°F−32)/18

a. Glazing shall be defined as sunlight-transmitting fenestration, including the area of sash, fixed glass, or framing elements, that enclose conditioned space. Glazing includes the area of sunlight-transmitting fenestration assembled in walls bounding conditioned basements. For doors where the sunlight-transmitting opening is less than 50% of the door area, the glazing area is the sunlight-transmitting opening area. For all other doors, the glazing area is the rough frame opening area for the door including the door and the frame.

b. For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine glazing area:

\[ \text{AF} = A_x \times F \]

where:

\[ \text{AF} = \text{Total glazing area} \]

\[ A_x = \text{Standard reference design total glazing area} \]

\[ F = (\text{Above-grade thermal boundary wall area} + 0.5 \times \text{Below-grade boundary wall area}) \]

and:

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.

Below-grade boundary wall is any thermal boundary wall in soil contact.

Common wall area in the area of walls shared with an adjoining dwelling unit.

c. For fenestration facing within 15 degrees of true south that are directly exposed to thermal storage mass, the winter interior shading fraction shall be permitted to be increased to 0.95 in the proposed design.

d. Where leakage area \((J)\) is defined in accordance with Section 5.1 of ASHRAE 115 and where:

\[ \text{SLA} = \text{UCFA} \]

where \(L\) and \(C\) are in the same units.

e. Tested envelope leakage shall be determined and documented by an independent party approved by the code official. Hourly calculations as specified in the 2001 ASHRAE Handbook of Fundamentals, Chapter 20, page 20.21, Equation 10 (Sherman Cusick model) or the equivalent shall be used to determine the energy loads resulting from infiltration.


g. Thermal storage elements shall mean components not part of the floors, walls or ceilings that are part of a passive solar system, and that provide thermal storage such as accreted water columns, rock beds, or phase change containers. A thermal storage element shall be in the same room as fenestration that faces within 15 degrees of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.

h. For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loadings as calculated by accepted engineering practice for each equipment and fuel type present.

i. For a proposed design without a proposed plumbing system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design.

j. For electric heating systems, the prevailing federal minimum efficiency air-source heat pumps shall be used for the standard reference design.

k. For a proposed design where a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design.

l. For a proposed design with a storage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum energy factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.

TABLE 405.5.2(2)

DEFAULT DISTRIBUTION SYSTEM EFFICIENCIES FOR PROPOSED DESIGNS

<table>
<thead>
<tr>
<th>DISTRIBUTION SYSTEM CONFIGURATION AND CONDITION</th>
<th>FORCED AIR SYSTEMS</th>
<th>HYDRONIC SYSTEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution system components located in unconditioned space</td>
<td>—</td>
<td>0.65</td>
</tr>
<tr>
<td>Untested distribution systems entirely located in conditioned space</td>
<td>0.88</td>
<td>1</td>
</tr>
<tr>
<td>&quot;Ductless&quot; systems</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

For SI: 1 cubic foot per minute = 0.047 L/s; 1 square foot = 0.093 m²; 1 pound per square inch = 686 Pa; 1 inch water gauge = 1295 Pa.

a. Default values given by the table are for untested distribution systems. All shall be determined by the designer.

b. Hydronic systems shall mean those systems that distribute heating and cooling energy directly to individual spaces using liquids pumped through closed loop piping and that do not depend on ducts, forced air flow to maintain space temperatures.

c. Entire system in conditioned space shall mean that no component of the distribution system, including the air handler unit, is located outside of the conditioned space.

d. Ductless systems shall be allowed to have forced air flow across a cell but shall not have any ducts and/or access to the manufacturer's air handler enclosure.

2006 INTERNATIONAL ENERGY CONSERVATION CODE

26
EXHIBIT F-1

Street lighting in Phase 1 shall utilize current energy-saving lighting equipment and technologies for street lighting, including LED cut-offs on all Town roads, private roads and common parking areas.
ITEM 17-062

To consider and act on amendments to Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee
To: Town Council  
From: William R. Shane, Town Manager  
Date: April 20, 2017  
Re: No Parking BCR

The Cumberland Code Chapter 282 Vehicles & Traffic, requires the Town Council to approve the prohibition of parking on certain streets (282-14).

Now that the parking lot at Broad Cove in complete and ready for parking, I am recommending we implement the plan approved by the Planning Board for no parking along Beach Drive except for two handicap spaces designated near the turnaround / drop off area. I further recommend drop off times be restricted to no more than 15 minutes before a violation citation is issued.

The Council action on this item will enable the Police Department to issue parking tickets of $25 and up to $50 per ordinance for this road. The present plan is to implement a warning system until Memorial Day and then violations and fines will be issued beginning May 30th.
Notice of Decision

Date: July 22, 2015

To: William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021


This is to advise you that on July 21, 2015 the Planning Board voted to grant §229 - Site Plan Approval and §226-17 - Shoreland Zoning approval for the Municipal Use for Broad Cove Reserve Parking and Access Plan at 179 Foreside Road. A portion of Tax Assessor Map R01, Lot 2 in the Low Density Residential (LDR) Limited Residential (LR). This approval is subject to the waivers granted; Expiration of Approval; Standard Condition of Approval and the six (6) conditions of approval.

Findings of Fact: See Enclosed:
Waivers granted: 1. Hydrogeologic Evaluation
Waivers Denied: None

Expiration of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period of any and all federal and state approvals and permits are current.

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. A preconstruction conference shall be held prior to the start of construction.
2. All clearing limits are to be staked and inspected by the Town Engineer prior to the preconstruction conference.
3. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
4. Bicycles and similar vehicles are prohibited from the 5' wide reclaim trails.
5. The gate at the turnaround to be locked when the Reserve is closed.
6. The Chebeague Cumberland Land Trust must approve the project as approved by the Planning Board.

Cumberland Planning Board

[Signature]
Christopher S. Neagle, Board Chair

Findings of Fact – Site Plan Review

Sec. 229-10 Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The proposed development plan seeks to minimize impacts to the natural features of the site. Appropriate utilization of the site is evidenced in the following ways:

1. The existing bath house will be relocated out of the Resource Protection District.
2. There will be no new buildings or structures constructed on the site.
3. The proposed parking lot is located close to the entrance to the site in a wooded area. The existing vegetation will shield the parking area from sight. If the parking lot were to be placed closer to the shore, it would have an adverse impact on scenic views. Existing trees will shield the view of the parking lot from Route 88.
4. Vehicular traffic along Beach Road will be minimized due to the location of the parking area and restricted access (attendant and gate) to the shore; 
5. The park is designed for passive recreational use only so no new facilities will be required; except for new portable toilets in the bathhouse. 
6. The site has been found to have historical and archeological significance. An archeological investigation is on-going and the location of this area will be restricted from development. 
7. A wetlands survey was conducted and with the exception of a small area (2,350 sf) adjacent to the proposed parking lot, there will be no disturbance of wetlands on the site; 
8. Hours of operation are limited to dawn to dusk; 
9. There will be no lighting; 
10. No utility lines will be brought into the site; 
11. There will be no sewer or subsurface waste disposal system on site; two portable toilets will be placed in the existing bath house structure; 
12. Road and parking surfaces will be more water permeable than asphalt. 
13. Proposed stormwater improvements will protect the environmentally sensitive coastal land and waters. 
14. Wetlands boundary information was obtained from a survey performed by Albert Frick Associates, Inc., Environmental Consultants. 2,350 sf of wetlands will be impacted by the project. No vernal pools were found on site. 
15. The location of the proposed parking areas and the relocated bath house are within Zone C-Area of Minimal Flooding. 
16. It is anticipated that members of the public will utilize this site.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the findings of fact as amended for §A. Utilization of Site. 
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

B. Traffic, Circulation and Parking

(1) Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

(a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible. The combined entrance and exit drive for the parking lot has a sight distance of 175' to the east, and a much greater distance when looking to the west. Based on the MDOT standards of 10' of sight distance for every mile per hour of the posted speed limit (which will be 15 mph), this standard has been met.

(b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. Directional signage is proposed and adequate sight distances are shown.

(c) The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection. This standard has been met.
(d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated. This standard has been met as shown by the Traffic Assessment in Attachment B to the application.

(e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site. N/A

(f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets. No turning lanes are necessary due to the low traffic volume expected. There are directional signs shown on the plan.

(g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street. The accessway to the parking lot from Beach Drive is 80’ long which is sufficient to avoid queuing on Beach Drive. Should the parking lot be full, a sign will be posted and the drivers will circle through the lot and exit back onto Beach Drive.

(h) The following criteria must be used to limit the number of driveways serving a proposed project:
No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet. Only 1 combined exit/entrance drive is proposed for the parking lot; it is 24’ wide.

(2) Accessway Location and Spacing

Accessways must meet the following standards:
   a. Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard. N/A

   b. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible. N/A

(3) Internal Vehicular Circulation
The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

a. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

d. All roadways must be designed to harmonize with the topographic and natural features of the site so far as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

Beach Drive will have a 20' wide reclaim asphalt surface with 2' shoulders on each side. Safe pedestrian circulation is provided via 5' wide walking trails that are separate from the roadway. Bicycles will be prohibited from walking trails.

Parking Layout and Design

Off street parking must conform to the following standards:

a. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

b. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

c. Parking stalls and aisle layout must conform to the following standards.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Skew Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>9'-0&quot;</td>
<td>10'-6&quot;</td>
<td>18'-0&quot;</td>
<td>24'-0&quot; 2-way</td>
</tr>
<tr>
<td>60°</td>
<td>8'-6&quot;</td>
<td>12'-9&quot;</td>
<td>17'-6&quot;</td>
<td>16'-0&quot; 1-way</td>
</tr>
<tr>
<td>45°</td>
<td>8'-6&quot;</td>
<td>17'-0&quot;</td>
<td>17'-0&quot;</td>
<td>12'-0&quot; 1-way</td>
</tr>
<tr>
<td>30°</td>
<td>8'-6&quot;</td>
<td>17'-0&quot;</td>
<td>12'-0&quot;</td>
<td>12'-0&quot; 1-way</td>
</tr>
</tbody>
</table>

d. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

e. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
f. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The driveway and parking areas were located and designed to provide safe circulation to the site while minimizing impacts to the surrounding land. Existing grades and vegetation will be maintained to the extent practicable. The above standards have been met.

(5) Building and Parking Placement

The site is constrained by a conservation easement which dictates the location of roads, parking and buildings. There are also topographical restraints that limit locations where the parking lot and the four mobility-challenged parking spaces may be placed. The proposed parking lot will be located in an area that is secluded and buffered by existing vegetation. Building and parking placement are located in appropriate areas.

(6) Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site. Safe pedestrian circulation is provided via 5' wide walking trails that are separated from the roadway.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the findings of fact as amended for §B. Traffic, Circulation and Parking.
Ms. Maloney-Kelley seconded. Vote: Unanimous 5-0

C. Stormwater Management and Erosion Control

(1) Stormwater Management. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

(a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
(d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The stormwater runoff from the project within the shoreland zone is designed to mitigate existing erosion along the gravel access drive and to minimize any increase in stormwater runoff when compared to pre-developed conditions. The project will not increase impervious area and proposes to spread runoff from the access road through a level spreader as shown on the drawings. The Town Engineer has reviewed the stormwater management plan and after recommended changes were made by the applicant, approved the plan.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the findings of fact as written for §C.1 Stormwater Management
Ms. Maloney-Kelley seconded. Vote: Unanimous 5-0

2. Erosion Control
   (a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

   (b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

Slope and wetland impacts were limited. Erosion control measures in conformance with the Maine Erosion and Sediment Control manual will be applied during construction.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the findings of fact as written for §C.2. Erosion Control.
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0
D. Water, Sewer and Fire Protection

The development must be provided with a system of water supply that provides each use
with an adequate supply of water. If the project is to be served by a public water supply,
the applicant must secure and submit a written statement from the supplier that the
proposed water supply system conforms with its design and construction standards, will
not result in an undue burden on the source of distribution system, and will be installed in
a manner adequate to provide needed domestic and fire protection flows.

There is no need for a water supply. There will be a fire hydrant located on Beach Drive
near the hammer-head turn-a-round.

(2) Sewage Disposal Provisions
The development must be provided with a method of disposing of sewage which is in
compliance with the State Plumbing Code. If provisions are proposed for on-site waste
disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

The relocated “bath house” will have two stalls in which portable toilets will be placed.
All disposal of sewage waste will be in accordance with State law, and plans will be
reviewed and permits will be issued by the Local Plumbing Inspector (LPI) in
accordance with those laws.

(3) Utilities
The development must be provided with electrical, telephone, and telecommunication service
adequate to meet the anticipated use of the project. New utility lines and facilities must be
screened from view to the extent feasible. If the service in the street or on adjoining lots is
underground, the new service must be placed underground.

No utilities are required for this passive recreation area therefor none will be installed
as part of this project. There is public water along Beach Road that has been installed
by the developer of Spears Hill Subdivision. This water connects to a fire hydrant
where the hammer-head and gate are located.

1. Fire Protection

The plans have been reviewed and approved by the Fire Chief. There is a hydrant
connected to public water located at the hammerhead turnaround near the gate on
Beach Drive.

Based on the above facts, the Planning Board finds the standards of this section
have been met.

Mr. Sherr moved to adopt the findings of fact as amended for §D. Water, Sewer and Fire
Protection.
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

E. Water Protection
(1) **Groundwater Protection.** The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

There will be no groundwater or hazardous materials discharged as a result of this project. The property is not located within an area designated as an aquifer protection area. There will be no on-site water supply or sewage disposal systems.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

Mr. Sherr moved to adopt the findings of fact as written for §E. (1) Water Protection.

Ms. Maloney-Kelley seconded.

VOTE: UNANIMOUS 5-0

(2) **Water Quality**

All aspects of the project must be designed so that:

a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall’s Office.

No substances described above will be stored or discharged in a way that could contaminate surface or groundwater.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

Mr. Sherr moved to adopt the findings of fact as written for §E. (2) Water Quality.

Ms. Maloney-Kelley seconded.

VOTE: Unanimous 5-0

(3) **Aquifer Protection (if applicable)**

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

The parcel is not located in the Aquifer Protection Area.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

Mr. Sherr moved to adopt the findings of fact as written for §E. (3) Aquifer Protection.

Ms. Maloney-Kelley seconded.

VOTE: Unanimous 5-0
F. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The parcel is shown on Federal Floodplain map number 230162 0018C. The location of the proposed parking areas and the relocated bath house are within Zone C-Areas of Minimal Flooding. There are V3 and V2 areas shown along the shorefront, but there is no construction proposed in this area.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the finding of fact as amended for §F. Floodplain Management.
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

G. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The entire “Payson Property” site was reviewed by the Maine Historic Preservation Commission (MHPC). A copy of the review letter from the MHPC is included in Attachment E to the application. The applicant has described a significant archaeological resource in the general area of the bath house which will not be disturbed by the development.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the finding of fact as amended for §G. Historic and Archaeological Resources.
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

H. Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

No exterior lighting is proposed.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the finding of fact as written for §E. Exterior Lighting.
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0
I. Buffering and Landscaping

(1) Buffering of Adjacent Uses
The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

(2) Landscaping:
There are no proposed changes to the landscaping plan due to the minimal change in the amount of pavement.

Clearing of the property for the parking lot and other improvements will be kept to a minimum while still allowing adequate room to safely construct the components of the project. The existing forested and vegetated land outside of the cleared area will be undisturbed to allow natural buffering to effectively screen the parking lot. No new landscaping is proposed.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the finding of fact as amended for §I. Buffering and Landscaping.
Ms. Maloney-Kelley seconded.

VOTE: Unanimous 5-0

J. Noise
The development must control noise levels such that it will not create a nuisance for neighboring properties.

There is no exterior equipment or operations proposed that will result in noise. Park hours will be limited to dawn to dusk.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Sherr moved to adopt the finding of fact as written for §J. Noise.
Ms. Maloney-Kelley seconded.

VOTE: Unanimous 5-0

K. Storage of Materials
.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no external storage of material. There will be no dumpster or trash receptacles on site. Visitors will be required to carry out their trash when leaving.

**Based on the above facts, the Planning Board finds the standards of this section have been met.**

*Mr. Sherr moved to adopt the finding of fact as written for §K. Storage of Materials.*
*Ms. Maloney-Kelley seconded.*

**VOTE:** Unanimous - 5-0

**L. Capacity of the Applicant**

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**Technical Capacity:** The applicant has retained the services of a professional engineer, wetlands analyst and land surveyor.

**Financial Capacity:** Project improvements will be funded by Town Council approved Reserve Funds. In addition, a grant to assist with the cost of pier improvements (or replacement) has been granted to the Town. The Shore and Harbor Planning Grant was awarded by the State of Maine Department of Agriculture, Conservation and Forestry, Maine Coastal Program.

**Based on the above facts, the Planning Board finds the standards of this section have been met.**

*Mr. Sherr moved to adopt the finding of fact as amended for §L. Capacity of the Applicant.*
*Ms. Maloney-Kelley seconded.*

**VOTE:** Unanimous 5-0

**CHAPTER 226 – SHORELAND ZONING**

A portion of the project will occur within the 250’ Shoreland Zone setback from the shoreline of the ocean. The following details how the project will comply with the relevant requirements of this zone.

**SS 226-17: Resource Protection District**

The Town proposes to remove the existing bath house in the Resource Protection District (RPD) and relocate it outside of the Resource Protection District adjacent to an existing gravel turn-a-round. No other development is proposed in the Resource Protection District.

**SS 226-18: Limited Residential District (LRD)**

The turn-a-round will be paved with reclaim asphalt. This work will include the installation of appropriate erosion control measures and access for equipment to relocate the structure. All work will be done in accordance with the Maine DEP Erosion Control BMP manual.
The work within the LRD includes resurfacing a section of the existing gravel drive with reclaimed asphalt, and construction of a level spreader to distribute stormwater runoff that concentrates along the access drive over a larger area. Regular mowing of the proposed Public Access Walking Trails and four accessible parking spaces will occur in the shoreland zone, but has been minimized to include just 8’ wide grass paths. There is no additional clearing or cutting of trees proposed within the Shoreland Zone.

SS 226-23: Minimum Lot Standards

The project will comply with the required lot standards because it is 11.8 acres as shown on Drawing C-101.

SS 226-29: Parking Areas

The project will include the creation of a 64 foot wide accessible parking area within the shoreland zone. The spaces will be maintained by the Town and signed and enforced as parking only for residents that are mobility-challenged. The spaces will be located greater than 100 feet from the ocean shoreline. There are no other parking spaces proposed within the shoreland zone.

SS 226-30: Roads and Driveways:

The existing gravel access drive will be resurfaced with reclaim asphalt pavement. This access drive will not be heavily used as it is to provide access for emergency vehicles and mobility-challenged individuals only. Access will be controlled by the Town through the gate located at the end of Beach Drive and shown on the drawings. The existing road is greater than 75’ from the shoreline as required by this section.

SS 226-32: Stormwater Runoff

The stormwater runoff from the project within the shoreland zone is designed to mitigate existing erosion along the gravel access drive and to minimize any increase in stormwater runoff when compared to pre-developed conditions. The project will not increase impervious area and proposes to spread runoff from the access road through a level lip spreader as shown on the drawings.

Based on the above facts, the Planning Board finds the standards of this section have been met.


Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

Expiration of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The
Planning Board may grant up to two one-year extensions to the period of any and all federal and state approvals and permits are current.

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. A preconstruction conference shall be held prior to the start of construction.
2. All clearing limits are to be staked and inspected by the Town Engineer prior to the preconstruction conference.
3. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
4. Bicycles and similar vehicles are prohibited from the 5’ wide reclaim trails.
5. The gate at the hammerhead at the end of Beach Drive shall be locked when the Reserve is closed.
6. The Chebeague Cumberland Land Trust must approve the project as approved by the Planning Board.
Thank you for submitting the revised Broad Cove Reserve parking proposal to the Chebeague & Cumberland Land Trust Board of Directors on June 10, 2016. The CCLT approved the original Broad Cove Reserve parking plan with conditions on August 19, 2015. The revised plan addresses CCLT’s conditions and consists of a Site Overview Plan (C-101) and Parking Lot Site Plan (C-102), aerial maps and a report from James Logan, a certified wetlands scientist from Longview Partners LLC, regarding the results of the potential vernal pool investigation during April and May 2016.

The changes in the plan consist of the following: the lot will accommodate no more than 33 cars, the row of 10 parking spaces nearest Route 88 has been relocated to the southern side of the lot and evergreen trees are to be planted on the Route 88 side of the lot. James Logan, a certified wetland scientist from Longview Partners LLC, determined that there were no vernal pool indicator species present near the proposed parking site. Numerous inspections by CCLT stewards and a site visit by vernal pool scientist and specialist, Kevin Ryan of FB Environmental, confirmed this finding. The investigations showed that the hydrology of the depression area was extremely short (dry by May 128) and a very shallow. Permitting and regulation by ME DEP is not required.

After reviewing the revised plan and additional information, the CCLT Board approved the proposal for the revised Broad Cove Reserve parking lot as submitted by the Town of Cumberland on June 10, 2016 with the following conditions:

1) The parking area be limited to 33 spaces as proposed in the revised plan of June 2016.
2) The clearing limits be minimized to the extent possible while still providing for adequate storm water control.
3) If CCLT finds after construction that the scenic view from Route 88 is impacted, additional plantings may be required.
4) The parking area is flagged and CCLT is notified prior to construction for a site visit.
5) Best management practices for soil erosion and control are used in the construction and ongoing maintenance of the parking area. In addition, a low amount of sand and salt be used for winter maintenance.

Please let us know if there are any additional items for consideration.

Sincerely,

[Signature]
Penny Asherman
President of the Board
ITEM 17-063

To appoint a member to the Planning Board and the Conservation Subdivision Committee

No materials
ITEM
17-064

To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook
TOWN OF CUMBERLAND

Mass Gathering Application-Minor Large Outdoor Event
(500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.00.

Name of Applicant: Cumberland North Yarmouth Youth Lacrosse
Address of Applicant: Jonathan Becker
Name of Event: Cumberland Round Robin
Facility where the event will be held: Twin Brook
Is the facility owned by the applicant: yes; X no, (if no, attach a copy of the contract with The owner which allows use of property)
Name of promoter (if different from above): 
Telephone number: 207-347-9476
Date of Event: May 13th Time (start and finish times): 8-6PM
Number of tickets available: 
Expected attendance: 500
Description of event: Grades 3-6 Girls Round Robin play. various Maine programs will be playing.
Will any food vendors be serving at the event: yes, X no, (if yes, how many, and what types) Snack Bar will be open hosted by the Greely Girls lacrosse Boosters
Will any alcohol vendors be serving at the event? yes, X no (if yes, list name and attach A copy of the vendors license to sell alcohol, describe what alcohol will be served)
Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Cumberland Jamboree - Boys round robin play June of 2016 Twin Brook
2. Cumberland round Robin - Girls May of 2016 Twin Brook
3. Cumberland Jamboree - Boys Round Robin play June 2015 Twin Brook

Description of facility:

A. Seating capacity: ____ permanent; x ____ temporary
B. Other seating capacity: ____ festival; ____ x ____ standing room only (sq. ft.)
C. Number of toilets available: ____ permanent; ____ 2 ____ portable
D. Number of parking spaces available: ____ 250 ____ on-site; ____ off-site
E. Are all parking lots lighted (applicable only if event runs into evening hours: ____ yes; ____ x no, if no, which lots are not lighted:
F. Source of potable water: At shed
G. Refuse containers available, number and size: ____ various spots on the premises
H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse): N/A
I. When will refuse be picked up? N/A

Public Safety:

J. Describe first aid facilities: onsite Paramedics
K. Describe emergency facilities: N/A
L. Describe communication facilities: N/A
M. Number of certified police officers: 1 Cumberland Police
N. Other security personnel (include company name and qualification): N/A
O. Describe fire personnel: N/A
Other:

P. Name of liability insurance: Markel
   Amount of coverage: $2mm; amount of property insurance: $0

Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)

Jonathan Becker
Authorized Signature

On 3-27-2017 (date), I received a copy of the Cumberland Mass Gathering Ordinance.

Jonathan Becker
Authorized Signature
I certify that the team, league, or event on whose behalf I am requesting this certificate mandates 100% membership in US Lacrosse. In addition, I have verified our team’s or league’s events roster and all participants are currently registered members of US Lacrosse. I certify that this is true and I understand that liability coverage is only extended to our team, league, or event if all participants are current members of US Lacrosse. Further, I acknowledge by clicking on this box that event liability claims may be denied for coverage if our team/league/event is not 100% registered with US Lacrosse.

Name: Jonathan Becker
Organization: Cumberland/North Yarmouth Youth Lacrosse/ Maine Youth Lacrosse/Maine Chapter
Date: 03/27/2017
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BOLLINGER, Inc.
150 JFK PARKWAY, 4TH FLOOR
PO BOX 399
SHORT HILLS, NJ 07078
PHONE: 1-800-446-5311 FAX: 973-921-2876

INSURED
US Lacrosse, Inc.
2 Lovejoy Circle
Sparks, MD 21152
Re: Cumberland North Yarmouth Youth Lacrosse/ Maine Youth
Lacrosse Maine Chapter

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>INSR LTR</th>
<th>TYPE OF INSURANCE</th>
<th>ADDL NBR</th>
<th>SUB #</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X CLAIMSMADE</td>
<td>X</td>
<td></td>
<td>8502AH221369</td>
<td>01/01/2017</td>
<td>01/01/2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X AGGREGATE LIMIT APPLIES PER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X UMBRELLA LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>EXCESS LIABILITY</td>
<td>X</td>
<td></td>
<td>4002AH221370</td>
<td>01/01/2017</td>
<td>01/01/2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Cumberland North Yarmouth Youth Lacrosse
66 Schooner Ridge
Cumberland Foreside, ME 04110

© 1988-2010 ACORD CORPORATION. All rights reserved.
ITEM 17-065

To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.
Mass Gathering Application-Minor Large Outdoor Event
(500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.00.

Name of Applicant: Cumberland North Yarmouth Youth Lacrosse

Address of Applicant: Jonathan Becker

Name of Event: Cumberland Jamboree

Facility where the event will be held: Twin Brook

Is the facility owned by the applicant: yes; no, (if no, attach a copy of the contract with The owner which allows use of property)

Name of promoter (if different from above):

Telephone number: 207-347-9476

Date of Event: May 13th Time (start and finish times): 8-6PM

Number of tickets available:

Expected attendance: 500

Description of event: Grades 3-6 Boys Round Robin play. various Maine programs will be playing.

Will any food vendors be serving at the event: yes, no, (if yes, how many, and what types)

Snack Bar will be open hosted by the Greely Boys lacrosse Boosters

Will any alcohol vendors be serving at the event: yes, no (if yes, list name and attach A copy of the vendors license to sell alcohol, describe what alcohol will be served)
Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Cumberland Jamboree - Boys Round Robin play June of 2016 Twin Brook
2. Cumberland Round Robin - Girls May of 2016 Twin Brook
3. Cumberland Jamboree - Boys Round Robin play June 2015 Twin Brook

Description of facility:

A. Seating capacity: permanent; temporary

B. Other seating capacity: festival; standing room only (sq. ft.)

C. Number of toilets available: permanent; portable

D. Number of parking spaces available: on-site; off-site

E. Are all parking lots lighted (applicable only if event runs into evening hours): yes; no, if no, which lots are not lighted

F. Source of potable water: At shed

G. Refuse containers available, number and size: various spots on the premises

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) N/A

I. When will refuse be picked up? N/A

Public Safety:

J. Describe first aid facilities: onsite Paramedics

K. Describe emergency facilities: n/a

L. Describe communication facilities: n/a

M. Number of certified police officers: Cumberland Police

N. Other security personnel (include company name and qualification): n/a

O. Describe fire personnel: n/a
Other:

P. Name of liability insurance: Markel
   Amount of coverage: $2mm; amount of property insurance: $0

Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)

   ________________________________
   Jonathan Becker
   Authorized Signature

On 3-27-2017 (date), I received a copy of the Cumberland Mass Gathering Ordinance.

   ________________________________
   Jonathan Becker
   Authorized Signature
I certify that the team, league, or event on whose behalf I am requesting this certificate mandates 100% membership in US Lacrosse. In addition, I have verified our team's or league's events roster and all participants are currently registered members of US Lacrosse. I certify that this is true and I understand that liability coverage is only extended to our team, league, or event if all participants are current members of US Lacrosse. Further, I acknowledge by clicking on this box that event liability claims may be denied for coverage if our team/league/event is not 100% registered with US Lacrosse.

Name: Jonathan Becker
Organization: Cumberland/North Yarmouth Youth Lacrosse/ Maine Youth Lacrosse/Maine Chapter
Date: 03/27/2017
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BOLLINGER, Inc.
150 JFK PARKWAY, 4TH FLOOR
PO Box 399
SHORT HILLS, NJ 07078
PHONE: 1-800-446-5311 FAX: 973-921-2876

INSURED
US Lacrosse, Inc.
3 Loveton Circle
Sparks, MD 21152
Re: Cumberland North Yarmouth Youth Lacrosse: Maine Youth Lacrosse Maine Chapter

E-MAIL ADDRESS:

INSCRIBER(S) AFFORDING COVERAGE

<table>
<thead>
<tr>
<th>NMC #</th>
</tr>
</thead>
<tbody>
<tr>
<td>35970</td>
</tr>
</tbody>
</table>

COVERAGE NUMBER:

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL LIABILITY CLAIMS MADE X OCCUR</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>COMMERCIAL GENERAL LIABILITY X</td>
<td>$500,000</td>
</tr>
<tr>
<td>GENERATE LIMIT APPLIES PER SEXUAL ABUSE &amp; MOLESTATION LIABILITY per occurrence: $1,000,000</td>
<td></td>
</tr>
<tr>
<td>POLICY LIMITS</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>AUTO LIABILITY</td>
<td></td>
</tr>
<tr>
<td>ANY AUTO</td>
<td></td>
</tr>
<tr>
<td>ALL OWNED AUTOS</td>
<td></td>
</tr>
<tr>
<td>SCHEDULED AUTOS</td>
<td></td>
</tr>
<tr>
<td>HIRED AUTOS</td>
<td></td>
</tr>
<tr>
<td>NON-OWNED AUTOS</td>
<td></td>
</tr>
<tr>
<td>UMBRELLA LIABILITY</td>
<td></td>
</tr>
<tr>
<td>EXCESS LIABILITY DED RETENTION $</td>
<td></td>
</tr>
<tr>
<td>WORKERS COMPENSATION AND EMPLOYEES' LIABILITY</td>
<td></td>
</tr>
<tr>
<td>ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER OR SHAREHOLDER EXCLUDED (Mandatory In N/A)</td>
<td></td>
</tr>
<tr>
<td>MANUFACTURING</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (attach ACORD 101, Additional Remarks Schedule, if more space is required)</td>
<td></td>
</tr>
<tr>
<td>CERTIFICATE HOLDER</td>
<td></td>
</tr>
<tr>
<td>CANCELLATION</td>
<td></td>
</tr>
<tr>
<td>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</td>
<td></td>
</tr>
</tbody>
</table>

AUTHORIZED REPRESENTATIVE

© 1989-2010 ACORD CORPORATION. All rights reserved.
ITEM
17-066

To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds
Mass Gathering Application-Minor Large Outdoor Event
(500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.00.

Name of Applicant: Girls on the Run - Maine
Address of Applicant: 980 Forest Ave, Portland, ME
Name of Event: "Girls on the Run" 5K Run
Facility where the event will be held: Cumberland, Maine 04021
Is the facility owned by the applicant: yes; no, (if no, attach a copy of the contract with The owner which allows use of property)
Name of promoter (if different from above): Girls on the Run - Maine
Telephone number: 207-777-5677
Date of Event: June 4th Time (start and finish times): 6:30 AM /11:30
Number of tickets available: 
Expected attendance: 500-1500 - Girls / Parents
Description of event: Volunteer Year End / 5K Run -
Will any food vendors be serving at the event: yes, no, (if yes, how many, and what types) only water for Runners
Food Vendor
Will any alcohol vendors be serving at the event? yes, no (if yes, list name and attach A copy of the vendors license to sell alcohol, describe what alcohol will be served)
Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Cumberland Run 2016
2. _______ 2015
3. _______ Run 2014

Description of facility:

A. Seating capacity: ______ permanent; ______ temporary
B. Other seating capacity: ______ stage; ______ festival; ______ standing room only (sq. ft.)
C. Number of toilets available: ______ permanent; ______ portable
D. Number of parking spaces available: ______ on-site; ______ off-site
E. Are all parking lots lighted (applicable only if event runs into evening hours): ______ yes; ______ no, if no, which lots are not lighted

F. Source of potable water: ______ Town, ______ Bottle
G. Refuse containers available, number and size: ______ Triano, ______-10 yds
H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse): ______ Triano
I. When will refuse be picked up? ______ Sunday, ______ am

Public Safety:

J. Describe first aid facilities: ______ Town, ______ Rescue
K. Describe emergency facilities: ______ Rescue Unit
L. Describe communication facilities: ______ Public System
M. Number of certified police officers: ______ On Call

N. Other security personnel (include company name and qualification): ______ EMT's on Staff, Cumberland Staff, Volunteers
O. Describe fire personnel: ______ 15/25 Volunteer Parents, 100 Running of Girls
TOWN OF CUMBERLAND MASS GATHERING PERMIT REQUESTED FOR GIRLS ON THE RUN 5K ON SUNDAY, JUNE 4, 2017 AT CUMBERLAND FAIRGROUNDS

NUMBER OF PEOPLE:
We expect approx. 1900 people to attend the Girls on the Run 5K event on Sunday, June 5th.

We expect 1500 5K Runners (700 girls ages 8-14 with 500 adult Running Buddies, and an additional 200 mostly adult runners) and approx. 500 additional spectators.

SET-UP:
The event festival (stage, tents, finish line chute, food/water, port-a-potties etc.) will be contained within the infield of the horse track.
The 5K run/walk will begin and end on the horse track with two loops around the perimeter of the Fairgrounds.

EVENT TIMES:
We will be onsite at the Fairgrounds from 6am-1pm.

Volunteers will arrive between 6:30am and 7:30am.
The girls and their families start arriving at 8am.
The 5K run starts at 9:45am.
Most girls complete the 5K in 45 min to 75 min.
The event will wrap up at 11:30am and staff and volunteers will breakdown in about an hour so we will be gone by 1pm at the latest.

CONTACT:
Girls on the Run-Maine
Our office address is: 980 Forest Ave Suite 206 Portland, ME 04103
Office phone: 207-747-5677

Event Staff
Emily Clark cell: 207-653-8621 emily.clark@girlsontherun.org
Staci Olson cell: 207-798-0242 staci.olson@girlsontherun.org
Allison Ayan cell: 207-239-9135 allison.ayan@girlsontherun.org
Katie VerLee cell: 774-641-0223 kate.verlee@girlsontherun.org
Maggie Poisson cell: 207-671-7397 maggie.poisson@gmail.com

Girls on the Run - Maine
980 Forest Avenue, Suite 206 Portland, ME 04103
http://girlsontherunmaine.org
ITEM 17-067

To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2107 at the Cumberland Fair Grounds
Mass Gathering Application-Minor Large Outdoor Event
(500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.00.

Name of Applicant: Penobscot Valley Kennel Club, Inc.
Address of Applicant: P.O. Box 354, Brewer, ME 04412-0354
Name of Event: Chickadee Classic Dog Show
Facility where the event will be held: Cumberland Camp Grounds
Is the facility owned by the applicant: yes; no, (if no, attach a copy of the contract with The owner which allows use of property)
Name of promoter (if different from above): Penobscot Valley Kennel Club
Telephone number: Nancy Daniels
Date of Event: June 22-23-25 Time (start and finish times): 8 AM - 9 PM
Number of tickets available: 500 Visitors per day
Expected attendance: 500 x 3 = 1500
Description of event: Classic Dog show

Will any food vendors be serving at the event: yes, no, (if yes, how many, and what types) Fat Guys vendor

Will any alcohol vendors be serving at the event? yes, no (if yes, list name and attach A copy of the vendors license to sell alcohol, describe what alcohol will be served)
Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. **Cumberland Fair - 2016**
2. **Cumberland Fair Grounds 2015**
3. **Cumberland Fair Grounds 2014**

### Description of facility:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Seating capacity:</td>
<td>N/A permanent; N/A temporary</td>
</tr>
<tr>
<td>B. Other seating capacity:</td>
<td>Festival; standing room only (sq. ft.)</td>
</tr>
<tr>
<td>C. Number of toilets available:</td>
<td>6 permanent; 6 portable</td>
</tr>
<tr>
<td>D. Number of parking spaces available:</td>
<td>3000 on-site; 6000 off-site</td>
</tr>
<tr>
<td>E. Are all parking lots lighted (applicable only if event runs into evening hours):</td>
<td>✗ yes; ✗ no, if no, which lots are not lighted</td>
</tr>
<tr>
<td>F. Source of potable water:</td>
<td>Town water</td>
</tr>
<tr>
<td>G. Refuse containers available, number and size:</td>
<td>10 yds</td>
</tr>
<tr>
<td>H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse):</td>
<td>Triano</td>
</tr>
<tr>
<td>I. When will refuse be picked up?</td>
<td>Cleaned up 6 am daily</td>
</tr>
</tbody>
</table>

### Public Safety:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Describe first aid facilities:</td>
<td>On call - Cumberland</td>
</tr>
<tr>
<td>K. Describe emergency facilities:</td>
<td>On call - Cumberland</td>
</tr>
<tr>
<td>L. Describe communication facilities:</td>
<td>Public</td>
</tr>
<tr>
<td>M. Number of certified police officers:</td>
<td>On call</td>
</tr>
<tr>
<td>N. Other security personnel (include company name and qualification):</td>
<td>On staff</td>
</tr>
<tr>
<td>O. Describe fire personnel:</td>
<td>Cumberland on call</td>
</tr>
</tbody>
</table>
March 30, 2017

Mr. Mike Timmons
140 Bruce Hill Road
Cumberland, ME 04021

Re: Mass Gathering Permit for 2017 Chickadee Classic

Dear Mr. Timmons:

Nancy Daniels asked me to send you the enclosed check, No. 2087, in the amount of $250.00 to cover the cost of obtaining a mass gathering permit for the 2017 Chickadee Classic dog show scheduled for June 22, 23, 24 and 25.

As always, we appreciate doing business with you and the Cumberland Farmers Group.

Thank you.

Sincerely,

Claudia J. Edwards
Treasurer

Cje
Enclosure 1
ITEM
17-068

To set a Public Hearing date of May 8\textsuperscript{th} to consider and act on a Mass Gathering Permit for 148\textsuperscript{th} Cumberland County Fair to be held from September 24\textsuperscript{th} – October 1\textsuperscript{st}, 2017 at the Cumberland Fairgrounds
Mass Gathering Application – Major Outdoor Event (5,000 or more persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $500.

Name of applicant: Cumberland Farmers Club
Address of applicant: 160 Bruce Nest Rd, Cumb Tel. #207-653-9783
Name of event: Cumberland County Fair
Facility where the event will be held: Cumberland Fairgrounds
Is the facility owned by the applicant: V yes; no, (if no, attach a copy of the contract with the owner which allows use of the property)
Name of promoter (if different from above): Same as above
Telephone number: 207-653-9783
Will any food vendors be serving at the event? V yes, no (if yes, how many, and what types) Variety
Will any alcohol vendors be serving at the event? V yes, no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served)
Date of event: Sept 24-Oct 1
Time (start and finish times): 9 AM 10 PM
Number of tickets available: 50,000
Expected attendance: 50,000
Description of event: County Fair - Mid-way - Vendors - Entertainment - Horse Racing
Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Cumberland Fair - 2016

2. Cumberland Fair - 2015

3. Cumberland Fair - 100 years

Description of facility:

A. Seating capacity: 5000 permanent; 2000 temporary
B. Other seating capacity: ___________ festival; ___________ standing room only
C. Number of toilets available: 50 permanent; 15 portable
D. Number of parking spaces available: 7000 on-site; ______ off-site
E. Are all parking lots lighted (applicable only if event runs into evening hours)_______ yes; ______ no, if no, which lots are not lighted ___________
F. Source of potable water: Public Town
G. Refuse containers available, number and size: 3 - 40 yard containers 400 - 55 barrel drums

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)Triano

I. When will refuse be picked up? Daily 5:30 AM

Public Safety:

J. Describe first aid facilities: Cumberland Rescue unit w/ staff on Grounds Building

K. Describe emergency facilities: Cumberland Fire Police Rescue on Site entire week
L. Describe communication facilities: \textit{Public Address System - Whole Facility}

M. Number of certified police officers: \textit{Cumberland Police Staff 2-4 daily}

N. Other security personnel (include company name and qualifications): \textit{Cumberland Fire, Police, Rescue, Volunteers}

O. Describe fire personnel: \textit{Same as above}

Traffic Plan

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.

Q. Describe methods used to publicize alternate routes of reaching the scene of the event.

R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management — \textit{Included in Emergency Plan}

S. Plan for discouraging those not holding tickets for the event from not coming to the event site.

T. Plan for preventing trespassing on private property in the area.

U. Will all publicity stop as soon as it is apparent that the event is sold out? \checkmark yes; no

V. Description of how the event will be publicized, include how a sell-out will be publicized. \textit{- T.V., Newspaper}

Other

W. Name of liability insurance \textit{Cross Insurance}

Amount of coverage \$100,000; amount of property insurance

X. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)

\begin{center}
\textit{Michael Simmons} \\
Authorized signature
\end{center}

On \underline{__________________________} (date), I received a copy of the Cumberland Mass Gathering Ordinance. \underline{__________________________} (authorized signature)
ITEM 17-069

To set a Public Hearing date of May 8th to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.
Property Information
Property ID: 0021 0018 0000
Location: 251 GRAY RD
Owner: KASIAKOV ALEXANDR

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town of Cumberland, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
Parcels updated 1/1/2015
Properties updated monthly (see property record card)

Nate Pelainski & Megan Morgan
251 Gray Road
Cumberland, Maine 04021

Town of Cumberland, ME
March 16, 2017
ITEM 17-070

To hold a Public Hearing to consider and act on adoption of the FY2018 Municipal Budget

(Table to May 22nd per Finance Committee recommendation)
NEW BUSINESS
Open House

Please Join Us

After a long winter of diligent, detail-oriented work, The Mooring on Foreside is nearly ready to welcome its first residents. Our exceptional staff is in place, finishing touches are underway, and years of planning have come to fruition.

Here at The Mooring, we're eager to introduce our unique approach to residential memory care — and the beautiful setting our residents will soon call home. That's why we're inviting you to experience The Mooring firsthand.

From individualized programming that leverages cognitive strengths and maintains family and community connections, to a home-like setting designed to feel familiar and ease transition, we're confident you'll like what you see.

We look forward to welcoming you.

Where 301 U.S. Route One, Cumberland Foreside, ME 04110

When April 27, 2017
5:00pm – 8:00pm

Drinks & appetizers will be served

Questions Lynn Peel, President
Lynn@TheMooringOnForeside.com
Dear Town of Cumberland;

I'm writing to inform you that Sawga Tribe is no longer operating and we wish to thank you and the kind people of Cumberland for the many years of service given us.

Our last meeting day will be April 2nd to pick up fraternal regalia and clean up the hall. We would like to donate all furnishings (tables, chairs, pool table) to the 4H Club and or the Fire Department to use as they see fit.

We're also interested in placing the Charter of Sawga Tribe with the towns historical society if possible.

We have enjoyed many years of working in Cumberland and can't say enough for the fine relationship we both had.

Yours in Freedom, Friendship & Charity

Great Sachem Wayne Grotton

Attested
Great Chief of Records Ken Grant

GCR's Ken Grant e-mail kenwmsc@live.com  hm 207-787-5169 cell 207-807-1916
BUDGET
REPORT
### REVENUES

**04/20/2017**  
**TOWN OF CUMBERLAND**  
**HISTORICAL ACTUALS COMPARISON REPORT**  
**REVENUES**  
**FOR PERIOD 10 OF 2017**

<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>001 Tax Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 0303 Motor Vehicle Excise Tax</td>
<td>-1,304,258.25</td>
<td>-1,396,155.53</td>
<td>-1,481,664.33</td>
<td>-1,494,839.11</td>
<td>-1,480,000.00</td>
</tr>
<tr>
<td>001 0304 Boot Excise Tax</td>
<td>-5,024.00</td>
<td>-5,550.30</td>
<td>-7,851.20</td>
<td>-4,307.30</td>
<td>-10,000.00</td>
</tr>
<tr>
<td>001 0325 Supplemental Taxes</td>
<td>.00</td>
<td>.00</td>
<td>-12,507.10</td>
<td>-14,130.35</td>
<td>.00</td>
</tr>
<tr>
<td>001 0328 Outer Islands Property Tax</td>
<td>-41,566.42</td>
<td>-20,933.44</td>
<td>-39,889.25</td>
<td>-43,352.06</td>
<td>-40,000.00</td>
</tr>
<tr>
<td>001 0329 Payment in Lieu of Taxes</td>
<td>-11,556.00</td>
<td>-16,828.00</td>
<td>-29,608.00</td>
<td>-29,804.00</td>
<td>-28,000.00</td>
</tr>
<tr>
<td><strong>TOTAL Tax Revenues</strong></td>
<td>-1,362,404.67</td>
<td>-1,439,467.27</td>
<td>-1,571,519.88</td>
<td>-1,586,432.82</td>
<td>-1,558,000.00</td>
</tr>
<tr>
<td><strong>0012 License &amp; Permit Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 0311 Hunting &amp; Fishing License</td>
<td>-437.41</td>
<td>-483.75</td>
<td>-397.00</td>
<td>-335.25</td>
<td>-600.00</td>
</tr>
<tr>
<td>001 0312 Marriage Lic &amp; Vital Records</td>
<td>-1,437.20</td>
<td>-2,189.80</td>
<td>-1,766.00</td>
<td>-1,664.46</td>
<td>-1,900.00</td>
</tr>
<tr>
<td>001 0313 Birth Certificates</td>
<td>-1,394.80</td>
<td>-1,224.80</td>
<td>-1,012.20</td>
<td>-1,214.60</td>
<td>-365.00</td>
</tr>
<tr>
<td>001 0314 Death Certificates</td>
<td>-660.20</td>
<td>-1,561.00</td>
<td>-1,277.80</td>
<td>-1,512.53</td>
<td>-1,000.00</td>
</tr>
<tr>
<td>001 0315 Clerk Licenses</td>
<td>-3,500.00</td>
<td>-3,675.00</td>
<td>-4,150.00</td>
<td>-2,840.00</td>
<td>-4,500.00</td>
</tr>
<tr>
<td>001 0316 Shellfish Licenses</td>
<td>-1,839.47</td>
<td>-1,664.28</td>
<td>-504.91</td>
<td>-544.00</td>
<td>-3,000.00</td>
</tr>
<tr>
<td>001 0317 Conservation Fees</td>
<td>-516.53</td>
<td>-400.72</td>
<td>-105.59</td>
<td>-106.00</td>
<td>-500.00</td>
</tr>
<tr>
<td>001 0334 Snowmobile Reg</td>
<td>-201.00</td>
<td>-217.00</td>
<td>-183.00</td>
<td>-241.00</td>
<td>-200.00</td>
</tr>
<tr>
<td>001 0361 Auto Reg. Fees</td>
<td>-16,593.00</td>
<td>-16,828.00</td>
<td>-17,030.00</td>
<td>-15,773.00</td>
<td>-21,000.00</td>
</tr>
<tr>
<td>001 0362 Boat Reg. Fees</td>
<td>-681.60</td>
<td>-1,177.80</td>
<td>-353.00</td>
<td>-231.00</td>
<td>-500.00</td>
</tr>
<tr>
<td>001 0366 Building Permits</td>
<td>-62,741.89</td>
<td>-62,867.25</td>
<td>-63,390.77</td>
<td>-102,669.24</td>
<td>-70,000.00</td>
</tr>
<tr>
<td>001 0367 Electrical Permits</td>
<td>-15,195.70</td>
<td>-15,408.45</td>
<td>-15,333.40</td>
<td>-20,498.03</td>
<td>-18,000.00</td>
</tr>
<tr>
<td>001 0368 Plumbing Permits</td>
<td>-16,912.80</td>
<td>-17,666.75</td>
<td>-11,477.98</td>
<td>-16,157.50</td>
<td>-18,000.00</td>
</tr>
<tr>
<td>001 0369 Other Permits</td>
<td>-1,425.00</td>
<td>-1,550.00</td>
<td>-650.00</td>
<td>-1,570.00</td>
<td>-2,500.00</td>
</tr>
<tr>
<td>001 0383 Agent Fees-Moses</td>
<td>-17.84</td>
<td>-14.00</td>
<td>-14.00</td>
<td>-14.00</td>
<td>.00</td>
</tr>
<tr>
<td>001 0398 Application Fee</td>
<td>-1,233.33</td>
<td>-1,311.12</td>
<td>-955.56</td>
<td>-600.00</td>
<td>-1,000.00</td>
</tr>
<tr>
<td>001 0401 Dog Licenses</td>
<td>-3,187.00</td>
<td>-2,590.00</td>
<td>-2,275.00</td>
<td>-2,247.00</td>
<td>-3,000.00</td>
</tr>
<tr>
<td>001 0404 Commercial Haulers License</td>
<td>.00</td>
<td>.00</td>
<td>-200.00</td>
<td>-100.00</td>
<td>-300.00</td>
</tr>
<tr>
<td><strong>TOTAL License &amp; Permit Revenue</strong></td>
<td>-127,974.77</td>
<td>-130,685.72</td>
<td>-120,980.71</td>
<td>-168,303.61</td>
<td>-146,365.00</td>
</tr>
<tr>
<td><strong>0013 Intergovernmental Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0013 0327 Homestead State Reimb</td>
<td>-128,546.00</td>
<td>-104,217.00</td>
<td>-151,273.00</td>
<td>-215,288.88</td>
<td>-274,530.00</td>
</tr>
<tr>
<td>0013 0331 State Revenue Sharing</td>
<td>-318,329.47</td>
<td>-316,737.25</td>
<td>-329,518.70</td>
<td>-296,759.20</td>
<td>-395,850.00</td>
</tr>
<tr>
<td>0013 0332 Park Fee Sharing</td>
<td>-7,311.82</td>
<td>.00</td>
<td>-8,133.33</td>
<td>-10,624.80</td>
<td>-7,080.00</td>
</tr>
</tbody>
</table>
### Historical Actuals Comparison Report

#### Revenues

**For Period 10 of 2017**

<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0013 0335 DOT Block Grant</td>
<td>-68,440.00</td>
<td>-62,592.00</td>
<td>-63,232.00</td>
<td>-68,012.00</td>
<td>-63,000.00</td>
</tr>
<tr>
<td>0013 0337 State Grant revenue</td>
<td>.00</td>
<td>-4,508.74</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>0013 0341 North Yarmouth Recreation Shar</td>
<td>-12,747.00</td>
<td>-26,928.00</td>
<td>-5,466.00</td>
<td>-21,851.00</td>
<td>-43,667.00</td>
</tr>
<tr>
<td>0013 0342 North Yarmouth Library Shar</td>
<td>-99,713.00</td>
<td>-106,035.00</td>
<td>-109,464.00</td>
<td>-72,183.00</td>
<td>-144,333.00</td>
</tr>
<tr>
<td>0013 0347 North Yarmouth Channel 2</td>
<td>-1,820.00</td>
<td>-1,909.00</td>
<td>-1,911.00</td>
<td>-1,370.00</td>
<td>-2,808.00</td>
</tr>
<tr>
<td>0013 0348 ACO Sharing Payments</td>
<td>-2,475.00</td>
<td>-6,322.00</td>
<td>-6,322.00</td>
<td>.00</td>
<td>-12,644.00</td>
</tr>
<tr>
<td>0013 0397 Windham-Fire &amp; Rescue</td>
<td>.00</td>
<td>-3,900.00</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>0013 0545 North Yarm Sidewalk Plowing</td>
<td>-2,200.00</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td><strong>TOTAL Intergovernmental Revenu</strong></td>
<td>-641,582.29</td>
<td>-633,148.99</td>
<td>-675,320.03</td>
<td>-686,088.88</td>
<td>-943,912.00</td>
</tr>
<tr>
<td>0015 Other Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0015 0305 Interest &amp; Penaties</td>
<td>-33,090.40</td>
<td>-29,325.99</td>
<td>-24,788.28</td>
<td>-17,616.79</td>
<td>-40,000.00</td>
</tr>
<tr>
<td>0015 0306 Over/Short</td>
<td>313.81</td>
<td>3,050.97</td>
<td>-207.38</td>
<td>-36.07</td>
<td>-100.00</td>
</tr>
<tr>
<td>0015 0364 Growth Permits</td>
<td>-3,900.00</td>
<td>-3,200.00</td>
<td>-3,600.00</td>
<td>-13,100.00</td>
<td>-5,000.00</td>
</tr>
<tr>
<td>0015 0365 Board of Appeals</td>
<td>-100.00</td>
<td>.00</td>
<td>-500.00</td>
<td>.00</td>
<td>-100.00</td>
</tr>
<tr>
<td>0015 0379 Investment Earnings</td>
<td>-191.90</td>
<td>-233.14</td>
<td>783.86</td>
<td>-349.64</td>
<td>.00</td>
</tr>
<tr>
<td>0015 0380 Sale of Assets</td>
<td>-17,393.56</td>
<td>-8,300.00</td>
<td>-7,599.00</td>
<td>-13,100.00</td>
<td>-2,000.00</td>
</tr>
<tr>
<td>0015 0390 Misc. Revenue</td>
<td>-35,788.80</td>
<td>-40,861.82</td>
<td>-40,629.13</td>
<td>-36,958.36</td>
<td>-35,000.00</td>
</tr>
<tr>
<td>0015 0399 Staff Review Fee</td>
<td>-2,716.67</td>
<td>-15,347.88</td>
<td>-4,319.44</td>
<td>-9,725.00</td>
<td>-10,000.00</td>
</tr>
<tr>
<td>0015 0402 Cable TV Revenue</td>
<td>-112,749.93</td>
<td>-114,620.19</td>
<td>-111,418.32</td>
<td>-116,809.64</td>
<td>-107,000.00</td>
</tr>
<tr>
<td>0015 0403 Mooring Fees</td>
<td>-295.00</td>
<td>-215.00</td>
<td>-685.00</td>
<td>-1,500.00</td>
<td>-1,000.00</td>
</tr>
<tr>
<td>0015 0410 Private Ways</td>
<td>-600.00</td>
<td>-600.00</td>
<td>-1,000.00</td>
<td>-200.00</td>
<td>-400.00</td>
</tr>
<tr>
<td>0015 0432 Workers Compensation Dividend</td>
<td>-15,122.30</td>
<td>-26,586.80</td>
<td>-1,810.00</td>
<td>-13,558.82</td>
<td>.00</td>
</tr>
<tr>
<td>0015 0508 Impact Fees</td>
<td>-80,262.75</td>
<td>-98,834.50</td>
<td>-173,592.39</td>
<td>-50,000.00</td>
<td>.00</td>
</tr>
<tr>
<td><strong>TOTAL Other Revenues</strong></td>
<td>-301,897.50</td>
<td>-297,403.90</td>
<td>-303,600.56</td>
<td>-383,446.71</td>
<td>-250,600.00</td>
</tr>
<tr>
<td>0021 Police Related Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0021 0351 Police Issued Permits</td>
<td>-958.28</td>
<td>-748.00</td>
<td>-3,287.00</td>
<td>-2,367.00</td>
<td>-3,500.00</td>
</tr>
<tr>
<td>0021 0353 Police Insurance Reports</td>
<td>-464.00</td>
<td>-450.00</td>
<td>-457.00</td>
<td>-384.00</td>
<td>-500.00</td>
</tr>
<tr>
<td>0021 0390 Miscellaneous Police Revenue</td>
<td>-5,383.05</td>
<td>-860.40</td>
<td>-533.00</td>
<td>-92.00</td>
<td>-500.00</td>
</tr>
<tr>
<td>0021 0427 Parking Tickets</td>
<td>-10.00</td>
<td>-11.00</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td>0021 0431 Outside Detail</td>
<td>-26,000.26</td>
<td>-16,868.29</td>
<td>-25,017.14</td>
<td>-27,582.89</td>
<td>-30,000.00</td>
</tr>
<tr>
<td>0021 0536 Animal Control Officer Revenue</td>
<td>-2,018.00</td>
<td>-1,810.00</td>
<td>-1,665.00</td>
<td>-1,613.00</td>
<td>-2,500.00</td>
</tr>
<tr>
<td>0021 0546 Court Reimbursements</td>
<td>-1,613.37</td>
<td>-1,019.80</td>
<td>-989.76</td>
<td>-953.72</td>
<td>-2,000.00</td>
</tr>
<tr>
<td>0021 0620 Federal Grant revenue</td>
<td>-35,000.00</td>
<td>-20,206.00</td>
<td>-25,000.00</td>
<td>.00</td>
<td>.00</td>
</tr>
</tbody>
</table>
## 001 General Fund

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Prior Yr3 Actuals</th>
<th>Prior Yr2 Actuals</th>
<th>Last Yr Actuals</th>
<th>Current Yr Actuals</th>
<th>Cy Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 G00</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 G01</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 G02</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 G03</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>001 G04</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL Police Related Revenues:**

-71,446.96

---

## 002 Fire Related Revenues

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Prior Yr3 Actuals</th>
<th>Prior Yr2 Actuals</th>
<th>Last Yr Actuals</th>
<th>Current Yr Actuals</th>
<th>Cy Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>002 G01</td>
<td>Misc. Revenue</td>
<td>-7,835.00</td>
<td>-785.00</td>
<td>-55.00</td>
<td>-2.50</td>
<td>-1,000.00</td>
</tr>
<tr>
<td>002 G02</td>
<td>Outside Details</td>
<td>-19,234.00</td>
<td>-19,019.57</td>
<td>-17,921.35</td>
<td>-19,726.54</td>
<td>-15,000.00</td>
</tr>
<tr>
<td>002 G03</td>
<td>Rescue Billing</td>
<td>-47,978.49</td>
<td>-12,359.20</td>
<td>-120,161.80</td>
<td>-124,401.29</td>
<td>-155,000.00</td>
</tr>
<tr>
<td>002 G04</td>
<td>Non Emergency Transports</td>
<td>-11,315.45</td>
<td>-48,955.79</td>
<td>-57,485.90</td>
<td>-52,032.20</td>
<td>-31,200.00</td>
</tr>
<tr>
<td>002 G05</td>
<td>Paramedic Intercepts</td>
<td>-1,800.00</td>
<td>-300.00</td>
<td>-900.00</td>
<td>-600.00</td>
<td>-500.00</td>
</tr>
</tbody>
</table>

**TOTAL Fire Related Revenues:**

-88,162.94

---

## 003 Public Works Related Revenues

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Prior Yr3 Actuals</th>
<th>Prior Yr2 Actuals</th>
<th>Last Yr Actuals</th>
<th>Current Yr Actuals</th>
<th>Cy Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>003 G01</td>
<td>Recycling Income</td>
<td>-20.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>003 G02</td>
<td>Misc. Revenue</td>
<td>-312.00</td>
<td>-31,921.00</td>
<td>-351.00</td>
<td>-156.00</td>
<td>-500.00</td>
</tr>
<tr>
<td>003 G03</td>
<td>Bags/Universal Waste</td>
<td>-196,562.00</td>
<td>-194,186.00</td>
<td>-196,310.00</td>
<td>-197,558.50</td>
<td>-260,000.00</td>
</tr>
<tr>
<td>003 G04</td>
<td>Brush Passes</td>
<td>-4,346.00</td>
<td>-5,398.00</td>
<td>-5,282.00</td>
<td>-4,954.00</td>
<td>-7,500.00</td>
</tr>
</tbody>
</table>

**TOTAL Public Works Related Rev:**

-201,240.00

---

## 005 VH Other Revenues

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Prior Yr3 Actuals</th>
<th>Prior Yr2 Actuals</th>
<th>Last Yr Actuals</th>
<th>Current Yr Actuals</th>
<th>Cy Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>005 G01</td>
<td>Payment in Lieu of Taxes</td>
<td></td>
<td></td>
<td>-2,000.00</td>
<td>-2,000.00</td>
<td>-2,000.00</td>
</tr>
<tr>
<td>005 G02</td>
<td>Soda Sales</td>
<td></td>
<td></td>
<td>-1,844.87</td>
<td>-1,724.94</td>
<td>-2,823.00</td>
</tr>
<tr>
<td>005 G03</td>
<td>Rental Income</td>
<td></td>
<td></td>
<td>-10,863.18</td>
<td>-16,029.39</td>
<td>-21,600.00</td>
</tr>
<tr>
<td>005 G04</td>
<td>Cell Tower Land Lease</td>
<td></td>
<td></td>
<td>-10,800.00</td>
<td>-18,000.00</td>
<td>-20,000.00</td>
</tr>
</tbody>
</table>

**TOTAL VH Other Revenues:**

-25,508.05

---

## 007 VH Golf Revenues

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Prior Yr3 Actuals</th>
<th>Prior Yr2 Actuals</th>
<th>Last Yr Actuals</th>
<th>Current Yr Actuals</th>
<th>Cy Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>007 G01</td>
<td>Over/Short</td>
<td></td>
<td></td>
<td>-9.64</td>
<td>-11.20</td>
<td>.00</td>
</tr>
<tr>
<td>007 G02</td>
<td>Golf Memberships</td>
<td></td>
<td></td>
<td>-180,827.85</td>
<td>-106,430.88</td>
<td>-223,938.00</td>
</tr>
<tr>
<td>007 G03</td>
<td>Greens Fees</td>
<td></td>
<td></td>
<td>-92,101.45</td>
<td>-73,726.70</td>
<td>-125,311.00</td>
</tr>
</tbody>
</table>

---
## Historical Actuals Comparison Report

### For Period 10 of 2017

### Accounts For:
- **General Fund**

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Prior Year 3 Actuals</th>
<th>Prior Year 2 Actuals</th>
<th>Last Year Actuals</th>
<th>Current Year Actuals</th>
<th>CY Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0037 0359</td>
<td>Golf Cart Rentals</td>
<td>0.00</td>
<td>0.00</td>
<td>-59,279.58</td>
<td>-55,022.77</td>
<td>-87,853.00</td>
</tr>
<tr>
<td>0037 0416</td>
<td>Practice Range</td>
<td>0.00</td>
<td>0.00</td>
<td>-7,269.00</td>
<td>-5,451.75</td>
<td>-11,545.00</td>
</tr>
<tr>
<td>0037 0417</td>
<td>VH Program Revenues</td>
<td>0.00</td>
<td>0.00</td>
<td>-33,236.00</td>
<td>-42,164.00</td>
<td>-56,253.00</td>
</tr>
<tr>
<td>0037 0419</td>
<td>Advertising Sales</td>
<td>0.00</td>
<td>0.00</td>
<td>-6,050.00</td>
<td>3,325.00</td>
<td>-26,237.00</td>
</tr>
<tr>
<td>0037 0522</td>
<td>Outing Golf</td>
<td>0.00</td>
<td>0.00</td>
<td>-72,102.08</td>
<td>-56,391.43</td>
<td>-72,310.00</td>
</tr>
</tbody>
</table>

**Total VH Golf Revenues**: 0.00

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Prior Year 3 Actuals</th>
<th>Prior Year 2 Actuals</th>
<th>Last Year Actuals</th>
<th>Current Year Actuals</th>
<th>CY Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0041 0371</td>
<td>Fall Recreation Revenue</td>
<td>-42,842.48</td>
<td>-33,432.50</td>
<td>-44,877.45</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>0041 0372</td>
<td>Winter Recreation Revenue</td>
<td>-97,303.25</td>
<td>-105,890.26</td>
<td>-97,131.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>0041 0373</td>
<td>Spring Recreation Revenue</td>
<td>-27,073.78</td>
<td>-23,219.10</td>
<td>-35,139.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>0041 0374</td>
<td>Summer Recreation Revenue</td>
<td>-57,403.00</td>
<td>-98,811.67</td>
<td>-103,512.50</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>0041 0440</td>
<td>After School Programs</td>
<td>-125,525.00</td>
<td>-163,477.90</td>
<td>-176,129.13</td>
<td>-213,763.50</td>
<td>-195,152.00</td>
</tr>
<tr>
<td>0041 0441</td>
<td>Youth Enrichment Programs</td>
<td>0.00</td>
<td>0.00</td>
<td>-81,907.63</td>
<td>-108,608.00</td>
<td>-103,171.00</td>
</tr>
<tr>
<td>0041 0442</td>
<td>Youth Sports Programs</td>
<td>0.00</td>
<td>0.00</td>
<td>-70,458.00</td>
<td>-86,171.00</td>
<td>-86,200.00</td>
</tr>
<tr>
<td>0041 0443</td>
<td>Sking Programs</td>
<td>0.00</td>
<td>0.00</td>
<td>-47,545.00</td>
<td>-66,200.00</td>
<td>-66,200.00</td>
</tr>
<tr>
<td>0041 0444</td>
<td>Day Camps</td>
<td>-1,962.00</td>
<td>-1,433.35</td>
<td>-1,129.50</td>
<td>-1,962.00</td>
<td>-1,962.00</td>
</tr>
<tr>
<td>0041 0445</td>
<td>Swimming Programs</td>
<td>0.00</td>
<td>0.00</td>
<td>-20,237.00</td>
<td>-25,531.00</td>
<td>-25,531.00</td>
</tr>
<tr>
<td>0041 0446</td>
<td>Adult Enrichment Revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-35,834.85</td>
<td>-39,129.25</td>
<td>-35,849.00</td>
</tr>
<tr>
<td>0041 0447</td>
<td>Adult Fitness Revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-49,883.75</td>
<td>-58,246.10</td>
<td>-63,216.00</td>
</tr>
<tr>
<td>0041 0448</td>
<td>Special Events/Trips Reven</td>
<td>0.00</td>
<td>0.00</td>
<td>-285.00</td>
<td>-5,244.00</td>
<td>-6,216.00</td>
</tr>
<tr>
<td>0041 0449</td>
<td>Recreation Programs</td>
<td>-24,470.80</td>
<td>-7,711.66</td>
<td>-7,964.00</td>
<td>-934.75</td>
<td>-8,939.00</td>
</tr>
<tr>
<td>0041 0570</td>
<td>Rec Soccer Revenue</td>
<td>-10,320.00</td>
<td>-7,456.00</td>
<td>-6,815.00</td>
<td>-12,970.00</td>
<td>-14,235.00</td>
</tr>
<tr>
<td>0041 0571</td>
<td>Rec Ultimate Frisbee Reven</td>
<td>0.00</td>
<td>0.00</td>
<td>-15,171.00</td>
<td>-11,840.00</td>
<td>-12,840.00</td>
</tr>
<tr>
<td>0041 0606</td>
<td>CPR/First Aid Revenues</td>
<td>0.00</td>
<td>-150.00</td>
<td>1,401.20</td>
<td>-810.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Total Recreation Related Reven**: -384,939.10

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Prior Year 3 Actuals</th>
<th>Prior Year 2 Actuals</th>
<th>Last Year Actuals</th>
<th>Current Year Actuals</th>
<th>CY Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0043 0391</td>
<td>Field Usage Fees</td>
<td>-13,397.04</td>
<td>-8,372.08</td>
<td>-10,847.56</td>
<td>-5,274.00</td>
<td>-10,000.00</td>
</tr>
<tr>
<td>0043 0431</td>
<td>Outside Details</td>
<td>0.00</td>
<td>0.00</td>
<td>-1,909.49</td>
<td>-1,043.80</td>
<td>0.00</td>
</tr>
<tr>
<td>0043 0617</td>
<td>Twin Brooks Donations</td>
<td>0.00</td>
<td>-177.00</td>
<td>-47.00</td>
<td>-23.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Total Park Revenues**: -13,397.04

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Prior Year 3 Actuals</th>
<th>Prior Year 2 Actuals</th>
<th>Last Year Actuals</th>
<th>Current Year Actuals</th>
<th>CY Rev Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0045 0379</td>
<td>Library Interest Income</td>
<td>-159.60</td>
<td>-60.48</td>
<td>-227.17</td>
<td>0.00</td>
<td>-200.00</td>
</tr>
</tbody>
</table>
REVENUES
FOR PERIOD 10 OF 2017

<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0045 0392 Library Fines</td>
<td>-3,529.14</td>
<td>-4,855.87</td>
<td>-3,589.41</td>
<td>-2,757.04</td>
<td>-3,500.00</td>
</tr>
<tr>
<td>0045 0394 Misc. Library Revenue</td>
<td>-965.00</td>
<td>-1,297.00</td>
<td>-1,030.45</td>
<td>-1,408.66</td>
<td>.00</td>
</tr>
<tr>
<td>TOTAL Library Related Revenues</td>
<td>-4,653.74</td>
<td>-6,213.35</td>
<td>-4,847.03</td>
<td>-4,165.70</td>
<td>-3,700.00</td>
</tr>
<tr>
<td>TOTAL General Fund</td>
<td>-3,197,699.01</td>
<td>-3,410,504.45</td>
<td>-4,192,168.34</td>
<td>-4,295,450.00</td>
<td>-4,798,390.00</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>-3,197,699.01</td>
<td>-3,410,504.45</td>
<td>-4,192,168.34</td>
<td>-4,295,450.00</td>
<td>-4,798,390.00</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>-3,197,699.01</td>
<td>-3,410,504.45</td>
<td>-4,192,168.34</td>
<td>-4,295,450.00</td>
<td>-4,798,390.00</td>
</tr>
</tbody>
</table>
## EXPENSES

### 04/20/2017 TOWN OF CUMBERLAND

**HISTORICAL ACTUALS COMPARISON REPORT**

**EXPENSES**

**FOR PERIOD 10 OF 2017**

<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>130 Administration</td>
<td>422,772.12</td>
<td>457,112.75</td>
<td>515,709.69</td>
<td>495,176.39</td>
<td>539,990.00</td>
</tr>
<tr>
<td>140 Assessor</td>
<td>89,912.42</td>
<td>73,375.78</td>
<td>93,722.50</td>
<td>70,755.87</td>
<td>84,392.00</td>
</tr>
<tr>
<td>150 Town Clerk</td>
<td>144,571.51</td>
<td>164,816.03</td>
<td>183,072.03</td>
<td>172,748.56</td>
<td>204,682.00</td>
</tr>
<tr>
<td>160 Technology</td>
<td>167,272.02</td>
<td>144,766.25</td>
<td>148,754.86</td>
<td>175,130.24</td>
<td>179,227.00</td>
</tr>
<tr>
<td>165 Elections</td>
<td>2,784.10</td>
<td>10,149.48</td>
<td>3,144.21</td>
<td>8,221.62</td>
<td>14,103.00</td>
</tr>
<tr>
<td>170 Planning</td>
<td>48,088.91</td>
<td>49,596.01</td>
<td>58,327.35</td>
<td>53,935.61</td>
<td>60,521.00</td>
</tr>
<tr>
<td>190 Legal</td>
<td>16,323.33</td>
<td>46,112.47</td>
<td>40,111.73</td>
<td>45,412.30</td>
<td>42,500.00</td>
</tr>
<tr>
<td>999 Finance/GAAP entries</td>
<td>.00</td>
<td>-100.00</td>
<td>-196.35</td>
<td>.00</td>
<td>.00</td>
</tr>
<tr>
<td><strong>TOTAL General Government</strong></td>
<td>891,724.41</td>
<td>945,828.77</td>
<td>1,042,646.02</td>
<td>1,021,380.59</td>
<td>1,125,415.00</td>
</tr>
<tr>
<td>20 Public Safety</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>210 Police</td>
<td>919,646.86</td>
<td>1,007,165.33</td>
<td>1,141,235.96</td>
<td>1,113,278.21</td>
<td>1,251,821.00</td>
</tr>
<tr>
<td>220 Fire</td>
<td>621,951.15</td>
<td>729,819.86</td>
<td>726,743.96</td>
<td>786,070.47</td>
<td>892,066.00</td>
</tr>
<tr>
<td>240 Code Enforcement</td>
<td>55,692.60</td>
<td>78,976.00</td>
<td>90,789.19</td>
<td>79,462.68</td>
<td>78,681.00</td>
</tr>
<tr>
<td>250 Harbor Master</td>
<td>.00</td>
<td>.00</td>
<td>.00</td>
<td>105.49</td>
<td>.00</td>
</tr>
<tr>
<td>260 Animal Control</td>
<td>28,931.67</td>
<td>23,698.84</td>
<td>26,918.23</td>
<td>25,884.44</td>
<td>31,048.00</td>
</tr>
<tr>
<td><strong>TOTAL Public Safety</strong></td>
<td>1,626,222.28</td>
<td>1,839,660.03</td>
<td>1,985,689.34</td>
<td>2,004,801.29</td>
<td>2,253,616.00</td>
</tr>
<tr>
<td>30 Public Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>310 Public Works</td>
<td>828,777.51</td>
<td>893,819.85</td>
<td>867,497.44</td>
<td>1,007,338.21</td>
<td>1,079,901.00</td>
</tr>
<tr>
<td>320 Waste Disposal</td>
<td>408,544.90</td>
<td>398,685.27</td>
<td>392,625.02</td>
<td>372,520.16</td>
<td>507,051.00</td>
</tr>
<tr>
<td>430 Parks</td>
<td>141,288.19</td>
<td>181,998.61</td>
<td>185,354.78</td>
<td>166,008.35</td>
<td>241,284.00</td>
</tr>
<tr>
<td>440 West Cumberland Rec</td>
<td>5,693.74</td>
<td>4,898.99</td>
<td>3,340.96</td>
<td>4,911.84</td>
<td>7,775.00</td>
</tr>
<tr>
<td>470 Historical Society Building</td>
<td>.00</td>
<td>718.00</td>
<td>2,331.45</td>
<td>3,538.89</td>
<td>3,952.00</td>
</tr>
<tr>
<td><strong>TOTAL Public Services</strong></td>
<td>1,384,304.34</td>
<td>1,480,120.72</td>
<td>1,451,149.65</td>
<td>1,554,317.45</td>
<td>1,839,963.00</td>
</tr>
<tr>
<td>37 Val Halla Golf Club</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>350 Valhalla-Club</td>
<td>.00</td>
<td>.00</td>
<td>29,959.74</td>
<td>29,791.93</td>
<td>34,450.00</td>
</tr>
</tbody>
</table>

---

**EXPENSES**

**ACCOUNTS FOR:**

**PRIOR YR3 ACTUALS**

**PRIOR YR2 ACTUALS**

**LAST YR ACTUALS**

**CURRENT YR ACTUALS**

**CY REV BUDGET**

---

**10 General Government**

**130 Administration**

**140 Assessor**

**150 Town Clerk**

**160 Technology**

**165 Elections**

**170 Planning**

**190 Legal**

**999 Finance/GAAP entries**

**TOTAL General Government**

**1,626,222.28**

---

**20 Public Safety**

**210 Police**

**220 Fire**

**240 Code Enforcement**

**250 Harbor Master**

**260 Animal Control**

**TOTAL Public Safety**

**2,004,801.29**

---

**30 Public Services**

**310 Public Works**

**320 Waste Disposal**

**430 Parks**

**440 West Cumberland Rec**

**470 Historical Society Building**

**TOTAL Public Services**

**1,554,317.45**

---

**37 Val Halla Golf Club**

**350 Valhalla-Club**

**.00**

---

**EXPENSES**

**ACCOUNTS FOR:**

**PRIOR YR3 ACTUALS**

**PRIOR YR2 ACTUALS**

**LAST YR ACTUALS**

**CURRENT YR ACTUALS**

**CY REV BUDGET**

---

**10 General Government**

**130 Administration**

**140 Assessor**

**150 Town Clerk**

**160 Technology**

**165 Elections**

**170 Planning**

**190 Legal**

**999 Finance/GAAP entries**

**TOTAL General Government**

**1,626,222.28**

---

**20 Public Safety**

**210 Police**

**220 Fire**

**240 Code Enforcement**

**250 Harbor Master**

**260 Animal Control**

**TOTAL Public Safety**

**2,004,801.29**

---

**30 Public Services**

**310 Public Works**

**320 Waste Disposal**

**430 Parks**

**440 West Cumberland Rec**

**470 Historical Society Building**

**TOTAL Public Services**

**1,554,317.45**

---

**37 Val Halla Golf Club**

**350 Valhalla-Club**

**.00**
## EXPENSES

### FOR PERIOD 10 OF 2017

<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>360 Valhalla-Course</td>
<td>.00</td>
<td>.00</td>
<td>358,359.30</td>
<td>348,429.59</td>
<td>459,857.00</td>
</tr>
<tr>
<td>370 Valhalla-Pro Shop</td>
<td>.00</td>
<td>.00</td>
<td>178,277.14</td>
<td>176,650.89</td>
<td>201,158.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL Val Halla Golf Club</td>
<td>.00</td>
<td>.00</td>
<td>566,596.18</td>
<td>554,872.41</td>
</tr>
</tbody>
</table>

| 40 Recreation |               |                   |                 |                   |               |
| 370 Valhalla-Pro Shop | .00              | .00              |                  | 1,535.00          | .00           |
| 410 Recreation | 538,507.92      | 633,047.73       | 691,341.52      | 744,152.77       | 839,396.00    |
|               | TOTAL Recreation | 538,507.92      | 633,047.73      | 691,341.52       | 745,687.77    | 839,396.00    |

| 45 Library |               |                   |                 |                   |               |
| 450 Library | 326,732.35     | 325,532.66        | 338,316.96      | 340,064.04       | 417,655.00    |
|               | TOTAL Library | 326,732.35        | 325,532.66       | 338,316.96       | 340,064.04    | 417,655.00    |

| 50 Health & Welfare |               |                   |                 |                   |               |
| 580 General Assistance | 34,292.59    | 25,430.56         | 25,781.59       | 32,369.09        | 35,000.00     |
| 590 Health Services | 8,279.10     | 9,779.10          | 12,779.10       | 13,130.05        | 13,375.00     |
|               | TOTAL Health & Welfare | 42,571.69    | 35,209.66         | 38,560.69       | 45,499.14     | 48,375.00     |

| 90 Other |               |                   |                 |                   |               |
| 620 Cemetery Association | 25,700.00   | 22,500.00         | 38,100.00       | 27,925.00        | 26,700.00     |
| 630 Conservation | 3,410.00     | 2,902.51          | 6,046.68        | 3,579.23         | 6,000.00      |
| 800 Fire Hydrants | 43,355.57    | 51,049.00         | 46,495.61       | 48,057.93        | 67,425.00     |
| 810 Street Lighting | 28,093.04   | 35,056.08         | 33,016.03       | 32,756.09        | 38,850.00     |
| 830 Contingent | 19,112.08    | 2,211.60          | 4,257.62        | 19,217.01        | 10,000.00     |
| 840 Municipal Building | 148,302.69  | 137,267.77        | 64,660.04       | 70,449.90        | 73,254.00     |
| 850 Abatements | 24,544.80    | 73,676.78         | 86,707.09       | 42,276.19        | 20,000.00     |
|               | TOTAL Other | 292,518.18        | 324,663.74       | 279,283.07       | 244,261.35    | 242,229.00    |

<p>| 98 Fixed Expenses |               |                   |                 |                   |               |</p>
<table>
<thead>
<tr>
<th>ACCOUNTS FOR:</th>
<th>PRIOR YR3 ACTUALS</th>
<th>PRIOR YR2 ACTUALS</th>
<th>LAST YR ACTUALS</th>
<th>CURRENT YR ACTUALS</th>
<th>CY REV BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>650 Debt Service</td>
<td>789,692.77</td>
<td>790,510.28</td>
<td>835,125.86</td>
<td>867,225.40</td>
<td>958,471.00</td>
</tr>
<tr>
<td>750 Insurance</td>
<td>282,694.37</td>
<td>194,066.29</td>
<td>210,583.39</td>
<td>203,532.22</td>
<td>276,607.00</td>
</tr>
<tr>
<td>860 MSAD #51</td>
<td>11,414,127.27</td>
<td>11,927,755.00</td>
<td>12,964,209.10</td>
<td>13,383,728.40</td>
<td>16,060,474.00</td>
</tr>
<tr>
<td>890 County Tax</td>
<td>665,675.00</td>
<td>696,073.00</td>
<td>747,431.00</td>
<td>775,374.00</td>
<td>775,374.00</td>
</tr>
<tr>
<td>910 Capital Imp. Plan</td>
<td>1,133,693.00</td>
<td>1,323,868.00</td>
<td>1,181,500.00</td>
<td>1,038,598.00</td>
<td>1,038,598.00</td>
</tr>
<tr>
<td>TOTAL Fixed Expenses</td>
<td>14,285,882.41</td>
<td>14,932,272.57</td>
<td>15,938,849.35</td>
<td>16,268,458.02</td>
<td>19,109,524.00</td>
</tr>
<tr>
<td>TOTAL General Fund</td>
<td>19,388,463.58</td>
<td>20,516,335.88</td>
<td>22,332,432.78</td>
<td>22,779,342.06</td>
<td>26,571,638.00</td>
</tr>
<tr>
<td>TOTAL EXPENSES</td>
<td>19,388,463.58</td>
<td>20,516,335.88</td>
<td>22,332,432.78</td>
<td>22,779,342.06</td>
<td>26,571,638.00</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>19,388,463.58</td>
<td>20,516,335.88</td>
<td>22,332,432.78</td>
<td>22,779,342.06</td>
<td>26,571,638.00</td>
</tr>
</tbody>
</table>