AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, November 27, 2017
5:30 Finance Committee Meeting
6:00 P.M. Workshop
7:00 P.M. Call to Order

I. 6:00 P.M. WORKSHOP with Kevin Bunker and Matt Teare of Developers Collaborative

II. CALL TO ORDER

III. BUSINESS INTRODUCTION
Susan Pine of Goose Pond Gift Shop

IV. APPROVAL OF MINUTES
November 13, 2017

V. MANAGER’S REPORT

VI. PUBLIC DISCUSSION

VII. LEGISLATION AND POLICY

17 – 163 To hold a Public Hearing to consider and act on accepting Wyman Way, Casco Bay Drive, Nautical Drive, Clipper Street and Captain’s Way as Town roads.

17 – 164 To hold a Public Hearing 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 and to amend TIF District #1, as recommended by the TIF Committee. TABLE

17 – 165 To hold a Public Hearing to consider and act on amendments to Chapter 315-4 (Word Usage and Definitions), Section 28.4 (Senior Housing Community (SHC) Overlay District) and Section 60.1 (Senior Housing Community), as recommended by the Planning Board.

17 – 166 To set a Public Hearing date of December 11th to consider and act on a speed limit reduction request to MDOT for Blackstrap Road, Blanchard Road Extension and Route One.

17 – 167 To set a Public Hearing date of December 11th to consider and act on a request to MDOT for a traffic signal at Route 100 and Skillin Road.

17 – 168 To set a Public Hearing date of December 11th to discuss a Contract Zone Agreement with John Paynter.

17 – 169 To set a Public Hearing date of December 11th to consider and act on amendments to Chapter 282 (Vehicles and Traffic) of the Cumberland Code, as recommended by the Ordinance Committee.

17 – 170 To set a Public Hearing date of December 11th 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 – 171 To appoint a member to the Forestry Subcommittee of the Lands & Conservation Commission.

17 – 172 To appoint members to the Aging in Place Committee.

VIII. NEW BUSINESS
Farm Based Specialty Event Licensing
IX. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

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

I. BUSINESS INTRODUCTION
Revolutionary Gas/Cumberland Car Care
Jeff Dalbec explained that Revolutionary Gas is a full service gas station. Starting next week, there will also be a mechanic on duty for service and repairs. Hours are Monday through Friday 7 am - 7 pm, Saturday 8 am – 7 pm and Sunday 9 am - 5 pm. Several business cards are accepted. The gas mixture is 93 octane, which will make your car run very well. They also have free air. The previous owner, Wayne Thompson will be helping out Wednesday’s. This will be called “Wednesday with Wayne”.

II. APPROVAL OF MINUTES
Motion by Councilor Bingham, seconded by Councilor Copp, to accept the October 23, 2017 meeting minutes as presented.
VOTE: 6-0 UNANIMOUS

III. MANAGER’S REPORT
Swearing in of Police Officer, Ryan Pynchon
Town Clerk, Tammy O’Donnell administered the oath of office to Officer Pynchon.

Police Chief Rumsey read the following commendation for Sergeant, Tom Burgess:

This letter is to officially recognize you and to communicate the appreciation felt by me, the members of the Cumberland Police Department and the entire community for your selfless and caring actions in service to your fellow man.

On the evening of September 10th, you went to the home of an elderly Cumberland resident after receiving information which led you to be concerned for this person’s well-being. You responded to the residence, and made contact with an 80 year-old gentleman who was obviously in distress. I understand that this person had no edible food in his home, and that what food was present was rotten and infested with insects. Furthermore, you quickly observed that due to this person’s limited mobility, he had not been able to properly feed or care for himself or to maintain his home which I am told was in a terrible condition of uncleanliness. Lieutenant Young, who was with you at the home for some time, has fully briefed me on the scene which confronted you and while the details are not appropriate for inclusion here, please know that I am well aware of the concerning scene that confronted you.

Upon gaining an understanding of the situation this member of the Cumberland community was experiencing, you sprang into action. You went to the Cumberland food pantry and retrieved fresh fruits and vegetables and other food items, and cooked your charge a hot meal. You cleaned his entire residence from top to bottom, sanitizing his kitchen, bathroom and living area. You took the time to make sure he did not eat too much too fast, because you could tell that he had lost a lot of weight and had not been eating properly.
In the following days, you worked to connect this man to a wide array of services in hopes of helping return him to health. You enlisted the assistance of Cumberland’s Aging in Place, the Southern Maine Agency on Aging, Meals on Wheels, Catholic Charities, Adult Protective Services and importantly, the Veteran’s Administration Hospital, because you discovered that your new friend had served in our nation’s military. Aging in Place and their durable medical equipment program allowed you to procure a walker to help him regain his physical strength and improve his mobility.

All of these measures you took were in the spirit of assisting a person that you didn’t know, but who you knew needed help. Very importantly, you offered your friendship, a calming and reassuring presence, and a clear path out of the confusing and scary situation this veteran was in. You spent your own money and invested your own time in the days ahead to ensure he was eating properly and was regularly experiencing the caring contact of a fellow human being. I am convinced that this investment, as much as anything else, was key to the slow return to health you began to witness.

In addition to all this, you were successful in connecting with this resident’s family out of state. You learned that they were willing and able to assist him to move in with them so he could be reunited with relatives who could continue the caring assistance and rehabilitation that you began. I recently learned that your friend has moved and although he is no longer in Cumberland, you clearly and positively impacted his life and I know he and his family are forever grateful for your actions. The happy pictures he is sending you to document his progress is testament to these facts and to the fact that you’ve gained a lifelong friend.

After a social media post offered a few details about your good deeds, this story went viral, and spread a message throughout America. It is a message that is desperately needed – now more than ever. This message is that you and kind, caring law enforcement officers like you are safeguarding the well-being of communities and their residents all across this nation. We are lucky to have them all, and Cumberland is extremely lucky to have you in particular.

For your actions, which exemplify the highest standard of community caretaking, and for setting a high standard to which others may aspire, please accept this letter of commendation and my sincere thanks.

IV. PUBLIC DISCUSSION

Janine Gorham of 25 Forest Lane said that she appreciates the local business spotlight at the beginning of each Council meeting. She hasn’t been to the Food Stop for many years, but since they were featured at the last Council meeting, she has been there 3 times. The food is delicious.

Mrs. Gorham said that she was very sad that the Council voted down the proposal to allow events and weddings to be held on farms. The reason that the majority of the Council voted this down was because of the noise and disruption to the neighbors. She finds this so inconceivable since she and her neighbors have to listen to the loud banging, grinding, trucks, back-up signals, and dumping boulders all summer long from 7 a.m. to 5 p.m. She lives in a modest home in a modest neighborhood, they pay their taxes and they work hard. Why is her piece of mind and solitude any less valuable than those who live in higher priced neighborhoods or near farms? On weekends and in the winter, it is quiet and she is able to relax in the peace and quiet while dreading the coming of spring. The gravel pit is across Forest Lane from her house and when it was purchased in 2006, she attended the Council meeting. They were told that it would not be an active pit, trees would be planted, and they would not even know that it was there. She has since discovered that the zoning was changed shortly after the purchase of the pit to allow concrete and asphalt processing. She is happy with West Cumberland and the positive changes that have
occurred there since they bought their home 34 years ago. A lot of good businesses are there now and it has everything a small town could want. Route 100 is being partially repaired and there are new housing developments there. She wonders if the potential buyers are aware of the industrial gravel pit. She cannot fathom how so much disruption could be allowed to continue, not to mention the safety factor with large dump trucks traveling down Blackstrap Road, from dawn to dusk, where young children are present. Not to mention that the gravel pit sits on top of one of the largest aquifers in Southern Maine. She wants the Council to be aware how much the industrial activity has increased over the past years and proposes that a sound abatement be made in order to decrease the noise and limit the truck activity. She would like to discuss this at a future Council meeting and thanked the Council for their consideration.

Teri Maloney-Kelly of 29 Maloney’s Ridge Way thanked the members of the Cumberland Farmer’s Club who declined the Town’s offer to purchase land in an effort to relocate the Town garage there. What she found most offensive and startling about that proposal was the fact that this Town still feels that it is ok to inject an industrial operation into a residential zone. It is important for citizens to know that there is not a contractual obligation that requires the relocation of this facility. It is important to fully understand the scope of activity that takes place daily at the Town garage. She has heard many Town leaders describe the Town garage as nothing more than a few vehicles and people. For the record, 18 municipal vehicles and 6 heavy pieces of equipment are garaged, fueled, and maintained at the facility. There are 9 fire trucks and rescue vehicles that are fueled at the garage, 3 vehicles used by the Parks Department are fueled at the garage, as well as police vehicles. The M.S.A.D. has 4 maintenance trucks, 4 vans and 27 school buses, most of which are garaged at their building next to the Town garage. The Town holds 2 recycling events each year that are staged at the Town garage and do create a lot of traffic. The sand and salt storage is also located at this facility. There is certainly a lot of activity that goes on at the present facility on Drowne Road. Although it is considered municipal use for zoning purposes, any other business with this type of equipment and activity would be considered industrial. The Town has already considered 9 locations in residential zones (Bruce Hill Road, Blanchard Road, Range Road, Tuttle Road, Greely Road and Harris Road). There were 3 other non-residential locations considered, which involved pits off Goose Pond Road, Route 100 and Blackstrap Road. She wonders if she named anybody’s neighborhood. Her hope by being here this evening is to initiate a Town-wide conversation about what to do about the Public Works facility. Please consider the following: should the Public Works garage remain where it is? What would be needed to keep the facility at its current location? Do you feel it needs to be relocated? If so, is it ok to put it in a residential zone? Should it be moved to an industrial zone? Do you, as a citizen, own property that you feel might fit the needs of a Public Works facility and do you want your property considered? She is asking everyone, as her neighbors and fellow citizens, to please share their thoughts with the leadership of our Town. Don’t wait to be a nimby. Help our leaders make the right decision for our Town and for our neighborhoods.

David Higgins of 107 Bruce Hill Road, said that he and his wife are not against farmers or farming in Cumberland (or anywhere), as some people may have been led to believe. People move to Cumberland because of the rural ambiance stated in many recent public hearings and forums. This rural ambiance is going to be changed with the farm based events, especially over the summer months. This potentially will be 8 events per farm, per year. These events will create more traffic and noise before, during and after said events take place (up to 10:00 p.m.). He has lived in Cumberland for over 30 years. His 3 sons graduated from Greely High School. His dad had a farm where he raised and bred horses. Selfishly, this evening, he is here to protect his current Cumberland way of life and asked the Council to once again turn down the special events for farms.

Christina Mitchell of Shady Run Lane the reason her family moved here and stays here is because of the farms. She and her husband do not know many people in Town, but when she drives around Town, the
farms are amazing. If the farms go away, they will be replaced with subdivision with a lot of street lights and traffic. She asked the Council to consider allowing the farms to have these events.

Teri Maloney-Kelly said that she is glad that the Council has the opportunity to reconsider this. As a member of the Planning Board, she wondered how they could have been so far off the mark and what happened. She urged the Council to let this have a chance and see how it works. This request is not unrealistic and she hopes it passes this evening.

Harland Storey of 45 Middle Road said that he farmed actively for 65 years. This past summer, in his barn, he had a wedding, a funeral, and many other gatherings. Nobody was bothered by this. Anyone can put up a tent and have an event on their property. These events should require complete, off street parking. If there are complaints, the Town will have the ability to do something about it (with the licensing process).

Kathy Harper of 102 Blanchard Road said that Blanchard Road has become a speedway. People speeding all day long. Something should be done about this. They hosted their daughter’s wedding on their farm and it went off flawlessly. They may like to do another wedding in the future. There were no problems or complaints. They feel like they should be able to do this if they want to. She hopes the Council considers passing this.

Greg Sweetser of 15 Blanchard Road said that farming has transitioned over the years and continues to do so. There will be other uses to farms, but the basic use will always be agriculture. They have had weddings on their farm and the traffic is affected a couple of times at the start and the end of an event. If you count the cars going in and out of subdivisions, there are thousands of vehicles coming and going all day long. Allowing farms to have events will help the farmers and he hopes the Council will support it.

V. 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)

Motion by Councilor Gruber, seconded by Councilor Turner, to reconsider item 17-146.

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

Council discussion before the vote:

Councilor Turner reminded the Council that if they choose to not reconsider this item, it can go to referendum and the community will likely support it. In voting yes on this, the Council will have the ability to deal with issues that may come up with noise, traffic, etc. If we do not vote yes and the referendum and passes, there will be a lot less control for the Town.

Councilor Bingham agreed with Councilor Turner that the Town would likely not prevail in a referendum vote. He is disappointed that there have been some misrepresentations to the Council that all the neighbors were in favor of this. He will support the reconsideration because he feels that the Town having some control is better than the referendum process.
Councilor Gruber said that he had originally voted against sending this to the Planning Board because he felt that the Planning Board was not given enough guidance. Ultimately, the Planning Board sent it back to the Council with a recommendation, and the Council did not support their recommendation. Having farm based weddings is included in our Comprehensive Plan. We should be following our Comprehensive Plan. He voted against this mainly because of the 8 events allowed per year. He would prefer that it be 4-5 event per year.

Councilor Storey-King said that she stands by her previous vote (in favor).

Councilor Copp said that he stands by his previous vote (against).

Councilor Edes said that he will continue to vote no. He feels that it has been handled horribly by the people who brought this request forward. If someone wants to bring a commercial business into a residential area and cannot be trusted to treat their neighbor’s right, he cannot support this.

Councilor Turner said that we have a number of boutique-type farms in Town and we have to keep in mind that this is a beneficial use for the farming community of Cumberland. We should be concerned about all the farms, not getting our noses out of joint because of one.

Motion by Councilor Gruber, seconded by Councilor Turner, to amend 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.

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

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

Communications Director, Eliza Porter presented the following:
17 – 155  To hear a report from the Finance Director re: 1st Quarter Financials.
Finance Director, Heather Perreault, presented the following:
17 – 156  To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Thurston Lane.

Town Manager Shane explained that this is due to a missing property pin and the setbacks were encroached upon during building, many years ago. Staff is recommending approval and the Town Attorney has reviewed it.

Motion by Councilor Bingham, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Thurston Lane and to collect $500.00 for legal fees.

VOTE: 6-0  UNANIMOUS

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

Town Manager Shane explained that the entire Glenview subdivision was a conservation subdivision type of development, with Inland Fisheries and Wildlife. Part of the Planning Board review required the lots to select a plan for tree cutting. This particular lot is close to 8 acres and the owner overcut the lot by 8,000 to 10,000 square feet. It is a fairly small impact, but it exceeded what the Planning Board approved for that lot.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 11 Bayberry Lane and to collect $500.00 for legal fees.

VOTE: 6-0  UNANIMOUS
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.
Motion by Councilor Bingham, seconded by Councilor Copp, to table.
VOTE: 6-0 UNANIMOUS

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.
Motion by Councilor Bingham, seconded by Councilor Copp, to table.
VOTE: 6-0 UNANIMOUS

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.
Motion by Councilor Bingham, seconded by Councilor Gruber, 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.
VOTE: 6-0 UNANIMOUS

17 – 161  To set a Public Hearing date of November 27th to consider and act on accepting Wyman Way, Casco Bay Drive, Nautical Drive, Clipper Street, and Captains Way as Town roads.
Motion by Councilor Bingham, seconded by Councilor Gruber, to set a Public Hearing date of November 27th to consider and act on accepting Wyman Way, Casco Bay Drive, Nautical Drive, Clipper Street and Captains Way as Town roads.
VOTE: 6-0 UNANIMOUS

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 Manager Shane explained that our Harbormaster’s have been working very hard to bring our mooring program into compliance with our ordinance. This action will be authorization to publish a list of unregistered moorings that will be removed from our waters and stored. The owners will have a set number of days to claim their moorings.
Motion by Councilor Gruber, seconded by Councilor Bingham, 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).
VOTE: 6-0 UNANIMOUS

VI.  NEW BUSINESS
Councilor Bingham – none

Councilor Gruber – the Aging in Place Forum was held 2 weeks ago. Attendance was down a bit this year, but it was a great event. Thank you to the Aging in Place Committee members who put in a lot of time and effort planning the forum, M.S.A.D. 51 for providing the food, Karen Campbell, Chair of the Committee, and Susan Gold, of Southern Maine Agency on Aging.
The Food Pantry just started its 6th year. It is unbelievable how this community has rallied around the Food Pantry. Thanksgiving baskets will be given out this Friday. It is remarkable how many people help with preparing the baskets.

There was a meeting last week with surrounding towns, PACTS and GPCOG to discuss connectivity of trails. It was a good event with a lot of good discussion.

The Public Works and Public Safety departments did a great job after the recent storm.

Thank you to all the people who worked the election. We had a terrific turnout.

**Councilor Storey-King** – the Ordinance Committee is working on the traffic ordinance and fees, senior housing, and licensing for farm based specialty events.

She reminded the public that Girl Scout, Audrey Hankinson’s house numbering project is still going on. There is more information on the Town website and order forms are available at Town Hall.

**Councilor Copp** – What a phenomenal thing that Sergeant Burgess did in helping the elderly resident. Tom is a good man and he was happy to see him recognized.

He noticed some cross cuts that were left by Summit Natural Gas. There are 3 on Skillin Road and 1 on Tuttle Road in front of the fire station. Town Manager Shane said that he would look into this.

In regard to the Farm Based Specialty Events, he hopes that everyone will be mindful of their neighbors and won’t throw javelins.

**Chairman Edes** – Thank you to Debbie Flanigan for her many years of service to the Town. Debbie recently retired and he wished her the best.

In honor of Veterans Day, thank you to Councilors Bingham, Gruber, Turner and Stiles for their service.

**Councilor Turner** – there is a tree that is down and another leaning toward the road on Route 88 near the Tuttle Road intersection. Town Manager Shane would have Public Services look at it.

**Town Manager Shane** – he has the privilege of working with a couple of volunteers in the Food Pantry who are Veterans. They are dependable and a lot of fun to work with.

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

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

**VOTE:** 6-0 **UNANIMOUS**

**TIME:** 8:57 P.M.

Reconvene to regular session at 9:12 P.M.
VIII. **ADJOURNMENT**
Motion by Councilor Bingham, seconded by Councilor Turner, to adjourn.

**VOTE:** 6-0 **UNANIMOUS**
**TIME:** 9:12 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
ITEM
17-163

To hold a Public Hearing to consider and act on accepting Wyman Way, Casco Bay Drive, Nautical Drive, Clipper Street and Captain’s Way as Town roads

Acceptance of Wyman Way to be tabled
TO: William Shane, Town Manager
FROM: Christopher Bolduc, Assistant Town Manager
RE: Cumberland Foreside Village
   - Casco Bay Drive
   - Clipper Street
   - Captains Way
   - Nautical Drive

DATE: November 22, 2017

On November 4th 2017, Dan Diffin from Sevee & Maher Engineers, acting on behalf of the Town of Cumberland, did a punch list inspection of Cumberland Foreside Village streets and infrastructure: sixteen punch list items were identified for the contractor to correct.

On November 22nd 2017, I met with Contractor, David Chase, and Dan Diffin on site. We walked all the roads, reviewed the final punch list and determined that all of the punch list items have been corrected. We did identify some planting and paving issues that will need to be corrected in the spring, which are outlined in an attached memorandum from Dan Diffin, and would be covered under a warranty bond held by the Town.

After reviewing all relevant legal documentation submitted, confirming receipt of as built drawings, cad files and Mylar’s, as well as visiting the site, I am recommending the Town move forward with the acceptance of the road infrastructure into public ownership.
November 22, 2017

Christopher Bolduc
Assistant Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Subject: Final Road Inspection for Casco Bay Drive, Clipper Street, Nautical Drive, and Captain’s Way
Cumberland Foreside Village Housing
US Route 1, Cumberland, Maine

Dear Mr. Bolduc:

As requested, SME has completed the final site inspection for the construction of Casco Bay Drive, Clipper Street, Nautical Drive, and Captain’s Way in Cumberland, Maine. SME visited the site on November 22, 2017 with the developer, David Chase, and yourself to review the final punch list items and completed construction. Specifically, we observed construction of the roadway, drainage, street improvements, monumentation, and other site features as shown on the approved plans. The following observations and punch list items were noted during that visit:

1. Plantings appear generally healthy. Several trees without leaves noted at time of the September 29, 2017 visit. SME recommends review of plantings in the spring to identify any distressed trees for replacement.

2. Grass growth is sparse in several roadside esplanades and side slopes. Several areas were recently loamed and seeded. SME recommends review of grass growth within the right-of-way and specifically within the roadway esplanades in the spring. It is likely that additional seeding will be required in the spring to establish acceptable grass growth.

3. Areas of esplanade appear to be missing loam such that sidewalk and curb edges are exposed/not supported. These were being filled at the time of the site visit. Recommend review in the spring to determine if additional loam should be added and the areas and be reseeded.

4. Light pole at Clipper Street and Captain’s Way intersection missing the top piece and several lights not yet energized. CMP has been contacted and the developer is coordinating finishing up the lighting.
5. South portion of Clipper Street was extended 25 feet and paved with base course pavement only. Surface course pavement will be provided by developer in the spring.

Except for the items noted above, it is the opinion of Sevee & Maher Engineers, Inc. that Casco Bay Drive, Clipper Street, Nautical Drive, and Captain's Way has been constructed in accordance with the approved plans and applicable Town standards.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.

[Signature]

Daniel P. Diffin, P.E., LEED AP BD+C

Attachments
ITEM
17-165

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District), as recommended by the Planning Board
Notice of Decision

Date: November 22, 2017

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

Re: Public Hearing: Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 28.4B - Senior Housing Community (SHC) Overlay District.

This is to advise you that on November 21, 2017 the Planning Board held a public hearing to make a recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 28.4B - Senior Housing Community (SHC) Overlay District and voted to recommend to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 28.4B - Senior Housing Community (SHC) Overlay District with revisions as noted by Town Attorney Alyssa Tibbetts and drafted on November 22, 2017, see attached.

Cumberland Planning Board

__________________________
Stephen Moriarty, Board Chair
Sec. 315-4 Word Usage and Definitions.

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

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

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

Sec. 315-5 Zoning Map; division of Town into Districts.

Senior Housing Community Overlay District SHC

Sec. 315-28.4 Senior Housing Community (SHC) Overlay District.
A. **Purpose.** The purpose of the Senior Housing Community (SHC) Overlay District is to permit the development of Senior Housing Communities in designated areas of the Town that consist of varied living arrangements for senior residents. These regulations are intended to provide flexibility and creativity in the design and development of Senior Housing Communities, while ensuring that Senior Housing Communities are designed and developed to maintain a high degree of quality and integrate well into existing neighborhoods. The designation of the Senior Housing Community Overlay District is intended to recognize that a planned Senior Housing Community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses within the Senior Housing Community Overlay District, in return for an increased level of municipal oversight.

B. **District.** The Senior Housing Community Overlay District is hereby designated as an overlay district for the purposes set forth above within the certain portions of the MDR and RR1 Districts, specifically the lots as delineated on the official Town of Cumberland Tax Assessor’s Map as:

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<thead>
<tr>
<th>Map R03, Lot 50</th>
<th>Map R04, Lot 4C</th>
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<td>Map R03, Lot 50A</td>
<td>Map R04, Lot 4D</td>
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<td>Map R03, Lot 50B</td>
<td>Map R04, Lot 4E</td>
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<td>Map R04, Lot 3</td>
<td>Map R04B, Lot 5</td>
</tr>
<tr>
<td>Map R04, Lot 3A</td>
<td>Map R04B, Lot 5A</td>
</tr>
<tr>
<td>Map R04, Lot 4</td>
<td>Map R04B, Lot 5B</td>
</tr>
<tr>
<td>Map R04, Lot 4A</td>
<td>Map R04B, Lot 6</td>
</tr>
</tbody>
</table>

The requirements of the underlying zoning districts shall continue to apply to all properties within the Senior Housing Community Overlay District except as specifically modified by the provisions of this section.

C. **Permitted Uses.** In addition to the uses allowed in the underlying zoning districts as identified above, and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses shall be permitted uses in the Senior Housing Community Overlay District:

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

3. Private clubs that are associated with and available exclusively to the Senior Housing Community

4. Commercial health and recreation centers that are associated with and available exclusively to the Senior Housing Community

5. Health and fitness studios that are associated with and available exclusively to the Senior Housing Community

6. Small scale storage facilities that are associated with and available exclusively to residents of the Senior Housing Community.

7. Community center that is associated with and available exclusively to residents of the Senior Housing Community.

2-8. Sales office used exclusively for promotion and sale of dwelling units within the Senior Housing Community.

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

1. Setbacks.

   a. The following minimum setbacks are designed to allow smaller buildings to be located near the perimeter of the Senior Housing Community while requiring that larger buildings be more centrally located within the site and are required for all structures in the Senior Housing Community Overlay District:

      1. Front: 25'
      2. Rear: 25'
      3. Side: 10'

   No structure shall be located within 25' from the paved edge of any road, nor within 20' from the closest point of any other structure or 30' from any Senior Housing Community or District development boundary line. In the event of a conflict between the setback requirements of this paragraph and the buffering requirements of Section D(6) below, the more restrictive provision shall apply.

b.


   a. 5 Acres for a Senior Housing Community

   b. Lot Frontage 100'

3. Maximum Density. The maximum allowable land area for each dwelling unit permitted use shall be:

   a. 10,000 square feet per dwelling unit in a single family or duplex
b. 5,000 square feet per dwelling unit within a multiplex

c. 2,500 square feet per bed in a Residential Care Facility
e-d. 10,000 square feet per accessory use and all other permitted uses listed in 315-28.4(C)

4. Net Residential Acreage. Net residential acreage calculations are not required for Senior Housing Communities within the Senior Housing Community Overlay District.

5. Open Space. At least 20% of the total area of the tract or parcel of land being developed for a Senior Housing Community must be maintained as open space as defined in §315-4.

6. Buffering. A plan to buffer and screen the proposed Senior Housing Community development from adjacent residential properties shall be required. A minimum 50 foot buffer shall be required along the entire perimeter of a Senior Housing Community. No cutting or clearing shall be permitted within the 50 foot buffer area, except as required for purposes of installing or connecting utilities, roads and trails. Roads, trails and utilities may be located within the 50 foot buffer area as required by this paragraph when necessary due to the physical limitations of the property, provided that such location is not intended to circumvent the provisions of this Section and that the buffer shall be maintained to the greatest extent practicable. Additional plantings or other buffering implements may be required within the buffer area to create sufficient buffer. The Planning Board shall approve the selection of the proper type and size of buffering techniques based on existing site conditions, distances to property lines, and the intensity of the land use. Buffering may consist of plantings, earth berms, stone walls, grade changes, fencing, or a combination of some or all of these techniques. Buffering may also be accomplished on an adjacent property by easement or deed restriction.

E. Building Standards.

1. Maximum building height. No building shall exceed forty (40) feet in height or four stories, whichever is less, as measured in accordance with §315-52.

2. Minimum building separation. All buildings and structures shall be separated by a minimum of 20 feet, as measured from the nearest part of each structure to the other.

3. Minimum Dwelling Size. No dwelling unit (other than a dwelling unit within a Congregate Housing, Residential Care Facility, Nursing Home, Continuing Care Retirement Community or Community Living Arrangement) shall have less than 600 square feet of Floor Area.

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

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

H. **Residential Care Facilities.** The provisions of Section 315-71 (Residential Care Facilities) shall not apply to Senior Housing Communities in the Senior Housing Community Overlay District.

I. **Road Standards.**

All roads within the Senior Housing Community Overlay District shall be designed in accordance with the residential sub-collector roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code.

The following roadway standards shall apply to all other roads within the Senior Housing Community Overlay District:

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right of Way Width</td>
<td>30’</td>
</tr>
<tr>
<td>Maximum Right of Way Width</td>
<td>50’</td>
</tr>
<tr>
<td>Roadway Pavement Width</td>
<td></td>
</tr>
<tr>
<td>Serving less than 10 homes</td>
<td>18’</td>
</tr>
<tr>
<td>Serving 10 or more homes</td>
<td>20’ without curb</td>
</tr>
<tr>
<td></td>
<td>22’ with curb</td>
</tr>
<tr>
<td>Curbing</td>
<td>Per Chapter 250</td>
</tr>
<tr>
<td></td>
<td>Attachment 1:2</td>
</tr>
<tr>
<td>Paved Sidewalk (applies only to primary access roads connecting from Tuttle Road)</td>
<td>5’ (one side only)</td>
</tr>
<tr>
<td>Min. Roadway Centerline Grade</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Curbed and Non-curbed</td>
<td>1.0%</td>
</tr>
<tr>
<td>Max. Roadway Centerline Grade</td>
<td>10%</td>
</tr>
<tr>
<td>Min. Centerline Radius</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Tangent Length Between Curves of Reverse Alignment</td>
<td>0’</td>
</tr>
<tr>
<td>Min. Angle of Street Intersections</td>
<td>75° (90° Preferred)</td>
</tr>
<tr>
<td>Min. Distance Between Street Intersections on Same Side and on Opposite Side</td>
<td>100’</td>
</tr>
<tr>
<td>Min. Pavement Radii at Intersections</td>
<td>10’</td>
</tr>
<tr>
<td>Min. Pavement Crown</td>
<td>¼” per foot (2%)</td>
</tr>
<tr>
<td>Min. Slope of Gravel Shoulder</td>
<td>½” per foot (4%)</td>
</tr>
<tr>
<td>Min. K Factor, Crest Vertical Curve</td>
<td>15</td>
</tr>
<tr>
<td>Min. K Factor, Sag Vertical Curve</td>
<td>20</td>
</tr>
<tr>
<td>MPH Design Speed</td>
<td>25</td>
</tr>
<tr>
<td>Max. Grade Approaching Intersection</td>
<td></td>
</tr>
<tr>
<td>a. 50 or fewer vpd (within 25’)</td>
<td>3%</td>
</tr>
<tr>
<td>b. Greater than 50 vpd (within 50’)</td>
<td>3%</td>
</tr>
<tr>
<td>c. Primary access roads (within 75’)</td>
<td>3%</td>
</tr>
<tr>
<td>Min. Property Line Radius at Intersection</td>
<td>0’</td>
</tr>
<tr>
<td>Dead End Turn Around</td>
<td>Per Chapter 250 Attachment 1:6</td>
</tr>
</tbody>
</table>
Sec. 315-60.1. Senior Housing Community

A. Design Standards.

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

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

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

4. Parking lots shall be located internally where practical.

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

6. All structures, including storage facilities, shall be designed in the traditional New England architectural style as defined further in Section 2 of Chapters 315a, 315b and 315c.
ITEM
17-172

To appoint members to the Aging in Place Committee
MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: November 22, 2017
Re: AIP Committee

Due to significant insurance costs for AIP programming, it was recommended by our Insurance agent that we consider adopting the AIP as a Town Committee and dissolving its nonprofit status.

The cost for insuring volunteers on our policy is $1.45 per person per year.