AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 10, 2017
6:30 P.M. Senior Property Tax Assistance Committee Meeting
7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES
   June 19, 2017

III. MANAGER’S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY
   17 – 094 To hear a report from Lisa Jacob of Sevee & Maher Engineers re: West Cumberland aquifer and DEP well testing (1990’s to 2014).
   17 – 095 To hear a report from the Town Manager re: Gravel Pits and Extraction of Gravel (Q&A after with Town Attorney present).
   17 – 096 To hear a report from the Town Attorney re: the disposition of paper streets, which will require action by September 2017.
   17 – 097 To consider and act on amending Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.
   17 – 098 To consider and authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road.

VI. NEW BUSINESS
   • Reminder: Public Hearing on July 24th to consider and act on acceptance of Greely Woods and other easements

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VIII. ADJOURNMENT
MOTIONS
17 – 094  No action

17 – 095  No action

17 – 096  I move to set a Public Hearing date of September 11th to consider and act on extending the paper street deadline.

17 – 097  I move to amend Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.

17 – 098  I move to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road.
MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 19, 2017

6:00 P.M. Call to Order
Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, and Turner
Excused: Councilor Storey-King

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(D) re: contract negotiations between the Town of Cumberland and the Cumberland Police Benevolent Association and the Public Works /Val Halla Maintenance Employees Association.
VOTE: 5-0 UNANIMOUS

Councilor Bingham arrived at 6:52 P.M.

Regular session began at 7:00 P.M.

I. APPROVAL OF MINUTES
Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the May 22, 2017 meeting minutes as presented.
VOTE: 4-0-2 (Bingham and Edes abstained) MOTION PASSES

II. MANAGER’S REPORT
Juliana Baranowski helped organize a food drive at Holy Martyrs Church to benefit the food pantry. They raised $1,128.00 and collected over 1,200 household items to be split between the Falmouth and Cumberland the food pantry’s.

Bob Storey of the Cumberland Cemetery Association presented a Town lamp to Peter McKinney for his many years of service to the Cemetery Association.

III. PUBLIC DISCUSSION
Kate Dolan of Middle Road asked the Council to consider extending the waterline down the northern end of Middle Road during the Middle Road project. She has a well on her property with water that is not drinkable. She feels that the waterline extension would be beneficial to those residents of Middle Road, as well as the businesses there. It would also help with redundancy and fire protection service.

Craig Wright has his business at 199 Middle Road and he has a drilled well. His water has a high sulfur content so it smells very bad. They have a water treatment system, but they have to change the filter once a week to keep the smell down. He also asked the Council to consider extending the water down the northern side of Middle Road.

John Chandler said that extending the water to the northern end of Middle Road would be very helpful to that neighborhood and the Town in regard to fire protection.

Wayne Curtis of 183 Middle Road thanked the Council for considering this.
Town Manager Shane said that he is optimistic, but it is still too soon to tell how the project will come out financially. We should have a better feel of how the project is going after Labor Day. It would be in everyone’s interest if we could make this happen.

IV. LEGISLATION AND POLICY

17-083 To swear in newly elected Town Councilors.
Town Clerk, Tammy O’Donnell administered the oath of office to Councilors Gruber and Stiles.

17-084 Election of Town Council Chair and Vice-Chair.
Motion by Councilor Bingham, seconded by Councilor Copp, to appoint Councilor Edes as Town Council Chairman.

Councilor Bingham moved that the nominations cease, Councilor Gruber seconded.
VOTE: 5-0-1 (Edes abstained) MOTION PASSES

Motion by Councilor Gruber, seconded by Councilor Stiles, to appoint Councilor Copp, as Town Council Vice-Chairman.

Councilor Turner moved that the nominations cease, Councilor Stiles seconded.
VOTE: 5-0-1 (Copp abstained) MOTION PASSES

Chairman Edes took over the duties of running the meeting and thanked Councilor Turner for his duties as Chairman over the past year.

17-085 To hold a Public Hearing to consider and act on approval of annual Victualer’s Licenses for non-profit organizations for the period of July 1, 2017 – June 30, 2018.
Chairman Edes opened the Public Hearing.
Public discussion: none
Chairman Edes closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Stiles, to approve the annual Victualer’s Licenses for non-profit organizations for the period of July 1, 2017 – June 30, 2018.
VOTE: 6-0 UNANIMOUS

17-086 To hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY’17.

Town Manager Shane explained that the operating budget overages this year can be classified as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Benefits Accrual Payouts</td>
<td>$129,000</td>
</tr>
<tr>
<td>Public Works Winter overages</td>
<td>$90,000</td>
</tr>
<tr>
<td>Recreation Expense Overages</td>
<td>$96,000</td>
</tr>
<tr>
<td>Fire Staffing EMT &amp; Paramedic</td>
<td>$30,000</td>
</tr>
<tr>
<td>Misc. Dept. Overages</td>
<td>$74,821</td>
</tr>
<tr>
<td></td>
<td>$419,821</td>
</tr>
</tbody>
</table>

TOWN COUNCIL MEETING MINUTES
June 19, 2017
Excise Taxes, Buildings & Impact Fees and Recreation are all well above projections and comprise the lion's share of revenue overages. We have increased Excise Taxes for next year and all realize that impact fees and building permit fees were primarily due to one project he $10 Million apartment complex off Route 1. The $1.1 million dollar excess will be applied to a multitude of Town infrastructure, senior tax relief and AIP programing as well as funding future budget reserve funds.

Town Manager Shane requested that the following inter-departmental operating funds be transferred for FY'17:

<table>
<thead>
<tr>
<th>Budgeted</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF Revenues over (under) budget</td>
<td>$4,513,720</td>
</tr>
<tr>
<td>GF Expenses (over) under budget</td>
<td>$10,511,164</td>
</tr>
<tr>
<td>Add: Overlay (excluding Homestead)</td>
<td></td>
</tr>
<tr>
<td>CIP unbudgeted/previous approved expenses (see below)</td>
<td></td>
</tr>
<tr>
<td>Add: Bond premium**</td>
<td></td>
</tr>
<tr>
<td>Estimated End of Year funds available:</td>
<td></td>
</tr>
</tbody>
</table>

Less transfers for:
- Fire station renovation** (150,000)
- Middle Road water line** (100,000)
- Police Lieutenant retirement (35,000)
- AIP/SMAAA employee & programming (50,000)
- AIP tax relief (100,000)
- Cemetery signs (15,000)
- Town anniversary (10,000)
- FAA tower (40,000)
- Ambulance (100,000)
- Police cruiser (17,500)

(617,500)

** Use bond premium to partially fund bond related projects

Any additional revenues will be added to Fund Balance

Projected FY2017 GF Ending Fund Balance $ 2,560,428 8.7%

Town Manager Shane requested the transfer of monies between Town Reserve Accounts as follows: Close-out the Route 1 parking lot Repayment Fund and Transfer balances to the Broad Cove Reserve Fund and the Land Acquisition Fund as recommended by the Finance Committee.

<table>
<thead>
<tr>
<th>From Rt 1 Fund</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>204 Land Acquisition</td>
<td>$241,857</td>
</tr>
<tr>
<td>257 Broad Cove Reserve Fund</td>
<td>$118,349</td>
</tr>
<tr>
<td>228 Rte. 1 Parking</td>
<td>$136,122</td>
</tr>
</tbody>
</table>
Chairman Edes asked if anyone in the Public had a comment.

Brad Hilton of Blanchard Road said that the Town has an excess of money every year and they never use it to reduce property taxes. He thinks that we should be putting $300,000 toward this and he is disappointed that the Council is not doing this.

Councilor Stiles responded that we are offsetting expenses that would be necessary to budget for next year. He feels that we are doing a great job in managing the budget and also building up the fund reserves.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to use excess end of year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY 2017 as recommended by the Finance Committee, and authorize the Town Manager to transfer end of year fund balances as recommended by the Finance Committee. Further, I authorize the Town Manager to close-out the Route 1 Parking Lot Repayment Fund and transfer balances to the Broad Cove Reserve Fund and the Land Acquisition Fund, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

17 – 087 To consider and act on Commercial Hauler’s license renewals for FY’18.
Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Commercial Hauler’s license renewals for FY’18.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

17 – 088 FY’18 Town Council Committee Assignments.
Motion by Councilor Bingham, seconded by Councilor Copp, to approve the FY’18 Town Council Committee Assignments as presented.

VOTE: 6-0 UNANIMOUS

17 – 089 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, the adoption of a new Senior Housing Overlay District.

Town Manager Shane explained that the development of a Senior Housing Overlay District would allow a developer to develop a piece of property in our growth area that would have a more dense allowance for the number of buildings allowed, for 55+ housing. Economist, Charles Lawton made a recommendation to the Town Council and School Board that policies around new senior housing developments be strongly considered to allow turnover in existing neighborhoods for younger families. Town Staff has been approached by Oceanview of Falmouth to build a senior housing project in Cumberland. This can only be made possible with an overlay district that allows for a more dense land use policy.

Councilor Gruber said that the Aging in Place Committee is in favor of this.

Motion by Councilor Bingham, seconded by Councilor Stiles, to forward the new Senior Housing Overlay District to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS
17 – 090 To set a Public Hearing date of July 10th to consider and act on the adoption of a new Senior Housing Overlay District.
Motion by Councilor Bingham, seconded by Councilor Copp, to set a Public Hearing date of July 10th to consider and act on the adoption of a new Senior Housing Overlay District.
VOTE: 6-0 UNANIMOUS

17 – 091 To authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2017 – June 30, 2020.
Councilor Gruber said that the contract was reviewed by the Finance Committee and they are recommending approval.
Motion by Councilor Stiles, seconded by Councilor Copp, to authorize the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2017 – June 30, 2020.
VOTE: 6-0 UNANIMOUS

17 – 092 To authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2017 – June 30, 2020.
Councilor Gruber said that the contract was reviewed by the Finance Committee and they are recommending approval.
Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2017 – June 30, 2020.
VOTE: 6-0 UNANIMOUS

17 – 093 To authorize the Town Manager to work with the Chebeague and Cumberland Land Trust to develop a Conservation Easement for Greely Woods.
Town Manager Shane said that the Land Trust will meet this week to review the Conservation Easement. This will connect a lot of the neighborhoods in the center of Town to trails including trails all the way to Knight’s Pond.

Penny Asherman, President of the Board of the Chebeague and Cumberland Land Trust said that this a recreational opportunity in a dense area of our Town. Some other positive aspects of this are habitat protection of the forest, stream and wetlands. The Greely Woods parcel is within our “green corridor” and the Land Trust has identified this as a focus area. Another positive aspect is water quality protection of the streams and wetlands and it is near our aquifer. It is very important to protect that resource. If the Land Trust moves forward on this, their roll will be to ensure that the terms of the easement are met and will monitor the property at least annually and address any concerns to the Town.

John Jensenius of Laurel Lane thanked the Council for taking the time to assess the value of these properties for the community. The properties have been used for many years for recreation and have served as a habitat for wildlife.

Peter Garsoe of 71 Blanchard Road asked if this Conservation Easement is granted, can anything be done with the property.

Town Manager Shane said that land that is put into a Conservation Easement typically stays that way in perpetuity so that it can remain in its natural state. The Town property may allow certain recreational activities
such as snowmobiling for example), but abutting land owners may not want to allow those activities. Typically, development is prohibited, and any structures that will be allowed will be added into the Conservation Easement document early on.

Mr. Garsoe asked before the Town owned the property, what was the tax revenue to the Town on these parcels?

Town Manager Shane said that because of the wetlands on the properties, the value of each lot was probably in the neighborhood of $100,000 to $150,000.

Councilor Bingham said that when the Town acquired these parcels, they looked into the possibility of selling them to get them back on the tax rolls. Because of the wetlands, they are not developable lots.

Chairman Edes said that these lots could be sold to finance open space in other locations. They are worth $150,000 each. He is not in favor of this.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to work with the Chebeague and Cumberland Land Trust to develop a Conservation Easement for Greely Woods and to set a Public Hearing date of July 24th for adoption.

VOTE: 4-2 (Copp & Edes opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Bingham – Thank you to Councilor Turner for serving as Council Chairman over the past year.

He thanked the Town Manager and Town Staff for another great Memorial Day parade and speakers.

Councilor Gruber – He thanked Councilor Turner for his service to the Council as Chairman.

He agreed that the Memorial Day events showed our community at our best.

Bangor Savings Bank had a peanut butter & jelly drive for the Food Pantry. Many thanks to them.

The Coastal Waters Commission, the Aging in Place Committee, and the Conservation Subdivision Committee all met recently. All of these committees do a lot of great work.

Chairman Edes – Condolences to the family of Jerry Smith who passed away last week. Jerry was a longtime coach and physical education teacher at Greely High School. He was also very involved in harness racing and raised 2 daughters here.

Thank you to General Gerry Bolduc for speaking at the Memorial Day parade.

He wished Milt Calder well in his upcoming retirement.

It is an honor to him to be elected as Town Council Chairman. Thank you to his fellow Councilors for their confidence in him. His father would be proud.
Councillor Turner – He appreciated all the kind words from his fellow Councillors. It was an enjoyable term as Chairman. The job is easy because of the Town Manager that we have. Bill is a partner to the Council that is second to none.

The new pavement on Route One is a great improvement.

Councillor Stiles – Thank you to those who voted for him during the election.

He continues his efforts to collect money for the 4-H auction to benefit the food pantry.

Councillor Copp – He also sent condolences to the Smith family.

Town Manager Shane – Police Lieutenant, Milt Calder’s retirement party is this Thursday at noon at Town Hall. The public is welcome to attend. Milt has been a great friend and the epitome of Community Policing. He truly cares about Cumberland and he will be missed.

Thank you to Brigadier General Bolduc for his speech on Memorial Day. He is a great man.

On July 10th there will be 2 very important items on the agenda that the public may want to know about: gravel extraction compliance in West Cumberland and the well comminution issue in West Cumberland back in the 90’s.

VI. ADJOURNMENT
Motion by Councilor Bingham, seconded by Councilor Stiles, to adjourn.
VOTE: 6-0 UNANIMOUS
TIME: 8:54 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

Circuit Breaker Committee meeting after adjournment
ITEM
17-094

To hear a report from Lisa Jacob of Sevee & Maher Engineers re: West Cumberland aquifer and DEP well testing (1990’s to 2014)
Blackstrap Road Well Advisory Zone - Update

Presented to:
Cumberland Town Council
July 10, 2017
Overview & Objectives

- Sand and gravel aquifers
- Project setting
- History of Well Advisory Zone
- Recommendations for Town consideration
- Review of monitoring program and decision
- Q&A
Uses and Affects to Aquifer

- Loss of water
- Potable use
- Individual water supply wells pump from S&G aquifer
- Not used for public water supply
- Limits to recharge - pavement, etc.
- New water supply wells
- Factors affecting water quality
Loss of Water from Aquifer
Potential Contamination Sources

APPLICATION

LEACHING

SPILL

LEAK

SME
Seavee & Maher Engineers, Inc.
Blackstrap Road Well Advisory Zone

- West Cumberland
- Within sand and gravel aquifer
- Centered on Goose Pond Road / Upper Methodist Road
- Land uses
- Residential
- Industrial/Commercial

SME Sevee & Maher Engineers, Inc.
Established Well Advisory Zone in 1992

Release identified release investigation to assess source of PCE contamination – no specific

Quality monitoring program

MEDEP installed additional monitoring wells, established water and commercial chemical

Identified presence of tetrafluoroethylene (PCE) – common industrial

Tested for volatile organic compounds

Responded by testing neighboring water supply wells

Received complaint of poor-tasting drinking water

1983 - Maine Department of Environmental Protection (MEDEP)

Well Advisory Zone History
Action level = half MEC

Maximum Exposure Guidelines (MEC)

Compared PCE concentrations with state-defined guidelines:

Confirmed PCE as contaminant of concern

Response from homeowners varied

Concentrations of PCE sampling frequency was reduced in response to low or no detected

Coverage and frequency varied through 2014

MDEP sampled residential water supply and monitoring wells

Blackstrap Road Water Quality Monitoring
Water Quality Monitoring & Treatment

- Carbon filtration offered where PCE concentrations were detected above the action level
- Six homes
- Filters installed in 1980s
- Sampling continued according to observed concentrations in residential monitoring wells
- Sampling frequency reduced in 1997
- Filters removed from three of six homes
No Further Action

MEDP issued "No Further Action" letter summarizing findings and reporting limits in most homes and monitoring wells.

Recent (post-2000) data: PCE not detected above laboratory.

Based on continued reduction of PCE concentrations, discontinued program.

MEDP final round of water quality monitoring of water supply.

2014 - MEDP
PCE Concentrations Over Time

Hutchins Residence PCE Data Summary
Blackstrap Road Monitoring Area
Cumberland, Maine

LEGEND
- PCE Concentration
- MEDEP MEG (PCE)
- MEDEP Action Level (PCE)

U = Not detected above laboratory reporting limit
Recent Conditions

- Most recent data:
  - No parameters tested above or near MEGs
  - Where detected, PCE well below MEG
- "No Further Action" status represents dramatic improvement
  - Based on locations monitored
  - Current water usage
- MEDEP monitoring and decision does not provide guidance for development
More in-depth study

Limited number of monitoring and water supply wells

Provide on-going understanding of water quality conditions

Periodic water quality sampling

Ordinance update

Baseline VOC testing as part of Planning Board review process

Request new water supply wells in zone be tested for VOCs

Maintain well Advisory Zone

Steps to Consider
Thank You!

Questions?
Resources

- PCE
- Maine Center for Disease Control and Prevention
- U.S. Environmental Protection Agency
- Ted Wolfertz, Project Manager
- Maine Department of Environmental Protection
- Blackstrap Road Water Quality Monitoring
May 30, 2017

William Shane
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Subject: Blackstrap Road Well Advisory Zone
         Forest Lake Area, Cumberland

Dear Bill:

Following our recent discussions, at your request, Sevee & Maher Engineers, Inc. (SME) reviewed the history and status of the Well Advisory Zone established by the Maine Department of Environmental Protection (MEDEP) and the investigations and water quality monitoring program conducted by MEDEP between approximately 1983 and 2014. A brief history of the Well Advisory Zone and MEDEP’s investigations and monitoring is provided below, followed by some summary thoughts and recommendations for your consideration.

ZONE DESCRIPTION & INVESTIGATION HISTORY

The subject area is located in West Cumberland in the area along Goose Pond Road, Upper Methodist Road, and Lower Methodist Road, generally between Blackstrap Road and Route 100. The subject area and surrounding vicinity is shown on Figure 1. The zoning in this area of Cumberland is primarily Rural Residential 2, with Industrial-zoned areas northwest of Blackstrap Road and northeast of Upper Methodist Road. The portion of the Well Advisory Zone northwest of Blackstrap Road has historically been used for industrial purposes, including gravel pit operations, a sawmill complex, auto salvage junkyard, and metal recycling. The area southeast of Blackstrap Road and southwest of Upper Methodist Road is primarily residential. Residences and businesses are served by private water supply wells and septic systems. No municipal water or sewer are currently or have historically been available to this region.

In 1983, MEDEP received a complaint of poor-tasting drinking water from Blanche Hutchins at 46 Blackstrap Road. MEDEP facilitated sampling of the Hutchins water supply well and other neighboring residential water supply wells. Through testing residential water supplies for the presence of volatile organic compounds (VOCs), the presence of tetrachloroethylene (also known as perchloroethylene or PCE) was detected in wells in this vicinity. PCE was not detected above laboratory reporting limits in the Hutchins well during initial sampling, but was detected during the fifth round of sampling (January 1984) at a concentration of 67 micrograms per liter (ug/L), above the state Maximum Exposure Guideline (MEG) for drinking
water in effect at the time of 35 ug/L. MEDEP installed additional monitoring wells and conducted a water quality monitoring program of monitoring and residential water supply wells that continued (with varying coverage and frequency) until 2014. The approximate boundaries of the historical PCE plume and the region where PCE concentrations exceeded the MEG as of 1992 are shown on Figure 1. These boundaries were drawn by others (located in MEDEP files during a recent file review), and are based on data collected by MEDEP and Caswell, Echler, & Hill, Inc. (CEH), a consultant for MEDEP, prior to 1992. Based on water quality results, MEDEP installed carbon filters at six homes in the Blackstrap Road area between 1985 and 1987.

Results of MEDEP sampling confirmed PCE to be the only volatile organic contaminant of concern. Low concentrations of methyl-tert butyl ether (MTBE, associated with gasoline) were detected sporadically in residential wells, but MTBE was considered to be the result of localized minor spills, and not associated with the PCE plume.

Investigations were conducted to identify the source or sources of groundwater contamination and to characterize the plume. MEDEP identified several potential sources of PCE contamination. CEH conducted a Phase II Field Investigation according to a scope of work designed by MEDEP and CEH. According to the CEH final report\(^1\), a single, discrete source of PCE contamination was not identified; however, the list of potential sources was narrowed to the Hutchins gravel pit (northwest of the Hutchins residence at 46 Blackstrap Road), operation of the MEDOT gravel pit (north-northwest of Hutchins residence), and former spraying of waste oil for dust control on Upper Methodist Road (aka Goose Pond Road, Forest Lake Road). No specific release is known to be attributed to any of these sources, and MEDEP assumes the PCE presence in groundwater to be caused by a one-time, low-level discharge of PCE.

In 1992, MEDEP established a Well Advisory Zone based on water quality in monitoring wells and residential water supply wells, as well as the location of streams along the southern edge of the zone\(^2\). The purpose of the Well Advisory Zone was to alert new and potential residents to the potential for low-level groundwater contamination in the area. MEDEP advised the Town of Cumberland about the possibility of low-level VOC contamination in the bedrock and surficial aquifers, and intended that the Town of Cumberland control and/or advise the public regarding utilization of the aquifer as a resource via building permits and zoning ordinances.

The Maine Department of Health and Human Services (Center for Disease Control and Prevention) is responsible for establishing MEGs. As guidance has changed over time and

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\(^1\) CEH, Inc., March 1992. Final Phase II Field Investigation Report, blackstrap Road Area, West Cumberland, Maine.

\(^2\) Maine Department of Environmental Protection, July 2, 1992. Status Report and Recommendations, Blackstrap Road Site, Cumberland, Maine.
as new toxicological data have become available, the MEGs have been updated to reflect new data and understanding. At the start of investigations and testing in the Blackstrap Road area, the MEG for PCE was 35 ug/L. In 1988, the MEG was lowered to 3 ug/L, and MEDEP observed an action level of 1.5 ug/L, or half the MEG. Several updates to the PCE MEG were instituted following this period. The PCE MEG was updated most recently in 2012, to 40 ug/L (with an action level of 20 ug/L).

The highest concentrations of PCE in the Blackstrap Road monitoring program were detected in samples from the Hutchins residential water supply well (Lot 58, 46 Blackstrap Road). Concentrations over time from this well are shown on Figure 2. The prevailing MEG and MEDEP action levels over time are also shown on Figure 2. Concentrations in other residential water supply wells show a similar decline in concentrations over time, with lower overall detected concentrations of PCE.

MEDEP observed steadily declining concentrations of PCE in residential and monitoring wells. They reduced the sampling frequency in 1997, and removed carbon filters from three of the six homes where filtration systems had been installed in the 1980s. In 2014, MEDEP conducted a final sampling round and based on further-reduced concentrations of PCE, terminated the residential well treatment and monitoring program for the area. In the absence of an identified source of contamination and resulting responsible party, MEDEP's Uncontrolled Sites Program maintained oversight of the Blackstrap Road area. This program issued a "No Further Action" (NFA) Decision Document effectively terminating the MEDEP oversight and interest of the area following 2014 sampling³.

The most recent data from each well in the monitoring program is shown on Figure 3, based on electronic data available from the MEDEP EGAD database. This dataset generally includes monitoring well data collected post-2000, and residential water supply data collected post-2007. Concentrations have declined significantly since the 1980s, and in most locations, PCE is not detected above laboratory reporting limits. In this most-recent dataset, PCE was not detected within an order of magnitude of the current MEG anywhere in the monitoring program.

SUMMARY AND RECOMMENDATIONS

The NFA status determination made by MEDEP reflects a dramatic improvement in groundwater quality beneath the areas of Blackstrap Road and Upper Methodist Road, to the point where treatment and monitoring were no longer considered necessary. This is excellent news for current residents of this area, and for potential future development; however, the NFA status pertains to existing residential water supply wells and the level of groundwater

withdrawal currently in place in this region. The NFA status does not provide guidance for development of new water supplies, and MEDEP’s findings do not guarantee that VOCs including PCE will not be detected in existing or future water supply wells in the vicinity. Changes to the groundwater hydrogeology of the area could affect groundwater flow patterns, as well as the transport of any residual VOC contamination remaining in the aquifer.

Recent water quality showed no detections of any parameters tested above or near the relevant water quality standards. While significant improvements to water quality in the surficial aquifer have been observed over the course of about 30 years of monitoring, it would be prudent for the Town of Cumberland to maintain the Well Advisory Zone and to request that new water supply wells within the zone be tested for the presence of VOCs. Requiring baseline VOC testing as part of the Town’s site plan review process would provide the Town with the opportunity to stay updated with new water quality information, and would also provide the Town with a vehicle to communicate the history of low-level contamination to potential homeowners and/or developers.

In the absence of new water quality data (from e.g., new water supply wells), or simply to maintain a current understanding of groundwater quality in this region, the Town of Cumberland may want to consider water quality sampling in the Blackstrap Road area. Annual sampling of a limited number of residential and monitoring wells from which the highest concentrations of PCE had historically been detected would provide continued visibility into groundwater quality conditions, including any further decline in concentrations and/or any water quality changes or changes in groundwater flow that may be attributable to changes in land use in the area.

Water quality has been monitored by MEDEP in residential wells in a limited area, and conclusions about water quality improvements have been made based on this available data set. Water quality is not understood in as much detail at varying depths in the aquifer, or over a wider area. If significant development in this region of Cumberland is proposed, and/or if the Town of Cumberland wants to explore using the groundwater resource protected in this area, you may want to consider conducting a hydrogeologic investigation and possibly some three-dimensional groundwater modeling to simulate changes to hydrogeology with increased groundwater extraction. A more robust monitoring well network would be needed to be able to ground truth model simulations, if modeling is an option the Town would like to explore.

We appreciate the opportunity to serve the Town of Cumberland. Please contact us with any questions, or to discuss our recommendations.
Very truly yours,

SEVEE & MAHER ENGINEERS, INC.

[Signature]

John E. Sevee, C.G.
Principal

Enclosures: Figures
FIGURE 2
Hutchins Residence PCE Data Summary
Blackstrap Road Monitoring Area
Cumberland, Maine

LEGEND
- PCE Concentration
- MEDEP MEG (PCE)
- MEDEP Action Level (PCE)

U = Not detected above laboratory reporting limit

Not detected data is not plotted for August, September, October, and December 1983, and for February 1985, since the available information does not include detection limits or sample handling protocols.

No PCE data is available between the September 1991 and November 2002 sampling events.
ITEM
17-095

To hear a report from the Town Manager re: Gravel Pits and Extraction of Gravel (Q&A after with Town Attorney present)
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: July 6, 2017
Re: 17-095 Gravel extraction and Building Permits

Several years ago the Town voted by referendum to ban Gravel Extraction in all residential zones.

Since then, the Town has also adopted ordinances to deal with grading of land in a new Erosion and Sedimentation Ordinance. Neither the Gravel Extraction nor Erosion & Sedimentation ordinances apply to single family homes that have valid building permit.

Ken Cole, our retired Town Attorney, advised that any legal action against a party with a valid building permit trying to use these ordinances would be ineffective and ultimately the Town would not be successful in stopping the extraction or removal or disturbance of earth for a single family home.

I will present the Town Council with an example on Monday evening of how this has become an issue in West Cumberland. Currently, the Code Officer and I agree a 10% grade, while steep, is a reasonable expectation to keep existing building permits and residential driveways in compliance with our current ordinances. The Town Attorney will be available to assist the Town Council with regards to questions related to legal issues around either of the current Ordinances.
Gravel Extraction for a Single Family Home

- 50 CY per foot of road
- 28 CY per foot of road
- 50 CY per foot of road

- 3:1 Slope

- Elevation 70'

- 90' Wide
- 25' Wide
- 90' Wide

- 205' in Width x 30' in Depth

128 Cubic Yard of material for every 1 foot of roadway
11 - 10 wheeled 14 cy Dump Trucks for every foot of roadway
Gravel Extraction for a Single Family Home

1.900' length x 20' wide x 20' Depth Average = 288,519 CY
Trucks = 24,730 Trucks
§ 315-48 Erosion and sedimentation control.
[Amended 9-10-2012; 8-12-2013]

A. Purpose; conduct of activities.

(1) The purpose of this section is to eliminate or minimize the off-site impact from any proposed development. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of the Maine Erosion and Sediment Control Best Management Practices published by the Department of Environmental Protection and the permitting process as outlined herein.

(2) \textbf{Filling, grading, lagooning, dredging, earthmoving activities}, and other land use activities shall be conducted in such manner to prevent, to the maximum extent possible, erosion and sedimentation of surface waters. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site, control stormwater runoff through the construction phase and strategic placement of structures, roads and driveways. The natural features and drainage patterns of the lot shall be preserved using careful site design prior to any clearing or construction. The natural flow of water shall be identified and undisturbed buffers protected to minimize off-site transport by stormwater. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

B. Permits.

(1) All activities that involve filling, grading, excavation or other similar activities which may result in disturbed soil conditions and that are not otherwise listed in Subsection C, Exemptions, shall require a permit and a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer for approval and shall include, where applicable, provisions for mulching and revegetation of disturbed soil, temporary runoff control features such as hay bales, silt fencing or diversion ditches, and permanent stabilization structures such as retaining walls or riprap.

(2) Any exposed ground area shall be temporarily or permanently stabilized within one week from the time the work was started, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established. Anchoring the mulch with netting, peg and twine or other suitable methods may be required to maintain the mulch cover (wood chips are acceptable). Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(3) Each application to the Code Enforcement Officer for a permit to erect a new building or structure or to enlarge or to move an existing one shall be accompanied by a description of the intended use of the land and/or buildings and a site plan showing the measurements of the lot and of all buildings, driveways, yards and parking spaces, drainageways, storm drains, and streams existing and proposed. Additional measures may be required in order to comply with this section, such as drainageways and easements, soil erosion control measures, and all features to be installed for compliance with this section.

(4) Permits granted under this section may be made subject to additional conditions or restrictions to ensure conformity with the purposes and provisions of this section.

C. Exemptions. The following activities are exempt from the permitting and written plan requirements of this section:

(1) Activities in the Shoreland Zone which are governed by the Shoreland Zoning Ordinance.

(2) Permit applications in subdivisions and site plans, which have a Planning Board approved soil
erosion and sedimentation control plan.

(3) Activities wherein none of the area of soil disturbance has a slope steeper than 2%. It shall be the applicant's responsibility to furnish a topographic survey upon request demonstrating such gradual slope.

(4) Agriculture within all zones as defined in the Zoning Ordinance.

(5) Five hundred square feet or less of net impervious area (footprint).

(6) Septic systems with a permitted HHE-200 subsurface wastewater disposal system application.

(7) The maximum amount of soil area to be disturbed without a permit shall be based on the slope of the disturbed area, as outlined in Table I below.

**TABLE 1**

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§ 315-49 Extraction of earth materials.

A. Topsoil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this chapter, subject to a contract zone agreement with the Town Council and review and approval by the Planning Board under Chapter 229, Site Plan Review. If the Planning Board grants approval under Chapter 229, Site Plan Review, it shall also issue a one-year, annually renewable special permit for such operations under such terms and conditions as may be approved and provided for by the Planning Board and as provided for in this chapter.

(1) The owner or operator shall be responsible for returning to the Planning Board each year for review of the annual renewable special permit. The Planning Board shall review the operations for continuing compliance with the review standards and shall consider any testimony concerning problems about the operations. The Planning Board may impose such different or additional conditions on the annual renewable special permit as it determines necessary to ensure compliance with all applicable requirements and to address any operational problems identified during the prior year.

(2) After issuance of five consecutive annual renewable special permits, the applicant can apply for a five-year permit as long as all standards are met and there have been no complaints or verified violations. A verified complaint or violation of standards may require review or reconsideration. This provision shall apply retroactively from amended date.

B. Procedure. The applicant shall present a site plan with detailed information of the proposed extraction operation as required under Chapter 229, Site Plan Review.
C. Standards.

(1) The operation shall be shielded from surrounding property by an adequate buffer area of not less than 200 feet from the top of the final grade to the property line. If approved by the contract zone agreement, the Planning Board may reduce the buffer area from the minimum requirement of 200 feet to a minimum requirement of not less than 100 feet, provided that any excavated property remaining will be left in a condition more useful for some future purpose conforming to the district requirements in which the excavation site is located.

(2) An applicant may specifically apply as a part of his application for the excavation and removal of lands for waiver of the requirement of the two-hundred-foot buffer strip when the protective barrier serves only to separate two existing gravel pits. If approved by the contract zone agreement, the Planning Board may only grant a waiver from this requirement if:

(a) The protective buffer zones exist only between two existing gravel pits;

(b) The owners of the respective properties mutually and voluntarily consent to the removal of the buffer zone; and

(c) The Planning Board finds that it shall not have a detrimental effect upon adjoining properties.

(3) Specific plans shall be established to avoid hazards from excessive slopes and/or standing water. In no case may soils be removed or excavated to closer than within five feet of the seasonal high water table as may be determined by a competent authority. Where an embankment must be left upon the completion of operations, it shall be at a slope of not steeper than one foot vertical to three feet horizontal, except that where the required buffer area has been reduced to 100 feet the slope of the edge of the excavation area shall not exceed one foot vertical to four feet horizontal.

(4) No standing water shall be allowed to remain longer than two consecutive calendar weeks unless specifically provided for by the contract zone agreement and the Planning Board as part of the site plan approval.

(5) In the case of any excavation to a depth of more than 20 feet below the surface, there shall be constructed a substantial fence with suitable gates completely enclosing the property or area in which the excavation is located. No portion of such fence shall be located closer than forty feet to the edge of such excavation. However, this condition shall not apply in the case of an excavation or removal of lands adding a slope of one foot vertical to greater than three feet horizontal.

(6) No excavation shall be extended below the grade of adjacent streets unless a two-hundred-foot buffer strip shall be provided from the edge of the right-of-way, except in cases where authorized by the contract zone agreement and the Planning Board as part of the site plan approval and through agreement with other involved parties, such as the Cumberland Public Services Department, Maine State Department of Transportation and other property owners for the reconstruction of the right-of-way and street at a different level.

(7) Provision shall be made for the control of stormwater runoff to prevent on-site erosion and to ensure that stormwater runoff leaves the site at the same location and is not significantly increased.

(8) Sufficient topsoil shall be retained on the site or otherwise provided sufficient to cover all disturbed areas with an average depth of not less than two inches. All disturbed areas resulting from the excavation and removal of lands or soils shall be graded and sloped to conform to the provisions of this chapter, reloamed and seeded with grasses indigenous to the area and such trees as the Planning Board as part of the site plan review and the contract zone agreement may require and otherwise restored to a natural condition. In the case of topsoil removal, the upper six inches of topsoil shall be stockpiled and restored to a depth of six inches throughout the site.
(9) Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

(10) All access roads leading from the extraction site to public ways shall be treated with stone, calcium or other suitable materials to reduce mud and dust.

D. A letter of credit or escrow account shall be posted with the Town Treasurer by the applicant in an amount and form approved by the Town Council, with the advice of the Town Manager, sufficient to guarantee performance and conformity with the provisions of this chapter and approval of the special permit for the excavation and removal of lands.

E. The foregoing provisions shall not apply to any lawful use of land for the removal of sand or gravel and the quarrying of stone existing at the time of adoption of this chapter; provided, however, that no such existing operation shall expand closer to or within 200 feet of any adjoining property line or the line of any existing public way, that no such existing operation which may be within 200 feet of any such adjoining property line or the line of any existing public right-of-way shall be permitted to expand closer to such line or lines, and existing restrictions as may have been previously provided for previous approvals shall continue in full force and effect, and further provided that the Planning Board shall have the authority to approve applications for the expansion of such existing pits or quarries into such areas under the same terms and conditions as it may approve applications for new gravel pits and quarries for the excavation and removal of lands pursuant to the provisions of this chapter.

F. This section shall not apply to:

(1) Extraction necessarily incidental to construction, alteration, excavation, or grading for which a building permit has been issued;

(2) Extraction from one portion of a lot for use on another portion of the same lot or contiguous lot of the same owner; or

(3) Removal of topsoil from a site that is less than one acre in area during a one-year period.

G. Violations of this section shall be punishable by a fine as established by order of the Town Council. Each day such violations are permitted to continue to exist shall constitute a separate violation.
§ 315-48 Erosion and sedimentation control.
[Amended 9-10-2012; 8-12-2013]

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(2) Extraction from one portion of a lot for use on another portion of the same lot or contiguous lot of the same owner; or

(3) Removal of topsoil from a site that is less than one acre in area during a one-year period.

G. Violations of this section shall be punishable by a fine as established by order of the Town Council. Each day such violations are permitted to continue to exist shall constitute a separate violation.
ITEM
17-096

To hear a report from the Town Attorney re: the disposition of paper streets, which will require action by September 2017
MEMORANDUM

TO: William R. Shane
FROM: Alyssa C. Tibbetts, Esq.
RE: Paper Streets
DATE: July 6, 2017

As you know, there is a looming statutory deadline of September 29, 2017 for municipalities to decide whether to retain “incipient dedication” rights in so-called “paper streets.”

Paper streets are those that are shown on approved subdivision plans but never have been built or accepted by the municipality as public ways. In 1987 the Legislature passed the Paper Streets Act, which provided that any paper street shown on a plan recorded prior to September 29, 1987 was automatically vacated unless the street was constructed, used or accepted as a public way within ten years (i.e., by September 29, 1997), or within 15 years after the subdivision plan was recorded, whichever date was later. See 23 M.R.S.A. § 3032(1-A). In 1997, the Legislature amended the law to provide municipalities with the opportunity to file for a 20-year extension of time to preserve their rights to the “incipient dedications” in the paper streets. See 23 M.R.S.A. § 3032(2).

On September 25, 1997, the Town of Cumberland voted to extend the time for action regarding paper streets within the Town for a period of twenty years from the date of recording. Therefore, on September 25, 2017, the Town’s first 20-year extension will expire.

The Town may choose to do one of the following:

1. Take no action — In this case, the incipient dedications for all remaining paper streets will expire, meaning that the Town will no longer have the ability to accept them as public ways because they will be “deemed vacated.” Pursuant to law, the rights in the vacated paper streets would pass to the abutting property owners to the center-line of the streets.
2. Adopt a “blanket extension” of the Town’s rights in all paper streets that were retained in 1997. This would be accomplished by vote of the Council, followed by recording a notice in the registry of deeds with the list of paper streets. The Town would then decide whether to accept or vacate the paper streets during the next 20 year period.

3. Targeted approach – Create a list of the streets for which to retain incipient dedications, a list of those to formally accept (if any), and a “no action” list of those paper streets that should be vacated.

Attached to this memo is a copy of the notice of Council action that was recorded on September 25, 1997, together with the list of the 26 paper streets affected by that action. Also attached are copies of the plans referenced in Exhibit A of that recorded notice. Note that several of the paper streets listed in Exhibit A of the recorded notice are located on Chebeague Island. The Town of Chebeague recently voted to take action regarding these paper streets.

After the September 25, 1997 notice was recorded, the Council voted on October 14, 1997 to vacate 6 of the 26 paper streets that were included in the September 25, 1997 action. However, there are statutory notice and recording requirements related to the vacation of paper streets (See 23 M.R.S.A. §§ 3027, 3027-A) and it does not appear that these were followed after the October 14, 1997 vote. The records regarding these paper streets should be reviewed in more detail to determine whether the vacation was proper or whether they continue to exist as paper streets.
NOTICE TO EXTEND TIME TO PREVENT VACATION OF PROPOSED, BUT UNACCEPTED WAYS

TAKE NOTICE, pursuant to 23 M.R.S.A. § 3032 (2), the Town Council of the Town of Cumberland, acting as the municipal officers of said municipal corporation, in a public meeting duly called, have voted with a quorum present and voting, to extend for a period of twenty (20) years from the date of recording in the Cumberland County Registry of Deeds of this written notice, the time for action by the said Council under said statute either to accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached hereto; provided, however, nothing herein shall limit the right or authority vested by Maine law in the said Town Council to vacate or accept said proposed, but unaccepted ways during said time period as otherwise provided by law.

Dated: 9-25-57

TOWN OF CUMBERLAND

By Robert B. Benson, Town Manager
STATE OF MAINE
Cumberland, ss.

September 24, 1997

Then personally appeared Robert B. Benson, the Town Manager of the Town of
Cumberland, and acknowledged the above instrument to be his free act and deed in said capacity.

- Before me,

[Signature]
Notary Public
[Seal]
Notary Public's Name
MY COMMISSION EXPIRES AUGUST 16, 1998
Councillor Gleason moved the Town Council to extend, for a period of twenty years from the date of recording in the Cumberland County Registry of Deeds of written notice, the time for action under 23 M.R.S.A., Section 3032(2), which said statute permits the Town to extend its decision to either accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached, provided that nothing herein shall limit the authority of the Council under Maine law, to vacate or accept any of those streets during said time period; and to authorize the Town Manager to sign the appropriate document extending the deadline and record the same.

Seconded by Councillor Bingham

VOTE: UNANIMOUS
EXHIBIT A

Proposed, But Unaccepted Ways in the Town of Cumberland
Cumberland County, Maine

All proposed, but unaccepted ways, not previously vacated located in the Town of Cumberland, including, without limitation, all such ways shown on the following plans on file in the Cumberland County Registry of Deeds:

Pleasant View Park, Chebeague Island, ME, Plan Book 8, Page 125, recorded 1898

Merriam Point, Great Chebeague Island, ME, Plan Book 11, Page 53, recorded June 15, 1907

Sunset Beach, Chebeague Island, Plan Book 11, Page 55, recorded July 22, 1907


Wildwood Park, Concord Realty, Plan Book 14, Page 3, recorded 1916

Nubble View, Great Chebeague Island, ME, Plan Book 14, Page 40, dated January 3, 1922, recorded 1922

Forest Lake, John P. Breiel Cottage Lots, Plan Book 15, Page 50, dated June 23, 1923, recorded 1924

Forest Lake, John P. Breiel Property, Plan Book 15, Page 64, dated April 28, 1924, recorded June 2, 1924

Plan of Cumberland Highlands, George T. Edwards, Plan Book 16, Page 8, dated April 1924, recorded July 22, 1924

Plan of Forest Homes, Property of Cora E. Parker at West Cumberland, Plan Book 25, Page 24, dated September 1938, recorded in November 14, 1938

Waldo Point, owned by Mildred Bell, Plan Book 35, Page 70, recorded February 7, 1950

Greenwood at Cumberland, Plan Book 69, Page 35, dated March 1965, recorded 1965

Division Point, Chebeague Island, ME, Plan Book 99, Page 36, recorded 1974

Division Shores, Chebeague Island, ME, Plan Book 110, Page 14, recorded 1975; Plan Book 113, Page 24, recorded 1976; Plan Book 139, Page 10, recorded 1983


97-124 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.

Donna Larson, Town Planner, reviewed the proposal. She and Brad Hare, the developer's representative, answered questions from the Council.

****** Councilor Gleason moved to table this issue in order to receive further input from the Planning Board.

Councilor Phipps seconded. Vote: Unanimous (5)

97-125 To hold public hearing to consider and act on status of paper streets on the mainland as well as Chebeague Avenue (NE of Cross St. to Hamilton Circle) and Hamilton Circle (NE of Cross St.) on Chebeague Island.

The Chairman opened the public hearing.

Those streets for which members of the public were present were considered first.

Councilor Gleason moved to vacate Chebeague Avenue, NE of Cross St. to Hamilton Circle, and Hamilton Circle, NE of Cross St.

Councilor Phipps seconded. Vote: Unanimous (5)

Councilor Kuntz moved to vacate Parker Road.

Councilor Gleason seconded. Vote: Unanimous (5)

** Councilor Phipps left the meeting.

Councilor Gleason moved to vacate Ravine Road from the common drive to Route 88.

Councilor Storey seconded. Vote: Unanimous (4)

Councilor Gleason moved to vacate the two unnamed roads in Brentwood.

Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Kuntz moved to vacate Ravine Drive in Brentwood.

Councilor Storey seconded. Vote: Unanimous (4)

Councilor Gleason moved to vacate all of Lake Road.

Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Gleason moved to vacate Park Avenue and Gray Avenue.
First Request for Action
For Sept 11, 2017
Council Meeting
Good afternoon Bill,

As discussed please find attached:

1. The Boundary Survey, in DRAFT form, that we looked at during our meeting today in both 24”x36” and 11”x17” format.

2. The Cumberland Official Map prepared for the Town Planning Board dated January 18, 1962 that shows the southerly end of the Range Way / Road Discontinued. I’ve circle the discontinued portion in red.

3. The 1997 Paper Street Document recorded at the Cumberland County Registry of Deeds. The Range Way we discussed is not listed in Exhibit A of said document, but I’m not sure that matters as the document refers to ALL paper streets which would seem to cover paper streets that existed but weren’t known in 1997. It’s important for Norene to understand that indeed this portion of the Range Way is considered an easement. As discussed will you check with Legal Counsel and let us know what their opinion is?

Please respond to this email as notification that you received it.

Best Regards,
Tim

Timothy A. Patch, PLS
SGC Engineering, LLC
a part of LR Senergy
a member of Lloyd's Register Group

Office: 207-347-8108
Mobile: 207-671-5612
Email: tim.patch@sgceng.com
Web: www.sgceng.com
www.lr-senergy.com

From: David Mott
Sent: Thursday, April 27, 2017 3:11 PM
To: Timothy A Patch <Tim.Patch@sgceng.com>
NOTICE TO EXTEND TIME TO PREVENT VACATION OF PROPOSED, BUT UNACCEPTED WAYS

TAKE NOTICE, pursuant to 23 M.R.S.A. § 3032 (3), the Town Council of the Town of Cumberland, acting as the municipal officers of said municipal corporation, in a public meeting duly called, have voted with a quorum present and voting, to extend for a period of twenty (20) years from the date of recording in the Cumberland County Registry of Deeds of this written notice, the time for action by the said Council under said statute either to accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached hereto; provided, however, nothing herein shall limit the right or authority vested by Maine law in the said Town Council to vacate or accept said proposed, but unaccepted ways during said time period as otherwise provided by law.

Dated: 9-25-99

TOWN OF CUMBERLAND

By __________________________
Robert B. Benson, Town Manager
STATE OF MAINE
Cumberland, ss. \n
September 24, 1997

Then personally appeared Robert B. Benson, the Town Manager of the Town of Cumberland, and acknowledged the above instrument to be his free act and deed in said capacity.

- Before me,

[Signature]

Notary Public

[Name]

[Notary Public, State]

[My Commission Expires: August 16, 1999]
Councilor Gleason moved the Town Council to extend, for a period of twenty years from the date of recording in the Cumberland County Registry of Deeds of written notice, the time for action under 23 M.R.S.A., Section 3032(2), which said statute permits the Town to extend its decision to either accept or allow a deemed vacation of all of the proposed, but unaccepted ways identified on Exhibit A attached, provided that nothing herein shall limit the authority of the Council under Maine law, to vacate or accept any of those streets during said time period; and to authorize the Town Manager to sign the appropriate document extending the deadline and record the same.

Seconded by Councilor Bingham

VOTE: UNANIMOUS
EXHIBIT A

Proposed, But Unaccepted Ways in the Town of Cumberland
Cumberland County, Maine

All proposed, but unaccepted ways, not previously vacated located in the Town of Cumberland, including, without limitation, all such ways shown on the following plans on file in the Cumberland County Registry of Deeds:

Pleasant View Park, Chebeague Island, ME, Plan Book 8, Page 125, recorded 1898

Merriam Point, Great Chebeague Island, ME, Plan Book 11, Page 53, recorded June 15, 1907

Sunset Beach, Chebeague Island, Plan Book 11, Page 55, recorded July 22, 1907


Wildwood Park, Concord Realty, Plan Book 14, Page 3, recorded 1918

Nubble View, Great Chebeague Island, ME, Plan Book 14, Page 40, dated January 3, 1922, recorded 1922

Forest Lake, John P. Breiel Cottage Lots, Plan Book 15, Page 50, dated June 29, 1923, recorded 1924

Forest lake, John P. Breiel Property, Plan Book 15, Page 64, dated April 28, 1924, recorded June 2, 1924

Plan of Cumberland Highlands, George T. Edwards, Plan Book 16, Page 8, dated April 1924, recorded July 22, 1924

Plan of Forest Homes, Property of Corn E. Parker at West Cumberland, Plan Book 25, Page 24, dated September 1938, recorded in November 14, 1938

Waldo Point, owned by Mildred Bell, Plan Book 35, Page 70, recorded February 7, 1950

Greenwood at Cumberland, Plan Book 69, Page 35, dated March 1965, recorded 1965

Division Point, Chebeague Island, ME, Plan Book 99, Page 36, recorded 1974

Division Shores, Chebeague Island, ME, Plan Book 110, Page 14, recorded 1975; Plan Book 113, Page 24, recorded 1976; Plan Book 139, Page 10, recorded 1983


ITEM
17-097

To consider and act on amending Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.
Chapter 261
Taxation

[HISTORY: Adopted by the Town Council of the Town of Cumberland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Board of Assessment Review — See Ch. 30, Art. II.

Article I
Property Tax Assistance

[Adopted 1-22-2007; amended in its entirety 12-14-2015]

§ 261-1 Purpose.
The purpose of this article is to establish a program to provide property tax assistance to persons 67—70 years of age and over who reside in the Town of Cumberland. Under this program, the Town of Cumberland will provide refund payments to those individuals who maintain a homestead in the Town of Cumberland and meet the criteria established by this article.

§ 261-2 Definitions.
As used in this article, the following terms shall have the meanings indicated:

BENEFIT BASE
Property taxes paid by a qualifying applicant during the tax year on the qualifying applicant's homestead or rent constituting property taxes paid by the resident individual during the tax year on a homestead not exceeding $3,350.

HOMESTEAD
For purposes of this article, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this article or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person's dependents as a home.

INCOME
For purposes of this article, "income" shall mean total household income as determined by the total (gross) income reported on the applicant’s most recent federal income tax return (Line 22 of Form 1040, Line 15 of Form 1040A; Line 4 of Form 1040EZ), plus the total (gross) income reported on the most recent federal income tax return of each additional member of the household if filing separately. If the applicant and/or any member of the household do not file a federal income tax return, income shall be the cumulative amount of all income received by the applicant and each additional member of the household from whatever source derived, including, but not limited to the following items:

1. Compensation for services, including wages, salaries, tips, fees, commissions, fringe benefits and similar items;
2. Gross income derived from business;
3. Gains derived from dealings in property (capital or other);
4. Interest;
5. Rents from real estate;
6. Royalties;
7. Dividends;
8. Alimony and separate maintenance payments received;
9. Annuities;
10. Income from life insurance and endowment contracts;
11. Pensions;
12. Income from discharge of indebtedness;
13. Distributive share of partnership gross income;
14. Income in respect of a decedent;
15. Income from an interest in an estate or trust;
16. IRA distributions;
17. Unemployment compensation; and

QUALIFYING APPLICANT
A person who is determined by the Town Manager or his designee, after review of a complete application under § 261-4 of this article, to be eligible for a refund payment under the terms of this article.

RENT CONSTITUTING PROPERTY TAX
Fifteen percent of the gross rent actually paid in cash or its equivalent during the tax year solely for the right of occupancy of a homestead. For the purposes of this article, "gross rent" means rent paid at arm's length solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as part of the rental agreement, whether or not expressly set out in the rental agreement.

§ 261-3 Criteria for participation.
In order to participate in the property tax assistance program, an applicant shall demonstrate all of the following:

A. The applicant shall be 67-70 years of age or more at the time of application.

B. The applicant shall have a homestead in the Town of Cumberland at the time of the application and for the entire year prior to the date of application.

C. The applicant has been a resident of the Town of Cumberland for at least 10 years immediately preceding the date of application for participation in the Program.

D. The applicant shall meet the application and eligibility criteria set forth in §§ 261-4 and 261-5 of this article.

§ 261-4 Application and payment procedures.

A. Persons seeking to participate in the property tax assistance program shall submit an application to the Town Manager no later than August 1 of the year for which the refund is requested. Applications are required for every year the applicant seeks to participate in this program. The application form for the program shall be made available upon request in the Town Manager's office and shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof of household income.

B. Applicants shall also submit proof of property taxes paid or rent constituting property taxes paid during the tax year on the individual's homestead in the Town of Cumberland.
C. The Town Manager shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the program. The Town Manager shall notify an applicant if an application is determined to be incomplete. The Town Manager's decision on eligibility to participate in the program shall be final.

§ 261-5 Determination of eligibility and amount.

A. Eligibility under this article is designed to provide greater benefits proportionally to applicants with lower income in relation to their Benefit Base. Applicants with Income greater than an amount equal to 90% of the current U.S. Department of Housing and Urban Development metropolitan area median family income shall not be eligible for benefits under this article. Eligible applicants will receive a benefit totaling the amounts set forth in section (1) and section (2) as follows, provided that the cumulative maximum benefit allowed shall be $750:

(1) The total amount of any increase to the applicant’s Benefit Base from the most recent tax year to the current tax year; and

(2) Benefits based on a calculation of the applicant’s Benefit Base as a percentage of their Income ((Benefit/Income) x 100 = Benefit Base as % of Income) If the Town Manager determines that the applicant is eligible to participate in the program, he shall determine the total amount of such eligibility in accordance with the following formula:

(a) If the Benefit Base as a % of Income is greater than 10%, the applicant will receive $350;
(b) If the Benefit Base as a % of Income is 8% – 10% of Income, the applicant will receive $250;
(c) If the Benefit Base as a % of Income is 6% – 7% of Income, the applicant will receive $150;
(d) If the Benefit Base as a % of Income is 5% or less, the applicant will receive $50.

Eligibility under this article shall be proportional to the applicant’s income in relation to the applicant’s benefit base. For purposes of calculating eligibility under this article, the applicant’s income shall include total household income, and the benefit base shall not exceed $3,350, regardless of actual property taxes accrued or rent constituting property taxes accrued. Applicants with household income greater than an amount equal to 90% of the current U.S. Department of Housing and Urban Development metropolitan area median family income shall not be eligible for benefits under this article. Notwithstanding the following formulas, the maximum benefit allowed under this article shall be $750. Eligibility shall be the lesser of the following amounts:

Fifty percent of the amount by which the benefit base (not to exceed $3,350) exceeds 4% of the applicant’s household income (not to exceed 90% of the current HUD MFI for the Portland metropolitan area):

\[
\text{(Benefit base – 4% of Income)} / 2 = \text{Benefit Amount}
\]

(2) An amount proportional to the available monies as approved by the Town Council in the Town's annual budget and the applications received for that application year, calculated as a percentage of the benefit amount for which the applicant is eligible in § 261-5(A)(1).

§ 261-6 Limitations on payments.

A. The Town Manager shall report to the Town Council for its approval at its second meeting in August each year the projected payments and number of eligible applicants requesting assistance from the program fund.
B. Payments under this article shall be conditioned upon the existence of sufficient monies in the program fund for the year in which participation is sought. If there are not sufficient monies in the program fund to pay all qualifying applicants under this article, payments shall be limited to the amounts available in the fund and may be prorated accordingly. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request and/or unpaid balance will not carry over to the next year.

§ 261-7 Creation of program fund.

The program fund from which payments shall be made under the terms of this article shall be created as follows:

A. As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program.

B. Any surplus monies available after all payments have been made shall be carried forward within the fund to the next fiscal year.

§ 261-8 Timing of payments.

A person who qualifies for payment under this program shall be mailed a check for the benefit amount for which he/she is eligible under § 261-5 no later than 14 days from the date of Council approval of the applications for the year in which participation is sought.

§ 261-9 One applicant per household.

Only one qualifying applicant per household shall be entitled to payment under this program each year. Eligibility shall be determined based on total household income. The right to file an application under this article is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney in fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this article.
ITEM
17-098

To consider and authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road
CONSENT AGREEMENT

This Consent Agreement is entered into on the __________ day of ____________, 2017 by and between KYLE E. RYERSON and KATIE L. RYERSON, who own property located 70 Crossing Brook Road, Cumberland, Maine ("Ryerson") and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

Ryerson and the Town stipulate to the following facts:

1. The Town is a municipal corporation organized under the laws of the State of Maine. William Longley is the duly authorized Code Enforcement Officer of the Town and authorized under state law to administer and enforce the Town’s Zoning Ordinance.

2. In 1994, a single family dwelling with the attached garage was constructed on the premises at 70 Crossing Brook Road in Cumberland, Maine (the "Property"). The property is shown as Lot 29 on the plan entitled "Small’s Brook Crossing" prepared by Land Use Consultants, Inc. for Casco Partners, Inc dated October 14, 1991 and recorded in the Cumberland County Registry of Deeds in Plan Book 191, Page 150 through 152 (inclusive) and revised by Plan dated October 14, 1992 and recorded in said Registry of Deeds in Plan book 192, Pages 312 through 314 (inclusive) the ("Plan"). The property consists of approximately 11,872 square feet and includes a single-family dwelling with an attached garage.

3. A “Letter of No Action” dated November 4, 1998 and written by Donna Larson, (Exhibit A) Former Code Enforcement Officer for the Town of Cumberland, disclosed that “an inconsistency may exist between the recognized applicable zoning standard and that which is indicated by the property survey and available building records:
   a. A reasonable amount of research by this office provides sufficient information that clearly demonstrates that any infringement of local zoning was not done intentionally
   b. That considerable time has passed without notice or complaint of the infringement
   c. That the infringement is less than one foot
   d. And that the infringement into the side setback requirement is for a garage and not the house
   e. And that it appears the setback from the property line was based on the garage foundation, and that the infringement is the siding and eves of the structures.”

4. The Code Enforcement Office has investigated the case and has determined that aforementioned setback violation does not result in any significant health, safety or welfare problem.

5. RYERSON agrees to pay the Town’s attorney’s fees and costs associated in the amount of Five Hundred Dollars ($500.00). Such payment shall be made payable to the Town of Cumberland.

6. The garage, as shown on Exhibit B, shall be allowed to remain and be repaired in its current location, but shall not be considered a lawful conforming structure under the provisions of the Zoning Ordinance. The existing garage structure shall not be expanded or replaced, except in conformance with the requirement of the Town of Cumberland Zoning Ordinance.
7. The Town agrees to permit RYERSON to build deck that was previously approved by the Town (see Exhibit D) that was taken down in 1997 due to a perceived DEP violation. RYERSON does not require approval (see Exhibit C) from the Maine Department of Environmental Protection Bureau of Land Resources. The deck will be built to exact specification of prior town approved deck and **WILL** conform to all setbacks described in the Contract Zone Agreement.

8. The Town and all representatives of the town agree to relinquish its right to prosecute RYERSON, their successors in real property interest, assigns and heirs, for any alleged violation arising from any setback or building permit dispute arising from the construction or location of the house.

9. This Consent Agreement shall be binding upon RYERSON, their successors in real property interest, assigns and heirs and it shall be duly recorded by RYERSON in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.

10. At a meeting of the Town Council on July 10, 2017, the Town approved this resolution of the alleged zoning violation based upon the terms of and conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

   IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

   Date: July _____, 2017

   ____________________________
   Kyle E. Ryerson

   Date: July _____, 2017

   ____________________________
   Katie L. Ryerson

   **TOWN OF CUMBERLAND MAINE**

   Date: July _____, 2017

   ____________________________
   William Longley, Its Duly Authorized
   Code Enforcement Officer
STATE OF MAINE
COUNTY OF CUMBERLAND

__________________________, 2017

Then personally appeared before me the above-named KYLE E. RYERSON and KATIE L. RYERSON and acknowledged the foregoing instrument to be their free act and deed.

Before me,

__________________________
Notary Public

__________________________
Print Name

__________________________
My Commission Expires

STATE OF MAINE
COUNTY OF CUMBERLAND

__________________________, 2017

Then personally appeared before me the above-named WILLIAM LONGLEY, CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND and acknowledged the foregoing instrument to be their free act and deed.

Before me,

__________________________
Notary Public

__________________________
Print Name

__________________________
My Commission Expires
November 4, 1998

TO WHOM IT MAY CONCERN:

SUBJECT: Owner: Edgar and Anne Antz

Subject: Property located at 70 Crossing Brook Road and further described as Map R-4B, Lot 36, Assessor's Maps, Town of Cumberland, Maine; Inconsistency - Garage with Respect to Applicable Local Zoning Standards

With reference to the above subject, it has been brought to the attention of this office that an inconsistency may exist between the recognized applicable zoning standard and that which is indicated by the property survey and available building records. A reasonable amount of research by this office provides sufficient information that clearly demonstrates that any infringement of local zoning was not done intentionally, that considerable time has passed without notice or complaint of the infringement, that the infringement is less than one foot, and that the infringement into the setback requirement is for a garage and not the house. It appears that the setback from the property line was based on the garage foundation, and that the infringement is the siding and eves of the structure. Therefore, please be advised that it is the determination of this office that the property indicated above substantially conforms to local zoning regulations as a legal existing nonconforming structure, not withstanding evidence to the contrary.

If you need assistance feel free to contact this office.

Sincerely,

Donna Larson
Code Enforcement Officer/
Town Planner
Exhibit B – Lot drawing with proposed deck

Lot Lines:
   a) Rear: 50' 1"
   b) Sides: 10' 8 1/3" 50' 9"
   c) Side: 48' 6" 1/2"
Exhibit C – Department of Environmental Protection Approval of Deck

Arbo, Audie <Audie.Arbo@maine.gov>

Apr 24

Kyle,
The proposed deck, being over already established developed area does not trigger the need for any MDEP permits.

Regards,
Audie Arbo, Biologist
Maine Department of Environmental Protection
Bureau of Land Resources, Land Division
Field Services and Enforcement
312 Casco Rd, Portland, ME 04103
(207) 633-3724
audie.arbo@maine.gov
NEW
BUSINESS
ORDER AFTER SETTLEMENT

This matter came before this Court for hearing on June 27, 2017. Defendant Thomas S. Greenlaw was present; representing Plaintiff Town of Cumberland were William Longley, the Town’s Code Enforcement Officer and Natalie L. Burns, Esq. After a brief discussion, the parties agreed to settle this matter subject to the following terms:

1. Defendant Thomas S. Greenlaw is allowed to keep outside the following items on the property located at 1 Longwoods Road in Cumberland, Maine (the “Property”):
   a. Three Conex boxes (storage boxes) currently located on the Property.
   b. Two storage trailers currently located on the Property.
   c. The oil tank that is located on the Property, which will be connected to the house by September 25, 2017.
   d. The backhoe currently located on the Property.
   e. The blue plastic rain barrels.
   f. The wood splitter if it can be made operable by September 25, 2017.

2. Defendant Greenlaw shall remove all other items stored currently stored outside on the Property or place them inside one of the storage containers or the dwelling.
If the wood splitter cannot be made operable, it shall be subject to the removal or inside storage provisions of this section. Removal or inside storage shall be completed no later than 90 days after June 27, 2017 (Monday, September 25, 2017).

3. Defendant Greenlaw shall pay to the Town of Cumberland the amount of $2,000.00 for its attorney’s fees and costs in this matter. This amount shall be paid within 150 days of June 27, 2017 (Friday, November 24, 2017).

4. If Defendant Greenlaw complies with the requirements of this Order, the Town will waive any penalties that it could have sought if this matter had proceeded to trial.

5. Counsel for the Town shall notify the Court and Defendant Greenlaw as to the status of the case after September 25, 2017. If compliance with the cleanup requirements of Section 2 has not occurred, the Town shall request a new hearing date for this matter.

6. If Defendant Greenlaw complies with the cleanup provisions of Section 2 but fails to make payment under the requirements of Section 3, the Town shall be entitled to a writ of execution pursuant to the provisions of 14 M.R.S. § 4651-A.

7. This Order shall be incorporated by reference on the docket pursuant to Rule 79(a) of the Maine Rules of Civil Procedure.

DATED at Portland, Maine this ___ day of June, 2017.

By: ________________________________

Keith A. Powers
District Court Judge
CONSERVATION EASEMENT

GREELY WOODS

The TOWN OF CUMBERLAND, a duly organized Maine municipal corporation, located and operating in Cumberland County, Maine and having an office at 290 Tuttle Road, Cumberland, ME 04021 (hereinafter "GRANTOR," which word is intended to include, unless the context clearly indicates otherwise, the above-named GRANTOR, its successor and assigns, and any successors in interest to the Protected Property), DOES HEREBY GRANT as a gift to the CHEBEAGUE AND CUMBERLAND LAND TRUST, INC., a charitable and non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, ME 04017 (hereinafter "HOLDER," which word shall, unless the context clearly indicates otherwise, include HOLDER’s successors and/or assigns), WITH QUITCLAIM COVENANT, in perpetuity, this conservation easement (the “Conservation Easement” or “Easement”) pursuant to Title 33 M.R.S.A. Section 476 et seq., inclusive, as amended, on over and through two adjoining parcels of land of approximately 8.49 (“Parcel A”) and 21 acres (“Parcel B”), and 8.4 acres (“Parcel C”), respectively. Parcel A is located southeasterly and adjacent to Greely Road Extension in Cumberland, Maine, being described in a deed from Edward Copp and Paula B. Copp dated December 29, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13566, Page 148. Parcel B is located southeasterly and adjacent to Parcel A, being described in a deed from Jerald Copp dated February 15, 2957 and recorded in the Cumberland County Registry of Deeds in Book 2743, Page 204. Parcel A and Parcel B are more particularly described in Exhibit A and depicted in the plan entitled “_________________________” plan dated __________ by __________ (Exhibit B), and maps (Exhibit C) attached hereto and made part hereof (hereinafter referred to collectively as the “Protected Property”).

This Conservation Easement provides additional protection to the Protected Property, and further ensures that it shall be managed for conservation purposes and uses.

This Conservation Easement is granted exclusively for the following conservation purposes:

I. PURPOSE OF THE EASEMENT.

The purpose of this Conservation Easement is to preserve in perpetuity the unique and undeveloped character of the Protected Property and to protect the high quality habitat of the forest and associated ecosystems, while also providing a variety of opportunities for outdoor recreation, trail access and scenic enjoyment for the general public.

The following recitals more particularly describe the conservation and other values of the Protected Property:

WHEREAS, the Protected Property consists of approximately 37.8929.49 acres of wooded undeveloped land located southeasterly of Greely Road Extension in Cumberland, Maine; and

WHEREAS, the Protected Property provides an ideal site for low-impact outdoor recreation including, but not limited to, nature study and observation, hiking, running, mountain biking, ice skating, snowshoeing, cross country skiing, snowmobiling on designated trails, fishing, hunting, and picnicking by the general public; and
WHEREAS, the Protected Property abuts properties which currently provide or will provide -in connection with this Conservation Easement trail access to already conserved land in other locations of the Town of Cumberland, and ultimately access to an emerging three-town conservation and recreation corridor; and

WHEREAS, the Protected Property will become part of an existing trail corridor from Falmouth, through Cumberland and into North Yarmouth, which is actively enjoyed by snowmobilers and other recreational users; and

WHEREAS, the Town of Cumberland is subject to considerable development pressure and sprawl that often closes or restricts access to open space traditionally used and enjoyed by the public and this parcel is in a dense residential area of town; and

WHEREAS the GRANTOR and the HOLDER, recognizing the uniqueness of the Protected Property have the common purpose of conserving the high quality wildlife habitat, and the scenic, natural and recreational values of the Protected Property by conveyance of this Conservation Easement on, over, through, and across the Protected Property that will establish a large natural recreation area, recreation trails, prohibit development of the Protected Property, and prevent any use or change that would conflict with its wildlife habitat values or its predominantly natural and scenic condition.

NOW, THEREFORE, the GRANTOR and HOLDER hereby establish this Conservation Easement on, over, and across the Protected Property consisting of the foregoing recitals and purposes, and the following terms, covenants, restrictions and affirmative rights granted HOLDER, its successors and assigns, which shall run with and bind the Protected Property, in perpetuity:

II. LAND USE & DIVISION:

A. Land Use. The Protected Property may be used only for conservation, low-impact outdoor recreation by the general public, educational activities and natural resource management activities that do not adversely affect its important natural, ecological and habitat values. Low impact recreation includes, but is not limited to, nature observation and study, hiking, running, biking, snowshoeing, cross-country skiing, ice skating, horseback riding, hunting, trapping, and snowmobiling on designated trails.

B. Management Plan. The Protected Property will be managed consistent with the terms of this Easement under a Management Plan to be prepared by GRANTOR. The Management Plan as originally adopted, and as may be subsequently amended from time to time, will be submitted to HOLDER for review and comment to ensure that the Management Plan is and remains consistent with the terms of this Easement. The Protected Property will be managed by GRANTOR to protect the natural resource, scenic and recreational values with oversight by HOLDER. GRANTOR will maintain a copy of the Management Plan at the Town Offices.

C. Division. For the purpose of land use permitted under this Conservation Easement, the Protected Property must remain in its current configuration as a single lot under unified ownership. Subdivision, partition or creation of other parcels or lots, whether by lot division, or other manner of ownership which creates discrete parcels or separate ownership or control of portions of the
Protected Property, shall be prohibited, except for boundary adjustments to resolve bona fide boundary disputes. Under no circumstances may the Protected Property or any portion thereof be included as part of the gross tract area of other land not subject to this Conservation Easement, for the purposes of determining density, lot coverage, or land area requirements, under otherwise applicable laws, regulations or ordinances controlling land use, building density or transfer for development rights.

Notwithstanding the foregoing, any portion of the Protected Property may be conveyed to an entity that is a federal, state or local government agency or a non-profit conservation organization which is a “qualified organization” set forth in under Section 170(h) of the United States Internal Revenue Code and a “qualified holder” under Title 33, Maine Revised Statues, Section 476(2), for permanent conservation ownership.

D. **Existing Conditions.** As of the date of this Easement, there are boundary markers and one wooden bridge no structures on the Protected Property. As of the date of this Conservation Easement, there are no surface alterations on the Protected Property other than an existing trail network as depicted on Exhibit [Office2]. The remainder of the Protected Property is undeveloped and forested. All existing conditions are documented in the Baseline Documentation (hereinafter defined) and certified as accurate by GRANTOR and HOLDER as of the date of this Conservation Easement.

E. **Structures.** It is the intention of this Easement that the Property be used as conservation land for low impact outdoor recreation, nature observation and study and that uses and improvements be limited to the extent necessary or appropriate to preserve its natural and undeveloped character.

No structures, temporary or permanent, are permitted on the Protected Property without prior written consent of HOLDER, except however, the GRANTOR reserves for itself, its successors and assigns, the following rights:

1. **Minor Structures.** GRANTOR reserves the right to locate, construct, repair, maintain and replace minor structures to accommodate low impact outdoor recreation and nature observation and study. Such minor structures may include, but are not necessarily limited to the following: small unlighted informational and interpretive signs including commemorative plaques and memorials; informational kiosks and registration boxes; low barriers to discourage unauthorized access; fencing to protect natural resources or for safety purposes; support and erosion control structures necessary for permitted roads[Office3], parking area and trails; trail and boundary markers; rustic trail improvements, including, hand rails, steps, stream or trail bridges, culverts and water bars; benches and picnic tables; temporary tents; pet sanitation boxes; and temporary structures associated with wildlife, plant, archeological or other scientific study under professional supervision under professionally accepted standards [Office4].

Notwithstanding the foregoing, the following structures are not permitted, except as expressly set forth above or elsewhere in this Conservation Easement: buildings, barns, bleachers, permanent lighting, and major recreational improvements such as athletic or sports facilities and fields.

F. **Surface Alterations.** No alterations may be made to the surface of the earth or to the wetlands of the Protected Property except as reserved below by GRANTOR.

1. **Mining.** No mining, quarrying and surface mining activities are permitted on the Protected Property.
2. **Excavation, filling, dredging and grading.** No excavation, filling, dredging or grading or other alteration may be made to the surface of the Protected Property except as necessary to install, maintain or replace permitted structures and trails. Any such activity shall secure and meet all permitting requirements under local, state and federal law and regulations.

3. **Exercise of Reserved Rights.** GRANTOR reserves the right to alter the surface of the land to the minimum extent necessary to exercise the Grantor’s rights and reservations expressly set forth in this Conservation Easement.

4. **Parking.** GRANTOR reserves the right to install and maintain a parking area on the Protected Property as designated in Exhibit C. The parking area may be of gravel or similar surface and shall be constructed to not cause unreasonable drainage onto the Protected Property or nearby environmentally sensitive areas or water bodies. The parking area may be lit, if in GRANTOR’s opinion lighting would be necessary to maintain the safety and well-being of those using the parking area located on the Protected Property. The parking area shall be buffered from neighboring properties and Greely Road Extension with trees and shrubs. GRANTOR reserves the right to establish and maintain an access road from Greely Road Extension to the parking area which shall not exceed the minimum width required under then applicable zoning ordinances.

This item is a placeholder- it would be very difficult to add parking in the woods, but we may want to encroach the forest on the Greely Road Extension side for wider shoulder parking in the future- truly just a placeholder for more discussion[Office5].

5. **Trails.** A number of improved and unimproved trails currently exist on the Protected Property, and are depicted on a map attached hereto as Exhibit C. Consistent with the Management Plan to be adopted by GRANTOR pursuant to Part II Paragraph B herein, and in consultation with HOLDER, GRANTOR may improve existing trails and may develop additional trails to create an interconnected network of unpaved trails within the Protected Property. The trails shall be constructed and maintained in a manner consistent with the goals and purposes set forth in Part II Paragraph A herein, and designed and located to prevent erosion and protect the other conservation values of this Easement. The Management Plan may include or refer to trail development standards recommended by state or federal agencies or by private organizations dedicated to conservation or natural resource protection purposes.

6. **Archeological and Ecological Study.** GRANTOR reserves the right to permit archeological and ecological study of the Protected Property, including excavation of sites, provided that all such work must be conducted in accordance with applicable then-current professional standards, and the disturbed area must be restored to its natural appearance as soon as reasonably possible after completion.

7. **Vegetation Management.** It is the intention of this Conservation Easement to foster an intact, healthy forested area to preserve healthy soils and habitat for wildlife, preserve the ecological integrity of streams, vernal pools and wetlands, and protect the scenic character of the Protected Property.

1. **Tree and Vegetation Cutting.** GRANTOR reserves the right to alter or remove vegetation as necessary to install, establish and maintain the structures permitted under Section II
Paragraph E and surface alterations permitted under Section II Paragraph F of this Easement; to reduce safety hazards for the uses permitted herein; to remove invasive plant species; and to prevent fire and spread of disease or non-native insects; and to mow from time to time to enhance recreational enjoyment. All of the foregoing shall be conducted in a manner to minimize soil erosion, prevent damage to fragile plant communities, wetlands and wildlife habitat, and to protect other important natural resources.

2. **Forest Management Plan.** Except as provided in paragraph G.1. above, any harvesting of trees shall be consistent with a forest management plan developed by a professional forester with input from professional wildlife biologists and adopted by GRANTOR. The forest management plan shall include provisions for protecting soils, water quality, wetlands and high value plant and animal habitat and generally be consistent with current Best Forestry Management Practices as defined by “Best Management Practices for Forestry: Protecting Maine’s Water Quality,” prepared by the Maine Department of Agriculture, Conservation and Forestry, Maine Forest Service, in such publication’s most current version at the time of this Conservation Easement, and as the same may be further amended, supplemented or replaced after the date of this Conservation Easement. GRANTOR shall provide HOLDER with a copy of any forest management plan for HOLDER’s review and approval. All forestry activities shall be in compliance with applicable federal, state and local laws and regulations. GRANTOR shall give notice to HOLDER sixty (60) days prior to any proposed harvesting activities in accordance with the forest management plan and provide HOLDER with sufficient information concerning the nature, extent and timing of the proposed activity.

H. **Water Protection, Pollution Control and Waste Disposal.** No dumping, storage or burial of refuse or waste materials is permitted on the Protected Property. No vehicles may be stored on the Protected Property except that temporary storage of vehicles as may be required for permitted maintenance, construction, conservation or forest management activities shall be permitted. The direct discharge of treated or untreated sewage into the surface waters on or about the Protected Property is prohibited. The use, storage, discharge or runoff of chemical herbicides, pesticides, fungicides, fertilizers or other toxic agent shall be controlled as required by State or federal law to prevent adverse impacts on wildlife, waters and other important conservation values protected by this Conservation Easement.

I. **Public Use and Access.** GRANTOR agrees to permit, and will refrain from prohibiting or discouraging, use of the Protected Property by the general public for daytime low impact outdoor recreational uses, such as; nature observation and study, hiking, running, biking, snowshoeing, cross-country skiing, ice skating, hunting, trapping, and snowmobiling on designated trails. GRANTOR shall not prohibit hunting or trapping on the Protected Property except to the extent of applicable state, local and federal laws and regulations. GRANTOR has the right to prohibit or make reasonable rules and regulations for any of the following uses for public recreation: night use; camping; loud activities; open fires; use of motor vehicles except as provided in this Conservation Easement; access by domesticated animals or pets; any use that may interfere with or be harmful to members of the public using the Protected Property. GRANTOR also has the right to temporarily restrict public access on limited areas of the Protected Property to protect fragile areas under study, or for safety purposes during active timber harvesting or other permitted management activities that may pose a hazard to recreational users; such right of GRANTOR may be exercised only following 30 days’ prior notice to HOLDER and an opportunity to comment, except in an emergency in which notice to Holder shall be as soon thereafter as possible. HOLDER and GRANTOR may agree in writing to restrict access and use of the Protected Property by the general public for other purposes, but only to the extent and for the duration necessary to assure safety, to permit necessary maintenance, or to preserve important scenic, ecological, or other conservation values of the Protected Property.
GRANTOR agrees that any fees or charges imposed for public access shall be reasonable and comparable to those charged in Maine for similar facilities.

GRANTOR AND HOLDER each claim all of the rights and protections against liability for injury to the public to the fullest extent of the law under the Recreational and Harvesting Use Liability Limitations set forth in Title 14 M.R.S.A. Section 159-A, et seq. as amended and successor provisions thereof (The Maine Recreational Use Statute), under the Maine Tort Claims Act as set forth in Title 14 M.R.S.A. Section 8104-A(2)(A)(3), and under any and all other applicable provisions of law or equity.

III. HOLDER'S AFFIRMATIVE RIGHTS

A. Entry and Inspection. HOLDER is granted the right to enter the Protected Property at any time for the purposes of inspection, monitoring and enforcement to undertake ecological or other studies of the Protected Property, and to exercise any other affirmative right hereunder.

B. Enforcement. HOLDER shall have the right to enforce this Conservation Easement by proceedings at law and in equity, including the right to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it might be entitled for violation of the terms of this Easement and to require restoration of the Property to the condition that existed prior to such injury, provided however that naturally occurring changes shall not give rise to any right in HOLDER to require restoration. Prior to initiation of an enforcement action, HOLDER shall provide GRANTOR with prior written notice and reasonable opportunity to cure any breach except where emergency circumstances require more immediate enforcement action.

If HOLDER is the prevailing party in any action against GRANTOR, or any others for whose actions on the Protected Property GRANTOR is responsible, GRANTOR shall reimburse HOLDER for any reasonable costs of enforcement or defense, including court costs, mediation and if applicable, arbitration costs, reasonable attorney fees and any other payments ordered by such court or arbitrator.

GRANTOR is not responsible for injury to or change in the Protected Property resulting from natural causes or environmental catastrophe beyond GRANTOR's control, such as fire, flood, storm and earth movement or from prudent action taken by GRANTOR under emergency conditions to prevent, abate or mitigate significant injury to Protected Property resulting from such causes.

The terms of the Conservation Easement do not supersede or waive more restrictive applicable law and regulations.

C. Signage. HOLDER is authorized to install small, unlighted informational signs that identify HOLDER's contributions to and interests in the Protected Property, in addition, signs that mark the boundary of the Protected Property, that enhance the public use of and appreciation of the Property, and that promote appreciation of plant and animal life; such minor signage to be completed in a manner consistent with the goals of this Easement and the Management Plan.

D. Trails. HOLDER has the right, but not the obligation, to help build and maintain the trail network on the Protected Property in accordance with the provisions of this Conservation Easement.
E. Boundaries. It is GRANTOR’s obligation to keep the iron pins and boundary markers currently set on the Protected Property, and as depicted on the plan entitled “__________________”, plan dated ________________ by __________________(Exhibit B), in a manner that they can be located by HOLDER. In the event such iron pins are not clearly marked within a reasonable amount of time after notice by HOLDER, HOLDER shall have the right to engage a professional surveyor to locate or reset the iron pins. The costs associated with the survey work necessary to locate or -reset such pins shall be paid by the GRANTOR only if and to the extent necessary to determine if a breach of this Conservation Easement has occurred on the Protected Property.

F. Notice. HOLDER has the right to require that GRANTOR’s reserved rights be exercised in a manner that avoids adverse impact to the conservation values to be protected by this Easement. GRANTOR agrees to notify HOLDER prior to undertaking any activity or exercising any reserved right that may impair the conservation interests associated with the Easement.

G. Right to Assign. In the event that HOLDER fails to continue operations or is dissolved, either voluntarily or involuntarily, or is not able to fulfill its obligations under this Conservation Easement, it shall assign the easement to another qualified entity (not the then current GRANTOR of the Conservation Easement) chosen by the GRANTOR. A qualified entity for such purposes shall be one that meets the definition of “HOLDER” at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that meets the requirements of Section 170(h)(3) of the Internal Revenue Code, or successor provisions thereof, and that as a condition of transfer, agrees to carry out the conservation purposes of this grant.

IV. GENERAL TERMS AND STANDARD PROVISIONS

A. Notice and Approval Requirements. GRANTOR agrees to notify HOLDER prior to undertaking any activity or exercising any reserved right that may have an adverse impact on the conservation values protected by this Conservation Easement, and where prior notice or approval is specifically required in this Conservation Easement. GRANTOR’s notices must include sufficient information to enable HOLDER to determine whether GRANTOR’s plans are consistent with the terms of this Easement and the conservation purposes hereof.

1. Any notices or requests for approval required by this Easement shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, or by such commercial delivery service as provides proof of delivery, to GRANTOR and HOLDER, at the following addresses, unless one has been notified in writing by the other of a change of address or change of ownership:

   To GRANTOR: Town of Cumberland, Attention: Town Manager, 290 Tuttle Road, Cumberland, ME 04021

   To HOLDER: President, Chebeague and Cumberland Land Trust, P.O. Box 25, Chebeague Island, ME 04017

2. When GRANTOR is required to provide notice to HOLDER pursuant to this Easement, such notice as described hereinabove shall be given in writing at least sixty (60) days prior to the event giving rise to the need to give notice except as otherwise specifically provided herein.
3. When GRANTOR is required to obtain HOLDER's prior written consent and approval, such request as described hereinabove shall be given in writing sixty (60) days prior to undertaking the proposed activity except as otherwise specifically provided herein. HOLDER, upon receipt of GRANTOR’s request, shall acknowledge receipt of the same. Following receipt of such notice, HOLDER, shall, in writing, grant, grant with conditions, or withhold its approval. No proposed activity may proceed without HOLDER's written consent and approval as provided herein, except as may be expressly permitted under the terms of this Conservation Easement.

B. Responsibility of Owners. GRANTOR acknowledges that HOLDER has neither possessory rights in the Protected Property, nor any responsibility nor right to control, maintain, or keep up the Protected Property. GRANTOR shall retain all responsibilities and shall bear costs and liabilities of any nature related to the ownership, operation, upkeep, improvement and maintenance of the Protected Property.

C. Maine Conservation Easement Act. This Conservation Easement is established pursuant to the Maine Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-C, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

D. Baseline Documentation. In order to establish the present condition of the Protected Property and its conservation attributes protected by this conservation easement, and its natural and scenic resources, so as to be able to monitor properly future uses of the Protected Property and assure compliance with the terms hereof, HOLDER and GRANTOR have prepared an inventory of the Protected Property’s relevant features and conditions (the “Baseline Documentation”) and have certified the same as an accurate representation, to the extent known, of the condition of the Protected Property as of the date of this Conservation Easement. A certified copy of the Baseline Documentation, and any amendments or supplements thereto, shall be maintained, in perpetuity, at the offices of HOLDER.

E. Extinguishment.

1. The parties agree that the grant of this Conservation Easement creates a property right that vests immediately in HOLDER. The parties further agree that this property right as of the date of its creation has a fair market value that is equal to the percentage by which the fair market value of the unrestricted Property as a whole as valued in accordance with IRS Regulations at 1.170-A 14(b)(3)(ii), is reduced by the terms and conditions imposed by this Conservation Easement, as of the date of the execution of this Conservation Easement (hereinafter the “Original Percentage Reduction”).

2. This Conservation Easement may only be extinguished or terminated by judicial order in a court of competent jurisdiction. It is the intention of the parties that an extinguishment or termination be approved by a court only if all of the conservation purposes of this Conservation Easement are impossible to accomplish, and if both GRANTOR and HOLDER (and any third party who has a bona fide right of enforcement, if any) agree. Should this Conservation Easement be terminated or extinguished as provided in this Paragraph, in whole or in part, HOLDER shall be entitled to be paid no less than a portion of any proceeds of sale, exchange or lease computed as to the greater of: (i) the Original Percentage Reduction; or (ii) the increase in value of the GRANTOR’s estate resulting from such extinguishment, as determined by the court, or in the absence of such court determination, by the agreement of the parties or, in the absence of such agreement, by an
independent appraiser mutually selected by GRANTOR and HOLDER. HOLDER shall use its share of the proceeds or other moneys received under this Paragraph in a manner consistent, as nearly as possible, with the stated, publicly beneficial purposes of this Conservation Easement. GRANTOR agrees and authorizes HOLDER to record a notice of a lien on the Protected Property which lien will be effective as of the date of such extinguishment, to secure its rights under this Paragraph.

F. Controlling Law and Interpretation. The interpretation and performance of this Easement shall be governed by the laws of the State of Maine. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the conservation purposes of this Easement and the policy and purpose of the Maine Conservation Easement Act at Title 33, Maine Revised Statutes Annotated, Sections 476 et seq., inclusive, as amended. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the conservation purposes of this Easement shall govern.

G. Subsequent Deeds and Transfers. This Easement must be incorporated by reference in any deed or other legal instrument by which GRANTOR conveys any interest in the Protected Property, including, without limitation, a leasehold or mortgage interest. GRANTOR further agrees to give written notice to HOLDER within thirty (30) days of the transfer or conveyance of any interest in the Protected Property. The failure of GRANTOR to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

H. Discretionary Approvals. GRANTOR and HOLDER recognize that certain activities by the GRANTOR may warrant the prior discretionary approval of HOLDER, and that HOLDER has the right to issue such discretionary approvals without prior notice to any other party. Nothing in this Paragraph shall require the HOLDER to agree to any discretionary approval.

I. Amendment. GRANTOR and HOLDER recognize that rare and extraordinary circumstances could arise that warrant modification of certain of the provisions of this Conservation Easement. To this end, subject to more restrictive laws and regulations, if any, GRANTOR and HOLDER have the right to agree to amendments to this Conservation Easement with prior notice to the DSA, provided that in the reasonable judgment of HOLDER, such amendment enhances or does not materially detract from the conservation values intended to be protected by this Conservation Easement, in accordance with Maine law. Amendments shall become effective upon the recording at the Cumberland County Registry of Deeds. Nothing in this Paragraph shall require the GRANTOR or the HOLDER to agree to any amendment or to consult or negotiate regarding any amendment.

J. Economic Hardship. In making this grant, GRANTOR has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. In addition, the unprofitability of conducting or implementing any or all of the uses permitted under the terms of this Conservation Easement shall not impair the validity of this Conservation Easement or be considered grounds for its termination or extinguishment. It is the intent of both GRANTOR and HOLDER that any such economic changes shall not be deemed to be changed conditions or a change of circumstances justifying the judicial termination, extinguishment or amendment of this Conservation Easement.
K. Nonwaiver. The failure or delay of the HOLDER, for any reason whatsoever, to do any action required or contemplated hereunder, or to discover a violation or initiate an action to enforce this Conservation Easement shall not constitute a waiver, laches, or estoppel of its rights to do so at a later time.

L. Severability, Entire Agreement, No Forfeiture. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance shall remain valid. This Conservation Easement and the Baseline Documentation set forth the entire agreement of the parties with respect to this Conservation Easement and supersede all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein. Nothing contained herein will result in a forfeiture of this Conservation Easement or reversion to GRANTOR of any rights extinguished or conveyed hereby.

M. Standing to Enforce. Only HOLDER and GRANTOR may bring an action to enforce this grant, except as provided in Title 33 M.R.S.A. Section 478, and nothing herein should be construed to grant any other individual or entity standing to bring an action hereunder, unless otherwise provided by law; nor to grant any rights in the Protected Property by adverse possession or otherwise, provided that nothing in this Easement shall affect any public rights in or to the Protected Property acquired by common law, adverse possession, prescription, or other law, independently of this Conservation Easement.

[Signature Page to Follow]
IN WITNESS WHEREOF, the Town of Cumberland has caused its acknowledgement and seal to be hereto affixed and these presents to be signed by William R. Shane, its Town Manager in its name and on its behalf this _____ day of ______________, 2017.

TOWN OF CUMBERLAND

Witness

__________________________________________

William R. Shane, Town Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

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 in his said capacity and the free act and deed of the TOWN OF CUMBERLAND.

Before Me,

________________________________________

Notary Public/Attorney at Law

________________________________________

Print Name of Notary

My commission expires: ____________________
HOLDER ACCEPTANCE

The above foregoing Conservation Easement being duly authorized to be accepted by the Chebeague and Cumberland Land Trust, Inc., HOLDER, hereby accepts this Conservation Easement by and through Penny Asherman, its President, hereunto duly authorized, this _____day of ______________, 2017

Chebeague and Cumberland Land Trust, Inc.

Witness

Penny Asherman, President

Personally appeared Penny Asherman, President and authorized representative of the CHEBEAGUE AND CUMBERLAND LAND TRUST, INC., and acknowledged the acceptance of the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of the CHEBEAGUE AND CUMBERLAND LAND TRUST, INC., a Maine non-profit corporation.

Before me,

Notary Public

______________________________

Please print name

My commission expires: ____________________
EXHIBIT A

Legal Description of the Protected Property
EXHIBIT B

Plan
Maps
BUDGET REPORT
On Monday, July 10, 2017, the Cumberland Town Council will hold its regular meeting at 7:00 p.m. in the Town Council Chambers. An opportunity for public comment will be provided. The following items will be considered:

- To hear a report from Lisa Jacob of Sevee & Maher Engineers re: West Cumberland aquifer and DEP well testing (1990’s to 2014).
- To hear a report from the Town Manager re: Gravel Pits and Extraction of Gravel (Q&A after with Town Attorney present).
- To hear a report from the Town Attorney re: the disposition of paper streets, which will require action by September 2017.
- To consider and act on amending Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.
- To consider and authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road.

Additional items may also be considered. Please refer to the town’s website: www.cumberlandmaine.com for a complete agenda.