AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, MARCH 28, 2011
6:00 Workshop
7:00 p.m. Call to Order

6:00 P.M. WORKSHOP with Town Center Advisory Committee Liaisons to review committee recommendation (workshop to continue after adjournment).

I. APPROVAL OF MINUTES
March 14, 2011

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

11 – 043 To hear a report from Beth Blakeman-Pohl of 21 Reasons re: underage drinking.

11 – 044 To hear a report from the Twin Brook Facility Advisory Committee Chair re: facility rules & policies, community garden, and horses at Twin Brook.

11 – 045 To hold a Public Hearing to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

11 – 046 To hold a Public Hearing to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.

11 – 047 To hold a Public Hearing to consider and act on an Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 – March 2012.

11 – 048 To authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms.

11 – 049 To set a Public Hearing date (April 11th) to consider and act amendments to Section 204.9, Village Center Commercial District (VCC), of the Cumberland Zoning Ordinance to add Aggregate Processing and Construction Operations with a 500' set back from Route 100, as recommended by the Planning Board.

11 – 050 To set a Public Hearing date (April 11th) to consider and act on a Wharfing Out Permit for Carole & Delvyn Case, 18 Ole Musket Road, Cumberland Foreside, Map U2, Lot 20.

11 – 051 To accept an anonymous donation in the amount of $10,000.00 to be allocated to the General Assistance fund and authorize the Town Manager to execute a gift letter.

11 – 052 To appoint a member to a Board/Committee.

V. NEW BUSINESS
Doane Property Contract Zone Public Hearing April 11th

VI. ADJOURNMENT

CONTINUATION OF WORKSHOP with Town Center Advisory Committee Liaisons to review committee recommendation.
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CONTINUATION OF WORKSHOP with Town Center Advisory Committee Liaisons to review committee recommendation.
MOTIONS
MOTIONS

11 - 043  No action necessary.

11 - 044  1)  I move to accept the Twin Brook Facility Advisory Committees recommendation regarding the community garden and to authorize the Town Manager to work with the community garden group in the development of the area.

2)  I move to set a Public Hearing date of April 11th to consider and act on amending the Twin Brook Recreation Facility Rules to:

   1) Adopt the Maine Principals’ Association Lightening Policy, and
   2) To prohibit horses at Twin Brook.

3)  I move to set a Workshop date of April 25th to review rule and format changes to the existing Twin Brook Recreation Area Policy.

11 - 045  I move to amend the Cumberland Zoning Ordinance by adding Section 204.23, Route 100 Corridor Residential Overlay, as recommended by the Planning Board.

11 - 046  I move to amend the Cumberland Zoning ordinance by adding Section *204.15(A), Town Center District (TCD), as recommended by the Town Center Advisory Committee.

   *204.15(A) is a placeholder only (this section to be re-codified in new zoning ordinance)

OR

I move to table this item to (April 11th or April 25th)

11 - 047  I move to approve the Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 - March 2012.

11 - 048  I move to authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms.

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MINUTES
03/14/11
MINUTES
Cumberland Town Council Meeting
Town Council Chambers
[MONDAY, MARCH 14, 2011]

6:00 p.m. Workshop with Town Center Advisory Committee Liaisons to review committee recommendation.

7:00 p.m. Call to Order
Present: Chairman Storey-King, Councilors Moriarty, Stiles, Perfetti, Porter, Copp, and Turner

I. APPROVAL OF MINUTES
February 28, 2011

Motion by Councilor Perfetti, seconded by Councilor Turner, to accept minutes as presented.
VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER’S REPORT
Our thoughts and prayers are with the victims of the earthquake in Japan and the devastation there. Many Cumberland residents have family, friends, and business associates there. No words can express our sorrow and we hope that the horrible situation gets better for them quickly.

The Twin Brook Committee met last week and will be making a recommendation to the Council on March 28th for a community garden project in Twin Brook. Karen Marden will be present at that meeting to talk about this exciting project.

The Manager has had discussions with Maine Gas who is hoping partner with the Town to expand the gas main from above the fairgrounds to the Main Street area. This will allow the schools, public works facility, fire station, and library to all become part of the natural gas distribution system. This would be a huge long-term benefit. There will be some cost sharing between the Town, school, and Maine Gas. He would like the Council to consider having representatives from Maine Gas meet with the Council and the School Board so that everybody can understand the big picture. The high pressure gas main requires a “step down” to a useable distribution level, which costs 1 to 1.5 million dollars, and then the cost is approximately $300,000 per mile for the extension and connection to homes. It may take a couple of years before we are able to move this forward, but it would be a worthwhile opportunity.

The new LED street lights have been installed at the intersection of Main Street and Tuttle Road. The Cool Cities Committee has been working toward this for the past couple of years. LED lights are much brighter and extremely efficient. This is part of a test project with CMP and the cost of running these lights will reduce the cost by ½.

We learned today from the State Liquor Licensing Bureau that a formal Council vote is necessary to approve a liquor license application for the Sparrow’s Nest at Val Halla. There is a lapse of about two weeks between the new proprietor taking over and Mr. Sparrow’s existing license, which expires on March 15th. This item has been added to the end of this agenda.
III. **PUBLIC DISCUSSION**
Chairman Storey-King read the following letter:

> Dear Town Councilors,
> Please let this letter from the 135 members of the Cumberland Farmer's Club convey a special thank you to our Town Manager, Mr. Shane. For the past few years, Mr. Shane has been very supportive in many aspects of the Cumberland Fair, providing opportunity for Fire, Police, Rescue, Public Works, and his administrative staff to work together as we move to make positive changes to our fair and provide great programs that are family oriented. We extend a thank you to him and will look forward to continuing this positive business relationship. We also thank the Town Councilors and ask you to thank him on our behalf.
>
> Sincerely,
>
> Michael Timmons
> President of the Cumberland Farmers Club
>
Town Manager Shane said that the Farmers Club does a great job for the community and he appreciates the very kind words.

IV. **LEGISLATION AND POLICY**

11 – 030  To hold a Public Hearing to consider and act on a Victualer's License application for the Cumberland/North Yarmouth Boys Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

Town Manager Shane said that staff is recommending approval.

Public Discussion: None

Motion by Councilor Perfetti, seconded by Councilor Moriarty, to approve the Victualer’s License application for the Cumberland/North Yarmouth Boys Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

VOTE: 7-0  UNANIMOUS PASSAGE

11 – 031  To hold a Public Hearing to consider and act on a Victualer's License application for the Cumberland/North Yarmouth Girls Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

Public Discussion: None

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the Victualer’s License application for the Cumberland/North Yarmouth Girls Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

VOTE: 7-0  UNANIMOUS PASSAGE

11 – 032  To hold a Public Hearing to authorize the Town Manager to enter into an agreement with the “First Tee” Program.

Town Manager Shane introduced Val Halla Golf Pro, Brian Bickford to explain this exciting opportunity which will enhance our junior golf program.
Mr. Bickford explained that this has been a 6-year effort to bring Junior Golf to Maine. Mr. Bickford reviewed the following information regarding the program:

**Presentation Overview**
- What is the First Tee?
- Why does the First Tee want to be at Val Halla?
- When will the transition occur?
- How will we transition our existing programs?
- What does it mean to Val Halla?

**What is The First Tee?**
- Mission: To impact lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf.
- Video...

**Why Does the First Tee Want to be at Val Halla?**
- Home of the Maine Golf Foundation.
- Home of the Largest Junior Golf Program in the State of Maine.
- A Culture of Promoting Junior Golf.

**What Does It Mean to Val Halla?**
- Signing a Facility Agreement.
- Legitimizing Val Halla's position as a leader in Junior Golf.
- Increased junior and family golf volume on the course and the driving range.
- A contract for Director of Golf Services of $20,000 annually.
- F unused potential of capital improvement monies as needed since.

**How and When Will The Transition Occur?**
- As soon as possible...a phased-in approach.
- We are in the building process...
  - Coaches
  - Volunteers
  - Lessons: Plans
  - Determining times to offer programming.
Councilor Porter asked Mr. Bickford to explain how he envisions the First Tee Program to work within the parameters that exist on a golf course.

Mr. Bickford explained that the program would not be bringing in a lot more junior golfers from all over Cumberland County, but rather certifying our existing juniors into the program. Val Halla will be the “home course” for the program, but the program will branch out to Lewiston/Auburn, Bangor, and the Rockland area. Mr. Bickford said that he does not feel that the program will have an impact on our existing volume.

Councilor Stiles asked Mr. Bickford what the financial obligation of the Town is to support the program.

Mr. Bickford said that the financial obligation is a donation of golf rounds from the age of 5 – 18, which equates to approximately one round per year that will be donated to the kids for a certification test. Other than that, Mr. Bickford knows of no other financial obligation.

Councilor Moriarty asked Mr. Bickford if the Val Halla Trustees are supportive of this program.

Mr. Bickford responded that he was not able to attend the last meeting of the Trustees, but is confident that they will be very supportive.

Public Discussion: None

Motion by Councilor Porter, seconded by Councilor Stiles, to authorize the Town Manager to enter into a 5-year agreement with the “First Tee” Program.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 033 To hold a Public Hearing to authorize the Town Manager to execute a two year contract with Lowell & Lloyd Smith for the operation of the Viking Grill.

Town Manager Shane explained that several months ago, a Request for Proposals was sent out for the operation of the Viking Grill at Val Halla. Four, very competitive proposals were received and reviewed by a sub-committee of the Val Halla Board of Trustees, and a few Town staff members. Both groups came up with the same recommendation to endorse the contract of Lowell & Lloyd Smith.

Public Discussion: None
Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Town Manager to execute a 2-year contract with Lowell & Lloyd Smith for the operation of the Viking Grill at Val Halla.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 034 To hold a Public Hearing to consider and act on a Victualer’s License, Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel’s on the Green at Val Halla, for the period of April 2011 – April 2012.
Public Discussion: None

Motion by Councilor Stiles, seconded by Councilor Moriarty, to approve the Victualer’s License, Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel’s on the Green at Val Halla, for the period of April 4, 2011 – April 1, 2012.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 035 To appoint a member to the Twin Brook Facility Advisory Committee.
Councilor Moriarty explained that there are currently two vacancies on the Twin Brook Advisory Committee. The nominating committee met with Iwona Tarling and recommends her appointment to a three-year term on the Twin Brook Committee.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint Iwona Tarling to the Twin Brook Facility Advisory Committee.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 036 To consider and act on extending the date of the moratorium on gravel extraction to June 28, 2011.
Town Manager Shane explained that there is currently a referendum petition in circulation that could potentially put this item on the June 14th election ballot. The ordinance language that will be forwarded to the Planning Board changes the gravel extraction portion of the ordinance to permit the use with a Contract Zone. The Planning Board will review the recommendations, act upon them, and send them back to the Council in late May. The Council may choose to wait until after the election to act upon these items. This simply allows the Planning Board to complete their work, the referendum to occur, and the Council to act on the amendments to the language or to table it indefinitely because it is a dead issue.

Motion by Councilor Perfetti, seconded by Councilor Turner, to extend the moratorium ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage, to June 28, 2011 pursuant to the following:

The Town Council of the Town of Cumberland hereby ordains that the Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage enacted on November 8, 2010 be, and hereby is, extended as follows:

WHEREAS, the Town of Cumberland is under threat of increased development pressure from the extraction of earth materials in the Town and the extraction, pumping and/or bulk storage of water for wholesale commercial purposes, which uses as currently allowed, are inconsistent with other allowed and existing uses in the areas where such uses are allowed and further to the potentially serious environmental and other impacts from such uses, including potential impacts upon groundwater and surface water quality and levels and upon abutting uses; and
WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town’s current zoning or other land use ordinances; and

WHEREAS, there is a strong likelihood that the Town will continue to be subjected to this development pressure due to the lack of adequate regulations or restrictions on the location and effects of these uses, especially in close proximity to incompatible land uses that could be adversely impacted by the noise, vibration, emissions, hours of operations, odors and other impacts resulting from these high intensity and high impact uses, as well as the environmental consequences of such uses and further due to the high demand for the minerals and water extracted and the manufactured materials and services resulting from these uses; and

WHEREAS, amendments to the zoning and other land use ordinances require public hearings by the Planning Board and a vote by the Town Council; and

WHEREAS, the Town has previously enacted a Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage and is in the process of developing new ordinances but has not had sufficient time to finalize and adopt those ordinances; and

WHEREAS, in the judgment of the Town, these facts continue to create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require extension of the Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Cumberland hereby ordains that the Moratorium Ordinance Regarding Extraction of Earth Materials and Water Extraction, Pumping and/or Bulk Storage be, and hereby is, extended until June 28, 2011, unless earlier repealed by action of the Town Council.

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

11 – 037 To hold a Public Hearing to consider and act on adoption of the FY’12 Municipal Budget.

Councilor Perfetti thanked the Town Manager for his continued fiscal discipline, transparency, and willingness to discuss with the Council the financial goals of the Town. In a time of cynicism and mistrust, he would offer our Town Manager and Administration as an example of good governance.

Town Manager Shane explained that this budget has decreased by $22,000.00 in operating costs over last year’s budget. It has no increases related to municipal or county government. Town staff has worked diligently and kudos to Finance Director, Alex Kimball, who spend countless hours with the Manager going through the budget line by line. The Finance Committee met for 5 hours on Presidents Day and reviewed it line by line. The Manager feels that this is a responsible budget consistent with our economic times.

Councilor Stiles congratulated the Town Manager for increasing the bond rating of the Town from AA- to AA. That is a great achievement.

Public Discussion: None

Motion by Councilor Perfetti, seconded by Councilor Copp, to approve the FY’12 Municipal Budget not to exceed $7,964,843.00.

VOTE: 7-0 UNANIMOUS PASSAGE
To set a Public Hearing date (March 28th) to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee. Councilor Moriarty said that there will be another workshop on this item on March 28th and some changes to the text are likely. He feels that it would be a good idea to have the amendments completed and available for public review before this item is placed on an agenda and enactment considered.

Councilor Porter suggested moving this item forward, much like any other item that has come before the Council. He feels that the Council has done its work on this and it is time to make a decision. He acknowledges that there will be changes, but the Town Center Advisory Committee made their recommendation almost a year ago and he sees no reason to delay it any further.

Motion by Councilor Porter, seconded by Councilor Stiles, to set a Public Hearing date of March 28th to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee and forwarded to the Town Council without change.

VOTE: 6-1 (Moriarty opposed) MOTION PASSES

To set a Public Hearing date (March 28th) to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

Town Manager Shane explained that this item came before the Council several months ago as a result of a resident not being able to obtain a driveway entrance permit to her property on Route 100. This overlay will allow residential uses within the Route 100 corridor commercial districts that are not developable for commercial use due to MDOT restrictions.

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a Public Hearing date of March 28th to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

VOTE: 7-0 UNANIMOUS PASSAGE

To set a Public Hearing date (March 28th) to consider and act on a Contract Zone Agreement for Phase One of the Doane Property Revitalization Project with Bateman Partners, LLC.

Councilor Porter said that he would like to see the State model regarding efficiency in residential housing and the latest technology (LED) in street lighting be included in the Contract Zone Agreement for this project.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of March 28th to consider and act on a Contract Zone Agreement for Phase One of the Doane Property Revitalization Project with Bateman Partners, LLC.

VOTE: 7-0 UNANIMOUS PASSAGE

To authorize the Town Manager to execute a 5-year lease with Wells Fargo on behalf of Club Cart Enterprises for the lease of 46 electric carts for Val Halla Golf Course.

Town Manager Shane explained that this is a renewal of the 5-year cart program. The carts are leased and replaced every 5 years.

Councilor Porter pointed out that the lease document stated that it is for a 67 month term.

Finance Director, Alex Kimball explained that the payments are only for 6 months out of each year for the term of the lease.
Motion by Councilor Stiles, seconded by Councilor Moriarty, to authorize the Town Manager to execute a 67 month lease with Wells Fargo on behalf of Club Cart Enterprises for the lease of 46 electric carts for Val Halla Golf Course.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 042 To hold a Public Hearing to consider and act on an extension of the Class I Liquor License for The Sparrow’s Nest, d/b/a Viking Grill, for the period of March 15, 2011 to April 2, 2011.
Public Discussion: None

Motion by Councilor Stiles, seconded by Councilor Turner, to add item 11-042.
VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve an extension of the Class I Liquor License for The Sparrow’s Nest, d/b/a Viking Grill, for the period of March 15, 2011 to April 2, 2011.
VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – The nominating committee appointed Iwona Tarling to the Twin Brook Committee this evening. Her son, Sam Tarling won the collegiate NCAA 10 kilometer freestyle event. He is the national champion in the entire country. We should all be proud of Sam. That is quite an honor for a Cumberland resident.

Councilor Copp – Per the Historical Society’s newsletter, The Town of Cumberland turns 190 years old this month.

Councilor Porter – Thank you to Charlie Sparrow, we will miss him. We look forward to working with the new owners.

Councilor Perfetti – None

Chairman Storey-King – Beginning April 15th you will be able to register for recreation programs online. Reminder to drivers not to drive on the shoulders of roads, as they are very soft and vehicles can get stuck. The Planning Board meets tomorrow evening. They will be discussing Phase I of the Doane Property Revitalization.

Councilor Stiles – Donation are still needed for the Veterans Monument to fund the purchase of the name stones.

Councilor Moriarty – He likes the fact that the Council meeting minutes now include copies of PowerPoint slides that are presented during the meeting. It makes for a much more effective record that is useful for the Council, the public, and future historians.

Town Manager Shane – None

VI. ADJOURNMENT
Motion by Councilor Copp, seconded by Councilor Perfetti, to adjourn.
VOTE: 7-0 UNANIMOUS PASSAGE
TIME: 8:32 p.m.
Respectfully submitted by,

Brenda L. Moore
Council Secretary
MANAGER'S REPORT
4.4 Miles of Gas Main

$1.4 M for lines

All School & Town Buildings

$1.5M Station
ITEM
11-043

To hear a report from Beth Blakeman-Pohl of 21 Reasons re: underage drinking.
Casco Bay C.A.N.
CREATE AWARENESS NOW TO REDUCE YOUTH SUBSTANCE ABUSE

Casco Bay C.A.N. is a coalition of local individuals, schools, law enforcement agencies, organizations, and businesses who work together to prevent and reduce youth substance abuse.

Serving the towns of Cumberland, Falmouth, Freeport, North Yarmouth, Pownal, and Yarmouth.

Awareness ~ reinforce the positive messages adults can give about avoiding alcohol, marijuana and other drugs to youth.

Education ~ of those living and working in our communities. Strengthen parental enforcement and monitoring, empower community members to prevent youth substance abuse, and reinforce law enforcement agencies in their prevention efforts.

Community-level Changes ~ of rules / regulations, media messages, accessibility and other issues to promote positive actions that reduce the risk of youth substance abuse.

Resources ~ provide links to community, statewide and national resources and information.

You C.A.N. Make A Difference!

Join Us ~ Community members living or working in Cumberland, Falmouth, Freeport, North Yarmouth, Pownal, and Yarmouth can join one of our committees.

Volunteer ~ Reward yourself and give back to your community by volunteering with special projects or events.

Be Informed ~ Visit our website at www.cascobaycan.org to find information, resources, and tips to help you make a difference in your community.

Help Promote Our Work ~ Invite us to speak with your book group, parent meeting, faith organization, sport club, business or other group interested in promoting a safe and healthy community for the youth of Casco Bay.

Casco Bay C.A.N.
CREATE AWARENESS NOW TO REDUCE YOUTH SUBSTANCE ABUSE

53 Depot Street, P.O. Box 217
Freeport, Maine 04032

207-869-1008
www.cascobaycan.org

A grant funded project sponsored by Cumberland County Government www.cumberlandcounty.org

“This brochure was developed under grant #1H79SP016497-01 from the Office of National Drug Control Policy and Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services. The views, policies, and opinions expressed are those of the authors and do not necessarily reflect those of ONDCP, SAMHSA or HHS.”
ITEM
11-044

To hear a report from the Twin Brook Facility Advisory Committee Chair re: facility rules & policies, community garden, and horses at Twin Brook.
MEMORANDUM

TO: CUMBERLAND TOWN COUNCIL
FROM: JOHN LEAVITT, CHAIR, TWIN BROOK ADVISORY COMMITTEE
SUBJECT: COMMUNITY GARDEN & AMENDMENTS TO TWIN BROOK POLICIES AND RULES
DATE: 3/24/2011

At the March 8 meeting of the Twin Brook Advisory Committee, a presentation was made concerning the establishment of a community garden at the Twin Brook facility. The Committee endorsed this idea, and voted to support the establishment of a community garden, with several recommendations:

The first year would be a pilot program, to be reviewed no later than November, 2011;

The Town and Committee would receive monthly updates and schedules concerning development of the garden, and its progress;

The garden be limited in its initial size to no more than 2000 square feet;

The Community Garden group will establish rules governing the use of the garden, subject to review;

Any projects, such as fencing, tool storage, etc., will be reviewed by the Twin Brook Committee prior to implementation.

Secondly, the Committee has voted to make two recommendations to the Twin Brook Policies & Rules. The first recommendation is to adopt the Maine Principals' Association policy concerning lighting during athletic events, namely to suspend events for at least one-half hour after lightning is seen and/or thunder heard.

The second recommendation is to disallow horses at the facility. Horses are being ridden on the trails, and not on the perimeter of the fields, as stated in the Rules.

Respectfully submitted:

John Leavitt
Chair, Twin Brook Advisory Committee
Cumberland Community Garden

Cumberland Town Council
March 28, 2011

Outline:

I. Twin Brooks trial location:

- Donation garden only first year. Community volunteer support for garden maintenance, weeding, harvesting. Benefit Cumberland Food Pantry and other local food pantries.

- Approx. size 30 x 40 for greens, etc. larger for pumpkin patch. Surrounded by deer fence and sunflowers.

II. Long-term goal:

- Followed next year by individual 10’ x 10’ plots, priced similar to other local CG’s ($35 per year)

- Yarmouth started with 35 plots and has grown to 130. Twin Brooks to allow growth over time.

- Hope to include Children’s Garden program and support ‘Plant a Row for the Hungry’ program, perhaps to also add raised beds at Prince Memorial for pedestrian accessibility.
Yarmouth Community Garden
2009 Rules for Renters

The foundation for most of our renter rules is simple—be a good neighbor. If you tend your plots well, keep them well weeded (including the pathway at your plot's edge) and harvested, you will make an invaluable contribution to the “community” which is at the heart of our garden. Welcome!

General Requirements
- Annual plot rental fees must be paid at the time of registration
- There is no smoking in the gardens or parking area. Tobacco mosaic virus, which can be carried on people's hands, is a serious threat to tomatoes and other plants.
- No pets are allowed in the garden.
- Please monitor small children in the garden so that they do not damage neighbors' plots.
- Each renter is required to contribute SIX HOURS of work over the season to benefit the entire community garden project.

Plot Design
- Tall crops should be planted toward the center of your plot where they will not cast shade upon neighboring plots. Please avoid planting 6 foot sunflowers if you've only rented one plot – they will inevitably create shade for your neighbor's plot.
- Structures (trellises, hoops, fences, supports) should be at least one foot inside plot edges.
- Raised beds may not be built (except for permanent plots). Chicken wire, pressure-treated or other treated or painted wood should not be used in plots.
- Perennials may be planted, but must be removed in the fall (except for permanent plots) as all annual plot areas will be rototilled.
- Stones should be taken to a designated spot. A few stones may be incorporated into the plot design or used as edging, but must be removed at the end of the season.

Plot Maintenance
- Plots need to be well-tended throughout the season, including weeding and harvesting of vegetables.
- Paths between plots should be kept open and accessible to all.
- Commonly used acceptable mulches include straw, hay, black plastic or weed barrier mats, newspaper (not glossy, and covered with an organic mulch), seaweed, grass clippings (not chemically treated), and other organic mulches. Black plastic and weed barrier mats must be entirely removed from the property at the end of the season.

End of Season
- Plots must be cleared of all summer structures and crops by a date in mid-October, to be determined.
- Specific plots may be unavailable in subsequent seasons, due to the need for overall soil maintenance and amendment.

_____________________________________
renter signature/date
Acceptable and Unacceptable Products for our Organic Garden

- **Acceptable**
  - BT, M Track, MVP
  - NEEM
  - Insecticidal soaps
  - Pyrethrum
  - Summer Oil
  - Seaweed/fish preparations
  - Cottonseed meal, bone meal
  - Garlic, hot pepper, “kitchen” mixes
  - PRO GRO
  - Diatomaceous earth
  - Sulfur
  - Wood ash
  - Composted animal manures
  - Rock powders (lime, rock phosphate, greensand, granite dust)
  - Liquids may be applied by hand held trigger spray bottle only

- **Unacceptable**
  - Miracle Gro, Miracid, Peters, etc
  - 5-10-5, 5-10-10 and variations
  - Rothenone
  - Sevin
  - Diazonin
  - Malathion
  - Methoxychlor
  - Commercial slug baits
  - Copper
  - Sabadilla
  - Chemical formulations

If you are interested in using a product that is not on either list, but you are unsure about it, please ask Marjorie Stone, the Rental Plot Coordinator (846-4123 or jorgens3@magne.n.com).
TWIN BROOK RECREATION AREA POLICIES AND RULES

Section One: Policies

1. General. The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. Priorities. Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. Field Use. There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

3. Cancellation. The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.
4. **Applications.** No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance must be provided, and all other stipulations must be met before the permit is issued. If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a cancellation. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

a. MSAD 51 and the Cumberland Recreation Department are only expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an “as is, where is” basis. There should not be any expectation from permit users that the facilities will be “set up” for their specific needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the Cumberland Recreation Department is in agreement, the user shall be charged
accordingly in an amount to be determined by the Cumberland Recreation Department.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required “clean-up”, “pick-up”, or “fix-up” costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

5. **Insurance.** The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than $1,000,000 per person/$2,000,000 per occurrence) and property damage (not less than $25,000) before receiving a facility permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do business in the State of Maine and acceptable to the Cumberland Recreation Department.

6. **Indemnity.** The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney’s fees, and from any and all fines,
suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

7. **Modifications.** The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

8. **Fees.** The Cumberland Town Council shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

9. **Lightning Policy.** The user is responsible for monitoring lightning activity. It is mandatory that anyone who used the Twin Brook facility, suspends activities immediately when lightening is seen or thunder is heard. Activities may not resume until 30 minutes have passed after the last lightening is seen or clap of thunder is heard (per Maine Principals’ Association guidelines). (edit March 2011)

A. Events that anticipate greater than “100” vehicles, (or over 60% of available parking spaces) will need to meet Twin Brook Parking Plan Requirements.

B. ANY event anticipating bus parking will provide a parking map and enforce “bus parking only” area(s).

C. Overflow Parking Areas will be permitted and designated by the Committee and only when appropriate (seasonal- dry ground, etc).
   a. Vehicles will be directed to park in specific parking spaces by parking attendants. Attendants will also enforce “No Parking” areas.
   b. One person from organization will be responsible for administration of parking plan; will have cell phone number available to EMS dispatch.
   c. Parking attendants will be required to wear reflective orange vest.
   d. Organizations which meet Mass Gathering Permit threshold will also be required to hire a Cumberland Police Officer. Police presence will provide support for parking attendants. Four parking attendants will also be required for this level of event.
   e. Exclusive use of Park and charging a parking fee must be approved by Twin Brook Advisory Committee.
   f. Parking Plan and Permit must be completed and signed by the Chief of Police prior to the Committees approval of the event.

Section Two Rules

1. The use, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

2. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fundraiser (e.g. casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.
3. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must ve obtained in advance and in writing.

4. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, rollerblades, scooters, skateboards. Bicycles (except as provided in paragraph 8) and motorcycles are prohibited.

5. Except as provided below, the use of open flames, charcoal fires, cooking fires, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area. However, the use of gas grills shall be permitted within 50 feet radius of the Tuttle Rd. shelter building areas.

   Bonfires may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council (and/or designee) and the Cumberland Fire Department, subject to the following conditions:
   a. The sponsor must arrange for fire protection through the Cumberland Fire Department;
   b. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
   c. The sponsor must clean up the area impacted by the bonfire;
   d. Public participation in the bonfire must conclude no later than 8:00 p.m.

6. Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

   During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event), but may not be walked on the playing fields. During the winter months, dogs may be walked or sledded in any area except for groomed ski trails.

   The person in charge of a dog is responsible for cleaning up waste released by the dog and will be strictly liable for any personal harm or damage caused by the dog.
7. Horses are not permitted in the park. Horses may be ridden along the perimeter of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

8. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

9. Activities such as kiting, model rocket and model airplane flying shall take place in open pasture locations well away from any organized activities. The use of incendiary devices, defined as any object or substance likely to cause fires, including explosives, firecrackers, fireworks, and sparklers is prohibited.

10. Picnicking is welcome while the facilities are open, and picnickers are responsible for cleaning up after themselves. Except as provided in paragraph (5) above, open fires as well as heat sources for barbecuing or grilling are not permitted.

11. Evening events such as stargazing with approved area astronomy clubs shall be permitted up to four times per year with administrative approval. Abutter notification shall be required including cancellation and/or rescheduling of the event.

12. There shall be no organized use of the playing fields on Sundays until 12 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

13. The facilities shall be open from 6:00 AM until 9 PM – April 1st – October 31st and until 6 PM from November 1st – March 31st annually. No nighttime use shall be permitted without the express permission of the Cumberland Recreation Department.

14. All permit applications must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only, except for mountain biking as permitted under subparagraph.

15. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its
inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney’s fees in defense of claims, just or unjust, relating to the payment of any youalty, chare or fee for use of material by a permitted user during the use of Twin Brook facilities.
ITEM
11-045

To hold a Public Hearing to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.
Notice of Decision

Date: February 23, 2011

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

Re: Public Hearing: To add Section 204.23: Route 100 Corridor Residential Overlay to the Cumberland Zoning Ordinance.

Section 204.23 – Route 100 Corridor Residential Overlay
The purpose of this overlay is to allow residential uses within the Route 100 corridor commercial districts on lots that are not developable for commercial use due to restrictions on Route 100 access by the Maine Department of Transportation.

203.23.1 The following uses are permitted

.1 Dwelling, Attached
.2 Dwelling, Detached
.3 Dwelling, Duplex
.4 Dwelling, Multiplex
.5 Any use permitted in the underlying district.

203.23.2 Minimum Lot Standards
The minimum lot size and setbacks for all new uses in this Overlay shall be those of the underlying district.

This is to advise you that on February 15, 2011 the Planning Board voted to approve and recommend draft zoning amendments to the Cumberland Zoning Ordinance to add Section 203.23 – Route 100 Corridor Residential Overlay.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

Christopher S. Neagle, Board Chair
SECTION 204.23 - ROUTE 100 CORRIDOR RESIDENTIAL OVERLAY

The purpose of this overlay is to allow limited residential uses along the Route 100 Corridor commercial districts on lots that are not developable for commercial use due to restrictions on Route 100 access by Maine Department of Transportation.

203.23.1 Permitted Uses

1. Dwelling, Attached
2. Dwelling, Detached
3. Dwelling, Duplex
4. Dwelling, Multiplex
5. Any use permitted in the underlying district

203.23.2 Minimum Lot Standards

The minimum lot size and setbacks for all new uses in this Overlay shall be those of the underlying district.
ITEM
11-046

To hold a Public Hearing to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.
Section 204.23 Town Center District

204.23.1 The purpose of the Town Center District (TCD) is to provide an area in the center of Town that will allow for a mix of residential and low intensity commercial uses that will enhance the livability and sustainability of the community.
   .1 All multi-plex and non-residential development shall be subject to the Town Center District Design Standards.
   .2 All multi-plex and non-residential uses shall be subject to the Town of Cumberland Site Plan Ordinance.
   .3 All development in this area shall be connected to public water and sewer, when available.

204.23.2 The following uses are permitted in the TCD:
   1. Dwelling; Single Family Dwelling
   2. Dwellings, Duplex
   3. Dwellings Multiplex; subject to the provisions of Section 406A (Multiplex Dwellings).
   4. Personal Services;
   5. Business and Professional Offices;
   6. Retail Stores: 2,000 sq. ft. maximum; Square footage shall not include storage areas.
   7. Small Markets: 2,500 sq. ft. with no drive-through; Square footage shall not include storage areas.
   8. Cafes: 2500 sq. ft. maximum with no drive-through and in accordance with Section 204.13.5.3. Square footage shall not include storage areas. Square footage shall include bathrooms, prep areas, cooking area and dining area.
   9. Residential Care Facilities, subject to Section 432;
   10. Health and Fitness Studio;
   11. Day Care Centers and Nursery Schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review;
   12. Municipal uses and buildings;
   13. Sewer Pumping Stations, subject to the provisions of Sec. 419.4;
   14. Uses and buildings accessory to those above.

204.23.3 The following uses are allowed as special exceptions in the TCD, requiring the approval of the Board of Adjustment and Appeals:
   1. Home Occupations;
   2. Home Based Occupations;
   3. Home Based Retail;

*End of March 14, 2011 Review – to be continued on March 28th*
4. Bed and Breakfast Inns;
5. Daycare Homes
6. Adult Day Care
7. Accessory structures of public utilities;
8. Above Ground Utility Lines;
9. Uses and buildings accessory to those above.

204.23.4 The following lot standards shall apply within the TCD:
   .1 10,000 sq. ft. minimum lot size per unit if on public sewer; 20,000 sq. ft. if not on public sewer.
   .2 In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 5,000 sq. ft. if on public sewer.
   .3 There shall be no less than 80 feet of lot frontage.
   .4 There may be multiple uses on one parcel as long as each use meets the required lot standards.

204.23.5 The following minimum setbacks are required for all structures in the TCD district, except that sheds and driveways are permitted to a minimum setback of eight (8) feet from the side and rear lot lines:
   .1 Front: 15 feet
   .2 Rear: 15 feet
   .3 Side: 10 feet

204.23.6 The following performance standards shall apply within the TCD, provided however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified. For additional requirements relating to building and site improvements, refer to the Town Center District Design Standards.

   .1 Building Design: New structures within the district shall be of a New England architectural style and materials. This includes clapboard, shingle, or brick siding (composed of natural or composite materials), pitched rooflines, and neutral colors.

   .2 Lighting: The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs. No greater than 1 foot-candle lighting permitted on the site; and there shall be 0 foot candles at the property line.

   .3 Cafe Standards: Cafes within the TCD shall only be permitted within buildings in existence on July 1, 2010, and will conform to the following standards:

   .1 Seating shall be limited to 48 seats.
.2 No more than 20 square feet of advertising shall be permitted on site. There shall be no advertising placed in windows or doorways of the building. Advertising shall not include internally illuminated signs.

.3 No kitchen ventilation hoods will be mounted on the front door street side of the building and will be located to minimize impact on neighboring properties.

.4 Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right of way.

.5 All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.

.6 Restroom facilities for the patrons shall be provided on the premises.

.4: Parking Standards: Parking shall be located to the side or rear of multiplex residential and non-residential structures. There shall be no garage doors facing the street. On-street parking may be allowed upon Planning Board approval.

.5: Buffering and Landscaping: All uses must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changed in grade and/or a combination of these or other techniques.

.6: Hours of Operation: All non-residential uses in the TCD shall be open for business only within the time frame of 6:30 a.m. to 9:00 p.m.

.7: Commercial Deliveries: Commercial deliveries shall be limited to the hours of 7:30 a.m. to 5:30 p.m.

.8 Noise

.1 Intent

These Performance Standards governing noise are intended to insure that the rights of property owners, as well as the overall health and general welfare of the District, are not diminished by unreasonable noise levels generated by any permitted or special exception use within the District.
.2 Maximum Permissible Sound Level

The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, shall not exceed a measurable level of seventy-five (75 dB) beyond the property boundaries of the site upon which the sound or noise is generated or originates.

.3 Sound or Noise Abatement

In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.

.4 Measurements of Sound or Noise

In cases where sound measurements are required in order to insure compliance with these regulations, measurements shall be taken:

.1 With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;

.2 At a height of four feet (4') above prevailing grade at the property boundary in question;

.3 With the instrument set to the A-weighted response scale; and

.4 Recorded by an individual familiar with sound measurement and the particular devise being used.

.5 Exemptions

.1 Activities related to public and private construction or maintenance work, agriculture, emergency warning devices, and other similar short term or temporary uses may be administratively exempted from the requirements of this Section if, in the opinion of the Code Enforcement Officer or his/her agent, sufficient reason exists to do so.

.2 In these special circumstances, the Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.
ITEM

11-047

To hold a Public Hearing to consider and act on an Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 – March 2012.
DEPARTMENT OF PUBLIC SAFETY  
LIQUOR LICENSING AND INSPECTION UNIT

Present License Expires  3/28/01

BUREAU USE ONLY
LICENCE # ASSIGNED:
Class:
Deposit Date:
Amt. Deposited:

☐ Off-Premise Retailer – Malt Liquor ............................................................................. $200.00
☒ Off-Premise Retailer – Table Wine .............................................................................. $200.00
☒ Filing Fee ....................................................................................................................... $10.00
NOTE: if the place of business is located in an unincorporated place, the County Commissioners must approve the
application. All such applications shall be accompanied by receipt of payment of the $10.00 filing fee to the County
Treasurer.

Check Payable: Treasurer State of Maine

ALL QUESTIONS MUST BE ANSWERED IN FULL

| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co.,
cic.) | 2. Business Name (D/B/A) |
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<tr>
<td>Sheila Donofrio</td>
<td>Basil Provisions</td>
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| DOB: 10/6/74 |

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<th>Location (Street Address)</th>
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3. List of Wholesale Value and Types of Merchandise in inventory: (Must be answered)

<table>
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<tr>
<th>Edible Foods</th>
<th>Tobacco Products</th>
<th>Paper Goods</th>
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<tr>
<td>$7500</td>
<td>$</td>
<td>$2000</td>
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Greeting Cards, Magazines, Newspapers $300   Total of all other merchandise in inventory $8500

4. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: Yes ☐ No ☑ (If Yes complete Corporate Questionnaire)

5. If manager is to be hired give name N/A

6. If business is NEW indicate opening date: N/A   Business Hours: 10-3 TUES-SAT

7. Is/Are applicant(s) citizens of the United States? Yes ☑ No ☐
8. Is/Are applicant(s) residents of the State of Maine?  Yes ☑ No ☐

9. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married:

<table>
<thead>
<tr>
<th>Name in Full (Print Clearly)</th>
<th>DOB</th>
<th>Place of Birth</th>
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<tbody>
<tr>
<td>Sheila Danofrio</td>
<td>10/5/74</td>
<td>Rochester NY</td>
</tr>
</tbody>
</table>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Portland, ME

Use a separate sheet of paper if necessary.

10. Has applicant(s) or manager(s) ever been convicted of any violation of the law, other than minor traffic violations of any State of the United States?  Yes ☐ No ☑

Name: ___________________________ Date of Conviction: ___________________________

Offense: ___________________________ Location: ___________________________

Disposition: ___________________________

11. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued?  Yes ☐ No ☑ If Yes, give name:

12. Has applicant(s) formerly held a Maine liquor license?  Yes ☑ No ☐ Renewal

13. Do applicant(s) own the premises?  Yes ☑ No ☐ If No, give name and address of owner:

14. Describe in detail where liquor will be stored: (Supplemental On/Off Premise Diagram Required)

See previous years attached

15. Have you received any assistance financially or otherwise (including any mortgages) from any source other than your-
DEPARTMENT OF PUBLIC SAFETY
LIQUOR LICENSING AND INSPECTION UNIT

self in the establishment of your business?  Yes Y  No  ☑  If Yes, give details:

Mortgage: TD Bank

16. Does any other person have any interest directly or indirectly in your business?  Yes ☑  No  ☑  If Yes, give details:

PAYMENTS TO THE DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING & INSPECTION DIVISION BY CHECK SUBJECT TO PENALTY PROVIDED BY SECTION 3 OF TITLE 28A, MAINE REVISED STATUTES

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to $500.00 or by both."

Dated at: Cumberland, ME on 3/10/2011
City/Town  Date  Year

Signature(s) of Applicant(s) or Corporate Officer(s)  Print Name of Applicant(s) or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220  Fax: (207) 287-3424
STATE OF MAINE

Dated at: _____________________________, Maine _____________________________

On: _____________________________

Date _____________________________

The undersigned being: ☑ Municipal Offices ☑ County Commissioners of the

☑ City ☑ Town ☑ Plantation ☑ Unincorporated Place of:

Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

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Pay to the order of Michael Smith

Amount of Check: $210

Date: 3/16/11

TD Bank

America's Most Convenient Bank

6157
ITEM

11-048

To authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms.
MEMORANDUM

To: William Shane, Town Manager
FROM: Chris Bolduc, Director of Operations/Public Services
RE: Public Works Department/Val Halla Uniform Contract
Date: March 24, 2011

I will be forwarding to you, for Town Council consideration, a 60 month Uniform Rental Service Agreement with Cintas’s Corporation for the furnishing and cleaning of the Public Works and Val Halla employee’s uniforms. This agreement equates to an annual cost of $5500 which represents about a 32% savings from what we were paying on our previous contract.

The Town furnishes uniforms to the Public Works and Val Halla employees as outlined in article 19 of the agreement between the Town of Cumberland and the Public Works/Val Halla Maintenance Employees Association. Article 19 states that if the employee is required to wear a uniform or protective clothing as condition of employment, the clothing will be furnished by the Town.

Ken Cole has reviewed the agreement and has recommended three changes which have been sent to Cintas’s Corporation for review. I am hoping to have the corrected agreement, with Ken Cole’s approval, to you by Monday night’s meeting.
ITEM 11-049

To set a Public Hearing date (April 11th) to consider and act amendments to Section 204.9, Village Center Commercial District (VCC), of the Cumberland Zoning Ordinance to add Aggregate Processing and Construction Operations with a 500’ set back from Route 100, as recommended by the Planning Board.
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: March 28, 2011
Re: Changes to VCC Zone on Route 100

I asked the Planning Board's consideration and recommendation to the Town Council for changes to the VCC zone to include *Aggregate Processing and Construction Operations with both having a 500’ setback* from the Route 100 right-of-way line.

The piece of property impacted by this change is an old abandoned gravel pit. Owner Rodney Coleman is willing to build up the pit floor with clean fill, grade off areas and develop the land into conforming uses of the VCC zone. Mr. Coleman is an earthwork contractor with extensive residential and commercial experience on the islands of Casco Bay and the greater Portland area. His master plan includes moving his construction company to Cumberland. In the process he would restore the current land into useable lots consistent with the VCC zoning.

I believe this is a reasonable request and would result in the conversion of non-revenue producing and unattractive site, into a productive piece of property that will result in the creation of new jobs for our area. This request is similar to what the Planning Board will be reviewing on the David Chase parcel at the old Pike pit.

Alyssa Daniels, Economic Development Director, will be presenting the request to the Town Council on April 11th. Alyssa and I have been working with Mr. Coleman on this project since this fall.
Notice of Decision

Date: March 16, 2011

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

Re: Public Hearing: To recommend draft zoning amendments to the Town Council to amend Section 204.9 Village Center Commercial district (VCC) of the Zoning ordinance to add the following uses:
   204.9.1.28 Aggregate processing, with a 500’ setback from Route 100
   204.9.1.29 Construction Operations with a 500’ setback from Route 100

This is to advise you that on March 15, 2011 the Planning Board voted to recommend to the Town Council draft zoning amendments to add the following uses to the Village Center Commercial district (VCC).

204.9.1.28 Aggregate processing on the westerly side of Route 100, and on the southerly side of Blackstrap Road, with a 500’ setback from Route 100

204.9.1.29 Construction Operations on the westerly side of Route 100, and on the southerly side of Blackstrap Road, with a 500’ setback from Route 100.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

[Signature]
Christopher S. Neagle, Board Chair
ITEM
11-050

To set a Public Hearing date (April 11th) to consider and act on a Wharfing Out Permit for Carole & Delvyn Case, 18 Ole Musket Road, Cumberland Foreside, Map U2, Lot 20.
To: Town Council
From: William R. Shane, Town Manager
Date: March 28, 2011
Re: Case Pier Application

Craig Kinney, Vice-Chairman of the Coastal Waters Commission will be at your meeting on April 11th to give the Commission’s recommendation to you regarding this application.

A site walk and public hearing was held on Saturday, March 26, 2011 at Noon.

This is for the replacement of an existing pier.
View of existing mass concrete structure that is deteriorated and requires replacement.

Existing gangway and intertidal float will be reused and will remain in the same location.
Application for
Shoreland/Wharfing Out
Permit Application
December 11, 2010

Case Pier
Cumberland, Maine

Applicant:
Carole & Delvyn Case
18 Old Musket Road
Cumberland Foreside, Maine 04079

Submitted To:
Bill Shane-Town Manager
Coastal Waters Commission
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021
To: William Shane- Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, Maine 04021

From: Barney Baker, PE

Date: December 11, 2010

Subject: Shoreland/ Wharfing Out Permit Application;  
Case Pier Replacement  
18 Ole Musket Road; Map U02, Lot 20  
Applicants: Carole & Delvyn Case

Copy: File, Carole & Delvyn Case , Matt Davis-Custom Float Services

Job No: 09028

TRANSMITTAL

This transmittal includes the $250 application fee and seven (7) copies of the Shoreland Permit Application for the Case Pier replacement.

A list of the support material provided is outlined below.

<table>
<thead>
<tr>
<th>Page(s)</th>
<th>Application</th>
<th>Support Material</th>
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<tr>
<td>1-6</td>
<td>Shoreland Application</td>
<td>Tab A</td>
</tr>
<tr>
<td>7</td>
<td>Agent Authorization</td>
<td>Tab B</td>
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<tr>
<td>8-9</td>
<td>Approval Standards and Criteria</td>
<td>Tab C</td>
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<td>Tab D</td>
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Please contact this office with any questions or comments on the application provided and let me know when you would like to schedule a meeting with the Coastal Waters Commission.

11 Stony Brook Lane, Yarmouth, Maine 04096  
T: (207) 846-9724  
F: (207) 846-3620  
Email: bbaker@maine.rr.com
**Town of Cumberland**  
**Shoreland Zoning Permit Application**

**GENERAL INFORMATION**

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<th>3. APPLICANT PHONE NUMBER</th>
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<td>Baker Design Consultants</td>
<td>(207) 846-9724</td>
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<td>Agent: Barney Baker PE</td>
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<td>Yarmouth ME 04096</td>
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<td>Attn: Matt Davis</td>
<td>P. O. Box 7302</td>
<td>(207) 772-3796</td>
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<td>Custom Float Services</td>
<td>36 Union Wharf</td>
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<td>Portland, ME 04101</td>
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<tr>
<th>10. LOCATION / ADDRESS OF PROPERTY</th>
<th>11. TAX MAP &amp; LOT NUMBER AND DATE LOT WAS CREATED</th>
<th>12. ZONING DISTRICT</th>
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<td>18 Ole Musket Road</td>
<td>Map U02, Lot 20</td>
<td>LDR, SOD</td>
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<td>Cumberland Foreside, ME</td>
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13. **DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3).**

This application is for replacement of an intertidal pier, gangway and float system to provide waterfront access for one (1) shorefront property. For more information, refer to the Maine DEP application at TAB C and appended drawings at TAB D.

The fundamental purpose of the proposed work is to provide a replacement fixed pier that maintains safe recreational access to the water. An existing year-round pier, believed to have been on site since the 1950's, is deteriorated and needs to be replaced.

A secondary goal of the project has been to significantly reduce the environmental impact of the waterfront access facility. This is achieved by removing an existing mass concrete wharf and replacing it with a pile supported timber pier for a net reduction in intertidal contact area of 180 SF. The existing seasonal gangway and float are reused.

14. **PROPOSED USE OF PROJECT**

The facility provides recreational access for swimming, kayaks, canoes, and a dinghy access/landing that serves an adjacent deepwater mooring.

<table>
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<th>15. ESTIMATED COST OF CONSTRUCTION</th>
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<td><strong>16. LOT AREA (SQ. FT.)</strong></td>
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<td><strong>18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES</strong></td>
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<td><strong>Elevation Above 100 Year Flood</strong></td>
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<td><strong>20. FRONTAGE ON WATERBODY (FT.)</strong></td>
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<td>'312 ft (per Town tax map)</td>
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<td><strong>22. EXISTING USE OF PROPERTY</strong></td>
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<td>Residential with existing private pier for intertidal access.</td>
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NOTE: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback from the high water mark.

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<th>25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89 (CU. FT.)</th>
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<td><strong>24. B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT (SQ. FT.)</strong></td>
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<td><strong>24. C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (SQ. FT.)</strong></td>
<td><strong>24. C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (CU. FT.)</strong></td>
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<td><strong>24. D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89</strong></td>
<td><strong>24. D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89 (%)</strong></td>
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<td>(%) INCREASE = ((B+C)/A)x100</td>
<td>(%) INCREASE = ((B+C)/A)x100</td>
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Supplement No. 1

This supplement provides the additional information requested at the Coastal Waters Commission meeting of February 23, 2011.

1. **Off season Float Storage Plan.**

   This past year the existing float was towed across to the Chebeague Island Boatyard for offseason storage in their yard. The plan is to continue this practice. Notification will be provided to the Town if this float storage plan changes. Note that the replacement pier reuses the existing float.

2. **Demolition Plan for the existing concrete pier.**

   Custom Float Services will construct and install the replacement pile supported timber pier. The demolition of the existing deteriorated concrete pier will be subcontracted to a qualified subcontractor with a barge and crane that can most economically complete the work in accordance with the following provisions. Ideally the barge contractor will also bring in materials for the construction of the replacement pier which will start at the completion of demolition activity.

   - The concrete pier must be broken up in place and removed from site within a 2 week period subject to extensions due to bad weather conditions.
   - No explosives may be used. Noise and mechanical vibration will be limited to daylight workday hours from 8 AM to 5PM.
   - The pier location will be inspected prior to departure of the crane and barge to ensure that all remnants of the existing concrete have been removed from the site. This would include cutting any steel dowels at the ledge surface.

Please contact me if you require additional information or clarification.
ITEM
11-051

To accept an anonymous donation in the amount of $10,000.00 to be allocated to the General Assistance fund and authorize the Town Manager to execute a gift letter.
To: Town Council
From: William R. Shane, Town Manager
Date: March 22, 2011
Re: Authorization to Accept Gifts and Apply to Benevolent Funds

Once again in this Fiscal Year a generous family has donated $10,000 to assist with our General Assistance funding!

I am recommending that you accept this gift of $10,000 and use the monies to help our fuel and general assistance funds. I am also requesting your authorization to issue a gift letter for $10,000 to this family for tax purposes.
NEW BUSINESS
For meeting tonight

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

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

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

From: Linda Emery [mailto:lemery5@maine.rr.com]
Sent: Sunday, March 27, 2011 2:22 PM
To: Charles Burnie; Ron Copp; William Shane; William Stiles; Steve Moriarty; Michael Perfetti; George Turner; Shirley Storey-King; Joe Charron; Jeffrey Porter
Subject: deer signs!

To All Members of the Town Council ~

Thank you, thank you, thank you! I have noticed the signs around town advising against feeding the deer and I'm extremely happy with the way they turned out and where they are positioned. As disappointed as I was it was decided not to enact a law against feeding the deer, I now actually feel that the signs are a better option. Because of the excellent visibility, residents will be reminded each time they pass a sign and I think that will have a greater impact in the long run.

I understand that there will always be those who continue to feed the deer regardless of the dangers, but I am so happy that this important phase in the public education regarding Lyme Disease prevention has been instituted here in Cumberland.

Again, I thank you all for allowing me to bring this issue to your attention and considering action in a serious manner. I wish you all a safe and healthy spring and summer.

Sincerely,
Linda Emery
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Cumberland Town Council Meeting  
Monday, March 28, 2011  
6:00 p.m. Workshop  
7:00 p.m. Call to Order

The Cumberland Town Council will hold a Workshop at 6:00 p.m. with Town Center Advisory Committee Liaisons to review committee recommendation, and its regular meeting at 7:00 p.m. on Monday, March 28, 2011 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hear a report from Beth Blakeman-Pohl of 21 Reasons re: underage drinking.
- To hear a report from the Twin Brook Facility Advisory Committee Chair re: facility rules & policies, community garden, and horses at Twin Brook.
- To hold a Public Hearing to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.
- To hold a Public Hearing to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.
- To hold a Public Hearing to consider and act on an Off Premise Retailer with Malt & Vinous for Basil Provisions, 137 Main Street, for the period of March 2011 - March 2012.
- To authorize the Town Manager to execute a 5-year contract with Cintas Uniforms for Public Services uniforms.
- To set a Public Hearing date (April 11th) to consider and act amendments to Section 204.9, Village Center Commercial District (VCC), of the Cumberland Zoning Ordinance to add Aggregate Processing and Construction Operations with a 500' set back from Route 100, as recommended by the Planning Board.
- To set a Public Hearing date (April 11th) to consider and act on a Wharfing Out Permit for Carole & Delvyn Case, 18 Ole Musket Road, Cumberland Foreside, Map U2, Lot 20.
- To accept an anonymous donation in the amount of $10,000.00 to be allocated to the General Assistance fund and authorize the Town Manager to execute a gift letter.

Additional agenda items will receive consideration and action. Please refer to the town’s website: www.cumberlandmaine.com for a complete agenda.
PUBLIC NOTICE

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- To authorize the Town Manager to execute a 5-year contract with Oce North America for the lease of a photo copier.
- To authorize the Town Manager to execute a 5-year contract with Cintas for Public Works uniforms.
- To hold a Public Hearing to consider and act on an Off Premise Retailer with Malt & Vinours for Basil Provisions, 137 Main Street, for the period of March 2011 - March 2012.

Additional agenda items will receive consideration and action. Please refer to the town’s website: www.cumberlandmaine.com for a complete agenda.

#4250522

Ad shown is not actual print size
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**ACTION/FOLLOW THROUGH ITEMS FROM LAST TOWN COUNCIL MEETING:** 3/28/11

<table>
<thead>
<tr>
<th>Item:</th>
<th>Follow through action necessary:</th>
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<tbody>
<tr>
<td>✔ 11-045</td>
<td>Forward motion to Pam</td>
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<tr>
<td>✔ 11-051</td>
<td>Prepare Gift letter for Bill's signature</td>
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<tr>
<td>✔ 11-052</td>
<td>Nomination letter to Bill Kerrey</td>
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<tr>
<td>Building Permit Report</td>
<td>Feb-08</td>
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<td>----------------------------------------------</td>
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<td>MTD - Construction Dollar Amount</td>
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<td>Date</td>
<td>Permit</td>
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<td>--------</td>
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<td>2/3/2011</td>
<td>11-008</td>
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<td>2/16/2011</td>
<td>11-013</td>
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| 2/1/2011 |               |           |               |                |   | $196,150.00 | $1,055.50 |

Start Date: 2/1/2011
End Date: 2/28/2011
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<tr>
<th>Name</th>
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<th>Owner</th>
<th>Permit Type</th>
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<td>Simmons Robert</td>
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<td>Knischa Joseph</td>
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**Permit ID** Date Issued: 2/1/2011

**Plumbing Permits**
WORKSHOP

Refer to item #11-038 for materials
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• To hold a Public Hearing to consider and act on a Victualer’s License application for the Cumberland/North Yarmouth Boys Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

• To hold a Public Hearing to consider and act on a Victualer’s License application for the Cumberland/North Yarmouth Girls Youth Lacrosse, effective March 14, 2011 through June 30, 2011.

• To hold a Public Hearing to authorize the Town Manager to enter into an agreement with the “First Tee” Program.

• To hold a Public Hearing to authorize the Town Manager to execute a two year contract with Lowell & Lloyd Smith for the operation of the Viking Grill.

• To hold a Public Hearing to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel’s on the Green at The Viking Grill, for the period of April 2011 – April 2012

• To appoint a member to the Twin Brook Facility Advisory Committee.

• To consider and act on extending the date of the moratorium on gravel extraction to June 28, 2011.

• To hold a Public Hearing to consider and act on adoption of the FY’12 Municipal Budget.

• To set a Public Hearing date (March 28th) to consider and act on amendments to Main Street zoning as recommended by the Town Center Advisory Committee.

• To set a Public Hearing date (March 28th) to add Section 204.23, Route 100 Corridor Residential Overlay, to the Cumberland Zoning Ordinance.

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