AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, September 11, 2017
6:00 Ordinance Committee Meeting
7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES
August 28, 2017

III. MANAGER’S REPORT

• Swearing in Ceremony for Fire Department Officers
• Speed Change and Signage Requests for Route 1, Blackstrap Road, Blanchard Road Ext. and Signal at Skillin Road and Route 100
• Update on potential relocation of Town Garage to fair grounds property

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

17 – 125 To consider and act on the extension of a decision to accept or allow a deemed vacation of all proposed, but unaccepted ways in the Town of Cumberland and to authorize the Town Manager to execute and record in the registry a notice regarding the same.

17 – 126 To hear a report from the Finance Director re: end of FY’17 financials.

17 – 127 To authorize the Town Manager to accept an anonymous donation and issue a gift letter for fitness equipment for the new Central Fire Station valued at $19,430.00.

17 – 128 To set a Public Hearing date of September 25th to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

17 – 129 To set a Public Hearing date of September 25th to consider and act on an update to the Official Zoning Map of the Town of Cumberland to expand the Senior Housing Community Overlay District to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.

17 – 130 To set a Public Hearing date of September 25th to consider and act, amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Section 45 (Conversions) of the Cumberland Code, as recommended by the Ordinance Committee.

VI. NEW BUSINESS

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

I. APPROVAL OF MINUTES
Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the August 14, 2017 meeting minutes as presented.
VOTE: 7-0 UNANIMOUS

II. MANAGER’S REPORT
Town Clerk, Tammy O’Donnell administered the Oath of Office to Police Lieutenant, David Young and Sergeant, Tony Ridge. Chief Rumsey then recognized Officers Burns, Burke, Hendee and Merriman who recently obtained their EMT license.

Girl Scout, Erin O’Donovan presented her Gold Star Project “Cumberland Schools through the Ages”. Her project can be found on the Town’s website under Community News (Historical Society tab).

Town Manager Shane explained that the Doane property (across from Town Hall) is under contract. Ocean View of Falmouth is proposing to build 50, cottage-style homes, in the $500,000 and up range for seniors (55 and older). They also are purchasing the Godsoe property on Greely Road which is adjacent to the Doane parcel. They have agreed to protect the 6-acre scenic vista on Greely Road with a conservation easement in perpetuity and develop the back land as part of the Senior Housing Overlay District.

The Town will be sending out Requests for Qualifications looking for proposals to develop the land adjacent to the Town Forest with 50 to 100 senior and affordable housing units. There will be an event in October with a moderator to facilitate a meeting to get public input on how this property should be developed. The Lands & Conservation Commission will also make a recommendation.

III. PUBLIC DISCUSSION
None

IV. LEGISLATION AND POLICY
17 – 120 To hear a report from the Finance Director re: end of FY’17 financials. TABLED TO SEPTEMBER 11TH
Motion by Councilor Bingham, seconded by Councilor Stiles, to table to September 11th.
VOTE: 7-0 UNANIMOUS
To hold a Public Hearing to consider and act on authorizing the Town Manager to purchase 19.6 acres of land around Knight’s Pond.

Town Manager Shane said that this is an exciting opportunity for the Town. John Paynter has always wanted to protect his land around the pond and keep it in conservation. He approached the Manager and asked if the Town would be interested in purchasing 19.6 acres. An appraisal was done and the price of $90,000 was agreed upon, financed over 10 years. The Town will now own all of Knight’s Pond.

Chairman Edes opened the Public Hearing.

Public discussion: Brian Marcquarelle of the Chebeague & Cumberland Land Trust said that the Land Trust strongly supports the purchase of the Paynter property. The Land Trust has considered the preservation of the Knight’s Pond property (with the Towns of Cumberland and North Yarmouth) as one of their crowning achievements. Mr. Paynter has done an amazing job of stewarding the property on the eastern shore of the pond. The Land Trust is looking forward to working with the Town to maintain the trails and provide a link to the existing trail.

Adam Dews said that he is not opposed to Knight’s Pond, but he would like to know how much more land the Town plans to purchase in the future.

Councilor Bingham responded that it is a valid concern. One of the reasons that we are considering this purchase is because it will complete the existing preserve. Financing this over 10 years will prevent the Council from spending any money from the land acquisition fund, but instead add it to the budget every year. This is a legitimate question and he thanked Mr. Dews for having the courage to ask it.

Councilor Stiles added that the Council really puts a lot of consideration into any land purchase. This one makes sense because we own only a portion of the pond now and have the opportunity to purchase the remainder, and the willingness of the seller to finance it. He also pointed out that over the past few years, the Town’s portion of real estate taxes has gone down. Any increases were due to the County and School taxes going up. He feels that this purchase is good for the Town.

Sam York, Chairman of the Lands & Conservation Commission said that the Commission has seen a tremendous increase in the use of the Town owned properties, especially Rines Forest and Knight’s Pond Preserve. This is partly due to publicity and partly due to the aggressive trail making activity. It is important to realize that this is a great selling point for people moving to Cumberland.

Pete Wilson of Oak Ridge Road said that he is an abutter of the Knight’s Pond area. The property is used a lot and he enjoys seeing people recreate there. He supports the purchase of the land by the Town.

Mark Isaacson of Blanchard Road said that he uses the Knight’s Pond area a lot and it has certainly come a long way. He hopes the purchase goes through.

John Paynter said that there is a substantial trail on the property that goes almost to the Knight’s Pond Preserve parcel. Only a couple of hundred feet will have to be built to connect the two pieces.

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to purchase 19.6 acres of land around Knight’s Pond for the purchase price of $90,000.

VOTE: 7-0 UNANIMOUS
17 – 122  To hold a Public Hearing to authorize the issuance of Senior Property Tax Assistance Program payments.
Town Manager Shane said that this is our 10th successful year of this program. We had 167 applicants and we will spend a little over $60,000, if authorized this evening, in refunds to our seniors.

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

Motion by Councilor Gruber, seconded by Councilor Storey-King, to authorize the issuance of Senior Property Tax Assistance Program payments.
VOTE: 7-0 UNANIMOUS

17 – 123  To appoint a member to the Lands & Conservation Commission.
Motion by Councilor Copp, seconded by Councilor Gruber, to appoint Denny Gallaudet to the Lands & Conservation Commission Forestry Sub-Committee.
VOTE: 7-0 UNANIMOUS

17 – 124  To forward to the Lands & Conservation Commission for a recommendation, the proposed uses for the Town owned land adjacent to the Town Forest.
Motion by Councilor Bingham, seconded by Councilor Turner, to forward to the Lands & Conservation Commission for a recommendation, the proposed uses for the Town owned land adjacent to the Town Forest.
VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS
Councilor Bingham – None

Councilor Gruber – The annual Aging in Place Forum will be on the first Saturday of November. Details will be coming out on a post card soon.

The Food Pantry and its volunteers continue to go above and beyond all of his expectations. Thank you to the Town Manager and his wife for all they do. They are stewards of the Food Pantry.

The Senior Property Tax Relief Program is another success this year. He is so proud of the Council for supporting the program.

Councilor Storey-King – Congratulations to the Town Manager for becoming a Grandpa.

School starts on Wednesday, so please drive safely.

MSAD 51 will be meeting in November to kick off their strategic planning. People who have an opinion on what the plan should be may want to consider attending the meeting.
Councilor Copp – He thanked the Manager for all his hard work in keeping our tax relief program for our seniors. The program helps a lot of people.

Chairman Edes – He asked about the possibility of a community garden on the piece of town owned land on the Greely Road side of Twin Brook.

Town Manager Shane said that we tried that approximately 5 years ago on the Tuttle Road side of Twin Brook and it did not go well. There was too much work with too few volunteers and the soil at Twin Brook is not very good for gardening.

Councilor Stiles – The 4-H auction to benefit the Food Pantry still needs donations. He is asking for just $10 from Cumberland and North Yarmouth residents.

Councilor Turner – He thanked Sam York and the Lands & Conservation Commission for all they do on maintaining the trails around town.

Town Manager Shane – On Saturday, September 9th at 1:00 p.m. local author Grace Birch will be a Town Hall during an event at the Story Walk featuring her new book “Otto’s Neighborhood Hero’s”. The book features our own Fire/EMS department. It should be a very fun day for families.

VI. **EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

Motion by Councilor Bingham, seconded by Councilor Stiles, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

VOTE: 7-0 UNANIMOUS
TIME: 8:37 P.M.

Reconvene to regular session at 8:43 P.M.

Motion by Councilor Bingham, seconded by Councilor Stiles, to approve the tax abatement request.

VOTE: 7-0 UNANIMOUS
TIME: 8:44 P.M.

VII. **ADJOURNMENT**

Motion by Councilor Bingham, seconded by Councilor Gruber, to adjourn.

VOTE: 7-0 UNANIMOUS
TIME: 8:44 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
ITEM
17-125

To consider and act on the extension of a decision to accept or allow a deemed vacation of all proposed, but unaccepted ways in the Town of Cumberland and to authorize the Town Manager to execute and record in the registry a notice regarding the same
Here is what I would suggest:

Agenda Item: To consider and act on the extension of a decision to accept or allow a deemed vacation of all proposed, but unaccepted ways in the Town of Cumberland and to authorize the Town Manager to execute and record in the registry a notice regarding the same.

Motion: Move to extend, for a period of twenty (20) years from the date of recording of written notice in the Cumberland County Registry of Deeds 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 to this motion and on file at the Cumberland Town Hall; provided that nothing herein shall limit the authority of the Cumberland Town Council under Maine law to vacate or accept any of those streets during said time period; and to authorize the Town Manager to execute and record the appropriate notice extending the deadline consistent with this order.

After the vote, I will need to record the attached notice. I will need an attested copy of the vote to record as well. Those need to be recorded before September 25, 2017.

I want to remind everyone that we previously talked about a Council action in 1997 after the first extension, that attempted to vacate several roads (Parker Road, Ravine Road, Ravine Drive, Lake Road, Park Avenue, and two roads in Brentwood). However, it doesn’t appear that the correct process was followed. I included all of the roads referenced in the original extension in this notice in case those were not properly vacated. However, we should do some more research of the Town’s records to find out what the status of these roads is and whether they were originally included and/or later vacated. The property owners may also be under the assumption these were vacated and be surprised to see that they are still included in this list, so I want to call everyone’s attention to that now.

The vacation process requires that the Municipal Officers give notice to the property owners as set forth in the statute and file an order of vacation with the municipal clerk that specifies the location of the way, the names of owners of lots on the recorded subdivision plan and the amount of damages, if any, determined by the municipal officers to be paid to each lot owner or other person having an interest in the way. The order must then be recorded in the registry with the names of all property owners affected. I only have a copy of the minutes from 1997 where the Council voted to vacate these roads, but no other records regarding the prior notice or the subsequent recording.

Please let me know if you have questions.

Thanks,
Alyssa

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner & Henry
Ten Free St., P.O. Box 4510
Portland, ME 04112
(207) 775-7271
(207) 775-7935 (Fax)
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 of this written notice in the Cumberland County Registry of Deeds, the time for action by the said Town 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, that nothing herein shall limit the right or authority vested by Maine law in the Town Council of the Town of Cumberland to accept or vacate said proposed, but unaccepted ways during said time period as otherwise provided by law.

Dated: ________________________

TOWN OF CUMBERLAND

By: ____________________________

William R. Shane
Its Town Manager, duly authorized

STATE OF MAINE
Cumberland, SS. ____________________________, 2017

Personally appeared the above-named William R. Shane, Town Manager of the Town of Cumberland, and acknowledged the foregoing instrument to be his free act and the free act and deed of said municipal corporation in his said capacity.

Before me,

____________________________________

Notary Public/Attorney at Law

Please type or print name
My commission expires: ____________
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 more particularly described below:

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

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

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

Homestead Acres made for Stanley Marston, Plan Book 135, Page 10, dated May 27, 1981, recorded July 29, 1982; and

ITEM
17-126

To hear a report from the Finance Director re: end of FY’17 financials
Town of Cumberland
FY2017 Final Results
# General Fund
## FY2017 Revenues & Expenditures

<table>
<thead>
<tr>
<th></th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>Over (Under) Budget</th>
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<tbody>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>$ 4,523,860</td>
<td>$ 5,471,627</td>
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<tr>
<td><strong>Controllable Expenses</strong></td>
<td>$ 7,512,114</td>
<td>$ 7,977,107</td>
<td>$ 464,993</td>
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<tr>
<td><strong>Fixed Expenses</strong></td>
<td>$ 19,059,524</td>
<td>$ 19,044,573</td>
<td>$(14,951)</td>
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<td><strong>TOTAL EXPENSES</strong></td>
<td>$ 26,571,638</td>
<td>$ 27,021,680</td>
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GF Net Revenues over Expenditures: $ 497,725

*Over Budget*
## General Fund
### FY2017 Selected Revenues

<table>
<thead>
<tr>
<th></th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>Over (Under) Budget</th>
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</thead>
<tbody>
<tr>
<td><strong>Excise Tax</strong></td>
<td>$1,480,000</td>
<td>$1,943,429</td>
<td>$463,429</td>
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<tr>
<td><strong>State Revenue Sharing</strong></td>
<td>$395,850</td>
<td>$415,633</td>
<td>$19,783</td>
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<td><strong>Permits &amp; Impact Fees</strong></td>
<td>$158,000</td>
<td>$367,219</td>
<td>$209,219</td>
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<td><strong>EMS Billing</strong></td>
<td>$186,200</td>
<td>$213,586</td>
<td>$27,386</td>
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<td><strong>Recreation - After School</strong></td>
<td>$195,152</td>
<td>$258,014</td>
<td>$62,862</td>
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<tr>
<td><strong>Recreation - All Other</strong></td>
<td>$530,991</td>
<td>$626,898</td>
<td>$95,907</td>
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<tr>
<td><strong>Val Halla - Golf Revenues</strong></td>
<td>$603,447</td>
<td>$580,568</td>
<td>$(22,879)</td>
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<tr>
<td><strong>Val Halla - Rents etc</strong></td>
<td>$46,423</td>
<td>$51,822</td>
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## General Fund

### FY2017 Selected Expenses

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<tr>
<th></th>
<th>FY17 Budget</th>
<th>FY17 Actual</th>
<th>Over (Under) Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin/Finance</td>
<td>$539,990</td>
<td>$603,744</td>
<td>$63,754</td>
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<td>Police</td>
<td>$1,251,821</td>
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<td>Fire</td>
<td>$892,066</td>
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<td>Code Enforcement</td>
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<td>Public Services</td>
<td>$1,839,963</td>
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<td>Val Halla Golf Club</td>
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<td>$718,967</td>
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<td>Recreation</td>
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<td>Legal</td>
<td>$42,500</td>
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<tr>
<td>Abatements</td>
<td>$20,000</td>
<td>$42,276</td>
<td>$22,276</td>
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</table>
% Variance to Average Expenditures

FY15  FY16  FY17
Questions?
ITEM
17-127

To authorize the Town Manager to accept an anonymous donation and issue a gift letter for fitness equipment for the new Central Fire Station valued at $19,430.00
September 11, 2017

Re: Gift Letter for New Fire Station Fitness Equipment

Dear ____________:

On behalf of the Cumberland Town Council, its residents and the Cumberland Fire-EMS Department, we want to thank you for your generous gift of fitness equipment valued at $19,430 for the newly renovated Central Fire Station project.

We are hopeful that your gift will help promote physical fitness throughout the department and reduce the nationwide 59% statistic of firefighter deaths due to stress, medical issues and overexertion. Your generosity and support to our Fire/EMS service and this project is truly appreciated.

Sincerely,

William R. Shane
Town Manager
Anonymous

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

Dear Mr. Shane:

It is most fitting and appropriate that on this date, September 11, 2017, I submit this proposal for your consideration. I do so in honor of the 343 New York City Fire Fighters who made the ultimate sacrifice on this date sixteen years ago.

At a Public Hearing on November 14, 2016 Fire Chief Daniel Small presented to the Cumberland Maine community the need to renovate the current Fire Station. In his presentation, Chief Small pointed out that 59% of the Line of Duty Firefighter Deaths nationwide was due to overexertion, stress and medical issues.

The Municipal Leadership and the Community At Large must demonstratively encourage and strongly support the physical fitness of all of our first responders.

To that purpose, I would like to donate the Physical Fitness Equipment for the new Central Fire Station in Cumberland, Maine.

Very truly yours,

Anonymous
ITEM 17-128

To set a Public Hearing date of September 25th to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.
Chapter 315, Article 1, Sec. 4 Word Usage and Definitions.

SENIOR HOUSING. Senior Housing means dwelling units that are exempt under the Federal Housing for Older Persons Act, from the prohibition against familial status discrimination, consisting of dwelling units that either: (a) are intended for, and solely occupied by persons 62 years of age or older; or (b) are intended and operated for occupancy by persons 55 years of age or older. In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements: (a) at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and (b) the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (c) the facility or community must comply with the United States Housing and Urban Development agency's regulatory requirements for age verification of residents.

SENIOR HOUSING COMMUNITY. A residential housing development designed for Senior Housing, which housing may consist of dwelling units in three alternative structures: detached, duplex or multiplex dwellings, and which may or may not include related amenities and services for its residents. Examples of Senior Housing Communities include, but are not limited to:

1. Congregate Housing;
2. Residential Care Facility;
3. Nursing Home;
4. Continuing Care Retirement Community; and
5. Community Living Arrangement.
6. Single-Family Detached Dwellings
7. Duplex Dwellings
8. Multiplex Dwellings

Chapter 315-5 Zoning Map; division of Town into Districts

| Senior Housing Community Overlay District | SHC |
Chapter 315, Article III, Sec. 28.4 Senior Housing Community (SHC) Overlay District.

A. Purpose. The purpose of the Senior Housing Community (SHC) Overlay District is to permit the development of Senior Housing Communities in designated areas of the Town that consist of varied living arrangements for senior residents. These regulations are intended to provide flexibility and creativity in the design and development of Senior Housing Communities, while ensuring that Senior Housing Communities are designed and developed to maintain a high degree of quality and integrate well into existing neighborhoods. The designation of the Senior Housing Community Overlay District is intended to recognize that a planned Senior Housing Community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses within the Senior Housing Community Overlay District, in return for an increased level of municipal oversight.

B. District. The Senior Housing Community Overlay District is hereby designated as an overlay district within the certain portions of the MDR and RR1Districts, specifically:

```
OR03 0050 0000  OR04 0004 0000  OR04B0002 0000
OR03 0050A0000  OR04 0004A0000  OR04B0003 0000
OR03 0050B0000  OR04 0004B0000  OR04B0004 0000
OR03 0053 0000  OR04 0004C0000  OR04B0005 0000
OR04 0001 0000  OR04 0004D0000  OR04B0005A000
OR04 0001A0000  OR04 0004E0000  OR04B0005B000
OR04 0002 0000  OR04 0005 0000  OR04B0006 0000
OR04 0002A0000  OR04B0001 0000
OR04 0003 0000
OR04 0003A0000
```

**Add Map R03 Lot 34 A with restriction to the Tree line – Farm to stay and scenic visit shall be placed in a conservation easement per attached map**

as delineated on the official Town of Cumberland Tax Assessor’s Map for the purposes set forth above. The requirements of the underlying zoning districts shall continue to apply to all properties within the Senior Housing Community Overlay District except as specifically modified by the provisions of this section.
C. **Permitted Uses.** In addition to the uses allowed in the underlying zoning districts as identified above, and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses shall be permitted uses in the Senior Housing Community Overlay District:

1. Senior Housing Community, subject to review under Section 315.60.1; and Accessory uses (provided that the use or uses are incidental and subordinate to the Senior Housing Community use) as are permitted in the underlying zoning district.

D. **Lot Standards.** Notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following lot standards shall apply to all Senior Housing Communities and Accessory Uses permitted within the Senior Housing Community Overlay District:

1. Setbacks. The following minimum setbacks are designed to allow smaller buildings to be located near the perimeter of the Senior Housing Community while requiring that larger buildings be more centrally located within the site and are required for all structures in the Senior Housing Community Overlay District:
   a. Front: 25’
   b. Rear: 25’
   c. Side: 10’
2. Minimum Lot Size. 5 Acres for a Senior Housing Community
3. Lot Frontage. 100’
4. Maximum Density. The maximum allowable land area for each dwelling unit shall be:
   a. 10,000 square feet per dwelling unit in a single family or duplex
   b. 5,000 square feet per dwelling unit within a multiplex
   c. 2,500 square feet per bed in a Residential Care Facility
5. Net Residential Acreage. Net residential acreage calculations are not required for Senior Housing Communities within the Senior Housing Community Overlay District.
6. Open Space. At least 20% of the total area of the tract or parcel of land being developed for a Senior Housing Community must be maintained as open space as defined in §315-4.
7. Buffering. A plan to buffer and screen the proposed Senior Housing Community development from adjacent residential properties shall be required. A minimum 50 foot buffer shall be required along the entire perimeter of a Senior Housing Community. No cutting or clearing shall be permitted within the 50 foot buffer area. Additional plantings or other buffering implements may be required within
the buffer area to create sufficient buffer. The Planning Board shall approve the selection of the proper type and size of buffering techniques based on existing site conditions, distances to property lines, and the intensity of the land use. Buffering may consist of plantings, earth berms, stone walls, grade changes, fencing, or a combination of some or all of these techniques.

E. Building Standards.
   1. Maximum building height. No building shall exceed forty (40) feet in height or four stories, whichever is less, as measured in accordance with §315-52.
   2. Minimum building separation. All buildings and structures shall be separated by a minimum of 20 feet, as measured from the nearest part of each structure to the other.
   3. Minimum Dwelling Size. No dwelling unit (other than a dwelling unit within a Congregate Housing, Residential Care Facility, Nursing Home, Continuing Care Retirement Community or Community Living Arrangement) shall have less than 600 square feet of Floor Area.

F. Parking. Parking shall be required per dwelling unit based on the type of housing provided, but in no event shall there be less than one parking space per dwelling unit.
   1. Dwelling units that are not part of a Residential Care Facility (i.e., detached, duplex or multiplex dwellings designed for independent living arrangements) shall provide a minimum of 2 spaces per dwelling unit;
   2. Dwelling units that are part of a Residential Care Facility shall provide a minimum of 1 space per dwelling unit;
   3. For all other permitted uses, refer to §315-57 for minimum parking requirements.

G. Public Utilities. All dwelling units within a Senior Housing Community shall be connected to the public water and public sewer systems.

H. Residential Care Facilities. The provisions of Section 315-71 (Residential Care Facilities) shall not apply to Senior Housing Communities in the Senior Housing Community Overlay District.
Chapter 315, Article VI, Sec. 60.1 Senior Housing Community

A. Design Standards.

1. When the development proposal provides for the construction or expansion of a building visible from an existing or proposed road, special consideration shall be paid to the design of the building and site. In general, buildings shall be designed so that they appear to face the existing road where feasible.

2. No service or storage areas shall be located between buildings and an existing road.

3. Curb cuts onto existing roads shall be minimized where practical.

4. Parking lots shall be located internally where practical.

5. Development within the Senior Housing Community is encouraged to be designed with environmentally sustainable elements such as:
   i. Utilizing renewable energy sources (e.g., solar)
   ii. Using Energy Efficient Home Construction standards
   iii. Water Efficiency
   iv. Waste Reduction
   v. Toxics Reduction
ITEM 17-129

To set a Public Hearing date of September 25th to consider and act on an update to the Official Zoning Map of the Town of Cumberland to expand the Senior Housing Community Overlay District to include a portion of a lot located on Greely Road (Tax Map R04/34A), as recommended by the Planning Board.
ITEM
17-130

To set a Public Hearing date of September 25th to consider and act, amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Section 45 (Conversions) of the Cumberland Code, as recommended by the Ordinance Committee.
Current Ordinance Language  
To Be Repealed and Replaced

§ 315-45 Conversions.
A. Accessory dwelling units. Any single-family dwelling or an accessory structure which is either attached to or detached from the primary dwelling unit may be constructed, altered or expanded to include one additional dwelling unit, in accordance with site plan review requirements and the following standards.  
[Amended 11-26-2012]

(1) The unit to be added shall include no more than one bedroom and shall not exceed 40% of the total living area of the primary dwelling unit.

(2) The district lot size requirements may be waived by the Planning Board, Staff Review Committee or the Town Planner in accordance with the Site Plan Ordinance; provided that the local Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code, but in no case shall such conversion be allowed on a lot smaller than 20,000 square feet unless connected to public sewer.

(3) This provision shall not prohibit the conversion of a single-family dwelling to a duplex or multiplex dwelling or the conversion of a duplex dwelling to a multiplex dwelling, so long as said conversion complies with all district and other zoning standards, including but not limited to the minimum lot size per dwelling unit.

Proposed Ordinance Language
8-28-17


ACCESSORY DWELLING UNIT (ADU)
A secondary dwelling unit to be used as a single family dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

§ 315-45 Conversions.

A. Accessory dwelling units. One Accessory Dwelling Unit may be constructed as an attached or detached structure that is accessory to a primary single family dwelling unit on any lot in any zoning district. An accessory dwelling unit may be part of the same structure as the primary dwelling unit; however, basement or attic living spaces within the primary dwelling unit shall not be considered accessory dwelling units. An accessory dwelling unit may also be a detached dwelling unit on the same lot as the primary dwelling unit provided that it is constructed as a permanent structure that is located within 100 feet of the primary dwelling unit.
(1) **Occupancy.** Either the primary dwelling unit or the accessory dwelling unit must be occupied by the owner of the property.

(2) **Review and Approval.** All accessory dwelling units must satisfy the applicable requirements of the Site Plan Review Ordinance, Section 229-5, minor staff review procedure, and the standards set forth in this Section.

(3) **Performance Standards.**

(a) The Accessory Dwelling Unit shall include no more than two bedrooms and shall not exceed 40% of the total living area of the primary dwelling unit.

(b) An Accessory Dwelling Unit shall not result in excessive noise, traffic or parking congestion on the lot or within the neighborhood within which the property is located.

(c) One parking space per bedroom shall be required.

(4) **Lot Standards.**

(a) Accessory Dwelling Unit shall not be required to independently meet the minimum lot size requirements of the zoning district within which it is located provided that the primary dwelling unit conforms to such requirements and that the local Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the Accessory Dwelling Unit in addition to the primary dwelling unit. Unless connected to public sewer, no ADU will be allowed on a lot smaller than 20,000 square feet.

(b) An Accessory Dwelling Unit shall not be required to independently meet the lot frontage requirements of the zoning district within which it is located, but shall be required to meet all setbacks of the zoning district within which it is located. The district setback requirements may only be waived by the granting of a variance by the Board of Adjustment and Appeals pursuant to Section 315-77 of this Code.

(c) An existing primary dwelling that is a nonconforming structure or building may be expanded to incorporate an Accessory Dwelling Unit subject to the requirements of 315-74 for the expansion of nonconforming buildings or structures, or 226-14 if located within a Shoreland Zoning District. An Accessory Dwelling Unit shall not be permitted on a lot with a nonconforming use.
(5) This Section shall not prohibit the conversion of a single-family dwelling to a duplex or multiplex dwelling or the conversion of a duplex dwelling to a single-family or multiplex dwelling, so long as said conversion complies with all district and other zoning standards, including but not limited to the minimum lot size per dwelling unit.

Other Considerations

- No variances, special exceptions, or appeals shall be allowed.