AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, November 13, 2017
5:30 P.M. Ordinance Committee
7:00 P.M. Call to Order

I. CALL TO ORDER

II. BUSINESS INTRODUCTION
Revolutionary Gas/Cumberland Car Care

III. APPROVAL OF MINUTES
October 23, 2017

IV. MANAGER'S REPORT
Swearing in of Police Officer, Ryan Pynchon

V. PUBLIC DISCUSSION

VI. LEGISLATION AND POLICY

17 – 153 To reconsider item 17-146: amendments to Chapter 315 (Zoning), section 4 (Word Use and Definitions), Section 6 (Rural Residential Districts (RR1 and RR2)) and Section 8 (Medium Density Residential (MDR)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1, Rural Residential 2 and Medium Density Residential zoning districts, and to amend Chapter 315 to include a new Section 315-49.1 “Farm-based Special Events”, of the Cumberland Code, as recommend by the Planning Board. (Action will be taken)

17 – 154 To hear a report from Communications Director, Eliza Porter re: recap of October 25th Community Forum.

17 – 155 To hear a report from the Finance Director re: 1st Quarter Financials.

17 – 156 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Thurston Lane.

17 – 157 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Bayberry Lane.

17 – 158 To set a Public Hearing date of November 27th to consider and act on amendments to Chapter 282 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

17 – 159 To set a Public Hearing date of November 27th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 31 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

17 – 160 To set a Public Hearing date of November 27th to consider and act on the designation of proposed TIF District #8 (Tuttle Road Development Project) and the adoption of a Development Program for the same, as recommended by the TIF Committee.

17 – 161 To set a Public Hearing date of November 27th to consider and act on accepting Wyman Way, Casco Bay Drive, Nautical Way and Clipper Way as Town roads.

17 – 162 To authorize the Town Manager to publish notice of disposition of abandoned property (unregistered moorings) pursuant to 30-A M.R.S.A. 3106(2).

VII. NEW BUSINESS

VIII. ADJOURNMENT
MINUTES
Cumberland Town Council Meeting
Town Council Chambers

MONDAY, October 23, 2017

6:00 P.M. Call to Order

Present: Councilors Copp, Edes, Gruber, Stiles, Storey-King and Turner

Motion by Councilor Gruber, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 6-0 UNANIMOUS

TIME: 6:00 P.M.

Councilor Bingham arrived at 6:48 P.M.

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

I. BUSINESS INTRODUCTION
Mark Fortin of Food Stop said that he has owned Food Stop since 1999. He has a butcher and a chef which allows him to offer many different items. Food Stop is open 6 a.m. to 9 p.m. Monday through Friday and 7 a.m. to 9 p.m. on the weekends. They have a large wine selection, offer take-out food with daily specials, groceries, and a butcher shop. They have partnered with Spring Brook Farm to offer roasted chickens and eggs.

II. APPROVAL OF MINUTES
Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the September 25, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

III. MANAGER’S REPORT
To hear a report from Girl Scout, Audrey Hankinson re: Gold Award Service Project
Audrey Hankinson presented her Gold Award Project, which is the highest award that you can earn in Girl Scouts, similar to the Boy Scouts Eagle Scout Award. Her project is a house number project that offers residents 2 fluorescent house number signs, which the fire explorers will install on their house or mailbox post, for $15.00. Visible house numbers are very important for emergency responders to find a home quickly in an emergency.
4-H/Food Pantry Update
Town Manager Shane said that Council Stiles has been working very hard to collect donations for the 4-H auction to benefit the food pantry. This year, he successfully raised $15,647 and the food pantry was able to purchase 2 steers and 4 pigs. The food pantry now has 2 large freezers full of meat. This is close to 3 months of protein for 85 families. He thanked Councilor Stiles for all his efforts and work with the 4-H club.

IV. PUBLIC DISCUSSION
Rita Farrey of the Aging in Place Committee said that the 3rd Annual Forum on Aging will be held on Saturday, November 4th at Greely Middle School. This will be a great event with vendors, speakers, and lunch. It is a celebration of all the good work that the Aging in Place Committee has been doing. It is free and everybody is welcome.

Cathy Wright of 60 Skillin Road said that she went on the historical Cumberland tour recently. This is an event that the Cumberland Historical Society hosts and it is a very interesting. She urged everyone to attend if they are able.
In regard to moving the Public Works facility, she said that she feels that it should stay in its current location because it is a good, central location. If it must be relocated, she thinks it could go on Middle Road (near Storey Brothers), the West Cumberland pit or the Allen property on Route 100.

Chairman Edes responded that the Town has looked at a minimum of 12 different sites in which to relocate the Public Works facility, including talking to North Yarmouth to see if a joint facility would be feasible. We are still actively looking for a new location.

V. LEGISLATION AND POLICY

17 – 141 To hear a report from Janine Gorham of the Forest Lake Association re: Forest Lake Watershed Survey Results.
Janine Gorham of the Forest Lake Association explained that the last Forest Lake watershed survey was done in 2003. Forest Lake lays in 3 townships, Cumberland, Gray and Windham. The lake is approximately 3.3 miles and has 400 properties around it. On April 29th, 14 volunteers and staff from DEP and Cumberland County Soil and Water District met for a 2 hour class on how to conduct a survey, then went out into the field to conduct the survey. The basic purpose of the survey was to identify and prioritize problem sites and any areas where rainwater would be running into the lake over bare or un-vegetated soil, or potential pollutions, such as animal waste or failed septic systems. 33 of the problem sites were residential, mostly on private, dirt roads. Letters will be sent to property owners notifying them of what was found and possible solutions. Next steps include identifying new sites compared to the 2003 survey, identifying contributing factors for those sites previously identified, applying for federal grant funding to help property owners fix problem areas, continuous monitoring and updating a database of survey sites, and expanding outreach and education efforts.

17 – 142 To hear a presentation from the Conservation Subdivision Commission re: draft ordinance and to consider next steps in process.
Mike Schwindt, Chairman of the Conservation Subdivision Commission presented the following:

Conservation Subdivision Committee
PRESENTATION TO TOWN COUNCIL
10-23-17

Current Subdivision Ordinance
Permits 3 types of subdivisions:
• Traditional
• Clustered
• Dispersed

All 3 types were amended/added on 4/12/99, likely as part of the implementation of the 1998 Comp Plan.
Town Council Charge

1. Conduct the following steps to advise Town Council on advisability of adopting a conservation subdivision ordinance:
   - 4 STEPS............

   2. Consider which areas of town to use this:
   - Options include: All areas, only areas in the designated growth district, only in the RR 1 and 2 districts.

   3. Determine if the current cluster provisions are sufficient to protect the rural character of the town or whether a more restrictive ordinance is needed.

   4. Consider waiver language for hardship situations.

Recommended Actions

- Delete Dispersed Option
- Delete Cluster Option
- Keep Traditional Option
- Add Conservation Subdivision Option
Motion by Councilor Bingham, seconded by Councilor Stiles, to set a joint workshop with the Town Council and Planning Board and then set a public hearing date to consider and act on forwarding the Conservation Subdivision Ordinance to the Planning Board for a public hearing and recommendation.

VOTE: 7-0 UNANIMOUS

17 – 143 To hold a Public Hearing to consider and act on an Automobile Graveyard/Junkyard Permit for Cumberland Salvage, Inc.

Town Manager Shane said that the application is complete and staff is recommending approval.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Stiles, to approve the Automobile Graveyard/Junkyard Permit for Cumberland Salvage, Inc.

VOTE: 6-0-1 (Copp abstained) MOTION PASSED
To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2 (Definitions), to add Dinghy, Section 5 (Dockage Time Limit), Section 6 (Dinghy Dockage), and renumbering of remainder of Chapter 48, as recommended by the Coastal Waters Commission.

Town Manager Shane said that the Coastal Waters Commission has met, developed the language, and is recommending approval.

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

Motion by Councilor Turner, seconded by Councilor Storey-King, to amend Chapter 48 (Coastal Waters), Section 2 (Definitions), to add Dinghy, Section 5 (Dockage Time Limit), Section 6 (Dinghy Dockage), and renumbering of remainder of Chapter 48, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

Chairman Edes took items 17-149 and 17-150 out of order and acted on them next.

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and to amend Section 45 (Conversions) of the Cumberland Code, as recommended by the Planning Board.

Town Manager Shane explained that this item received a unanimous recommendation from the Planning Board. This would allow property owners who do not have a large enough lot for 2 houses, the ability to construct an accessory dwelling unit the size of approximately 40% of the living space existing house, with at least one of the structures being occupied by the owner.

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

Motion by Councilor Gruber, seconded by Councilor Stiles, to amend Chapter 315 (Zoning), Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and to amend Section 45 (Conversions) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1 and Rural Residential 2 zoning districts, and to amend Chapter 315 to include a new Section 315-49.1 “Farm-based Special Events”, of the Cumberland Code, as recommend by the Planning Board.

Town Manager Shane explained that the Planning Board recommended this and also recommended adding this use to the MDR Zone in order to include the Sweetser farm, which is the only farm in the MDR. This will allow farm based specialty events, such as farm weddings or other non-typical farm events, in order to allow additional revenue sources for farmers.

Chairman Edes opened the Public Hearing.
Public discussion: Linda Higgins of 107 Bruce Hill Road, asked the Council to keep in mind that there are some families that would be adversely affected by the traffic these events would bring. She is an abutter to the farm that
requested this, and her back yard is parallel to the long dirt driveway that people would use to get in and out of these functions. Her family uses their backyard a lot and they would be affected more than any other neighbor.

Tom Munroe said that he and his wife moved to Cumberland 12 years ago and started farming at the old Abbott farm. They have recently expanded and are working on growing and trying to make the farming aspect work for them. The Town has a Comprehensive Plan in place and he feels that it is important to farmers to generate another means to make their farms work. Of the approximately 30 registered farms in Town that could potentially qualify for this, only about 12 are working farms, and of those 12, how many of them are going to host up to 8 events per year? A license application will have to be completed, then a site plan review, then proof that the event can be hosted in a safe and proper manner. We have the means to control any issues that may come up. The biggest concerns that he has heard is about traffic and noise, but it won’t be all night long and these are big farms with a lot of buffering. He is hoping to host events for non-profit organizations such as Make-a-Wish Foundation, Strive and the Morrison Center. He would not put his property or his family at risk. He thinks that we need to trust the process and we can make this work for the people of this Town and the farming community.

Bill Kinney said that he used to manage Winslow Park. If they had events that were going to be serving alcohol, it was required that they had to have a police officer or security person present in order to control the crowd. This worked very well for them.

Josh Houghton 99 Bruce Hill Road said that the reason he and his family moved to Cumberland was because of the farms and the beautiful open space. There was an article in the Forecaster a few weeks about the last working farm in Falmouth. This should be a cautionary tale for Cumberland. The ability to give additional sources of revenue to these farms is incumbent on us to try to do so. The licensing aspect of this is a smart move on the Town’s part. If someone is not playing by the rules, the Town will have the ability to take their license away. He feels that it would behoove us all to approve this.

Jennifer Cummings of Falmouth is a landscaper who has done some landscaping for one of the farms who wants to do these types of events. Having grown up in rural Maine, it is hard to see so many farms gone now and she feels this is something that we won’t get back. Any way that we can find to help farms earn some extra revenue is really important.

Greg Fryer of 111 Bruce Hill Road said that his wife Joanne is one of the forces that got this revived. A committee of 15 volunteers worked long and hard on our Comprehensive Plan. The plan has provided valuable guidance to this Council on many occasions. There are differences in each town’s Comprehensive Plan. It is not a coincidence that the cover of the Cumberland Comprehensive Plan has a photo of an iconic farm. The Town of Falmouth has a photo of a cluster development behind Walmart on their cover.
While open space is important to both Towns, Falmouth has a different strategy. They have a very active Route One business corridor that generates a lot of tax revenue and they preserve open space by purchasing it. There was a survey done before the Comprehensive Plan Committee began their work. That survey revealed, very loudly, that the tax payers in this Town did not want to see increased taxes in order to buy open space. This is the difference between us and Falmouth. This is a difference in attitude and attitude counts. There are several references to agriculture in our Comprehensive Plan. One such reference says, “no longer is agricultural/farmland preservation just about keeping open space for visual enjoyment and for limiting the impact of development on the town’s budget; it may be that communities will one day need these lands to produce food once again. This combined with the desirability of growing food close to where it will be consumed, is a key tenet of the sustainability movement”.

Kate Roosa of Hideaway Acres (34 Rosa Way) said that she has worked with children with severe challenges and getting them out into nature and reconnecting them with the naturalized world, is something we all could benefit from in our daily lives. Her vision at Hideaway Acres is to have their open space be open to the community and be a place where she can support people being able to have those types of experiences with animals, nature and agriculture. As a young person who took a risk by jumping into farming life, it is a bit of a financial struggle and she would appreciate any opportunity that she has to be creative about bringing income into the farm so that she has the resources to make programs available to the community.

Carolyn Small 273 Tuttle Road has been a resident since 1962. In 1962, there was a number of large, historical family farms and open land in the area, which determined the gentle, pastoral character of the Town. Over the past 55 years, there has been an increasing change in the identity of the Town from rural and open, to more urban and developed. Then, a couple of years ago, we proudly announced that Cumberland was distinguished as a “business friendly community”. Please do not dismiss this opportunity to not only encourage a new and interesting business, but to do it while preserving our rich, historical, agricultural identity. Do we want to continue as Cumberland, Maine, or ooze into being merely Portland North?

Jeff Storey of Spring Brook Farm thanked the Council for the approval that they granted him earlier this evening for tree cutting in Twin Brook. This will help him make ends meet, along with other things he is doing to supplement his farming operation. He hopes that the Council approves this and he realizes that the Council is supportive to keep farms in Cumberland. He appreciates everything that the Council does to support him and he hopes that they will do the same for the rest of the Cumberland farmers.

Joanne Fryer of 111 Bruce Hill Road said that she proposed this use last January. She thanked Town staff for all their help through the process. Every farm in Cumberland is a small farm and they all have found their special niche. One objection that she keeps hearing is about serving alcohol at these events. Every business in this Town serves alcohol. She is very sensitive to the issue of serving alcohol. She lost her sister a few years ago when she was hit by a drunk driver. These events are going to be held in their home and alcohol will only be served by licensed vendors. It will be regulated and they will be careful. If this does not pass, we need to amend the Comprehensive Plan and make it clear that Cumberland has changed their priorities. A lot of people have worked very hard and relied on the Comprehensive Plan for guidance.

Ed Stebbins of Hulit Way said that as a neighbor of the Fryer’s and the Munroe’s. A lot of good points have been made this evening about farms and as a neighbor, he has no opposition to them hosting events at their farms.

Chairman Edes closed the Public Hearing.
Councilor Bingham said that he has been involved in every Comprehensive Plan since 1987 and is quite familiar with the language. We have placed emphasis on trying to preserve the farms. If you look at past Council agendas, every few months there is an item that comes before the Council that is related to farming. The efforts of the Council to work toward the preservation of farms is well documented. He thinks it comes down to the issue of weddings specifically. He is sympathetic to the neighbors because of the noise concerns and he is not sure that he will be able to support this.

Councilor Turner said that he was also on the Comprehensive Plan Committee in 1987 and it was foresighted to recognize that we need to support the farms that are left in Cumberland. He remembers in the late 80’s when the Town sent out a questionnaire and one of the questions asked if residents were in favor of open space. Most people checked off yes to that question. He feels that we have a responsibility to support farming. He does agree with Councilor Bingham as far as weddings and noise are concerned, but more importantly, serving alcohol. Not everyone is going to monitor alcohol consumption as well as they should, but the licensing aspect of the ordinance has enough checks and balances in place that will allow the Town to revoke the licenses of offenders. He is in favor of this.

Councilor Stiles said that he feels that this ordinance should have gone to the Council to consider before going to the Ordinance Committee. Many of the Councilors have not had enough time to review it and he still has a lot of questions about the language. He does not like the way it is written and he cannot support it.

Councilor Gruber said that when he first heard about this, he was adamantly against it because of control and disturbance issues. If residents in the area are able to hear the noise, it will distract from their quality of life. He likes the annual license aspect. If there any issues, no license next year. His objection to this is 8 events per year. If it was 5 events per year, he would be in favor.

Councilor Storey-King said that she is going to support this. She feels that the licensing aspect will be helpful in allowing the neighbors to be involved in the site plan review process in order for a farm to get approved for a license.

Councilor Copp said that he realizes that there is nobody who works harder than a farmer. The problem that he has with this ordinance is that a commercial business will be allowed in a residential neighborhood. He cannot put weddings and farms together. He is totally in favor of farmers, but he cannot support this.

Councilor Gruber said that if we could reduce the 8 events per year to 5, he would support it.

Chairman Edes said that his issue with this is disturbing the neighbors and the noise. When the Town considered moving the Public Works garage to the fairgrounds, the number one complaint we heard from the neighbors was the potential noise and traffic. He heard the Bruce Hill neighborhood loud and clear and he can’t get past that.

Councilor Bingham said that he is not in favor of 5 events per year.

Councilor Turner said that he is not in favor unless it goes to 5 events per year.

Councilor Stiles said that since there appears to be a lot of controversy on this and he suggested tabling.

Councilor Stiles moved to table. No second. Motion failed.

Motion by Councilor Storey-King, seconded by Councilor Turner, to amend Chapter 315 (Zoning), section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2)) to add Farm-based Special
Events as a new definition and a permitted use in the Rural Residential 1, Rural Residential 2, and the existing farms in the Medium Density Residential zoning districts, and to amend Chapter 315 to include a new Section 315-49.1 “Farm-based Special Events”, of the Cumberland Code, as recommend by the Planning Board.

VOTE: 2-5 (Bingham, Gruber, Copp, Edes and Stiles opposed) MOTION FAILS

Councilor Storey-King moved, Councilor Turner seconded, to amend the original motion to include an amendment to the new Section 315-49.1(A) “Farm-based Special Events” as follows: *No more than five (5) Farm Based Specialty Events may be held on the same property within one calendar year.*

VOTE: 3-4 (Bingham, Copp, Edes and Stiles opposed) MOTION FAILS

17 – 147 **To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Article 1 (Fee Schedule), Section 12 (Moorings) and Section 22 (Site Plan Fees), of the Cumberland Code.**

Town Manager Shane explained that this is simply updating the site plan fees for staff review and the mooring fees (as recommended by the Coastal Waters Commission).

Chairman Edes opened the Public Hearing

Public discussion: none

Chairman Edes closed the Public Hearing

Motion by Councilor Bingham, seconded by Councilor Copp, to amend Chapter 84 (Fees and Fines), Article 1 (Fee Schedule), Section 12 (Moorings) and Section 22 (Site Plan Fees) of the Cumberland Code.

VOTE: 7-0 UNANIMOUS

17 – 148 **To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Vintage Market to be held at the Cumberland Fairgrounds on May 19th & 20th, 2018.**

Mike Timmons of the Cumberland Farmer’s Club said that the Farmer’s Club Board has not voted to approve this new event yet, because they have questions that still need to be answered. He will meet with the event planner and since the event is 7 months away, there is plenty of time to bring it back. He suggested tabling it.

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

VOTE: 7-0 UNANIMOUS

17 – 149 **To consider and act on authorizing the Town Manager to execute a 5-year agreement with Jeff Storey for timber harvesting at Twin Brook Recreational Facility pursuant to the management plan developed in 2016.**

Town Manager Shane explained that the Town Council accepted Mr. Storey’s 5-year timber harvesting plan last year and last year was the probationary year. He did an outstanding job. The Lands & Conservation Commission Forestry Subcommittee will walk the area and make any necessary recommendations for cutting going forward. Mr. Storey would like to purchase equipment for future cutting and is waiting for approval of the 5-year agreement. The Finance Committee has discussed this and is recommending approval.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Town Manager to execute a 5-year agreement with Jeff Storey for timber harvesting at Twin Brook Recreational Facility pursuant to the management plan developed in 2016, and to incorporate Forest Management practices as recommended by the Lands & Conservation Commission Forestry Subcommittee.
17 – 150  To accept and award the bid for the purchase of the former Whitman house, as recommended by the Finance Committee.

Town Manager Shane said that we attempted to put this house out to bid in July with a minimum bid of $25,000, and received no bids. If we destroyed the house and disposed of it, it would cost the Town close to $10,000. The Council authorized advertising the sale of the house to the highest bidder. We received 2 bids ($1,200 and $2,501) and the high bidder was Spencer Googins, our new Public Works mechanic. Spencer is prepared to move the house to its new location. The Finance Committee has discussed this and is recommending acceptance and award of the bid.

Motion by Councilor Stiles, seconded by Councilor Turner, to accept and award the bid for the purchase of the former Whitman house to Spencer Googins for $2,501.00, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

17 – 151  To hear a report from the Council Chairman outlining the next steps in the Request for Qualifications for the multi-generational neighborhood proposal process.

Chairman Edes explained that the Town Council heard presentations from two firms that were interested in developing the Town owned land adjacent to the Town Forest. He wants the public to understand that there is no commitment by the Town to do anything with the property at this point and the developer that was chosen knows this. There are a lot of options to consider including senior housing, multi-generational housing, the Public Works garage could go on the property, or we could choose do nothing with it. On October 25th, there will be a public forum at 7:00 p.m. at the Middle School, which will allow the public to voice their concerns, ask questions and give their opinion as to what they think the Town should do with the property. The Town Council wants to hear from the public on this matter.

17 – 152  To authorize the Town Manager to accept an anonymous donation of $25,000 to the food pantry and fuel assistance fund.

Town Manager Shane said that late this afternoon, we received a very generous donation for $25,000 from a Cumberland family who wants to remain anonymous. This family typically makes large donations to the food pantry and fuel assistance fund a couple of times per year. These people are amazing and he wishes he could thank them publically.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to accept an anonymous donation of $25,000 to the food pantry and fuel assistance fund.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Bingham – he feels badly about the farm issue because his mother’s family were farmers in Vermont and his father founded the Androscoggin Valley Soil Conservation District in 1947. He has always tried to support farmers during his years on the Council.

Councilor Gruber – he thanked Rita Farry of the Aging in Place Committee for coming to the meeting this evening to remind everyone again that the AIP Community Forum is on November 4th at the Middle School.
Thank you to everyone who is involved with the Food Pantry, and thank you to Councilor Stiles for his continuous efforts in collecting money for the 4-H auction.

He thanked Audrey Hankinson for the sign project she did for her Girl Scout Gold Service Award Project.

**Councilor Storey-King** – MSAD 51 is having a Community Dialogue on November 9th to get the community’s help in writing their new 3-year strategic plan. The Superintendent uses the current strategic plan to help him in making school wide decisions.

She is disappointed with the farm base specialty event vote this evening because it was specifically mentioned in our Comprehensive Plan and the Planning Board supported it unanimously. She was given the advice once that you do not go against your board’s recommendation unless you have a very good reason.

**Councilor Copp** – there was an article in the paper recently about Cumberland Police Sergeant, Tom Burgess, who was recognized for checking in on an elderly resident in our community. The gentleman has no relatives who live nearby and he needed food. Sergeant Burgess brought him some food from our Food Pantry and cooked him a hot meal. He continued to check in on him and he is now in a rehabilitation facility getting the help he needs. This is a fine example of our police department going above and beyond for our residents.

**Chairman Edes** – condolences to the Wilkinson family. Terry Wilkinson, who was a long time Industrial Arts teacher at Greely Middle School, passed away recently. He was a good man who was very well respected.

During his 5 years on the Town Council, there has not been a tougher item to deliberate on than the farm based specialty events. He grew up on a farm on Tuttle Road. After his dad passed away in 1985, his mother sold it. This item was near and dear to his heart, but he could not get past the noise issue.

**Councilor Stiles** – he would be in favor of revisiting the farm based specialty event ordinance. He did not like the way it was worded and therefore, could not support it.

He thanked everyone who supported his efforts to collect money for the 4-H auction that benefited the food pantry.

**Councilor Turner** – none

VII. **ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 9:48 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
ITEM
17-153

To reconsider item 17-146: amendments to Chapter 315 (Zoning), section 4 (Word Use and Definitions), Section 6 (Rural Residential Districts (RR1 and RR2)) and Section 8 (Medium Density Residential (MDR)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1, Rural Residential 2 and Medium Density Residential zoning districts, and to amend Chapter 315 to include a new Section 315-49.1 “Farm-based Special Events”, of the Cumberland Code, as recommend by the Planning Board
Notice of Decision

Date: October 18, 2017
To: Bill Shane, Town Manager
    Town of Cumberland
    290 Tuttle Road
    Cumberland, ME 04021
Re: Public Hearing: Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1 and Rural Residential 2 zoning districts; and to amend Chapter 315 to include a new Section 315-49.1, "Farm-based Special Events."

This is to advise you that on October 17, 2017, the Planning Board conducted a Public Hearing and voted unanimously to recommend to the Town Council the October 12, 2017 draft amendments as modified tonight to the Town of Cumberland Zoning Ordinance Chapter 315, Section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2) and the Medium Density Residential District (MDR)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1, Rural Residential 2 and Medium Density Residential zoning districts; and to amend Chapter 315 to include a new Section 315-49.1, "Farm-based Special Events".

Recommended amendments

§ 315-4 Word Usage Definitions
Farm Based Specialty Event: An event held indoors or outdoors on farmland that is at least 5 contiguous acres in size and is primarily used for farming, agriculture or horticultural activities. Such events may be for commercial purposes other than farming and may include, but are not limited to, weddings, wedding receptions, family reunions, special occasion celebrations, fairs and recreation programs, subject to the requirements of Section 315-49.1. Farms must be registered farms with the Town Assessor.

§ 315-6 Rural Residential Districts (RR1 and RR2)
A. Rural Residential District 1 (RR1)
   (ee) Farm Based Specialty Events, subject to the provisions of § 315-49.1.
B. Rural Residential District 2 (RR2)
   (dd) Farm Based Specialty Events, subject to the provisions of § 315-49.1.

§ 315-8 Medium Density Residential (MDR)
A. The following uses are permitted in the MDR District:
   (20) Farm Based Specialty Events, subject to the provisions of § 315-49.1.

[NEW] § 315-49.1 Farm Based Special Events.
Farm Based Special Events as defined under this Chapter may be held in Zoning Districts in which they are designated as a permitted use, subject to site plan review.
approval by the Planning Board and provided that all requirements of this section are met.

A. No more than eight (8) Farm Based Special Events may be held on the same property within one calendar year.
B. No Farm Based Special Event shall occur for a duration of more than eight (8) hours. Time, not including time spent preparing for, setting up prior to or cleaning up after the event shall not be included in the 8 hours, provided that such time does not include the use of amplified music.
C. Sound. Amplified music that is used during a Farm Based Special Event shall not exceed 60 decibels as measured at any boundary of the property on which the Event is being held. Amplified music shall be prohibited between the hours of 10:00 pm – 10:00 am.
D. Additional considerations for review include, but are not limited to, parking, traffic management, lighting, waste disposal, restroom facilities and other Mass Gathering Ordinance provisions which may apply.

To be developed only if Ordinance is approved: Business License to be issued by Town Council for Annual Compliance with the Ordinance to allow for neighbor input or feedback.

Cumberland Planning Board

[Signature]

Stephen Moriarty, Board Chair
ITEM
17-154

To hear a report from Communications Director, Eliza Porter re: recap of October 25th Community Forum
### Session Name: Cumberland Clicker Survey 10/25/2017

**Date Created:** 10/25/2017 6:08:14 PM  
**Active Participants:** 86 of 86  
**Average Score:** 0.00%  
**Questions:** 15

### Results By Question

1.) 1. What was the biggest hurdle for you when moving to Cumberland? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price of land</td>
<td>18%</td>
<td>14</td>
</tr>
<tr>
<td>Price of homes</td>
<td>60%</td>
<td>48</td>
</tr>
<tr>
<td>Available land to build</td>
<td>13%</td>
<td>10</td>
</tr>
<tr>
<td>Lack of available homes close to schools</td>
<td>10%</td>
<td>8</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100%</strong></td>
<td><strong>80</strong></td>
</tr>
</tbody>
</table>
2.) What best describes your recommendation to the Town Council for the 32 acre property adjacent to Town Hall? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-generational neighborhood</td>
<td>21%</td>
<td>18</td>
</tr>
<tr>
<td>Affordable senior community</td>
<td>22%</td>
<td>19</td>
</tr>
<tr>
<td>Future undecided use/open space</td>
<td>55%</td>
<td>47</td>
</tr>
<tr>
<td>Sell the property</td>
<td>1%</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>

3.) After reviewing nearly a dozen sites around Town, with no success and the current location of the garage was shown in a master development plan 5 years ago to be relocated, would you support the future relocation of the Town Garage on this property?

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Oppose</td>
<td>64%</td>
<td>52</td>
</tr>
<tr>
<td>Oppose</td>
<td>23%</td>
<td>19</td>
</tr>
<tr>
<td>Support</td>
<td>11%</td>
<td>9</td>
</tr>
<tr>
<td>Strongly Support</td>
<td>1%</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>81</td>
</tr>
</tbody>
</table>
4.) If developed, would you support the inclusion of a town owned community building on the site? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Support</td>
<td>25%</td>
<td>21</td>
</tr>
<tr>
<td>Support</td>
<td>28%</td>
<td>24</td>
</tr>
<tr>
<td>Oppose</td>
<td>31%</td>
<td>26</td>
</tr>
<tr>
<td>Strongly Oppose</td>
<td>16%</td>
<td>14</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>

5.) In preparation for this meeting, were you able to review the proposals or watch the videos online? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>65%</td>
<td>55</td>
</tr>
<tr>
<td>No</td>
<td>35%</td>
<td>30</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>
6.) What best describes your current home? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bigger than what I need, but sentimentally</td>
<td>25%</td>
<td>21</td>
</tr>
<tr>
<td>attached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bigger than what I need, but not sentimentally</td>
<td>13%</td>
<td>11</td>
</tr>
<tr>
<td>attached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Just right</td>
<td>58%</td>
<td>49</td>
</tr>
<tr>
<td>Too small</td>
<td>5%</td>
<td>4</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>

7.) Which best describes you? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own my home outright</td>
<td>41%</td>
<td>35</td>
</tr>
<tr>
<td>Have a mortgage on my home</td>
<td>48%</td>
<td>41</td>
</tr>
<tr>
<td>Live with a relative who owns the home</td>
<td>2%</td>
<td>2</td>
</tr>
<tr>
<td>Rent my home</td>
<td>8%</td>
<td>7</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>
8.) What price range describes your monthly costs for rent or mortgage? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,500 or no mortgage payment</td>
<td>56%</td>
<td>46</td>
</tr>
<tr>
<td>$1,500-$2,100</td>
<td>28%</td>
<td>23</td>
</tr>
<tr>
<td>$2,100-$2,750</td>
<td>15%</td>
<td>12</td>
</tr>
<tr>
<td>$2,750 or greater</td>
<td>1%</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>82</td>
</tr>
</tbody>
</table>

9.) Would you consider downsizing? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>26%</td>
<td>22</td>
</tr>
<tr>
<td>No</td>
<td>57%</td>
<td>48</td>
</tr>
<tr>
<td>Only if there was something affordable in Cumberland</td>
<td>17%</td>
<td>14</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>84</td>
</tr>
</tbody>
</table>
10.) Would you rather... (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Rent</td>
<td>13%</td>
<td>11</td>
</tr>
<tr>
<td>B. Own</td>
<td>87%</td>
<td>74</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>

11.) How strong is your attachment to living in Cumberland? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely strong</td>
<td>59%</td>
<td>48</td>
</tr>
<tr>
<td>Strong</td>
<td>20%</td>
<td>16</td>
</tr>
<tr>
<td>Somewhat strong</td>
<td>16%</td>
<td>13</td>
</tr>
<tr>
<td>I don't have an attachment to Cumberland</td>
<td>6%</td>
<td>5</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>82</td>
</tr>
</tbody>
</table>
12.) What rent seems affordable to you? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,050</td>
<td>46%</td>
<td>39</td>
</tr>
<tr>
<td>$1,450</td>
<td>42%</td>
<td>35</td>
</tr>
<tr>
<td>$1,850</td>
<td>11%</td>
<td>9</td>
</tr>
<tr>
<td>$2,250</td>
<td>1%</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>84</td>
</tr>
</tbody>
</table>

13.) If development of the property was the direction the Town Council decided to move forward with, would you be willing to assist with a four hour Saturday morning meeting (9 AM -1 PM) to help with design elements for the property? Trails, roads, walks, connectivity to forest, buildings locations etc.? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>55%</td>
<td>46</td>
</tr>
<tr>
<td>No</td>
<td>14%</td>
<td>12</td>
</tr>
<tr>
<td>Maybe</td>
<td>30%</td>
<td>25</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>83</td>
</tr>
</tbody>
</table>
14.) How long have you lived in Cumberland? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 years</td>
<td>18%</td>
<td>15</td>
</tr>
<tr>
<td>6-15 years</td>
<td>11%</td>
<td>9</td>
</tr>
<tr>
<td>16-25 years</td>
<td>20%</td>
<td>17</td>
</tr>
<tr>
<td>26+</td>
<td>52%</td>
<td>44</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>

15.) Which age range best describes you? (Multiple Choice)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-35</td>
<td>8%</td>
<td>7</td>
</tr>
<tr>
<td>36-50</td>
<td>13%</td>
<td>11</td>
</tr>
<tr>
<td>51-66</td>
<td>35%</td>
<td>30</td>
</tr>
<tr>
<td>67+</td>
<td>44%</td>
<td>37</td>
</tr>
<tr>
<td>Totals</td>
<td>100%</td>
<td>85</td>
</tr>
</tbody>
</table>
What best describes your recommendation to the Town Council for use of the 31 Acres of Town owned land?

- Multigenerational
- Senior Only
- Retain for undecided Use/ Open space
- Sell Property

Years Lived in the Community
What best describes your recommendation to the Town Council for use of the 31 Acres of Town owned land?

- Multigenerational
- Senior Only
- Retain for Future or Open Space
- Sell Property

Sorted by Age
ITEM
17-155

To hear a report from the Finance Director re: 1st Quarter Financials
Town of Cumberland
FY18 Q1 Revenues/Expenses
<table>
<thead>
<tr>
<th></th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY18 %</th>
<th>FY17 %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>$ 4,787,399</td>
<td>$ 1,580,211</td>
<td>33.0%</td>
<td>34.8%</td>
</tr>
<tr>
<td>Controllable Expenses</td>
<td>$ 7,881,844</td>
<td>$ 1,978,620</td>
<td>25.1%</td>
<td>27.4%</td>
</tr>
<tr>
<td>Fixed Expenses</td>
<td>$ 20,016,838</td>
<td>$ 6,251,134</td>
<td>31.2%</td>
<td>33.0%</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>$27,898,682</td>
<td>$ 8,229,754</td>
<td>29.5%</td>
<td>31.4%</td>
</tr>
<tr>
<td>Description</td>
<td>FY18 Budget</td>
<td>FY18 Actual</td>
<td>FY18 %</td>
<td>FY17 %</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Excise Tax</td>
<td>$ 1,680,000</td>
<td>$ 595,739</td>
<td>35.5%</td>
<td>33.7%</td>
</tr>
<tr>
<td>State Revenue Sharing</td>
<td>$ 453,207</td>
<td>$ 110,211</td>
<td>24.3%</td>
<td>25.0%</td>
</tr>
<tr>
<td>Permits &amp; Impact Fees</td>
<td>$ 158,000</td>
<td>$ 60,119</td>
<td>38.1%</td>
<td>134.7%</td>
</tr>
<tr>
<td>EMS Billing</td>
<td>$ 175,000</td>
<td>$ 44,826</td>
<td>25.6%</td>
<td>19.6%</td>
</tr>
<tr>
<td>Recreation - After School</td>
<td>$ 214,836</td>
<td>$ 45,595</td>
<td>21.2%</td>
<td>27.0%</td>
</tr>
<tr>
<td>Recreation - All Other</td>
<td>$ 603,280</td>
<td>$ 144,129</td>
<td>23.9%</td>
<td>31.1%</td>
</tr>
<tr>
<td>Val Halla - Golf Revenues</td>
<td>$ 634,632</td>
<td>$ 191,280</td>
<td>30.1%</td>
<td>26.9%</td>
</tr>
</tbody>
</table>
# General Fund

## FY2018 Q1 Selected Expenses

<table>
<thead>
<tr>
<th></th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY18 %</th>
<th>FY17 %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin/Finance</td>
<td>$ 571,347</td>
<td>$ 179,215</td>
<td>31.4%</td>
<td>32.1%</td>
</tr>
<tr>
<td>Police</td>
<td>$ 1,358,525</td>
<td>$ 270,570</td>
<td>19.9%</td>
<td>26.5%</td>
</tr>
<tr>
<td>Fire</td>
<td>$ 874,775</td>
<td>$ 190,898</td>
<td>21.8%</td>
<td>24.2%</td>
</tr>
<tr>
<td>Public Services</td>
<td>$ 1,901,644</td>
<td>$ 352,341</td>
<td>18.5%</td>
<td>20.1%</td>
</tr>
<tr>
<td>Val Halla Golf Club</td>
<td>$ 735,188</td>
<td>$ 312,140</td>
<td>42.5%</td>
<td>41.4%</td>
</tr>
<tr>
<td>Recreation</td>
<td>$ 920,638</td>
<td>$ 280,128</td>
<td>30.4%</td>
<td>31.1%</td>
</tr>
<tr>
<td>Legal</td>
<td>$ 42,500</td>
<td>$ 9,795</td>
<td>23.0%</td>
<td>10.7%</td>
</tr>
</tbody>
</table>
Questions?
ITEM
17-156

To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Thurston Lane
CONSENT AGREEMENT

This Consent Agreement is entered into on the ___________ day of ___________ , 2017 by and between ZORAN KRSMANOVIĆ, SPOMENKA KRSMANOVIĆ and BOGDAN KRSMANOVIĆ, who own property located at 11 Thurston Lane, Cumberland, Maine ("Krsmanovies") and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

WHEREAS, the Town of Cumberland (the “Town”) is a municipal corporation duly organized under the laws of the State of Maine; and

WHEREAS, William Longley is the duly authorized Code Enforcement Officer of the Town and Building Inspector (collectively the “CEO”) of the Town authorized under state law to administer and enforce provisions of the Zoning Ordinance of the Town of Cumberland (the “Zoning Ordinance”); and

WHEREAS, since April 11, 2017, Krsmanovies have been the owners of real property located at 11 Thurston Lane, Cumberland, Maine, described in a deed from Carolyn K. Gray, recorded at the Cumberland County Registry of Deeds in Book 33961, Page 118, and currently shown on Assessors Map R08A as Lot 13A (the “Premises”); and

WHEREAS, the currently existing single-family home and attached garage were constructed by the Krsmanovies after April 11, 2017 (the “Improvements”) as shown on the Mortgage Loan Inspection Plan prepared by Livingston-Hughes and dated 10-09-17, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, due to misunderstanding and uncertainty concerning the boundaries of the Premises, the Improvements were constructed partially within the applicable building setback; and

WHEREAS, the CEO has investigated this case and has determined that the current location of the Improvements does not result in any significant health, safety or welfare problems; and those portions of the Improvements that may be encroaching into the setback are so integral to the Premises that removal of the Improvements, without harming the integrity of the remaining Improvements, is not feasible

Krsmanovic and the Town agree as follows:

1. The Improvements shall be allowed to remain, and be repaired and replaced, in their current locations, but those portions of the Improvements that encroach into any setback shall not be expanded in height, length or width from the now-current configuration.

2. All future improvements to the Premises must be in compliance with the setback requirements of the Town of Cumberland, and all other applicable requirements of the Zoning Ordinance.
3. Krsmanovic agrees to pay the Town's attorney's fees and costs associated in the amount of Five Hundred Dollars ($500.00). Such payment shall be made payable to the Town of Cumberland.

4. The Town agrees to relinquish its rights to prosecute Krsmanovic, their successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the Improvements.

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

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

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

Date: ____________________  _____________________________
Zoran Krsmanovic

Date: ____________________  _____________________________
Spomenka Krsmanovic

Date: ____________________  _____________________________
Bogdan Krsmanovic

TOWN OF CUMBERLAND

Date: ____________________  _____________________________
By:___________________________
William Longley, Its Duly Authorized Code Enforcement Officer
STATE OF ____________________________
COUNTY OF ____________________________, 2017

Then personally appeared before me the above-named ZORAN KRSMANOVIC, SPOMENKA KRSMANOVIC and BOGDAN KRSMANOVIC and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Attorney at Law/Notary Public
Print Name:


STATE OF ____________________________
COUNTY OF ____________________________, 2017

Then personally appeared before me the above-named WILLIAM LONGLEY, CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Before me,

Attorney-at-law/Notary Public
Print Name:
THIS IS NOT A BOUNDARY SURVEY

MORTGAGE INSPECTION OF: DEED BOOK _______ PAGE _______ COUNTY _______
PLAN BOOK _______ PAGE _______ LOT _______

ADDRESS: 11 Thurston Lane, Cumberland, Maine
Buyers: Andrew M. & RaeAnne L. Cook
Sellers: Zoran Krmanovic, Sponenka Krmanovic and Bogdan Krmanovic

Job Number: 958-78
Inspection Date: 10-09-17
Scale: 1" = 150'
Client File #: 1750P000530

I HEREBY CERTIFY TO: H&D Title & Closing Services, Residential Mortgage Services, Inc. and its title insurer.
Monuments found did not conflict with the deed description.
The dwelling setbacks do XXX violate town zoning requirements.
As delineated on the Federal Emergency Management Agency Community Panel 230162-0015B.
The structure does not fall within the special flood hazard zone.
The land does not fall within the special flood hazard zone.
A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Livingston-Hughes
Professional Land Surveyors
88 Guinea Road
Kennebunkport, Maine 04046
207-967-9761 phone 207-967-4831 fax
www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY
EXHIBIT "A" to CONSENT AGREEMENT between ZORAN KRMANOVIC and TOWN OF CUMBERLAND
ITEM 17-157

To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Bayberry Lane
CONSENT AGREEMENT

This Consent Agreement is entered into on the ____ day of November, 2017 by and between Charles A. Chapin and Charity A. Liming-Chapin, who own property located at 11 Bayberry Lane, Cumberland, Maine (“Chapin”) and the Town of Cumberland, a municipal corporation located in the County of Cumberland and the State of Maine (the “Town”).

Chapin and the Town stipulate to the following facts.

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

2. Charles A. and Charity A. Liming-Chapin purchased 11 Bayberry Lane from Gregory E. Thorup, It is more particularly described in a deed dated 04-29-1996 and recorded on in Book 12475, Page 0170 of the Cumberland Registry of Deeds (the “Property”).


4. Chapin was in the process of selling the Property. The anticipated buyers desired to have a pool installed and found that the lot was not in conformance with the Planning Board approval note # 6.) “CLEARING ON LOT 17 IS LIMITED TO 20,000. SQUARE FEET” as per plans approved dated January 13th, 1993 and amended May 2nd, 1994 and filed at the Cumberland County Registry of Deeds in Plan Book 194, Page 235. Attached copy of plan with notes as Exhibit “B”.

5. Survey work and sketch plan conducted by Maine Boundary Consultants on or about November 2, 2017 reveals apparent cutting beyond the 20,000. Square Feet and shows that approximately 30,000. Square feet of cleared area most of which was done at time of construction in 1996. Attached as Exhibit A is a copy of the “Sketch Map” dated November 2nd, 2017 by Robert A. Yarumian II, PLS showing the aforementioned encroachments and cutting that exists today.

6. The Zoning Ordinance requires all sheds to meet a 15’ side or rear setback and the shed appears to meet that however, is built and exist outside the Planning Board approved building envelope.

7. The Code Enforcement Officer has investigated the case and has determined that the aforementioned over cutting and shed outside the building envelope violations do not result in any significant health, safety or welfare problem.

8. Chapin’s agrees to pay the Town’s attorney’s fees and costs associated in the amount of $500. Such payment shall be made payable to the Town of Cumberland.

9. The house, shed, septic and any existing cleared openings as shown on Exhibit A shall be allowed to remain and be repaired as the structures currently sit in their current location.
The existing shed and all cleared openings shall not be expanded or replaced, except in conformance with the requirements of the Town of Cumberland Zoning Ordinance.

10. The Town agrees to relinquish its rights to prosecute Chapin, their successors in real property interest, assigns and heirs, for any alleged violation arising from the cutting beyond the 20,000. Square feet and shed built outside the building envelope.

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

12. At a meeting of the Town Council on November 13th, 2017, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorized the CEO to sign this Consent Agreement on behalf of the Town.

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

Date: November___, 2017

________________________________________
Charles A. Chapin

Date: November___, 2017

________________________________________
Charity A. Liming-Chapin

STATE OF MAINE
CUMBERLAND, SS. November___, 2017

Personally appeared the above-named Charles A. Chapin and Charity A. Liming-Chapin and acknowledged the foregoing instrument to be their free act and deed. Before me,

________________________________________
Print Name: Notary Public/Attorney at Law
Date: November ____, 2017

By: __________________________

William C. Longley Jr,

It’s duly authorized

Code Enforcement Officer

Town of Cumberland

STATE OF MAINE
CUMBERLAND, SS. November ____, 2017

Personally appeared the above-named William C. Longley Jr, duly authorized Code Enforcement Officer of the Town of Cumberland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the Town of Cumberland. Before me,

Print Name:
Notary Public/Attorney at Law
NOTES:

1.) PURPOSE: The purpose of this Sketch Map is to show the Building Envelope that was field located on October 30, 2017 and is "Site A" within Lot 17 on the PLAN referenced herein below, which identifies an area of 25,350 sq. ft. The corners and one point on a curve of "Site A" were marked by ½" rebar set on October 30, 2017. The cleared area (field located), approximate leach field location and septic tank are shown over a 2012 aerial photo.

2.) DEED REFERENCE: Record ownership can be found in the deed of Gregory E. Thorup and Gail S. Thorup to Charity A. Liming-Chapin and Charles A. Chapin, dated April 26, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12475, Page 170.


SKETCH MAP
For
Charles A. Chapin &
Charity A. Liming-Chapin
Of Property Situated at
11 BAYBERRY LANE
In the
Town of Cumberland, County of Cumberland,
State of Maine
Prepared By
MAINE BOUNDARY CONSULTANTS
ROBERT A. YARUMIAN II, PLS
Professional Land Surveyor
November 2, 2017 Scale 1" = 100'
ITEM 17-158

To set a Public Hearing date of November 27th to consider and act on amendments to Chapter 282 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee
Chapter 282
Vehicles and Traffic

[HISTORY: Adopted by the Town of Cumberland 5-20-1985. Amendments noted where applicable.]

GENERAL REFERENCES
Mass gatherings — See Ch. 162.
Roads and public property — See Ch. 200.
All-terrain vehicles — See Ch. 278.

§ 282-1 Definitions.
The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

AUTHORIZED EMERGENCY VEHICLE
Vehicles of the fire department, police department, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Town Manager and Chief of Police, or their designees.

COMMERCIAL VEHICLE
Every vehicle designed, maintained or used primarily for transportation of property.

CONTROLLED ACCESS HIGHWAY
Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

CROSSWALK
The portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portions of a roadway clearly indicated for pedestrians crossing by lines, signs or other markings.

CURB LOADING ZONE
A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials or freight.

DRIVE WAY
Every road or driveway not open to the use of the public for the purposes of vehicular travel.

DRIVER

7-20-17
Every person who drives or is in actual physical control of a vehicle.

FIRE DEPARTMENT OFFICIAL
Any municipal firefighter or fire warden, including those appointed under special laws.

IMMOBILIZATION DEVICE
The words “immobilization device shall mean a device which will render a vehicle inoperable, more commonly referred to as a “boot.”

IMPOUNDMENT
The towing of a motor vehicle and having it stored at the place of business of the towing company or any other secure facility.

INTERSECTION
The area embraced within the prolongation of the lateral curb lines or, if no curb lines are established, then the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

LANED ROADWAY
A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

OFFICIAL TIME STANDARD
Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this municipality.

OFFICIAL TRAFFIC SIGNS
All signs, markings or devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

OPERATOR
Any person who is in actual physical control of a vehicle.

PARK
The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property, merchandise or passengers.

PEDESTRIAN
Any person afoot.

PERSON
Any natural person, firm, copartnership, association, corporation or other legal entity.

POLICE OFFICER
Any officer of the Police Department, any constable, or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY
Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RIGHT-OF-WAY
7-20-17
The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY
That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm of the shoulder. In the event that a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE
The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK
That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

STANDING
The word “standing” shall mean any stopping of a vehicle, whether occupied or not.

TRAFFIC
Pedestrians, ridden animals, herded animals, vehicles, passenger buses and other conveyances, either singly or together, while using any street for purposes of travel.

TRAFFIC DIVISION
The Traffic Division of the Police Department of this municipality, or in the event that a traffic division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of this Town.

TURNAROUND
The word “turnaround” shall mean a space dedicated at the end of a dead end street or property owned by the Town of Cumberland to be used specifically as a vehicle turnaround.

VEHICLE
The word “vehicle” shall mean every device in, upon, or by which any person or property is or may be transported upon a street, way or road except devices moved by human power or used exclusively upon stationary rails or tracks.

§ 282-2 Traffic Division; administration.
A. Police administration. There is hereby established in the Police Department of this municipality a Traffic Division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police.

B. Duty of Traffic Division. The Traffic Division, with such assistance as may be rendered by other personnel within the Police Department, shall:

(1) Enforce the traffic provisions of this chapter and the state vehicle laws.

(2) Make arrests for traffic violations.

(3) Investigate accidents.
(4) Cooperate with other municipal officials in the administration of traffic laws and in developing methods to improve traffic conditions.

(5) Carry out those duties imposed upon it by this chapter.

C. Records of traffic violations.

(1) The Police Department or the Traffic Division thereof shall keep a record of all violations of the traffic ordinances of this municipality or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period, and from that time on the record shall be maintained complete for at least the most recent five-year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(3) All such records and reports shall be public records.

D. Traffic Division to investigate accidents. It shall be the duty of the Traffic Division, assisted by other police officers in the Department, to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

E. Traffic accident studies. Whenever the accidents at any particular location become numerous, the Traffic Division shall conduct studies of such accidents and, with the assistance of traffic engineers employed by the Maine Department of Transportation, formulate remedial measures.

F. Traffic accident reports. The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

G. Drivers' files to be maintained.

(1) Said Division shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident and report such information to the Bureau of Motor Vehicles or other appropriate state agencies.

(2) Such records shall accumulate during at least a five-year period, and from that time on such records shall be maintained complete for at least the most recent five-year period.

H. Traffic Division to submit annual traffic safety report. The Traffic Division shall annually prepare a traffic report which shall be filed with the Town Manager. Such report shall contain information on traffic matters in this municipality as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

(3) The plans and recommendations of the Division for future traffic safety activities, including remedial measures arising from traffic accident studies.

I. It shall be the general duty of the Chief of Police to determine the installation and proper timing and maintenance of traffic control devices, to conduct analyses of traffic accidents and to devise remedial
measures, to conduct investigations of traffic conditions, to plan the operation of traffic on streets and highways of this municipality, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this municipality. The installation of traffic control devices on state aid and state highways is subject to Maine Department of Transportation approval.

J. Emergency and experimental regulations.

(1) The Town Council, by and with the approval of the Maine Department of Transportation, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this Town and to make temporary or experimental regulations to cover emergencies or special conditions. Such temporary or experimental regulations shall be enforced by the Police Department. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(2) The Chief of Police may test traffic control devices under actual conditions of traffic.

§ 282-23 Enforcement; obedience to traffic regulations.

A. State Laws Incorporated

(1) All State Motor Vehicle laws are hereby incorporated by reference. No person shall violate any motor vehicle law of the State within the Town.

B. Authority of Police and Fire/EMS Department officials.

(1) It shall be the duty of any police officer to enforce all traffic laws of this municipality and all state vehicle laws.

(2) Police officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(3) Officers of the Fire/EMS Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

B. Required obedience to chapter. It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

C. Obedience to police and fire officials. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or Fire/EMS Department official in directing traffic.

D. Public employees to obey traffic regulations. The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter or in the State Vehicle Code.

E. Authorized emergency vehicles.

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to, but not upon return from, a fire alarm may park or stand irrespective of the provisions of this chapter.

(2) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his reckless disregard for the safety of others.
F. Removal of ticket. No person shall remove from any vehicle a parking ticket, notice or warning placed on or in such vehicle by a police officer, except for the purpose of answering such notice as required therein.

G. Moving of vehicles to avoid provisions of Ordinance unlawful. The moving of vehicles from one location to another to avoid provisions of this Ordinance shall be deemed a violation thereof.

H. Prima Facie evidence of operation. No person shall allow, permit or suffer any vehicle registered in his/her name to stand or park in any street, way or road in violation of any provisions of this Ordinance. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

F. Certain nonmotorized traffic to obey traffic regulations.

1. Every person propelling any pushcart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and by the rules of the road portion of the State Vehicle Code, except those provisions which by their nature have no application.

2. Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

G. Use of coaster, roller skates, motorized toys and similar devices restricted. No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle, motorized toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

H. Written report of accident. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of $200 or more shall, within 10 days after such accident, forward to the Police Department a written report of such accident or a copy of any report filed with the Chief of the state police. The provisions of this subsection shall not be applicable when the accident has been investigated at the scene by a municipal police officer while such driver was present thereat.

I. When driver is unable to report. Whenever the driver is physically incapable of making a written report of an accident as required in Subsection H and such driver is not the owner of the vehicle, then the owner of the vehicle in such accident shall, within 10 days after the accident, make such report not made by the driver.

§ 282-14 Traffic control devices.

A. Authority to install traffic control devices. The Chief of Police or his or her designee at the direction of, or with the approval of, the Town Council and with the assistance of the Public Services Department, shall place and maintain official traffic control devices when and as required under the traffic ordinances of this municipality to make effective the provisions of said ordinances and shall recommend to the Town Council such additional official traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this municipality or the State Vehicle Code. The installation of traffic control devices on state aid and state highways shall be subject to and the responsibility of the Maine Department of Transportation.

B. Specifications for traffic control devices. All traffic control signs, signals and devices shall conform to specifications approved by the Maine Department of Transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with
the provisions of state law or this chapter shall be official traffic control devices.

C. Obedience to official traffic control devices. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

D. When official traffic control devices required for enforcement purposes.

(1) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(2) Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

E. Presumption of legality. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

F. When temporary traffic control devices are necessary

(1) The police or other authorized persons are hereby authorized to place temporary no parking signs, detour signs, and to route traffic by personal direction of police officer in the Town of Cumberland in circumstances of emergency or congestion such as, but not limited to, fires, funerals, church services, parades, sporting events, and also where the traffic generated by private business locations requires such directional control for public safety or convenience during a fire, accident, emergency or special event. A police officer may temporarily close a way to vehicular traffic or to vehicles of a certain description or divert pedestrian or vehicular traffic.

G. Chief of Police or his or her designee to recommend crosswalks and establish safety zones.

(1) The Chief of Police or his or her designee is hereby charged with the responsibility of:

(a) Submitting recommendations to the Town Council which will enable the Council to designate, and the Public Services Department to maintain, appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as may be deemed necessary; and

(b) Establishing safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

(2) On state aid and state highways, the recommendations of the Chief of Police or his or her designee and authority of the Town Council are subject to approval by the Maine Department of Transportation.

H. Traffic lanes. The Chief of Police or his or her designee is hereby authorized, with the approval of the Road Commissioner and cooperation of the Public Services Department, to designate traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. On state aid and state highways, the authority of the Chief of Police or his or her designee is subject to Maine Department of Transportation approval.

§ 282-15 Speed limits.

A. State speed laws applicable. The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this municipality.

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B. Regulation of speed by traffic signals. The Chief of Police or his or her designee is authorized, subject to approval by the Town Council, the Maine Department of Transportation, and state police, to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the Town or at intersections and shall erect appropriate signs giving notice thereof.

§ 282-6 Turning movements.
A. Authority to place devices altering normal course for turn. The Chief of Police or his or her designee is authorized, subject to the approval of the Town Council, to place or have placed official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. On state aid and state highways, the authority of the Police Chief is also subject to approval of the Maine Department of Transportation.

B. Authority to place restricted turn signs. The Chief of Police or his or her designee is to recommend to the Town Council those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall, upon affirmative vote of the Council, with the cooperation of the Public Services Department, place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when such turns are permitted. On state aid and state highways, the recommendations of the Police Chief and the authority of the Town Council are subject to approval of the Maine Department of Transportation.

§ 282-47 Stop and yield intersections.
A. Through streets designated. Those streets and parts of streets described in Schedule 4 attached hereto and made a part hereof are hereby declared to be through streets for the purpose of this section.

B. Signs required at through streets. Whenever this chapter designates and describes a through street, it shall be the duty of the Chief of Police or his or her designee, with the cooperation of the Public Services Department, to place and maintain a stop sign or, on the basis of an engineering and traffic investigation at any intersection, a yield sign on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets, as may be recommended to and voted by the Town Council, by the Chief of Police or his or her designee upon the basis of an engineering and traffic study.

C. Other intersections where stop or yield required. The Chief of Police or his or her designee is to designate intersections where a particular hazard exists upon other than through streets and to determine and recommend to the Town Council:

1. Whether vehicles shall stop at one or more entrances to any such intersection, in which event, upon vote of the Town Council, he or she shall cause to be erected a stop sign at every such place where a stop is required.

2. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event upon vote of the Town Council he shall cause to be erected a yield sign at every place where obedience is required.

D. State approval. On state aid and state highways, the designation of through streets and the installation of stop and yield signs are subject to Maine Department of Transportation approval.

§ 282-8 Miscellaneous driving rules.
A. Stop when traffic obstructed. No driver shall enter an intersection or a marked crosswalk unless there
is sufficient space on the other side of the intersection or sidewalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed.

B.—Driving through funeral or other procession. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

C.—Drivers in a procession. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as closely as is practicable and safe.

D.—Boarding or alighting from vehicles. No person shall board or alight from any vehicle while such vehicle is in motion.

E.—Unlawful riding. No person shall ride in any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

F.—Leaving unattended vehicle. No operator or person in charge of a commercial motor vehicle sales or repair operation shall park or cause to be parked any motor vehicle on a new or used car lot or at a repair garage without locking the ignition, removing the ignition key from the vehicle and effectively setting the brake.

G.—Action by police officer. Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of Subsection F, the police officer is authorized to remove the key from the vehicle and deliver the key to the police station.
§ 282-9 Pedestrian rights and duties.
A. Crossing at right angles. Except where otherwise indicated by a crosswalk or other official traffic control device, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.
B. Obedience of pedestrians to railroad signals. No pedestrian shall pass through, around, over or under any flashing signal, crossing gate, or barrier at a railroad-grade crossing while such flashing signal is operating or while such gate or barrier is closed or is being opened or closed.
C. Drivers to exercise due care. Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

§ 282-10 Bicycles.
A. Effect of regulations.
(1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this section.
(2) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
(3) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
B. Traffic ordinances apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this section and except as to those provisions of this chapter which by their nature can have no application.
C. Obedience to traffic control devices.
(1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
(2) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.
D. Parking. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.
E. Riding on sidewalks. The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey the same.
F. Penalties. Every person convicted of a violation of any provision of this section shall be punished by a fine of not more than $100 or by impounding of such person's bicycle for a period not to exceed 15 days, or any combination thereof.

§ 282-14 Angle parking prohibited, parallel parking required, exception.
A. Angle parking shall not be indicated or permitted at any places within the streets, roads, or highways of the Town of Cumberland. Angle parking shall be permitted on the Stone Pier.
B. No person shall allow, permit or suffer any vehicle registered in his/her name to stand or be parked on any street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and within twelve inches of the curb or edge of the roadway.
C. Any person may park a vehicle to, but not onto, a curb or sidewalk if there is no curb for the purpose of loading or unloading merchandise or materials for a period not in excess of thirty (30) minutes. No person shall so back a vehicle to a curb for a period in excess of thirty (30) minutes unless specifically authorized by a police officer.
B. Permits for loading or unloading at an angle to the curb.

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(1) The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

(2) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

§ 282-513-Stopping, standing or parking prohibited in specified places.

A. Parking not to obstruct traffic. No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

B. Parking for certain purposes prohibited. No person shall park a vehicle upon any roadway for the principal purposes of:

(1) Displaying such vehicle for sale.

(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

C. Parking adjacent to schools.

(1) The Chief of Police or his or her designee is hereby authorized, upon vote of the Town Council, to cause the installation of signs indicating "No Parking" upon either or both sides of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.

(2) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

D. Parking prohibited on narrow streets.

(1) The Chief of Police or his or her designee is hereby authorized, upon vote of the Town Council, to cause the installation of signs indicating "No Parking" upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(2) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

E. No stopping, standing or parking near hazardous or congested places.

(1) The Chief of Police or his or her designee is to determine and recommend to the Town Council for its designation places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. The Chief of Police or his or her designee shall cause the installation of proper signs in such locations.

(2) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

F. Motor vehicles in designated places. No person shall operate or park any motor vehicle of any type or description on municipal property (excluding public roads) other than designated parking areas in municipal parking lots or driveways. No person shall operate a motor vehicle outside of said designated areas. The use of authorized golf carts and snowmobiles at the municipal recreation center shall be exempt from this provision.

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G. No person shall stop, stand or park a vehicle in any of the following places, nor shall any person move a vehicle not owned by that person into any of such places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, other authorized person or traffic-control device: [Added 6-1-2015]

(1) Within 10 feet of a fire hydrant, except for emergency responders;

(2) Within any fire lane designated or approved by the Fire Department, or in such a manner as to impede access to a fire lane by emergency responders;2

(3) On a sidewalk;

(4) Obstructing a public or private driveway or private road;

(5) Within an intersection;

(6) On a crosswalk;

(7) Within 10 feet of the near corner of the curbs of an intersection;

(8) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located unless otherwise indicated by signs or pavement markings;

(9) Between a safety zone and the adjacent curb;

(10) Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb or street, also known as “double parked;”

(12) Upon any bridge or other elevated structure upon a highway;

(13) At any place where official signs prohibit stopping, standing or parking;

(14) Within 500 feet from the scene of a fire, vehicular accident or any other emergency situation designated by authorized persons

(15) Along or within any bikeway or in any specially designated safety zone specifically regulated by Council Resolution for a specific purpose including but not limited to: foot paths, jogging trails and ways created for recreational use;

(16) At the terminus of a turnaround or at the end of any dead end street or Town-owned turn around; (see Schedule D)

(17) Within 50’ of the nearest rail of a railroad crossing;

(18) On the left side of any street, way or road so that it is facing oncoming traffic;

(19) Over or upon parking place divider lines so as to occupy two or more parking spaces;

(20) In any street or Town owned lot so as to prevent or obstruct the passing of other vehicles.

§ 282-13 Curb loading zones, buses and taxicabs.
A. Chief of Police to designate curb loading zones. The Chief of Police is to determine and recommend to the Town Council the location of curb loading zones and shall cause to be placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this...
section are applicable.

B. Permits for curb loading zones. The Town Council shall not hereafter designate or cause to be signed any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for installation of two signs to be purchased and installed at his expense to indicate the ends of each such zone. Upon the granting of a permit and issuing authorization for such signed by the Town Council, the Town Clerk shall collect from the applicant and deposit in the municipal treasury a service fee established by order of the Town Council. The Town Council may, by general regulations impose conditions upon the use of such signs and for their replacement in the event of their loss or damage and their removal in the event of misuse or upon expiration of a permit. Every permit shall expire at the end of the calendar year. [Amended 9-10-2012]

C. Standing in curb loading zone. No person shall stop or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of freight, materials or passengers in any place marked as a curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed 30 minutes.

D. Town Council to designate public carrier stops and stands. The Chief of Police is to recommend to the Town Council the designation and establishment of bus stops, taxi stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop and taxicab stand shall be designated by appropriate signs.

E. Stopping, standing and parking of buses and taxicabs regulated.

(1) The operator of a bus shall not stand or park such vehicle upon any street.

(2) The operator of a bus, other than a school bus, shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a bus stop or passenger loading zone so designated as provided herein, except in the case of any emergency.

(3) The operator of a bus shall enter a bus stop or passenger loading zone on a public street in such manner that the bus when stopped to load or unload passengers or baggage shall be in a position so as not to unduly impede the movement of other vehicular traffic.

(4) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

F. Restricted use of taxicab stands. No person shall stop or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

§ 282-914 Stopping or parking restricted or prohibited on certain streets.

A. Application. The provisions of this section prohibiting the parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control devices.

B. Regulations not exclusive. The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or
limiting the stopping or parking of vehicles in specified places or at specified times.

C. Parking prohibited at all times on certain streets. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Schedule A attached hereto and made a part of this chapter.

D. Parking prohibited during certain hours on certain streets. When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified in Schedule AB of any day except Sundays and public holidays within or upon any of the streets described in said Schedule AB attached to and made a part of this chapter.

E. Parking signs required. When signs are erected giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 7:00 a.m. and 7:00 p.m. of any day except Sundays and public holidays within the Town or upon any of the streets described in Schedule AC attached to and made a part of this chapter.

F. Parking signs required. Whenever by this chapter or any other ordinances of this municipality any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Chief of Police or his or her designee with the cooperation of the Public Services Department, to erect appropriate signs giving notice thereof, and no such regulation shall be effective unless said signs are erected and in place at the time of any alleged offense.

G. Parking when interfering with or hindering the removal of snow. No vehicle shall be parked at any time on a public way to interfere with snowplowing or snow removal. No vehicle shall be parked on any street in the Town of Cumberland, or on the Stone Pier, between the hours of 12:00 midnight and 7:00 a.m. from November 15 through April 1. This regulation shall not apply to physicians or to emergency and professional calls. In the event of inclement weather, the Chief of Police or Public Services Director, or their designees, may institute a parking ban upon any street, way or road and shall provide for temporary public notice and announcement by means such as social media, email, and internet postings of such temporary ban. The police may cause any vehicle so parked on any street, way or road to be removed.

§ 282-15 Size and weight limits on certain highways.

§ 282-10 Size and weight limits on certain highways.

A. Load restrictions upon vehicles using certain highways. When signs are erected giving notice thereof, no person shall operate any vehicle with a registered weight in excess of the amounts specified in Schedule B at any time upon any of the streets or parts of streets described in said Schedule B, attached to and made a part of this chapter.

B. Commercial vehicles prohibited from using certain streets. When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding 18,000 pounds registered weight at any time upon any of the streets or parts of streets described in Schedule BE, attached to and made a part of this chapter, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

C. Size restrictions upon vehicles using certain highways.

(1) It is hereby determined upon the basis of an engineering and traffic investigation that the size permitted by state law is greater than physical conditions will allow upon the streets or parts of streets described in Schedule BE, attached to and made a part of this chapter.

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(2) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

D. State approval. On state aid and state highways, the installation of signs is subject to Maine Department of Transportation approval.

§ 282-11 Other Offenses

A. Obstructing Traffic. Whoever places rocks, stones, snow, ice or other obstruction in such a manner as to obstruct traffic on a street, way or road and leaves it there shall be fined in accordance with Section 282-13 of this ordinance.

B. Disability Parking Restrictions. No person shall park a vehicle in a parking space designated and clearly marked for persons with physical disabilities unless such vehicle displays a special registration plate or placard issued pursuant to Title 29-A, Section 521 or a similar plate or placard issued by another state. No person shall park a vehicle in an access aisle adjacent to a parking space clearly marked for persons with physical disabilities, regardless of whether the vehicle displays a special registration plate or placard. The Chief of Police or his or her designee may enter into agreements with owners of private off-street parking to provide for the policing of parking spaces reserved by such owners for use by disabled persons. Such spaces shall be clearly marked, and their number and location shall be recorded in a disability parking schedule maintained in Police Department files.

§ 282-12 Obstruction in Streets, Disability Parking Spaces, and Fire Lanes

A. Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by ordinance of the Town of Cumberland is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

B. Any vehicle parked in any specially designated disability parking space or fire lane is also hereby declared to be an obstruction and a menace to the safe and proper regulation of traffic.

B. Authority to Remove or Immobilize. Any vehicle left parked or standing in any manner prohibited by ordinance may be removed by or under the direction of, or at the request of the Chief of Police or any police officer of the Town to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this Ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent the issuance of a ticket for the violation of any provision of this Ordinance.

C. Notice to Owner. The Police Department shall make reasonable effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads, as soon as possible by a written notice that such vehicle has been impounded. The notice shall be sent by the Chief of Police or his or her designee to the owner at his/her last known address as shown by the records of the Secretary of State.

D. Release of Vehicle. Before the owner of such vehicle, or his/her representative, may remove it from the possession of the person towing or storing it, he/she shall:

1. Furnish satisfactory evidence of his/her identity and of his/her ownership of said vehicle to the Chief of Police or his or her designee and to the person having possession of said vehicle;

2. Pay, or arrange to pay, to the person having possession of said vehicle reasonable towing and storage charges;

3. The Town assumes no responsibility for damages resulting from the towing of any vehicle.

7-20-17
under this Section.

§ 282-16 Violations and penalties; traffic citations.
A. Penalties. Unless another penalty is expressly provided in Chapter 84, Fines and Fees, by law, every person who commits convicted of a violation of any provision of this chapter shall be punished by a fine of $50 for first offense and not more than $100 for subsequent offenses.

B. Any vehicle found in violation of any provision of this Ordinance, and the registered owner has three or more unpaid parking tickets for any vehicle registered in his or her name, may be towed or impounded with the use of an immobilization device.

C. The registered owner of any vehicle in violation shall be responsible for full payment of any outstanding parking tickets prior to said vehicle being released from immobilization or released from the custody of the towing company.

1. The Town of Cumberland shall provide traffic citation forms for notifying alleged violators to appear and answer to charges of violating municipal traffic laws and ordinances in the District Court. Said forms shall consist of serially numbered sets of citations in quadruplicate in the form prescribed and approved by the Chief of Police.

2. The Chief of Police shall issue such citation forms to all duly sworn regular and reserve police officers of the Town of Cumberland and shall maintain a record of all citation forms so issued and shall require a written receipt for every such booklet of citation forms.

D. Procedure of police officers. A police officer who halts a person for violation of any municipal traffic law, other than for the purpose of giving him a warning or warning notice, and does not take such person into custody under arrest shall take the name, address, and driver's license number of said person, the registration number of the motor vehicle involved, and such other pertinent information as may be necessary and shall issue to him in writing a traffic citation containing a notice to answer to the charge against him in the District Court at a time at least five days after such alleged violation to be specified in said citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.

E. When a copy of the citation shall be deemed a lawful complaint. In the event that the form of citation provided under Subsection B includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution.

F. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which such citation was originally issued.

G. Citation on illegally parked vehicle. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by an ordinance of this municipality or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the municipality, for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.
II. Presumption in reference to illegal parking.

(1) In any prosecution charging a violation of any law or regulation governing the parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in Subsections F and G has been followed.

I. When warrant may be issued. In the event that any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make an appearance pursuant to a summons directing an appearance in the District Court, the Clerk of the District Court shall secure and issue a warrant for his arrest.

§ 282-1 General provisions.
A. Application. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except where a different place is specifically referred to in a given section.

B. Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those local authorities which enact it.

C. Effect of headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any section or subsection hereof.

D. Short title. This chapter may be known and cited as the "Cumberland Traffic Ordinance."

E. Chapter not retroactive. This chapter shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle ordinances of this Town occurring prior to the effective date of this chapter.

F. Publication. The Town Clerk shall certify to the passage of this chapter and cause notice of such passage to be published, together with notice of the availability of this chapter at the Cumberland Town Hall.

Attachments:
Also see Fees & Fines Ordinance, Chapter 84.

Schedule A
Schedule B
Schedule C
Schedule D

7-20-17
ITEM
17-159

To set a Public Hearing date of November 27th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 31 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee
§ 84-31 Vehicles and traffic.

A. Permit for curb loading zone: a service fee of $25 per year or fraction thereof.

B. Parking other than parallel: $25.00.

C. Parked facing traffic: $25.00.

D. Parked more than 12” from road edge: $25.00.

E. Parking on curb or sidewalk: $25.00.

F. Obstructing traffic: $25.00.

G. Obstructing hydrant: $50.00.

H. Obstructing fire lane: $50.00.

I. Obstructing driveway: $25.00.

J. Vehicle on crosswalk: $25.00.

K. Parking too near intersection: $25.00.

L. Parking too near traffic control device: $25.00.

M. Double parked: $25.00.

N. Parking where prohibited by sign(s): $25.00.

O. Parked w/in 50ft of rail crossing: $25.00.

P. Occupying two spaces: $25.00.

Q. Winter parking ban: $25.00.

R. Interfering with snow removal: $25.00.

S. Disability parking space: $100.00.

T. Overtime parking: $25.00.
ITEM
17-162

To authorize the Town Manager to publish notice of disposition of abandoned property (unregistered moorings) pursuant to 30-A M.R.S.A. 3106(2)
TOWN OF CUMBERLAND
NOTICE OF MOORING REMOVAL AND DISPOSITION OF ABANDONED PROPERTY

On August 11, 2017 and October 3, 2017, the Harbormaster of the Town of Cumberland tagged all unregistered moorings located within the Town’s coastal waters, as well as the waters off Sturdivant Island and Basket Island. The tags provided notice to the owners of unregistered moorings that the moorings were required to be registered within 30 days or the moorings would be removed by the Town at the owner’s expense. Because these moorings are unregistered, the Town cannot identify or notify the owners of this property and has relied on the tags to provide such notice.

As of October 17, 2017, the following moorings identified by latitude and longitude coordinates remained unregistered and have not been removed:

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Pursuant to Section 4 of Title 38 of the Maine Revised Statutes and Section 48-5 of the Cumberland Code, the Harbormaster of the Town of Cumberland hereby notifies the owners of the property listed above that such property will be removed on or after **November 20, 2017**. The owner of an unregistered mooring that is removed will be responsible to pay the sum of $100 to the Town for such removal.
Pursuant to Section 3106 of Title 30-A of the Maine Revised Statutes, the Town Council of the Town of Cumberland hereby instructs the owners of moorings that are removed by the Harbormaster as set forth above that such property will be considered abandoned after removal. Owners of unregistered moorings may reclaim the property on or before **December 14, 2017**. If the property is not reclaimed by the owner on or before December 14, 2017 or if reclaimed property is not retrieved by the owner within 10 days after being claimed, the Town of Cumberland shall exercise its authority under Section 3106 (4) of Title 30-A to either sell the property in a commercially reasonable manner or dispose of the property if it has no market value. Proceeds from the sale of any unclaimed property shall be applied to the cost of removal of the mooring.

If you are the owner of a mooring which has been removed by the Town, you may contact Harbormaster Ben Burnes or Harbormaster Matt Merriman at harbormaster@cumberlandmaine.com or 829-6391 to provide proof of ownership and claim your property.