

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, February 11, 2019

5:00 P.M. Ordinance Committee

5:30 P.M. Finance Committee Budget Workshop

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

January 28, 2019

III. MANAGER'S REPORT

- Life Flight of Maine donation request from Lauren Lamberson
- Update from the Forest Lake Association re: Watershed Survey

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 19 – 018** To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.
- 19 – 019** To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.
- 19 – 020** To consider and act on beginning the process of amending the Contract Zone Agreement with Heritage Village Development Group, LLC.
- 19 – 021** To hold a Public Hearing to consider and act on a Class I Liquor License application for Rachel's On the Green, for the period of March 29, 2019 – March 29, 2020.
- 19 – 022** To hold a Public Hearing to consider and act on a Farm Based Special Events License renewal for Joanne Fryer of Mowfield Farm.
- 19 – 023** To hear a report and request the appointment of an ad hoc Historical Society Building Committee to work on the logistics of moving the Historical Society building to the Library site.

- 19 – 024** To set a Public Hearing date of February 25th to consider and act on amendments to Chapter 250 (Subdivision of Land) to include a Conservation Subdivision option, as recommended by the Planning Board.
- 19 – 025** To set a Public Hearing date of February 25th to consider and act on repealing Chapter 315 (Zoning), Section 43 (Clustered, dispersed and traditional residential developments) of the Cumberland Code, as recommended by the Planning Board.
Note: some of these provisions have been relocated to the revised Subdivision Ordinance.

VI. NEW BUSINESS

Budget Workshop Schedule:

- February 25th at 5:30 p.m.
- March 4th at 5:30 p.m.
- March 11th at 5:30 p.m.
- Saturday, March 16th 8:00 a.m. to noon
- March 25th or April 8th Town Council budget adoption

VII. BUDGET REPORT

- February 25th: Report from Superintendent, Jeff Porter
- Nomination papers available on March 4th and due by April 15th

VIII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter and pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on application for tax abatement based on hardship.

IX. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, January 28, 2019

7:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Stiles, and Turner

Excused: Councilors Gruber and Storey-King

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the January 14, 2019 meeting minutes as presented.

VOTE: 5-0 UNANIMOUS

II. MANAGER'S REPORT

Chairman Copp explained that Town Manager Shane and Councilor Storey-King are attending a Windham Planning Board meeting this evening where they are discussing the adoption of a gravel extraction ordinance. This could have impacts on Cumberland's aquifer as well as Forest Lake.

Councilor Gruber is also absent because he had knee surgery last week.

Assistant Town Manager Bolduc explained that so far, this has been a difficult winter for Public Works due to all the different types of weather we have been experiencing (ice, snow, warmer temperatures causing melting, rain and cold temperatures). He realizes that this is frustrating and Public Works is doing the very best they can.

Work has started on the new pier at Broad Cove Reserve. The piling work will begin soon and unfortunately, this will require constant pounding to install them. This will be a Monday through Friday operation.

III. PUBLIC DISCUSSION

David Goldman of 15 Bradbury Way (Village Green neighborhood) is here this evening as a board member of the Village Green Homeowners Association. As the Council knows, the Village Green neighborhood contains more than 60 homes and it is one of the largest single sources of property tax revenues for the Town. The neighborhood has followed along closely with the developments related to the potential relocation of the Town garage. The neighborhood has become increasingly disappointed as the process has gone along, and from the outside, it seems that each time new information is released, it inevitably works to the detriment of the Village Green neighborhood. At the start, there were assurances from everyone involved that the Town garage would be moved and it was only a matter of where and when. Now it appears that there is no longer any intention to move the garage and at most, the salt shed and compost pile might be moved at some point in the future. The reason given for the change was the discovery of significant elevated levels of methane gas in the area around the Town garage. This came as a shock to the neighborhood as they did not even realize that this was a possibility. Their concern with the methane gas issue goes beyond its impact on the relocation of the Town garage. Many homes in their neighborhood are located extremely close to the garage and since methane gas is obviously a combustible gas, the uses of propane, gasoline and diesel fuel at the garage, as well as the presence of the compost pile, which is a heat source, the potential danger is very concerning. At the last Town Council meeting there were assurances given that there should be no concerns to the neighbors, but they are concerned with the

issues involving the Town garage and its relocation, as well as the methane gas situation and how these issues have played out. However, they do not want to suggest solutions based on incomplete information, and they feel that the Village Green Homeowners Association should understand what information the Town Council is relying on in making decisions with respect to the relocation of the Town garage and the methane gas issue, because it has direct impact on them and everyone who lives in Cumberland Center. They plan on filing a Freedom of Access Act request for records related to the Town's consideration of the relocation of the Town garage and the methane gas issue. Once they have had an opportunity to review the records, they feel they will be in a better position to discuss these issues in a more productive way. They are hopeful that we will all be able to work together.

IV. LEGISLATION AND POLICY

19 – 012 To hear a report from the Finance Director re: 2nd Quarter Financials.

Finance Director, Heather Perreault, presented the following:



Town of Cumberland FY2019 Q2 Results

General Fund FY2019 Q2 Overview

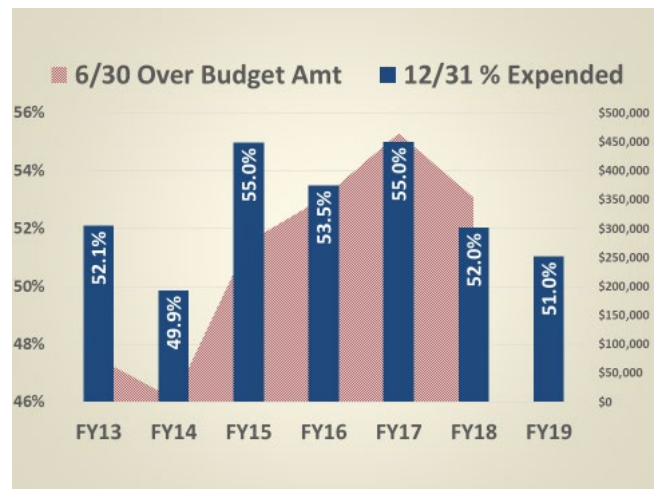
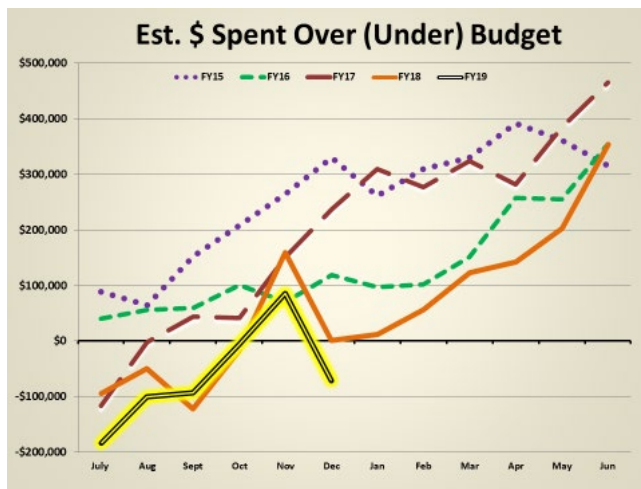
	FY19 Budget	FY19 Actual	FY19 %	FY18 %
TOTAL REVENUES	\$ 5,030,358	\$ 2,786,832	55.4%	58.3%
Controllable Expenses	\$ 8,382,295	\$ 4,278,310	51.0%	52.0%
Fixed Expenses	\$ 1,955,854	\$ 1,456,404	74.5%	77.3%
Assessments	\$ 19,569,225	\$ 10,224,089	52.2%	57.1%
TOTAL EXPENSES	\$29,907,374	\$15,958,803	53.4%	54.0%

General Fund FY2019 Q2 Selected Revenues

	FY19 Budget	FY19 Actual	FY19 %	FY18 %
Excise Tax	\$ 1,950,000	\$ 1,111,318	57.0%	65.2%
State Revenue Sharing	\$ 453,207	\$ 231,569	51.1%	49.5%
Permits & Impact Fees	\$ 177,423	\$ 110,979	62.6%	61.4%
EMS Billing	\$ 172,000	\$ 70,127	40.8%	45.7%
Recreation - After School	\$ 214,836	\$ 135,893	63.3%	66.0%
Recreation - All Other	\$ 603,280	\$ 310,676	51.5%	46.9%
Val Halla - Golf Revenues	\$ 572,921	\$ 373,019	65.1%	50.9%

General Fund FY2019 Q2 Selected Expenses

	FY19 Budget	FY19 Actual	FY19 %	FY18 %
Police	\$ 1,378,565	\$ 631,273	45.8%	50.3%
Fire	\$ 968,342	\$ 453,927	46.9%	52.4%
Public Services	\$ 1,983,742	\$ 946,902	47.7%	45.7%
Val Halla Golf Club	\$ 759,782	\$ 504,655	66.4%	61.9%
Recreation	\$ 993,045	\$ 557,362	56.1%	55.6%



19 – 013 To hear a report from the Finance Committee Chairman re: joint Finance Committee meeting with M.S.A.D. 51.

Councilor Stiles explained that on January 15th, the Town Council Finance Committee met with the M.S.A.D. 51 Finance Committee. It was a very productive and encouraging meeting looking at both entities long-term plan and budgets. It appears that the Town and School will continue working together on our budgets and he is hopeful that we will continue these types of meetings that will work in all of our favor.

19 – 014 To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land) to include a Conservation Subdivision option, as recommended by the Planning Board.

Motion by Councilor Stiles, seconded by Councilor Bingham, to table to February 25th.

VOTE: 5-0 UNANIMOUS

19 – 015 To appoint members to the Lands & Conservation Commission Trails Subcommittee and the Coastal Waters Commission.

Motion by Councilor Bingham, seconded by Councilor Stiles, to appoint Don Stowell to the Lands & Conservation Commission Trails Subcommittee and Robert Johnson to the Coastal Waters Commission.

VOTE: 5-0 UNANIMOUS

19 – 016 To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.

Motion by Councilor Bingham, seconded by Councilor Edes, to set a Public Hearing date of February 11th to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 5-0 UNANIMOUS

19 – 017 To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of February 11th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 5-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – he attended the ribbon cutting ceremony this evening for the performing arts center. This is a beautiful, new community facility that will host a lot of high school drama productions as well as events for some external organizations. This facility is for everyone in Cumberland and North Yarmouth to enjoy.

Councilor Edes – none

Chairman Copp – he reminded everyone of the upcoming budget workshop schedule, which anyone from the public is welcome and encouraged to attend:

- February 25th at 5:30 p.m.
- March 4th at 5:30 p.m.
- March 11th at 5:30 p.m.
- Saturday, March 16th 8:00 a.m. to noon
- March 25th or April 8th Town Council budget adoption

Councilor Stiles – he added to Chairman Copp’s comments that the time of the budget workshops are subject to change if the Town Council has matters to be discussed in workshop or executive session. The budget meeting times may have to be adjusted if this happens.

Councilor Turner – none

VI. ADJOURNMENT

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

VOTE: 5-0 UNANIMOUS

TIME: 7:28 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 48 Coastal Waters

[HISTORY: Adopted by the Town of Cumberland 10-10-1989; amended in its entirety 5-23-2016. Subsequent amendments noted where applicable.]

§ 48-1 General provisions.

- A. Purpose. The Coastal Waters Ordinance is hereby established ~~to regulate~~ ~~regulating~~ marine activities within the coastal and tidal waters of the Town, ~~in order~~ to ensure the safety of persons and property, promote availability and the safety of valuable public resources, and to create a fair and efficient framework for the administration of the same.
- B. Authority. This chapter is adopted pursuant to the authority granted by Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended ~~from time to time~~, and pursuant to the Town's home rule authority under the Constitution of Maine, Article VIII, Part 2, and 30-A M.R.S.A § 3002, as amended ~~from time to time~~.
- C. Applicability. The provisions of this chapter ~~shall~~ apply to all coastal and tidal waters located within the boundaries of the Town.
- D. Conflict. Nothing contained herein ~~may shall~~ be construed to conflict with the lawful jurisdiction of the United States government with respect to the enforcement of navigation, shipping, or anchorage and associated laws of the United States or any ~~valid~~ laws or regulations of the State of Maine.

§ 48-2 Definitions.

[Amended 3-26-2018]

As used in this chapter, the following terms mean:

APPROVED MOORING SERVICE

A mooring service, including sole proprietorships and other persons, which has provided an in-force certificate of insurance to the Harbormaster verifying that the mooring service has a minimum of \$1,000,000.00 of commercial general liability and lists the Town as an additional insured.

[Added 3-26-2018]

COASTAL AND TIDAL WATERS PLAN (PLAN)

A plan adopted by the Town Council designating the coastal and tidal waters of the Town and describing and showing the locations of mooring areas ~~and~~ channels for the passage of watercraft. This Plan may ~~be amended by the Town Council and may~~ include mooring plans.

[Amended 3-26-2018]

COMMERCIAL WATERCRAFT

Any type of watercraft used in a business or trade.

DERELICT OR ABANDONED WATERCRAFT

A watercraft that is given up by its master or owner with the intent to never again claim a right or interest in it.

DINGHY

A punt, skiff, tender or similar watercraft, 12 feet or less in length, used solely as transportation to or from a watercraft on a mooring. Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less.

KAYAK

A small, narrow watercraft which is pointed at both ends and propelled solely by a paddle. A paddleboard is deemed to be the same as and subject to the same rules as a kayak in this ordinance. with two blades.

[Added 10-23-2017]

MOORING

A fixed anchor to which a watercraft can be made fast.

MOORING PLAN

A plan adopted by the Town Council as part of the Coastal and Tidal Waters Plan designating specific locations for moorings within a mooring area and establishing limits on the numbers of moorings allowed within a mooring area.

MOORING SERVICE

A business engaged in installing and inspecting moorings using qualified mooring inspectors.

[Added 3-26-2018]

PADDLEBOARD

A large buoyant board used for recreation that is generally propelled by a standing rider using a paddle. A paddleboard is deemed to be the same and subject to the same rules as a kayak in this ordinance.

PARCEL OF LAND

- A. For persons taking title to shorefront property on or after January 1, 1987, a lot the area of which is the larger of the minimum buildable lot size in the Town or 20,000 square feet, but in either case including 100 feet of shoreline frontage; or
- B. For persons who owned shore rights of at least 100 feet of frontage prior to January 1, 1987, a lot of any size.

PERMIT YEAR

The permit year is from May 1 through April 30. [Amended 3-26-2018] The permit year is from January 1 through December 31.

PERSON

Includes the singular and plural, and including any individual, firm or corporation, association, club, partnership or society.

[Amended 3-26-2018]

QUALIFIED MOORING INSPECTOR

An approved mooring service ~~that who~~ satisfies the Harbormaster as to ~~its~~ qualifications ~~that he/she~~ ~~is qualified~~ to inspect ~~a mooring as to the~~ condition and size ~~of a mooring~~. Qualifications will be judged by past experience in installing and inspecting moorings, and familiarity with moorings to include the size and kind of tackle needed for the safe mooring of different size vessels.

[Added 3-26-2018]

RECORDS MANAGEMENT

The sections of the Maine State Archive Manual pertaining to records generated or controlled by the Town.

[Added 3-26-2018]

RESIDENT

A property owner or any person who occupies a dwelling within the Town for more than 180 days in ~~a~~ ~~the most recent~~ calendar year.

RIPARIAN OWNER

A person who owns the shore rights to a parcel of land abutting the coastal or tidal waters of the Town.

TOWN

The Town of Cumberland, Maine.

WATERCRAFT

Any type of vessel, boat, barge, float or craft, other than a seaplane, used or capable of being used as a means of transportation on water.

[Amended 3-26-2018]

§ 48-3 Coastal Waters Commission.

- A. Establishing policy. The Cumberland Coastal Waters Commission exists for the general purpose of evaluating public usage of and access to the coastal and tidal waters under the jurisdiction of the Town and planning for the future use of those waters; to advise the Town Council on policy matters and proposed regulations concerning the Town's coastal and tidal waters; to plan and implement improvements in conjunction with state and federal authorities; to supervise the enforcement of Town rules and regulations by the Harbormaster; and to sit as a board of appeals to hear appeals as provided by this chapter from any person aggrieved by a decision, act, or failure to act of the Harbormaster. The Commission may recommend to the Town Council a mooring plan for any area in which moorings are allowed under this chapter. The Commission ~~shall~~ ~~will~~ regularly inform the Town Council and ~~such~~ other boards, committees, or officials of the Town ~~as are appropriate~~ of its activities.
- B. Organization.
- (1) The Coastal Waters Commission ~~shall~~ consists of at least five members appointed by the Town Council. Each Commissioner ~~shall must~~ be a resident of the Town and ~~shall will~~ serve without compensation.
 - (2) Neither a Town Councilor nor ~~his/her~~ ~~their~~ spouse may be a member of the Commission.
 - (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue ~~shall will~~ be decided by a majority vote of the members, excluding

the member who is being challenged; in the event of a tie ~~in the~~ vote on the question of whether a member should be disqualified from voting on the issue, the member ~~shall~~ will be disqualified from voting on the issue.

- (4) The Town Council may dismiss a member of the Commission for cause before the member's term expires. A Commissioner ~~shall~~ will forfeit ~~his/her~~ membership on the Commission ~~if he/she fails for failure~~ to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission ~~shall~~ will notify the Town Council Chairman of the forfeiture of office ~~by a Commissioner~~.
- (5) The term of office of a member ~~shall be~~ is three years, except the initial appointments which ~~shall be~~ are as follows: two members for three-year terms, two members for two-year terms, and one member for a one-year term.
- (6) The Commission ~~shall~~ will annually elect a Chairman and Vice Chairman from its membership and may create and fill such other offices as it may determine. Officers ~~shall~~ will serve one-year terms and ~~shall be~~ are eligible for reelection.

C. Procedure.

- (1) The Chairman ~~or designee shall~~ will call meetings of the Commission ~~as required~~. The Chairman ~~or designee shall~~ will also call meetings of the Commission when requested to do so by a majority of the members or by the Town Council. A quorum of the Commission necessary to conduct an official Commission meeting ~~shall~~ consists of at least three members. The Chairman ~~will or designee shall~~ will preside at all meetings of the Commission and ~~shall~~ will be the official spokesman of the Commission. In the absence of the Chairman, the Vice Chairman will assume these duties.
- (2) The Commission ~~shall~~ must maintain a permanent record of all Commission meetings and all correspondence ~~of the Commission~~. The Commission ~~shall be~~ is responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Commission are public records and ~~shall~~ must be filed in the Town Clerk's office and may be inspected at reasonable times.
- (3) In any appeal under § ~~48-118A~~, the following procedures apply:
 - (a) The Commission may receive any oral or documentary evidence but ~~shall~~ will provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party ~~shall have~~ has the right to present ~~the party's~~ their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination ~~that is~~ required for a full and true disclosure of the facts;
 - (b) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, ~~shall~~ constitutes the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented in the appropriate order, relief or denial of relief. Notice of any decision ~~shall~~ will be mailed or hand-delivered to the petitioner, ~~his/her~~ any representative or agent, and the Town Council within seven days of the Commission's decision;
 - (c) The Commission may reconsider any decision reached under this section within 30 days of its ~~prior~~ decision. The Commission may conduct additional hearings and receive additional evidence and testimony as provided in this section; and
 - (d) An appeal may be taken from any order, relief or denial of the Coastal Waters Commission by procedure as outlined in § ~~48-1140~~ of this chapter.

D. Jurisdiction. The Coastal Waters Commission ~~shall~~ will hear appeals as provided for by § ~~48-1140~~ of

this chapter. For purposes of 38 M.R.S.A. § 9, as amended ~~from time to time~~, the Coastal Waters Commission is entrusted with harbor management.

§ 48-4 Harbormaster.

- A. The Harbormaster ~~shall~~ will be appointed by the Town Manager annually. The Harbormaster's duties and responsibilities ~~shall be~~ are as prescribed by 38 M.R.S.A. § 1 et seq. and by the provisions of this chapter. The Town Council may establish the Harbormaster's compensation, and the Harbormaster may be removed for cause in accordance with 38 M.R.S.A. § 1.
- B. The Harbormaster ~~shall~~ will regularly attend the meetings of the Coastal Waters Commission and inform the Commission of ~~his/her~~ their activities as well as provide such information ~~available to him/her~~ as may be requested by the Commission in the execution of its duties.

§ 48-5 Dockage time limit.

[Added 10-23-2017]

Other than dinghies, all watercraft which tie up to the Broad Cove Reserve floats must be tied to the south side of the floats. No person may tie up any watercraft to Town public facilities for more than 30 minutes except with special prior permission from the Harbormaster. The penalty for violating the time limit is prescribed in § **84-12D**.

§ 48-6 Dinghy dockage.

[Added 10-23-2017]

- A. No dinghy may tie up to any Town facility such as a wharf or float without permission of the Harbormaster, except for those owned or used by a mooring holder as described below. ~~All watercraft which tie up to the Broad Cove Reserve floats must be tied to the south side of the floats.~~
- B. Any dinghy owned or used by a holder in the Town mooring field must be tied to the north side of Broad Cove Reserve floats in an area designated for dingy dockage.
- C. No watercraft exceeding 12 feet in length or equipped with an outboard motor exceeding 10 hp may tie up to the north side of the Broad Cove Reserve floats any Town facility. All motors must be stored in the raised position when tied to the floats. The penalty for ~~incorrectly~~ inappropriately tying to the floats is as prescribed in § **84-12D**.

§ 48-7 Kayak / Paddleboard storage

- A. General. The Town may provide facilities at Broad Cove Reserve for the storage of kayaks and paddleboards. Such storage, if provided, will be governed by the following:
 - (1) Kayak and paddleboard storage space will be awarded to only residents by an annual lottery managed by the Clerk's office. The lottery will be held on the first Thursday of April of each year. Notification must be made by the last Thursday of March of each year to the Clerk's office, by use of the required process, of the applicant's desire to be included in the lottery.
 - (2) Applicants awarded storage space must pay the annual fee as specified in §84-12G. An applicant who does not pay the annual fee within thirty days will forfeit the storage space, and the space will be awarded to the next applicant on the list.
 - (3) Kayaks and paddleboards stored at Town facilities are required to display a current registration sticker along the port side of the kayak or port side or top front of the paddleboard.
 - (4) Maximum length for a kayak or paddleboard stored at Town facilities is 20 feet.
 - (5) Kayak and paddleboard owners are responsible for removal by November 1. Failure to timely

remove the kayak or paddleboard will result in the inability to rent during the next calendar year.

- (6) Each owner will ensure that the kayak or paddleboard is reasonably secured and locked in its assigned rack space and will not pose a risk to others.
- (7) Each owner will ensure their rack space is clean and tidy at all times. No property other than one kayak or paddleboard will be left on, in, around or by the rack at any time.
- (8) Each rack storage space will be used for one registered kayak or paddleboard.
- (9) Kayaks and paddleboards stored at Town facilities are stored at the owner's risk. The Town accepts no responsibility for loss of or damages to any kayak or paddleboard.
- (10) Violation of any portion of §48-7 will result in immediate revocation of storage privileges, and will subject the owner to a fee as specified in §84-12H.

§ 48-~~8~~ **7.5 Moorings.**

[Amended 1-23-2017]

- A. General. No person may place or establish a mooring in the coastal and tidal waters of the Town except within designated mooring areas as described in and shown on the Coastal and Tidal Waters Plan; provided, however, that: **[Amended 3-26-2018]**
 - (1) A riparian owner who is the master or owner of a watercraft may be assigned a mooring fronting ~~his/her~~ **their** land even though the mooring is not within a mooring area shown on the Plan, so long as the mooring does not encroach upon the natural channel or channels established in the Coastal and Tidal Waters Plan and provided that the riparian owner annually registers the mooring as provided in Subsection **B** of this section.
 - (2) A riparian owner using a mooring or moorings fronting ~~his/her~~ **their** land but not located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan may be allowed to continue to use up to three such moorings at the same location, so long as ~~said the~~ moorings do not encroach upon the natural channel or channels established in ~~said the~~ **the** Plan and provided the riparian owner informs the Harbormaster of the mooring location within one year from the effective date of this chapter and annually registers the moorings as provided by Subsection **B** of this section.
 - (3) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner under Subsection **A(1)** and **(2)** above, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement or moorings allowed for riparian owners. Furthermore, should space be insufficient to meet demands, the number of moorings allowed for a ROW property owner in front of the ROW may be reduced to one.
- B. Assignment and location of moorings.
 - (1) No person may moor ~~his/her~~ **a** watercraft in any part of the coastal and tidal waters of the Town without first annually registering the watercraft and obtaining a mooring assignment specifying the location of the mooring. **[Amended 3-26-2018]**
 - (2) No owner or master of any watercraft may permit ~~his/her~~ **their** watercraft to be docked or moored in such a manner as to obstruct the free passage of other watercraft going to or from any wharf, pier, or other mooring in the Town. **[Amended 3-26-2018]**
 - (3)** Any mooring assignment in the coastal and tidal waters of the Town is governed by the following

guidelines:

- (a) Application for a mooring must be made by **March 15th May 1** of each year unless an applicant shows good cause why **he/she they** could not apply by **that date May 1** (as, for example, a person who acquires a boat or becomes a resident after **March 15th May 1**). A mooring assignment will be valid until **December 31, the next April 30. Any renewal application made after March 15 will be subject to a late fee established by the Town Council and listed in §84-12F. A person previously holding a mooring permit in the Broad Cove mooring field who fails to renew the mooring by March 15 loses the right to renew and must apply for a new mooring. [Amended 3-26-2018]**
- (b) All persons applying for and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council. See § **84-12A and B. [Amended 3-26-2018]**
- (c) If a person with an assigned mooring changes watercraft during the permit year, **they must submit information regarding the change to the Harbormaster through approved means for review. a new mooring application must be submitted as soon as possible describing the new watercraft.** If the characteristics of the mooring (block, chain, pennant) must be **changed-modified** to accommodate the new watercraft, the **application notification** should be made in advance of the changes. If the mooring location needs to change, the **application notification** and **Harbormaster** approval MUST precede any changes. No new fees will be charged. The Harbormaster should be consulted if there are any questions.
- ~~(d) Each mooring application must be fully completed.~~
- ~~(e)~~ (d) Notwithstanding any other provision of this chapter, any person using a mooring located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan will be allowed to continue to use that mooring at the same location, so long as the mooring does not encroach upon the natural channel or channels established in the Plan, and provided that such person informs the Harbormaster of the location of the mooring within one year from the effective date of this chapter and annually registers the mooring as provided by this Subsection B. **[Amended 3-26-2018]**
- (4) In the event more mooring applications **for the Broad Cove Reserve mooring field** are received than there are available spaces, the Harbormaster may maintain a waiting list of all applicants who have not been assigned a mooring. Further, if a plan is amended and that revised plan provides for fewer moorings, the moorings available under the revised plan must be assigned to persons who had registered moorings at the time of amendment of the plan under this allocation system, except as otherwise provided by this chapter. Persons may add their names to the waiting list **using the required process, at the Town Clerk's office during normal business hours.** This procedure must be posted in the Town Hall, and the waiting list must be a public document under the Freedom of Access Law. The waiting list must be maintained in chronological order of application, and any vacant space must be assigned to the first person on the waiting list, in accordance with the following priorities: **[Amended 3-26-2018]**
 - (a) A riparian owner who is the owner or master of a watercraft and who is applying for a mooring assignment must receive the first vacancy available, and the mooring must be located fronting **his/her their** property, provided that such location does not encroach upon the natural channel or channels established by the Plan. No more than one mooring may be assigned to any shorefront parcel of land under this priority, but this limitation may not prevent a riparian owner from receiving additional mooring assignments under this allocation system.
 - (b) A homeowners' association member who has recorded rights to the shore through a deed, subdivision plan, or homeowners' association document.
 - (c) A property owner with a ROW to the water is accorded the same rights and restrictions accorded to a riparian owner, except that the mooring(s) may be placed as conveniently as possible in front of the

ROW and must not interfere with the reasonable placement of moorings allowed for riparian owners.

- (d) Any other resident or property owner of the Town.
- (e) Any person who does not meet the requirements of Subsections **B(4)(a)** through **(d)** above; however, if a waiting list is created, the next vacant space must be assigned to the first nonresident on the waiting list in accordance with the following priority:
 - [1] If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [2] If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [3] If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space must be assigned to the first applicant in the category that is farthest below 10%.
- (5) The Harbormaster must maintain a record of each mooring assignment, including the location of assignment as well as the application information required by this chapter. These records must be retained as required by the state's records management process. **[Amended 3-26-2018]**
- (6) Mooring assignments are not transferable, and assignments must not be rented unless approved by the Harbormaster. **[Amended 3-26-2018]**
- (7) The Town reserves the right to reassign moorings each year to better use available space.
- C. Moorings. Moorings must consist of appropriately sized mushroom anchors, granite blocks, or helix moorings, connected to a surface buoy by a chain of appropriate size and length for the vessel, depth of water, and exposure to weather. Concrete blocks, engine blocks, and other "objects of convenience" are not allowed. The surface float must consist of a white mooring ball on which the name of the watercraft owner or master and mooring registration number is painted with at least three-inch-tall letters and numbers in a contrasting color. A pennant of suitable diameter and length completes the mooring assembly. Guidance for selecting the sizes of materials can be obtained from the Town website ~~and/or~~ from approved mooring services listed on the Town website. **[Amended 3-26-2018]**
- D. Inspections. ~~Each mooring must be inspected every two years by a qualified mooring specialist. The inspection results must be reported to the Harbormaster and all deficiencies repaired within 30 days.~~
 - (1) An approved mooring service must inspect and be satisfied that each mooring is in safe condition before it is placed in the mooring area. **[Added 3-26-2018]**
 - (2) Each mooring must be inspected every two years by a qualified mooring inspector. A list of qualified mooring inspectors may be obtained by contacting the Harbormaster. Inspection results must be reported to the Harbormaster within five working days and all deficiencies repaired within 30 days of the inspection. **[Added 3-26-2018]**
 - (3) The Harbormaster will, in accordance with Maine Revised Statutes, Chapter 5, Section 95-B, Local Government Records, maintain a file on each mooring, including the dates of inspection and ~~the~~ approved mooring service that inspected it. **[Added 3-26-2018]**
- E. Winter spars. Winter spars cannot be installed before September 15 and must be attached by December 1 each year. They must be removed and replaced with the white ball by June 1.

- F. Removal of moorings. An owner who discontinues the use of a mooring is responsible for removing the mooring from the marine environment. The Town has the right to remove and dispose of any mooring, including unsafe, abandoned, unregistered, improperly identified and objects of convenience moorings at the owner's expense. The penalty for failing to remove and dispose of any mooring is described in § 84-12E. Disposition of any proceeds from removed moorings is governed by State Abandoned Property Law. **[Amended 3-26-2018]**
- G. An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring **during the first year of assignment**. Should a mooring not be installed by July 1st, the applicant forfeits the mooring and may apply again in three years. ~~during that first year and the applicant again apply within three years, a relocation~~ A fee must be paid to cover the **administrative** expense of **managing the reassignment process**. ~~retrieving the original marker and subsequent locating and marking of the second mooring site.~~ The **reassignment relocation** fee is specified in § 84-12C. **[Amended 3-26-2018]**
- H. Mooring services rules and regulations. **[Added 3-26-2018]**
- (1) No person may install or inspect moorings or offer to install or inspect moorings for hire within the **coastal and tidal waters of the Town mooring area** without first **registering qualifying** the mooring service with the Harbormaster.
 - (2) Mooring services operating within the mooring area must adhere to the following rules:
 - (a) Mooring buoys must comply with the requirements of § **48-87** before being set or reset.
 - (b) A certificate of insurance indicating the coverages detailed in § **48-2** (approved mooring service), must be provided to the Harbormaster annually.
 - (c) Approval of the Harbormaster must be obtained at least two working days prior to setting, hauling out, relocating or adjusting any mooring. The mooring service must provide the Harbormaster with the location by GPS coordinates before and after the action for which approval is sought.
 - (d) Moorings for which the service is responsible must be adjusted within two days after notification by the Harbormaster.
 - (e) All new moorings must be registered and pass a complete mooring inspection prior to use.
 - (f) Each mooring service must inspect the moorings it services at least once every two years.

§ 48-98 Derelict, abandoned or sinking watercraft.
[Amended 7-26-2017]

- A. No person may bring into or maintain in the coastal and tidal waters of the Town any derelict watercraft:
- (1) That had not been home-ported at a Town mooring immediately prior to such damaged state. The sole exception will be for crew safety. Upon arrival, the Harbormaster must be immediately notified of the watercraft's seaworthy status.
 - (2) For salvage or abandon any watercraft in the coastal and tidal waters of the Town.
- B. The Harbormaster must notify the master or owner of a derelict or abandoned watercraft, that the watercraft must be removed within seven days. If the master or owner has not removed it within that time, the Harbormaster is authorized to remove the watercraft at the master's or owner's expense. However, in the event the Harbormaster determines the watercraft causes or threatens to cause property damage, pollution, or is a hazard to navigation, then removal must be by the fastest means

available. The Harbormaster is authorized to remove the watercraft at the master's or owner's expense.

- C. If any watercraft is polluting, hazardous to navigation, or in danger of sinking, the Harbormaster may authorize a private contractor to mitigate the damage to or from the watercraft at the owner's or master's expense.
- D. The owner or master must pay all reasonable costs associated with mitigating loss or damages from a derelict, abandoned or sinking watercraft within 60 days of invoicing. Failure to make full and timely payment will result in the immediate loss of all mooring privileges and continued loss for two years after the debt is paid in full.

§ 48-~~109~~ **Enforcement; violations and penalties.**

- A. ~~It shall be the primary duty of the~~ The Harbormaster ~~is~~ to enforce the provisions of this chapter and of Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended ~~from time to time~~. If the Harbormaster ~~shall~~ finds any provisions of this chapter or statute being violated, ~~he/she shall~~ the Harbormaster ~~must~~ notify the person responsible for said violation, either verbally or in writing, indicating the nature of the violation or ordering the action necessary to correct it. The Harbormaster ~~shall~~ ~~must~~ maintain a written record of such notices. In the event the violation causes or threatens to cause property damage, then notification of the violation ~~shall~~ ~~must~~ be by the fastest means available. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours after such notice, the Harbormaster is authorized to take whatever corrective action is necessary, the expense and risk for which ~~shall~~ ~~will~~ be borne by the boat owner.
- B. Violation of any provisions of this chapter ~~shall be deemed~~ ~~is~~ a civil violation. This chapter is enforceable by the Harbormaster or any law enforcement officer of the Town, County of Cumberland, or State of Maine with jurisdiction in the Town. This chapter ~~shall~~ ~~will~~ be enforced through a civil action in the District Court, and the Town may seek one or more of the following: injunctive relief, money damages not exceeding the sum of \$200 for each violation ~~and along with~~ attorney fees and costs pursuant to 30-A M.R.S.A. § 4452, as amended ~~from time to time~~. Each day ~~such a~~ violation exists ~~shall~~ constitutes a separate violation.
- C. The Harbormaster ~~shall~~ ~~must~~ terminate ~~suspend for the remainder of the permit year~~ the mooring assignments of any person who violates this chapter two or more times within ~~that a~~ permit year.

§ 48-~~1140~~ **Appeals.**

- A. Any ~~and all~~ persons aggrieved directly or indirectly by an action or failure to act of the Harbormaster may appeal such action or failure to act to the Coastal Waters Commission. In deciding any appeal, the Commission ~~shall~~ ~~may~~ hear and approve, with modifications or conditions, or disapprove the action or failure from which the appeal is made.
- B. Such appeals ~~shall~~ ~~must~~ be made ~~by application~~ in writing to the Coastal Waters Commission within five calendar days of the action or failure to act from which the appeal is taken. The application must state with specificity the action or failure to act from which the appeal is taken and the reason for the appeal. The appeal ~~shall~~ ~~will~~ be considered by the Coastal Waters Commission at its next regular meeting.
- C. Any action or failure to act by the Harbormaster concerning the location of moorings or boats, as a result of which location there is immediate danger to lives or property, ~~shall~~ ~~will~~ not be stayed pending appeal.
- D. An appeal may be taken by any party from any order, relief or denial by the Coastal Waters Commission under Subsection A above, within 30 days after the decision is rendered, to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ITEM 19-019

To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission

§ 84-12 Moorings.
[Amended 12-14-2015]

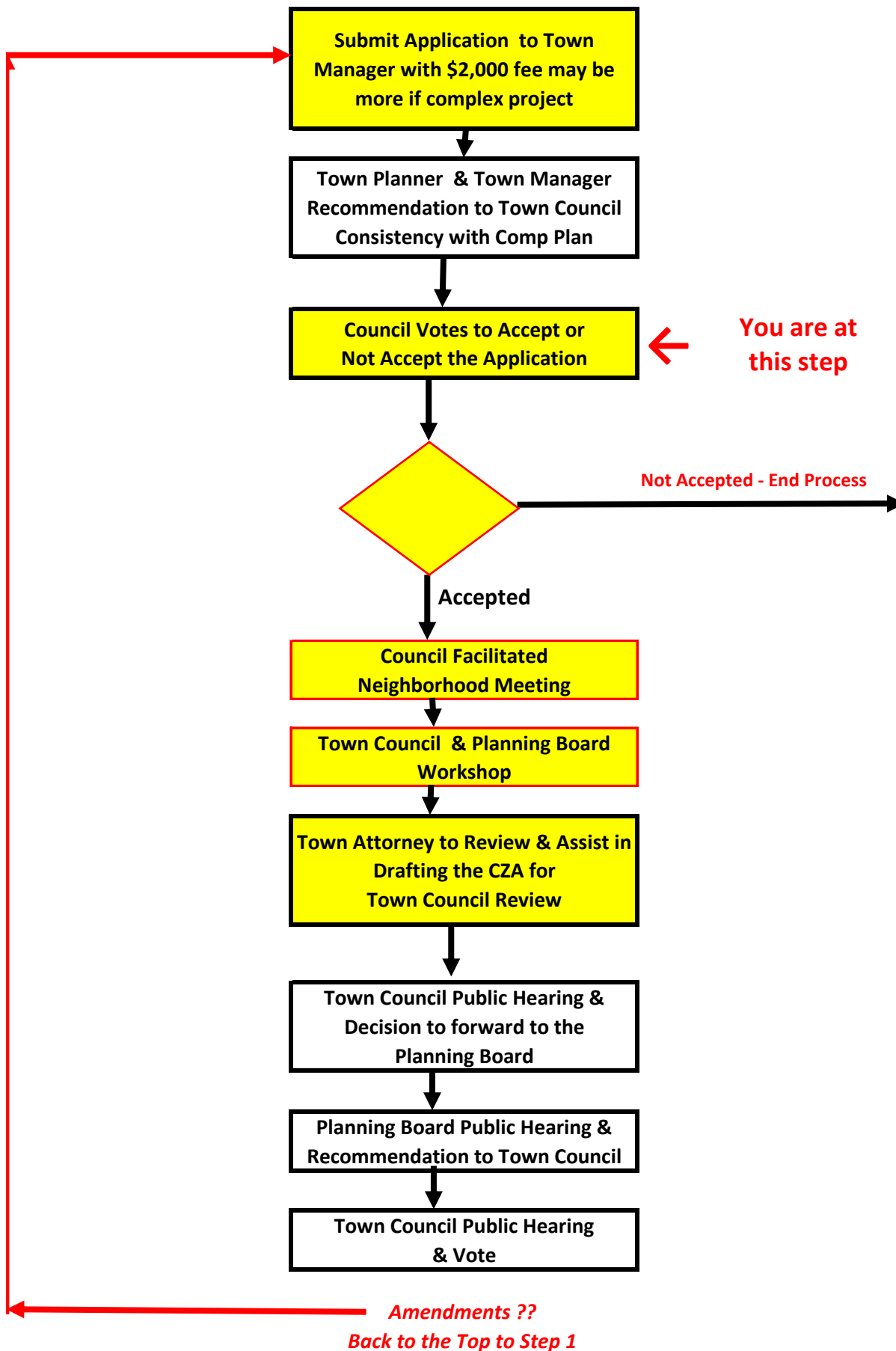
- A. Resident: \$50.
- B. Nonresident: \$250.
- C. Reassignment Relocation fee: \$250. **[Added 1-23-2017]**
- D. Dinghy dockage and time limit penalty fee: \$50. **[Added 3-26-2018]**
- E. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring. **[Added 3-26-2018]**
- F. Late mooring renewal / application fee: \$50.
- G. Kayak rack storage fee: \$50.
- H. Violation of §48-7 Kayak Storage fee: \$50.

§ 84-13 Plumbing permit.

- A. Internal fees: \$10 per fixture; \$40 minimum.
- B. External fees.
 - (1) Complete systems.
 - (a) Engineered system: \$200.
 - (b) Nonengineered system: \$250.
 - (c) Primitive system: \$100.
 - (d) Separate laundry: \$35.
 - (e) Seasonal conversion: \$50.
 - (f) Variance: \$20.
 - (2) Separate parts of systems.
 - (a) Alternate toilet only: \$50.
 - (b) Disposal field (engineered): \$150.
 - (c) Disposal field (nonengineered): \$150.
 - (d) Treatment tank only (nonengineered): \$150.
 - (e) Treatment tank only (engineered): \$80.
 - (f) Holding tank: \$100.
 - (g) Other components: \$30.
 - (3) Subsurface septic surcharge: \$15.

ITEM 19-020

To consider and act on accepting amendments to the Contract Zone Agreement with Heritage Village and to begin the contract zone agreement process





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February 4, 2019

Philip R. Saucier, Esq.
Shareholder
207-228-7160 direct
psaucier@bernsteinshur.com

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

Re: Application for Amendment to Contract Zone Agreement Heritage Village Development Group, LLC (formerly Cumberland Foreside Village, LLC)

Dear Bill:

As you know our office represents Heritage Village Development Group, LLC (HVDG) and we have been working with Phil Gleason and Mohr & Seredin Landscape Architects, Inc. on the land HVDG purchased in late 2017 which is subject to the Contract Zone Agreement initially created in 2002. We appreciate your help in bringing forward this proposed amendment to the existing 2017 Agreement.

We understand that you will review this package for completeness and forward it to the Town Council for their initial review this month. We respectfully request to be included on the Town Council's February 11, 2019 agenda, if that is possible.

The proposed amendment is as discussed with you in the fall and early winter of 2018, and would make the following changes to the existing Contract Zone Agreement, among other clarifying edits:

1. Section II. A., Light manufacturing and residential care facilities are expressly included as permitted uses (rather than relying on the underlying zoning district where they are already permitted uses).
2. Section II. B., has been revised to increase the allowable number of residential dwelling units from 150 to 300, with specific provisions set forth for the maximum number of detached, attached, 55 and older, and affordable units.
3. Section II. F., has been revised to allow retail stores on lots 1, 7, and 8 with retail store being defined by the current Cumberland Land Use Ordinance language.

AMENDED AND RESTATED CONTRACT ZONING AGREEMENT
BY AND BETWEEN THE TOWN OF CUMBERLAND

AND

CUMBERLAND FORESIDE VILLAGE, LLC
HERITAGE VILLAGE
DEVELOPMENT GROUP, LLC

RELATING TO THE CUMBERLAND FORESIDE
HERITAGE VILLAGE
(formerly "HERITAGE-CUMBERLAND FORESIDE VILLAGE") SUBDIVISION
ROUTE 1, CUMBERLAND, MAINE

This Amended and Restated Contract Zoning Agreement is entered into this ____ day of _____, ~~2017~~2019, by and between the Town of Cumberland, a municipal corporation (the "Town"), ~~and Cumberland Foreside Village, LLC~~ Heritage Village Development Group, LLC, a ~~Maine-Florida~~ limited liability company qualified to do conduct business in Maine ("the Developer"), pursuant to the Conditional and Contract Rezoning Provisions set forth in 30-A M.R.S.A. Section 4352 (the "Act") and Section 315-79 of the Cumberland Code, as may be amended from time to time.

WHEREAS, the Town and Peter Kennedy ("Kennedy") entered into a Contract Zoning Agreement dated September 10, 2002, which is recorded at the Cumberland County Registry of Deeds in Book 18114, Page 330 (the "Original Agreement"); and

WHEREAS, Kennedy conveyed his property which is subject to the Agreement to ~~the Developer~~ Cumberland Foreside Village, LLC ("CFV") by Deed dated December 27, 2005 and recorded at the Cumberland County Registry of Deeds in Book 23549, Page 231; and

WHEREAS, Kennedy assigned his interest in the Original Agreement to ~~the Developer~~ CFV by Assignment of Contract Zoning Agreement dated December 27, 2005 and recorded at the Cumberland County Registry of Deeds in Book 23652, Page 65; and

WHEREAS, the Town and ~~the Developer~~ CFV amended and restated the Original Agreement in its entirety in the Amended and Restated Contract Zoning Agreement dated January 31, 2007, which is recorded at the Cumberland County Registry of Deeds in Book 24825, Page 242 (the "Amended and Restated Agreement"); and

WHEREAS, the Town and ~~the Developer~~ CFV amended the Amended and Restated Agreement on October 23, 2014 by document titled First Amendment to Amended and Restated Contract Zoning Agreement (the "First Amendment"), which is recorded at the Cumberland County Registry of Deeds in Book 31899, Page 262; and

WHEREAS, the Town and ~~the Developer~~ CFV amended and restated the Original Agreement and the First Amendment in its entirety on February 27, 2015 by document titled Amended and Restated Contract Zoning Agreement, which is recorded at the

Cumberland County Registry of Deeds in Book 32162, Page 191 (the “2015 Amended and Restated Agreement”); and

WHEREAS, the Town and ~~the Developer~~CFV amended and restated the Original Agreement in its entirety in order to incorporate subsequent amendments (the Amended and Restated Agreement, the First Amendment and the 2015 Amended and Restated Agreement), and proposed additional amendments to expand the permitted residential development and revise the lot lines of the parcels consistent with the development goals of the Original Agreement, which is recorded at the Cumberland County Registry of Deeds in Book 33880, Page 87 (the “2016 Amended and Restated Agreement”); and

WHEREAS, the Town and CFV amended and restated the 2016 Amended and Restated Agreement in its entirety on May 11, 2017 in order to amend and clarify the requirements set forth herein related to the common walkway/path and the buffers along Interstate 295 and Route 1 corridors, which is recorded at the Cumberland County Registry of Deeds in Book 34000, Page 177 (the “2017 Amended and Restated Agreement”); and

WHEREAS, CFV conveyed its property which is subject to the 2017 Agreement to the Developer by Deeds dated October 10, 2017 and recorded at the Cumberland County Registry of Deeds in Book 34376, Page 330 and to David Chase (as to Lot 9A/B only) by Deed dated October 10, 2017 and recorded at the Cumberland County Registry of Deeds in Book 34376, Page 332.

WHEREAS, the Town and the Developer desire to amend and restate the ~~2016~~ 2017 Amended and Restated Agreement in its entirety in order to amend and clarify the requirements set forth herein related to ~~the common walkway/path and the buffers along the Interstate 295 and Route 1 corridors~~the development of the commercial lots; for additional residential dwelling units; to expand where retail stores can be located; and to add new standards for private roads.:-

NOW THEREFORE, the ~~2016-2017~~ Amended and Restated Agreement is hereby amended and restated in its entirety, as follows, it being understood that this Amended and Restated Contract Zoning Agreement supersedes and replaces the Original Agreement, the former Amended and Restated Agreement dated January 31, 2007, the First Amendment dated October 23, 2014, the 2015 Amended and Restated Contract Zoning Agreement dated February 27, 2015 ~~and~~, the 2016 Amended and Restated Contract Zoning Agreement dated April 12, 2016, and the 2017 Amended and Restated Contract Zoning Agreement dated May 11, 2017, which shall be of no further force and effect:

WHEREAS, the Property subject to this Amended and Restated Contract Zoning Agreement consists of the approximately 74.90 acre parcel of land (the “Project”) located off U.S. Route One, depicted as Lots 1 – ~~9-10B~~ on **Exhibit A** (the “Plan”) prepared by Mohr & Seredin dated February 5, 2019, and more particularly described in **Exhibit A-1** attached hereto; and

WHEREAS, ~~the Developer~~CFV received subdivision approval from the Cumberland Planning Board on August 16, 2016, in accordance with the subdivision plan prepared by Owen Haskell dated August 18, 2016 and recorded in the Cumberland County

Registry of Deeds in Plan Book 216, Page 335, and subsequently amended on March 21, 2017 in accordance with the subdivision plan prepared by Owen Haskell dated January 26, 2017 and recorded in the Cumberland County Registry of Deeds in Plan Book 217, Page 85 and attached hereto as ~~Exhibit B~~ (the "Subdivision Plan") and which may be further amended from time to time, such amendments to be expressly incorporated herein; and

WHEREAS, the Developer's Updated Estimated Schedule of Completion of the Project is attached hereto as **Exhibit ~~EB~~**; and

WHEREAS, in order for the Project to be financially feasible for the construction and sale of commercial buildings and residential dwelling units while meeting all applicable codes, certain amendments with respect to density, setbacks, road lengths and certain other performance standards of the Cumberland Code are required; and

WHEREAS, on March 28, 2017, the Cumberland Town Council approved the execution of this Amended and Restated Contract Zoning Agreement, subject to later compliance with Subdivision and Site Plan Standards as set forth in Chapter 229 and Chapter 250 the Cumberland Code, provided such Ordinance provisions are not in conflict with the Act.

NOW THEREFORE, pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code (as may be amended from time to time), the Cumberland Town Council hereby finds that this Amended and Restated Contract Zoning Agreement:

A) is consistent with the Comprehensive Plan duly adopted by the Town of Cumberland on April 14, 2014; and

B) establishes a contract zone area consistent with the existing and permitted uses in the original zone of the area involved; and

C) only includes conditions and restrictions which relate to the physical development and future operation of the proposed development; and

D) imposes those conditions and restrictions which are necessary and appropriate for the protection of the public health, safety and general welfare of the Town of Cumberland.

The parties agree as follows:

I. Establishment of the Contract Zone:

The Town hereby agrees that the approximately 74.90 acres shown on the Plan shall be a Contract Zone pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code.

II. Permitted Uses Within the Contract Zone:

The development permitted within the Contract Zone established in paragraph I above shall be as follows (Note: References to lot numbers herein shall be to those lot numbers as shown on the Plan attached hereto as **Exhibit A**, unless expressly stated otherwise):

A) All uses authorized as of the date of execution of this Amended and Restated Contract Zoning Agreement and as may be amended hereafter either as permitted uses or special exceptions in the Office Commercial South District, including ~~assisted living facilities-residential care facilities~~ and light manufacturing as defined in Section 315-4 of the Cumberland Code.

B) Up to 300 residential dwelling units, which may be either detached dwelling units (single family) or attached duplex or multiplex dwellings, with a total of 150 residential dwelling units on Lots 10A, 10B, and 150 residential dwelling units on Lots 7 and 8 as shown on the Plan; said residential development to include buffering as set forth in Section III of this Agreement. Individual house lots shall contain not less than 5,000 square feet. Multiplex dwelling units be developed for rent, lease or private sale. ~~At least one dwelling unit contained within each multiplex dwelling structure developed under this Paragraph must be occupied by a tenant that is 55 years of age or older and at least 20% (not less than nineteen) of the total dwelling units contained within all of the multiplex dwelling structures developed under this Paragraph must be occupied by a tenant that is 55 years of age or older.~~

The additional 150 residential dwelling units permitted on Lots 7 and 8 shall consist of the following types and quantities:

- a) A maximum of 40 detached single family units;
- b) A maximum of 60 attached duplex or multiplex units;
- c) A maximum of 50 residential dwelling units for occupancy by person(s) aged 55 years or older;
- d) Affordable Housing which shall be 10% of each residential type proposed listed above, for residents who meet up to 140% of the median income currently published HUD Median Family Income for the Portland, Maine HUD Metro FMR area.

C) Commercial development of not less than six (6) lots, as shown on the Plan; said commercial development to be developed with buffering from the existing adjacent residential areas of the Project as set forth in Section III of this Agreement.

D) On proposed Lot 7 only (or on any lot created by further subdivision of Lot 7), indoor warehouse and storage facilities and wholesale distribution facilities as defined in Section 315-4 of the Cumberland Code shall be permitted, provided that such facilities are set back at least 300 feet from the U.S. Route One right of way and only if no residential use is created or existing on the same lot. Indoor warehouse and storage facilities shall include enclosed buildings for the keeping of nonhazardous goods, commodities, equipment, materials or supplies in which buildings there are not any sales, manufacturing, production or repair activity, except on an incidental or occasional basis. Outdoor storage

of any goods, commodities, equipment, materials or supplies in conjunction with an indoor warehouse and storage facility shall not be permitted. If an indoor warehouse and storage facility or a wholesale distribution facility is adjacent to residential property, the buffering requirements set forth in Section III of this Agreement shall apply. Nothing in this section shall preclude the establishment of any other commercial use allowed by the terms of this Agreement.

E) A communications tower properly buffered from all residential uses in accordance with Section 315-72 of the Cumberland Code.

F) On Lots 1, 7 and 8 only, retail stores as defined in the Cumberland Zoning Ordinance (uses may include any shop or store for the retail sale of goods or personal services, excluding any drive-up service, freestanding retail stand, gasoline and motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service).

G) Tradesmen's offices (*i.e.*, the office of a self-employed craftsman or person in a skilled trade) involving only the management of the business; interior storage of materials and goods related to the business; and outdoor storage of vehicles, equipment and material ancillary to the business provided that such items are not visible from a public way. No on-site retail sales or wholesale distribution shall be permitted as part of such use, except as otherwise permitted within the Office Commercial South District.

H) Site preparation activities including grading and aggregate processing, as defined in Section 315-4 of the Cumberland Code, which substantially alter terrain and site character shall be permitted subject to the requirements set forth herein. Site preparation activities shall be permitted by the Developer and/or his subcontractor and shall include aggregate processing of materials on site for use in conjunction with the development of the site or off-site, but shall not be permitted unless in preparation of the site for proposed or approved development. The foregoing activities shall be performed in accordance with Maine Department of Environmental Protection requirements for ledge removal and materials processing, regardless of whether such use actually requires a permit from the Maine Department of Environmental Protection. If a permit from the Maine Department of Environmental Protection is not required for the use, the Town shall have the authority to enforce these requirements. Any such activities and any other site work proposed on the site, including development permitted under the terms of this Agreement shall be subject to review and approval by the Planning Board and shall be completed pursuant to all applicable sections of the Cumberland Code including, but not limited to, Sections 315-48 and 315-49. All site preparation activities must be completed within one year of approval unless an extension is requested by the Developer from the Planning Board prior to the expiration date. The Planning Board is authorized to extend the project completion not more than two times for a period of up to six months each time. The Planning Board shall deny a request for extension if the site preparation activities are not at least 35% completed within one year from the date of approval and if an application for site plan and/or subdivision including the area for which site preparation activity was permitted has not been approved.

III. Restrictions within the Contract Zone:

A) The setback provisions within the Contract Zone shall be as follows. All setbacks shall be measured from the exterior wall of the structure and shall not include overhangs, which overhangs shall not exceed one foot on any side of the structure.

(1) setbacks for detached dwelling units:

- Front yard setback not less than 15 feet.
- Side yard setback not less than 9 feet each side;
- Rear yard setback not less than 15 feet.
- Driveway setback not less than 5 feet unless driveways are shared by 2 or more lots, in which case there are no driveway setback requirements.
- If a residential lot is adjacent to a commercial lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.

(2) setbacks for commercial lots:

- Front yard setback not less than 25 feet.
- Side yard setback not less than 20 feet each side.
- Rear yard setback not less than 40 feet.
- Driveway setback not less than 10 feet, unless driveways are shared for access by 2 or more lots in which case there are no driveway setback requirements.
- If a commercial lot is adjacent to a residential lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 —foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.

(3) setbacks for ~~assisted living~~ residential care facilities and duplex and multiplex dwellings:

- Front yard setback not less than 50 feet.
- Side yard setback not less than 30 feet each side.
- Rear yard setback not less than 50 feet.
- Driveway setback not less than 5 feet.
- If ~~a residential care facility~~an assisted living facility, duplex or multiplex dwelling is adjacent to a commercial lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.
- Any building that is constructed for the sole purpose of and used exclusively in connection with the development of multiplex dwellings and located on the same lot as the multiplex dwellings, such as a community center or rental office, shall be subject to the setback requirements of this section; provided, however, that the rear setback for such building shall be not less than 25 feet.

(4) setbacks for indoor warehouse and storage and wholesale distribution facilities:

- Front yard setback not less than 25 feet.
- Side yard setback not less than ~~25~~ 15 feet each side.
- Rear yard setback not less than ~~25~~ 20 feet.
- If indoor storage and warehouse facilities or wholesale distribution facilities are adjacent to residential development, the above minimum setbacks shall be increased to 60 feet and there shall be a 75 foot undisturbed or replanted buffer on the property line between the commercial and residential uses. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 75 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.

(5) A setback of not less than 100 feet shall be maintained along the entire length of the property boundary that borders the Interstate 295

highway. The setback shall be measured from the edge of the I-295 right of way and shall remain at all times undisturbed. The Town shall periodically survey this setback to ensure that it has been maintained. In the event that this area is disturbed for any reason, the Developer shall be required to prepare and submit a landscape plan to be approved by the Town Council and shall be required to complete plantings in accordance with the approved plan within a timeframe designated by the Town Council. Additional plantings consisting of evergreen trees shall be field located with Town staff. Plantings shall be at least five feet (5') tall when planted. Plantings shall be required within the portion of the setback that runs along Lot 100 the Cumberland Foreside Village Apartments, as shown on **Exhibit B-A** to provide a visual buffer of the multiplex dwelling units constructed on that lot.

B) The minimum frontage on the street providing access to each residential lot shall be 50 feet and for each commercial lot shall be 150 feet for lots with frontage on Route 1 and 100 feet for interior lots.

C) The length of Skyview Drive, the dead-end road serving the commercial and residential portion(s) of the Project, shall be not more than 3,000 feet, and the road right-of-way be established at 50 feet in width, with a paved width of at least 24 feet (base shall be 30 feet wide), a five foot paved sidewalk for Skyview Drive, a four foot esplanade and an enclosed drainage system if the road is public. All other roads, except for driveways and alleyways, within the interior commercial lots in the project shall be constructed with a paved width of at least 24 feet, and do not shall require an enclosed drainage system, curbing and a five foot paved sidewalk, and be constructed in accordance with the geometric design standards for commercial subdivisions found in Chapter 250 of the Cumberland Code, unless the roads are private and for residential use, in which case the roads may be constructed as set forth in Exhibit G of this Contract Zone Amendment.

D) The height restriction on all nonresidential structures and multiplex dwellings shall be 50 feet and the height restriction on all detached (single family) and duplex dwellings shall be 40 feet.

E) There shall be no other variances from the Cumberland Zoning Ordinance granted to any lot owner beyond those expressly set forth herein, unless the Town and Developer agree by written and duly authorized amendment to this Agreement.

F) This Agreement shall be subject to the Town's Impact Fee Ordinance to the extent applicable. Impact Fees shall be calculated based on the gross floor area of the total structure for each multiplex dwelling structure constructed under Section II(B) of this Agreement. The gross floor area of the multiplex dwelling structure shall be reduced by the gross floor area of any dwelling unit within that structure that is designated to be occupied by a tenant that is 55 years of age or older. The residential development permitted under Section II (B) of this Agreement shall be exempt from the requirements of the Town's Growth Management Ordinance pursuant to Section 118-6(D) of the Cumberland Code; provided, however, that the Developer shall be responsible to pay a fee of \$100 per multiplex dwelling unit in lieu of a growth permit.

G) Any commercial development or multiplex dwelling development shall be subject to the “Design Guidelines for Commercial Properties & Multiplex Dwellings” which are attached hereto as **Exhibit DC**.

H) The Route 1 buffer shown on the Plan shall be 35 feet from the Route 1 right of way. 25 feet of the Route 1 buffer shall be undisturbed vegetation and the remaining 10 feet shall be used for a common walkway/path. The common walkway/path shall be constructed within the Route 1 right of way beginning at Sky View Drive and ending at the northerly lot line of Lot 5, subject to approval by the Town, or within 25 feet of the Route 1 right of way beginning at Sky View Drive and ending at Lot 11-C of the Town of Cumberland’s Tax Map R01, shown as the “Seafax” Lot ~~(Seafax) as shown on Exhibit ED~~. The common walkway/path shall be completed prior to the occupancy of any residential dwellings constructed pursuant to Section II(B). No additional buffer shall be required along Route 1 for Lot 9 as shown on **Exhibit BA**, provided that the front setback for the property as set forth in Section III(A) is met and that the setback area includes undisturbed vegetation to the greatest extent practicable and additional plantings as necessary to create a sufficient vegetated buffer within the setback.

I) Notwithstanding anything in Section III(A) above to the contrary, the building setback from Route 1 shall be 65 feet from the Route 1 right of way, except that the building setback from Route 1 on Lot 9 only shall be 25 feet from the Route 1 right of way.

J) The minimum lot size for commercial lots shall be 60,000 square feet.

K) The use of bituminous or concrete curb throughout the road network and on site plans shall be allowed at the developer’s option.

L) The parking requirements of Section 315-57 of the Cumberland Code shall apply to development under this Agreement; provided, however, that the minimum number of parking spaces required for multiplex dwellings under Section II(B) shall be two (2) spaces per dwelling unit. A landscaped berm shall be installed on the exterior perimeter of each parking area designated for the multiplex dwelling structures developed under Section II(B). Such berms shall be designed and constructed to provide screening from vehicle headlights within the parking area facing outward in both easterly and westerly directions.

M) Notwithstanding anything in the Town’s Zoning Ordinance to the contrary, residential care facilities shall be subject to the following requirements:

(1) Minimum lot size of two acres;

(2) Site coverage. The facility, as measured by the area of the building footprint of all structures, shall not cover more than 30% of any site’s gross acreage. This limitation on site coverage applies only to structures and does not apply to drives, parking areas, walkways, and gardens;

(3) Open Space. At least 20% of the gross site acreage shall be devoted to vegetated open space. The open space may include lawn areas, forest areas, areas- with a vegetative cover, and gardens. Open space shall not include areas covered by structures, parking areas, drives, walkways, swimming pools, tennis courts, or similar improvements; and

(4) Height. The maximum building height shall not exceed 50 feet.

N) A fifteen foot trail easement shall be located within Lot 8 as conceptually shown on Exhibit A with the exact easement location to be determined at the time of subdivision approval. The trail/path/walk shall be constructed by Heritage Village Development Group, LLC or it's assigns.-

IV. Miscellaneous Provisions:

A) Offsite Improvements: The Developer and the Town agree to negotiate the respective obligations of each party as it relates to ~~shall be responsible for~~ the design, engineering and construction of all offsite improvements as may be required by the owners or operators of property within the Project or as may be required by rule, regulation, law or determination of a governmental agency or utility in conjunction with the development of any Lots within the Project, ~~except that the Town shall be responsible for including~~ the widening, paving and striping of a designated portion of Route 1 as may be necessary pursuant to the plan titled "Route 1 Roadway Improvements" drafted by Gorrill-Palmer Consulting Engineers and ~~dated July 2007~~ November 15, 2016, attached hereto as **Exhibit F**, or as otherwise approved by the Town Council.-

B) Survival Clause: The terms and conditions of this Agreement shall run with the land and be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. A true copy of this Agreement shall be recorded in the Cumberland County Registry of Deeds.

C) Arbitration Clause: In the event of any dispute between the parties hereto arising out of the Town's approval of (or failure to approve) eligible and qualified purchasers, such dispute shall be submitted to arbitration pursuant to the rules and regulations of the American Arbitration Association, or such other similar arbitration tribunal as the parties may select. The decision of such arbitration panel shall be final, binding and conclusive as to all issues arbitrated therein. Any and all other disputes, claims, counterclaims, and other matters in question between the parties hereto arising out of or relating to this Agreement shall be decided by a Maine court of competent jurisdiction.

D) Further Assurances: In order to effectively and properly implement this Agreement, the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements as may be reasonably necessary from time to time to give effect to this Agreement.

E) Maine Agreement: This contract is a Maine agreement, entered into in the State of Maine and shall be governed by and enforced in accordance with the laws of the State of Maine.

F) Binding Covenants: The above-stated restrictions, provisions, and conditions are an essential part of this contract and shall run with the subject premises, shall bind the Developer, its successors and assigns with respect to the Project or any part thereof or any interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by, the Town, by and through its duly authorized representatives. However, if all site work related to the infrastructure on the subdivision plan is not substantially completed within five (5) years from the date of this Amended and Restated Agreement, then the Town Council shall review the status of the project and shall determine whether to initiate a rezoning of the property to the current zoning classification as it exists at the time of the rezoning determination.

G) Severability: In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed as of the day and year first above written.

WITNESS:

TOWN OF CUMBERLAND

Name:

By: _____
William R. Shane
Town Manager

Name:

By: _____
~~David Chase~~ Peter D. Kennedy
Sole Member and Manager

State of Maine
County of Cumberland, ss.
~~2017~~2019

Then personally appeared the above-named William R. Shane in his capacity as Town Manager of the Town of Cumberland and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Cumberland.

Before me,

Notary Public
Print Name: _____
Commission Expires: _____

4. Section III.A.1., the 5 foot driveway setback is removed for driveways shared by 2 or more residential lots.
5. Section III. A. 2., side yard setbacks for interior commercial lots have been reduced from 20 to 15 feet.
6. Section III. A. 2., the 10 foot driveway setback is removed for driveways shared by 2 or more commercial lots.
7. Section III. A. 4., the side yard setback is reduced from 25 to 15 feet for indoor warehouse and storage and wholesale distribution facilities.
8. Section III. A. 4., the rear yard setback is reduced from 25 feet to 20 feet for indoor warehouse and storage and wholesale distribution facilities.
9. Section III. B., the frontage requirement for interior commercial lots is reduced from 150 feet to 100 feet.
10. Section III. C., the requirements for interior roads, other than driveways and alleyways, serving commercial lots have been clarified to require an enclosed storm drainage system and must be constructed in accordance with the geometric design standards for commercial subdivisions found in Chapter 250 of the Cumberland Code.
11. Requirements for private ways for residential uses have been added and are set forth in the attached Exhibit G.
12. Section III. M., has added the following requirements for assisted living facilities and residential care facilities: minimum lot size of two acres; site coverage of 30%; open space of at least 20%; and maximum building height of 50 feet.
13. Exhibit A, Contract Zone Illustrative Plan, has been amended to show a 15 foot wide easement for a path and residential use areas are noted as are other clarifying edits.
14. Exhibit A-1, Legal Description, has been clarified to include changes to date.
15. Exhibit B, Estimated Schedule of Completion, has been updated.
16. Exhibit C, Design Guidelines, has been amended as follows:
 - Under Specific Design, first guideline, the following text has been removed: “The use of split-face concrete block should be used in limited quantities.”
 - Under Specific Design, third guideline, the text “should be avoided” has been replaced by “not allowed.”

- Under Specific Design, sixth guideline, in line two, the minimum roof pitch has been changed from "8 in 12" to "6 in 12."
- Under Specific Design, eighth guideline, the following text has been added to the end of the sentence "Shielded from view from the street."
- Under Specific Design, fourteenth guideline, the word "paved" has been removed in reference to the path along Route 1 since the path is no longer required to be paved per previous amendments.

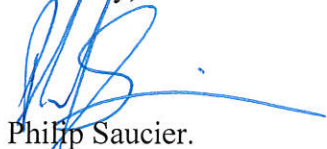
Finally, reference to the approved (and amended) subdivision plan for the property has been deleted to avoid confusion with the Contract Zone Illustrative Plan.

Enclosed with this letter please find the following:

1. A draft amendment to the Contract Zone Agreement, including Exhibits A-G.
2. A check in the amount of \$2,000.00 for the deposit and application fee.

We look forward to working with you and will provide any additional information you need for your review.

Sincerely,



Philip Saucier.

Enclosures

cc: Peter Kennedy, Sole Member, Heritage Village Development Group, LLC
Stephen Mohr, Mohr & Seredin Landscape Architects, Inc.
Philip Gleason, Esq.
Alyssa Tibbetts, Esq., Jensen Baird

**OWEN HASKELL, INC.****Professional Land Surveyors**

390 U.S. Route 1, Unit 10 • Falmouth, ME 04105 • 207-774-0424 • FAX: 774-0511 • www.owenhaskell.com

Description
of
Amended Contract Zone 3-21-2018

A certain lot or parcel of land situated on the westerly side of U.S. Route One in the Town of Cumberland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning at the intersection of the westerly sideline of said U.S. Route One and the Cumberland/Falmouth town line;

Thence, N-55°-09'-09"-W along said town line 1034.93 feet to the Easterly sideline of I-295;

Thence, Northerly by the following courses and distances along the Easterly sideline of Said I-295:

Thence, Northerly along a curve to the right having a radius of 22,668.32 feet an arc length of 595.32 feet

Thence, N-54°-46'-38"-E 100.00 feet;

Thence Northerly along a curve to the right having a radius of 22,768.32 feet an arc length of 992.02 feet;

Thence N-37°-43'-09"-E 661.39 feet;

Thence Northerly along a curve to the left having a radius of 6073.58 feet an arc length of 1206.99 feet;

Thence S-55°-06'-49"-E along land of Eleanor A. Randall 278.96 feet;

Thence N-36°-43'-05"-E along land of said Randall 396.71 feet;

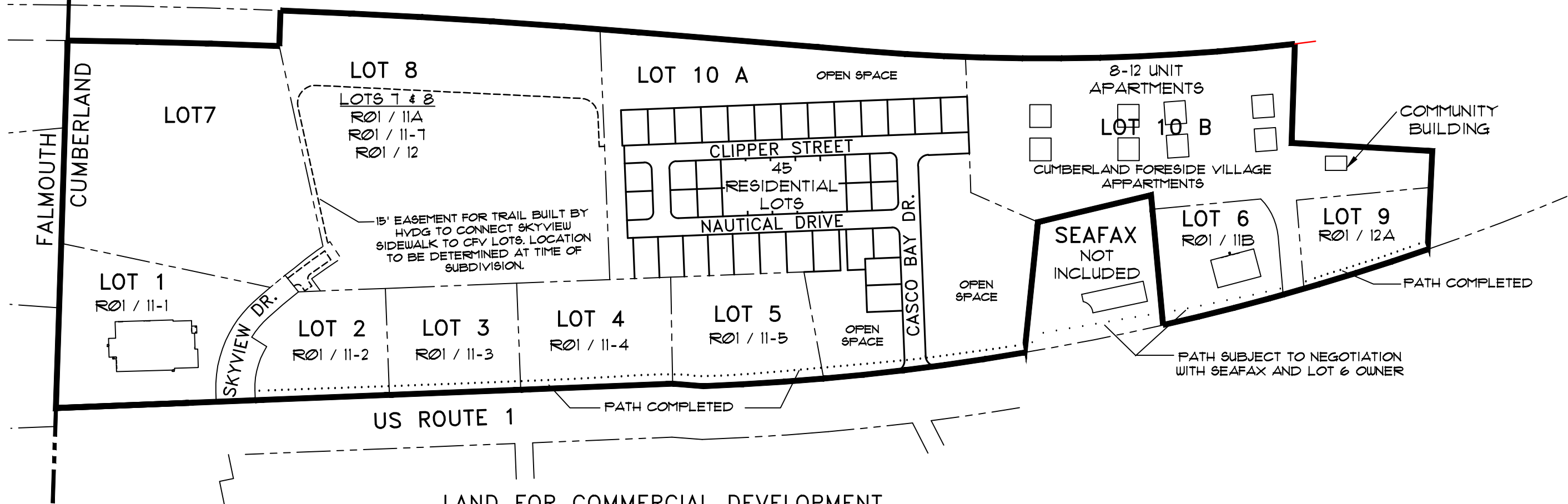
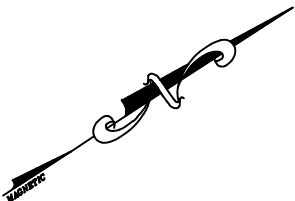
Thence S-54°-17'-11"-E along land of said Randall 274.45 feet to Said U.S. Route One;

Thence Southerly along said U.S. Route One and along a curve to the right having a radius of 7092.03 feet an arc length of 774.63 feet;

Thence N-62°-15'-59"-W along land now or formally of BBW Real Estate LLC 367.24 feet;

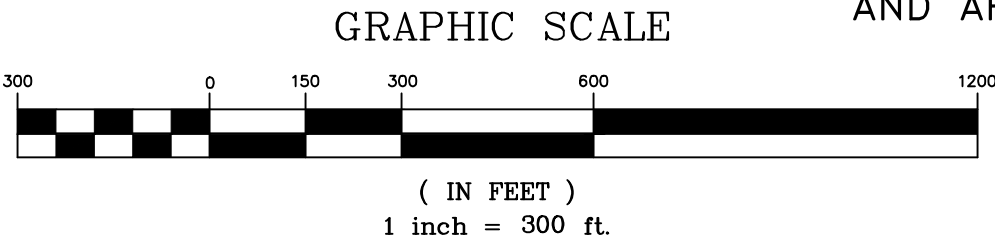
FIFTH AMENDED
CONTRACT ZONE

LAND FOR HOUSING LOTS 10 A & B,
20.89 ACRES INCLUDING OPEN SPACE.



LAND FOR COMMERCIAL DEVELOPMENT
44.95 ± ACRES (LOTS 1-6 & 9)
LOT 7 AND 8 TOTAL 25.67 ACRES
AND ARE FOR RESIDENTIAL AND/OR
COMMERCIAL USES.

ENTIRE CONTRACT ZONE INCLUDES LOTS 1-9: 74.87 ACRES.
CONTRACT ZONE DOES NOT INCLUDE THE "SEAFAX" LOT: 2.99
ACRES



5	2/5/19	CHANGE SKYVIEW; REV. NOTES, ADD TRAIL EASEMENT
4	2/19/16	REVISED LOT USES
3	1/28/16	ADDED TAX MAP & LOTS, CLARIFY ADDITIONAL AREA
2	1/25/16	DIVIDED LOT 9 FROM LOT 8
1	1/22/16	ADDED AREA TO CONTRACT ZONE

CONTRACT ZONE ILLUSTRATIVE PLAN
THIS IS NOT A SUBDIVISION PLAN

EXHIBIT A – CONTRACT ZONE 5TH AMENDMENT

MOHR & SEREDIN
Landscape Architects, Inc.
18 Pleasant Street, Portland, Maine 04101
ph: 1.207.871.0003 fax: 1.207.871.1419

HERITAGE VILLAGE DEVELOPMENT GROUP, LLC
CUMBERLAND FORESIDE VILLAGE
US ROUTE ONE, CUMBERLAND

SCALE: AS SHOWN DATE: MAR. 27, 2018 CHECK BY: SBMPROJECT: 111-NC

Thence S-19°-34'-32"-W along land of said BBW Real Estate LLC 327.21 feet to land of the Town of Cumberland;

Thence S-51°-07'-38"-E along the common line between the land of said BBW Real Estate LLC and said Town of Cumberland 368.93 feet to said U.S. Route One;

Thence Southerly along a curve to the right having a radius of 7902.03 feet and along said U.S. Route One and arc length of 909.60 feet;

Thence S-36°-58'-14"-W along said U.S. Route One 86.37 feet;

Thence S-30°-44'-43"-W along said U.S. Route One 1737.04 feet to the point of beginning; all bearings are magnetic.

2001-219C

FIFTH AMENDED
CONTRACT ZONE

EXHIBIT A-1

**Updated Estimated Schedule of Completion of the Project
Cumberland Foreside Village
February 2019**

A.	Schedule of Regulatory Reviews:	2019
	– Complete project plans and supporting documents	2 - 3 months (June – Aug. 2019)
	– Planning Board Subdivision Review	3 - 4 months (Oct. – Dec. 2019)
	– Planning Board Site Plan Review (concurrent with subdivision)	3 - 4 months
	– Planning Board anticipated approval within	6 months (December 2019)
	– DEP SLODA review and approval	2 - 3 months (Sept. – Nov. 2019)
B.	Anticipated Construction Schedule:	August 2020 – November 2022
	– Start construction after final approval (road extension)	March 2020
	– Construction of subdivision private roads and infrastructure	8 - 12 months
	– Sitework for Interior Lots	12 - 24 months
	– Sitework for remaining Route 1 Lots	12 – 16 months
	– Sitework for Interior Lots	12 – 24 months

Cumberland Foreside/Heritage Village Contract Zone**Design Requirements for Commercial Properties and Multiplex Dwellings**

The following design guidelines have been prepared as a part of the Contract Zone for the Cumberland Foreside/Heritage Village Subdivision. These will serve to assist in the development of the parcel in an orderly manner and will establish the design criteria to guide the development of the individual buildings on all lots used for commercial purposes or as multiplex dwellings. The overall intent of these design guidelines is to assure that the building designs are well thought through and have coordinated architectural forms, massing, materials and color ranges.

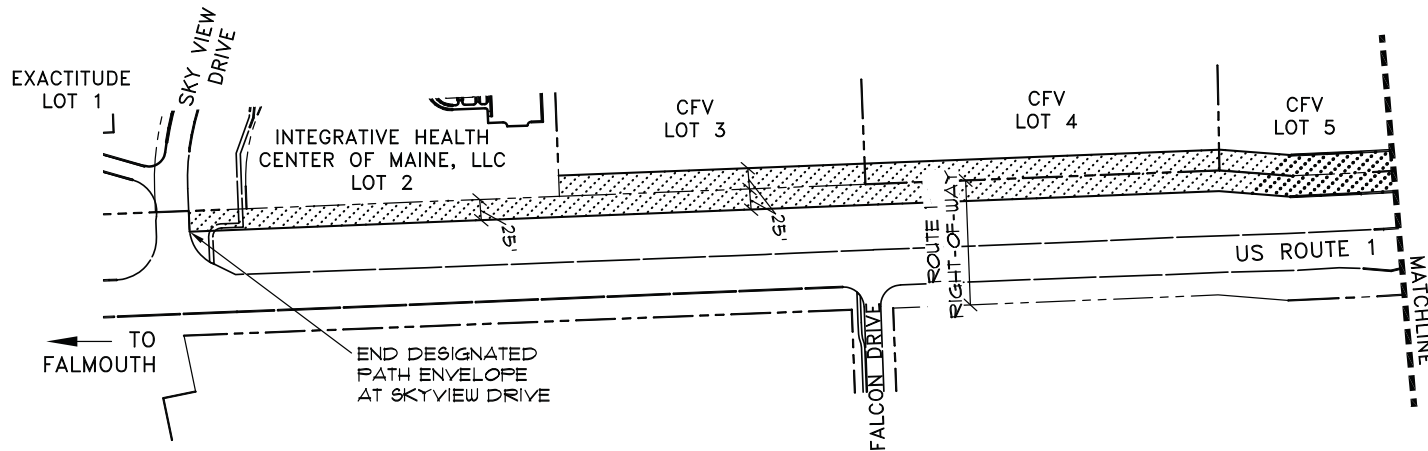
A. General Design Guidelines:

- The design for the buildings at Cumberland Foreside (CFV)/Heritage Village (HV) are to be encouraged to draw upon elements found in traditional New England vernacular architecture.
- All buildings proposed for CFV/HV should be designed by an architect registered in the State of Maine; buildings designed by Engineers are acceptable as long as the guidelines contained herein are closely followed.
- Individual building designs should have all of the elements coordinated to achieve harmony and continuity in the structure's appearance.
- Adjacent structures must be considered in the design for all new buildings. This should include scale of building, use of materials, and general building form.
- Buildings within 200 feet of US Route One, and in particular building elevations directly fronting on US Route One, need to have well designed, carefully detailed facades that have architectural interest and appeal. The existing Seafax and Exactitude structures can be referred to with regard to this guideline.

B. Specific Design:

- Exterior siding materials are encouraged to be traditional appearing building materials common to Northern New England. The use of asphalt shingles, T-111, or highly reflective siding materials is not permitted.
- The mass of larger structures needs to be broken down through the use of architectural detailing, changes in materials or other means so as to create visual interest. Main entrances to the buildings should be emphasized by architectural detailing, glazing, lighting, etc.
- Arbitrary or frequent changes in siding materials, applied embellishments, or the addition of architectural details that are not integrated into the building form or function are not allowed.
- All functional elements visible on the exterior of the structure (eg. meters, service connection, downspouts, vents, etc.) shall be treated as integral parts of, and incorporated into, the building design.
- All buildings shall provide an appropriate proportion of windows, doors or other fenestration so as to break up the building façade visible from Route 1 and any public view. The building fenestration should provide sufficient transparency to provide views to the interior of the building as functionally appropriate. Careful attention must be paid to the relative size, detailing and positioning of all openings in the building elevations.

- On small buildings, eg. those under 5,000 s.f., flat roofs should be avoided on one-story structures. Pitched roofs with traditional slopes (eg. higher than 6 in 12) are encouraged. Where the roof will be visible from adjoining public ways, the roofing materials should be selected so as to compliment the buildings façade. Preferred roofing materials shall include architectural grade asphalt shingles, standing-seam metal roofing, or natural materials.
- Color selected for the exterior surfaces of buildings should be earth-toned, or colors that are earth-tones, muted and not garish. The use of bright colors must be limited to areas where accents are desired (eg. doors, window trim, entrances, etc.).
- Where roofs are flat, parapets or other architectural elements should be used to break up a large expanse (eg. greater than 80 feet) of flat roof-line. Roof-top mounted mechanical or other equipment shall be screened/shielded from view from the street.
- Long horizontal facades of buildings (those greater than 80 feet in length) should be made more interesting through either changes in the façade plane or selection of materials to provide interest through color, shadow, non-functional windows, etc.
- Buildings with multiple entrances or uses shall be designed to be visually unified through complimentary detailing and use of materials, with no awnings allowed.
- Separate accessory structures on the same lot as a principal structure shall have consistent architectural detail so as to provide unified project design.
- Underground utility connections are required.
- Sidewalks along buildings and a trail in the I-295 buffer are required.
- A 5' walkway, with 10' of cleared space, is required within the Route 1 buffer zone as shown in Exhibit D.
- Signage shall consist of natural materials (wood, stone, etc.) and shall not be internally lit.

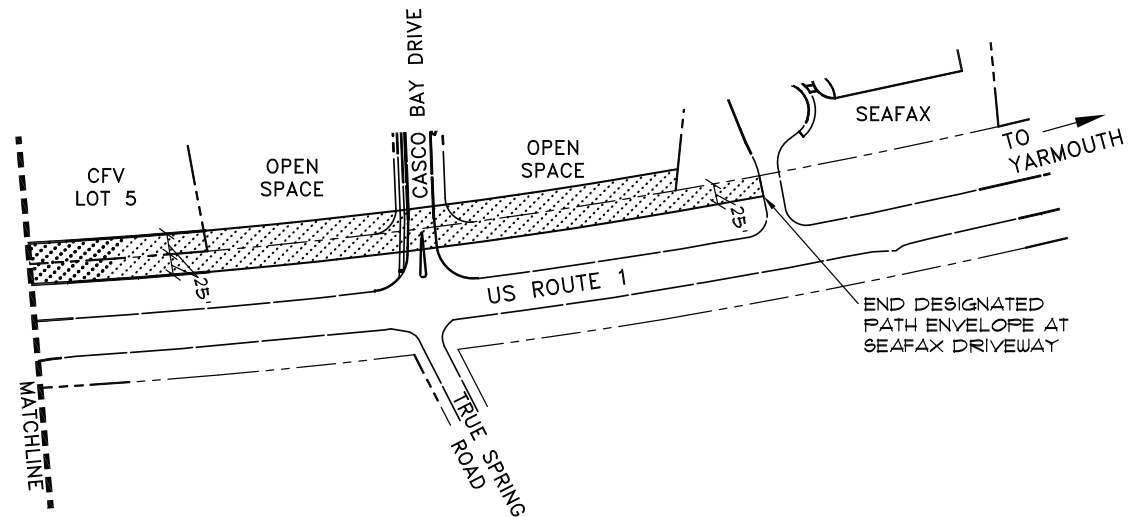


DESIGNATED PATH ENVELOPE SKYVIEW DRIVE TO LOT 5

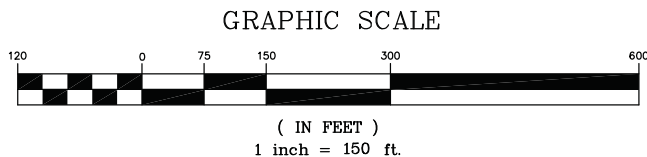
DESIGNATED PATH ENVELOPE:

25 FEET ALONG THE ROUTE ONE RIGHT-OF-WAY FROM SKYVIEW DRIVE TO SEAFAX'S DRIVEWAY.

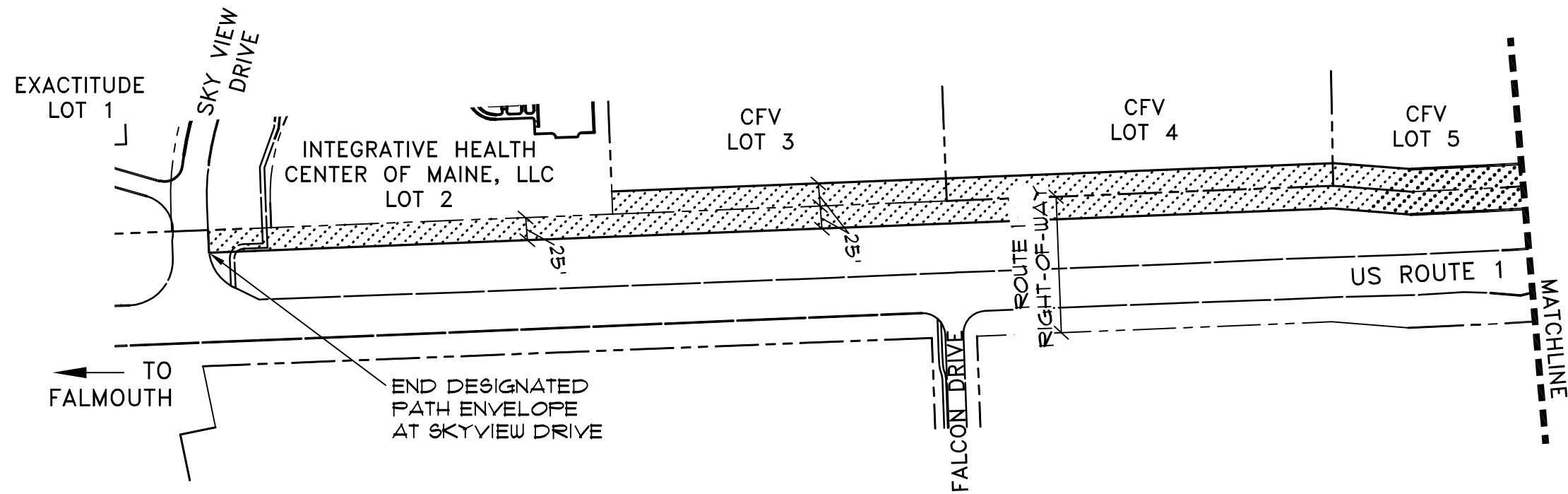
25 FEET ALONG THE ROUTE ONE RIGHT-OF-WAY OVER CUMBERLAND FORESIDE VILLAGE LOTS 3, 4, 5 AND THE CASCO BAY DRIVE RIGHT-OF-WAY AND ADJACENT OPEN SPACE OF CFV HOUSING.



DESIGNATED PATH ENVELOPE LOT 5 TO SEAFAX



FIFTH AMENDED
CONTRACT ZONE

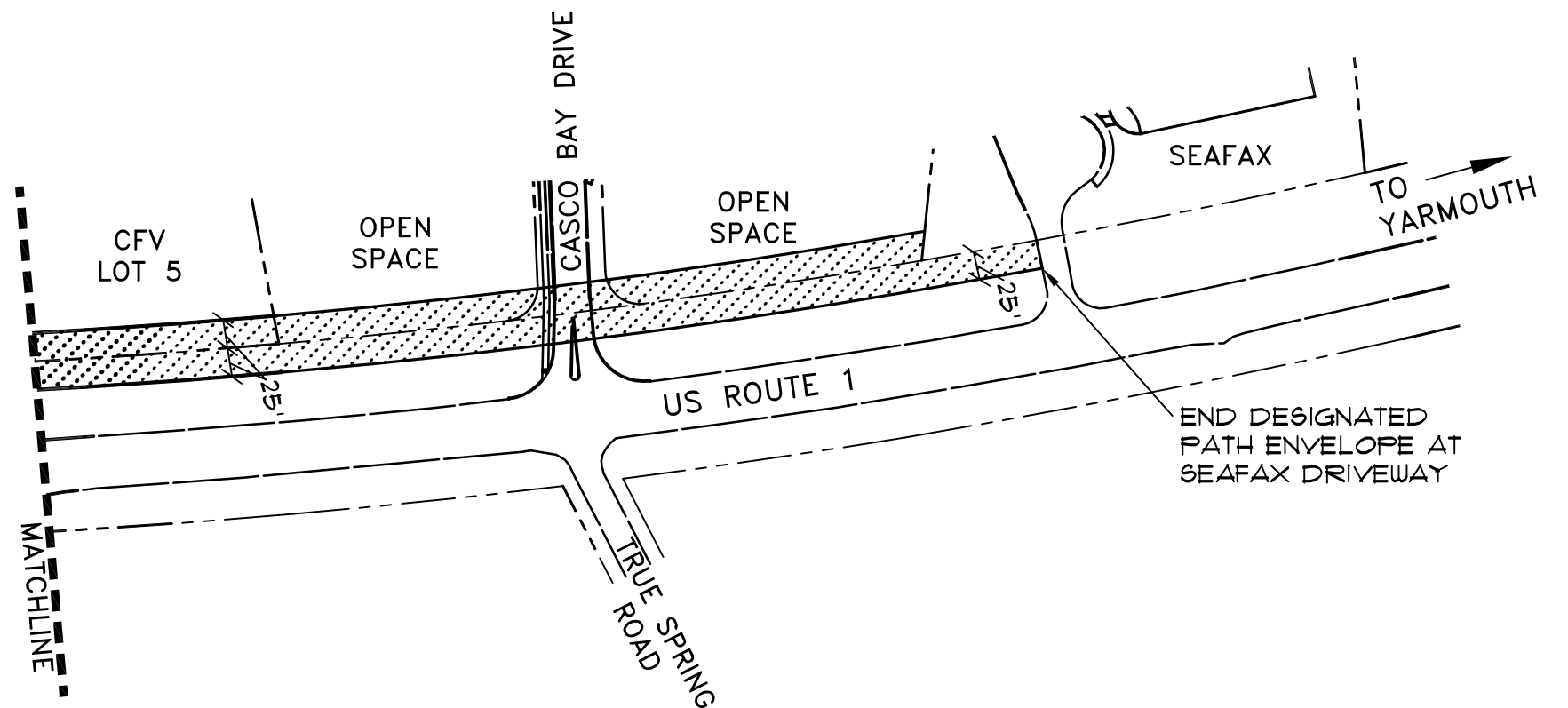


DESIGNATED PATH ENVELOPE SKYVIEW DRIVE TO LOT 5

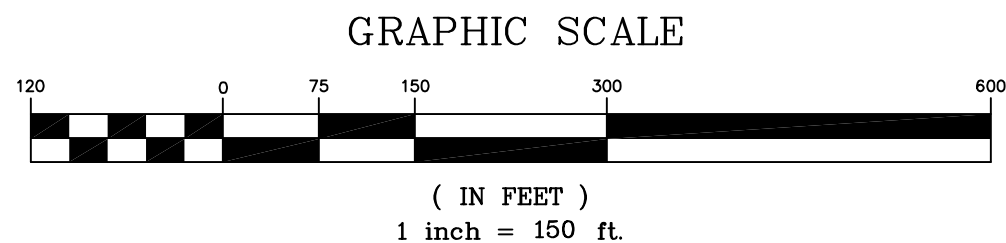
DESIGNATED PATH ENVELOPE:

25 FEET ALONG THE ROUTE ONE RIGHT-OF-WAY FROM SKYVIEW DRIVE TO SEAFAX'S DRIVEWAY.

25 FEET ALONG THE ROUTE ONE RIGHT-OF-WAY OVER CUMBERLAND FORESIDE VILLAGE LOTS 3, 4, 5 AND THE CASCO BAY DRIVE RIGHT-OF-WAY AND ADJACENT OPEN SPACE OF CFV HOUSING.



DESIGNATED PATH ENVELOPE LOT 5 TO SEAFAX



FIFTH AMENDED
CONTRACT ZONE

EXHIBIT E

ROUTE 1 ROADWAY IMPROVEMENTS CUMBERLAND, MAINE – CUMBERLAND COUNTY

APRIL 2016

F.H.W.A. REG. NO.	STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1	MAINE	MAINEDOT WIN XXXX	1	9

CUMBERLAND, ROUTE 1

CONVENTIONAL SYMBOLS

EXISTING	PROPOSED	EXISTING	PROPOSED
○ Iron pin found		— Stockade fence	
□ Monument found		— Chain link fence	
○ Utility pole		□ Catch basin	■
— Construction Baseline	10+00	⊕ Water Shutoff	
— Edge of pavement		⊙ Sewer manhole	●
— Right of way line		⊙ Drain manhole	
— Overhead electric		⊕ Fire hydrant	
— W— Water line		⊕ Tree	
— 12" rcp		⊕ Guy wire	
— Storm drain		⊕ Sign	—
— Underdrain		□ Building	
— Existing contour			

NOTE:
GORRILL PALMER WILL BE CONDUCTING THE FIELD OBSERVATION/
ENGINEERING DURING CONSTRUCTION. DOUGLAS REYNOLDS, P.E. WILL
BE THE ENGINEER RESPONSIBLE FOR THE PROJECT.

NOTE:
ALL WORK CONTEMPLATED UNDER THIS CONTRACT SHALL BE
GOVERNED BY AND BE IN CONFORMITY WITH THE MAINEDOT
STANDARD SPECIFICATIONS (REVISION OF NOVEMBER 2014), AND
THE STANDARD DETAILS (REVISION OF NOVEMBER 2014) EXCEPT
AS MODIFIED BY THE PLANS OR SPECIFICATION SPECIAL
PROVISIONS AND ANY AND ALL CORRECTIONS, REVISIONS OR
ADDITIONS ISSUED BY MAINEDOT.

NOTE:
* MAINTENANCE OF TRAFFIC PER THE MANUAL ON UNIFORM
TRAFFIC CONTROL DEVICES (MUTCD 2009 EDITION).
* CONTRACTOR SHALL USE THE B.M.P. (BEST MANAGEMENT
PRACTICES FOR EROSION AND SEDIMENT CONTROL) AS A
MINIMUM STANDARD.



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	GENERAL NOTES & TYPICAL SECTIONS
3-9	STRIPING PLANS
10-31	CROSS SECTIONS

CLIENT:
TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND, ME 04021

90% PLANS
11/15/16

NOTE: THIS PLAN SET IS ISSUED FOR
REVIEW PURPOSES AND SHALL NOT BE
USED FOR CONSTRUCTION.

FIFTH AMENDED
CONTRACT ZONE
(FIVE SHEETS)

C:\CAD Working\1636.03 Cumberland Rte 1\DWG\1636.03-COVER.dwg 11/14/2016 11:46 AM

Rev.	Date	Revision

CLIENT REVIEW	11-15-16	DER
CLIENT REVIEW	4-28-16	DER
Issued For	Date	By

Design: DJG	Draft: LAN	Date: APRIL 2016
Checked: DER	Scale: AS SHOWN	Job No.: 1636.03
File Name: 1636.03-COVER.dwg		
This plan shall not be modified without written permission from Gorrill Palmer (GP). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GP.		



Relationships. Responsiveness. Results.
www.gorrillpalmer.com
207.772.2515

Drawing Name:	Title Sheet
Project:	Route 1 Roadway Improvement Project Cumberland, Me
Client:	Town of Cumberland 290 Tuttle Road, Cumberland, Me 04021

Drawing No.

1

GENERAL NOTES

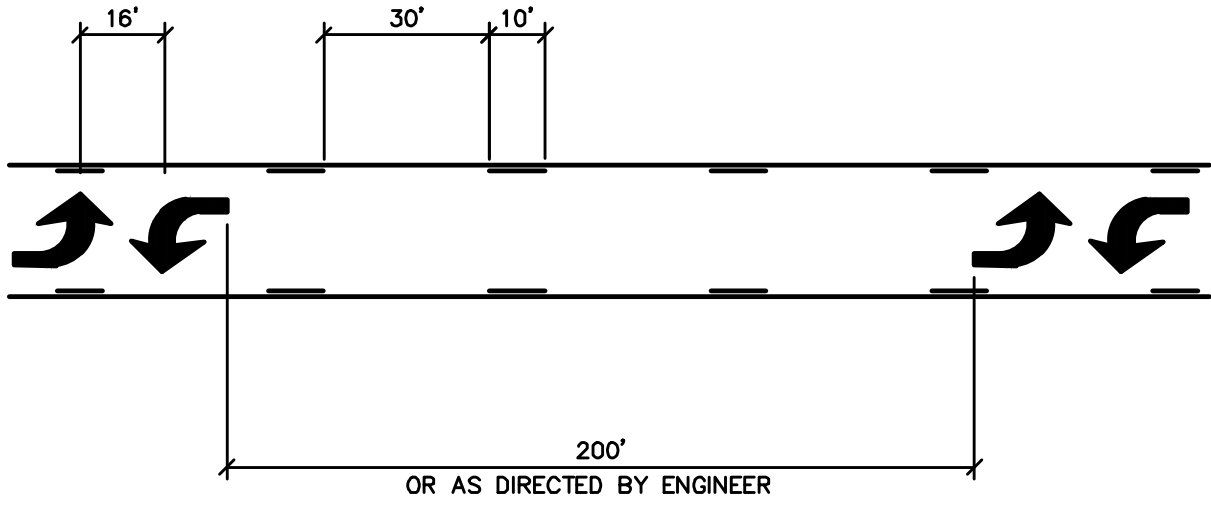
1. THE MAINEDOT AND THE TOWN OF CUMBERLAND SHALL HAVE THE RIGHT AND AUTHORITY TO DETERMINE THE ACCEPTABILITY OF WORK AND MATERIALS IN PROGRESS OR COMPLETED. THE MAINEDOT AND THE TOWN OF CUMBERLAND SHALL HAVE THE RIGHT TO REJECT ANY WORK OR MATERIALS WHICH DO NOT CONFORM, IN ITS SOLE OPINION, TO THE PLANS OR SPECIFICATIONS.
2. ALL SIGNING, SIGNAL AND STRIPING MATERIALS AND PLACEMENT SHALL CONFORM TO THE MAINEDOT STANDARD SPECIFICATIONS, NOVEMBER 2014 EDITION; SUPPLEMENTAL SPECIFICATIONS AND STANDARD DETAILS AND WITH THE FEDERAL HIGHWAY ADMINISTRATION "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", 2009 EDITION.
3. ALL DISTURBED AREAS SHALL BE LOAMED AND SEEDED. UNLESS OTHERWISE NOTED, SEEDING METHOD NO. 1 SHALL BE UTILIZED ON ALL LAWNS AND DEVELOPED AREAS; AND SEEDING METHOD NO. 2 SHALL BE USED IN ALL OTHER LOCATIONS. LOAM SHALL BE PLACED TO A MINIMUM DEPTH OF 4" IN METHOD NO. 1 AREAS, AND 2" IN ALL OTHER AREAS UNLESS OTHERWISE NOTED OR DIRECTED.
4. DISPOSITION OF SURPLUS MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. SURPLUS MATERIAL SHALL NOT BE DISPOSED OF ON THE PROJECT SITE. DISPOSITION SHALL BE MADE ONLY AT WASTE AREAS WHICH ARE LICENSED TO ACCEPT SUCH MATERIALS, UNLESS THE MATERIALS CAN BE INCORPORATED IN FILLS IN OTHER PROJECTS OF THE CONTRACTOR. ALL WASTE AREAS SHALL BE APPROVED BY THE RESIDENTS.
5. EXCAVATIONS ACCOMPLISHED AS PART OF THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH SUBPART P OF 29 CRF PART 1926.650--652 (CONSTRUCTION STANDARD FOR EXCAVATIONS).
6. THE CONTRACTOR SHALL CONTACT DIG-SAFE AND APPROPRIATE AUTHORITIES PRIOR TO ANY SUBSURFACE ACTIVITIES.
7. IF FOUNDATION MATERIAL IS REQUIRED UNDER CULVERTS, IT SHALL MEET THE REQUIREMENTS FOR GRANULAR BORROW UNDERWATER BACKFILL.
8. ALL CLEARING AND TRIMMING SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT AND NO SEPARATE PAYMENT WILL BE MADE. THE ACTUAL LINES FOR CLEARING AND TRIMMING SHALL BE ESTABLISHED BY THE CONTRACTOR AND APPROVED IN THE FIELD BY THE ENGINEER.
9. BUTT JOINTS SHALL BE USED AT ALL LOCATIONS WHERE THE PROPOSED PAVEMENT MEETS EXISTING PAVEMENT.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OPENING PERMITS. CONTRACTOR SHALL BE RESPONSIBLE APPLYING FOR AND ALL COSTS ASSOCIATED WITH OBTAINING OPENING PERMITS FROM THE TOWN IF REQUIRED.
11. MAINTENANCE OF TRAFFIC SHALL BE PER THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", 2009 EDITION.
12. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS FOR THE DURATION OF THE PROJECT.
13. DRIVEWAY ACCESSSES SHALL BE MAINTAINED AT ALL TIMES.
14. THE CONTRACTOR SHALL SUBMIT A PLAN TO CONTROL TRAFFIC DURING THE PERIOD OF CONSTRUCTING THE IMPROVEMENTS TO THE MAINEDOT, ENGINEER AND THE TOWN OF CUMBERLAND FOR APPROVAL WHICH CONFORMS TO THE FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS", 2009 EDITION. THE CONTRACTOR MUST MAINTAIN TWO WAY TRAFFIC WHENEVER PRACTICABLE AND MUST MAINTAIN AT LEAST ONE WAY ALTERNATING TRAFFIC FLOW AT ALL TIMES. ALL TRAFFIC SHALL BE CONTROLLED DURING THE PERIOD OF CONSTRUCTION IN ACCORDANCE WITH THE TRAFFIC CONTROL PLAN APPROVED BY THE MAINEDOT.
15. THE CONTRACTOR SHALL COMPLY WITH THE INSURANCE REQUIREMENTS OUTLINED UNDER SECTION 110 IN THE DEPARTMENT'S STANDARD SPECIFICATIONS NOVEMBER 2014 EDITION (HEREAFTER STANDARD SPECIFICATIONS). MINIMUM INSURANCE REQUIREMENTS SHALL INCLUDE AT LEAST WORKERS' COMPENSATION INSURANCE, COMMERCIAL GENERAL LIABILITY AND AUTOMOBILE LIABILITY INSURANCE AS DEFINED THEREIN. THE CONTRACTOR SHALL PROVIDE THE DEPARTMENT WITH SATISFACTORY PROOF OF SUCH INSURANCE COVERAGE. IN THE EVENT THAT SUCH INSURANCE IS TERMINATED OR CANCELED WITHOUT BEING REPLACED WITH COMPARABLE INSURANCE, THE DEPARTMENT MAY SUSPEND OR TERMINATE THE CONSTRUCTION OF ALL TRAFFIC IMPROVEMENTS IN PROGRESS AT THE TIME OF SUCH TERMINATION OR CANCELLATION.
16. THE CONTRACTOR SHALL PROVIDE THE MAINEDOT AND THE TOWN WITH A PERFORMANCE BOND, CERTIFIED CHECK OR OTHER NEGOTIABLE SECURITY ACCEPTABLE TO THE OWNER IN THE FULL AMOUNT OF THE COST TO CONSTRUCT SUCH IMPROVEMENTS WHICH CONFORMS TO THE GENERAL REQUIREMENTS FOR SUCH SURETY AS OUTLINED UNDER SECTION 110.2 IN THE STANDARD SPECIFICATIONS.
17. THE CONTRACTOR SHALL PROVIDE THE DEPARTMENT AND THE TOWN OF CUMBERLAND WITH A SCHEDULE OF WORK FOR CONSTRUCTING THE IMPROVEMENTS, AND AN EMERGENCY CONTACT LIST.
18. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS SHOWN ON THE FINAL PLANS IN ACCORDANCE WITH THE MAINEDOT STANDARD SPECIFICATIONS NOVEMBER 2014 EDITION, DETAILS AND ANY REVISIONS.
19. THE CONTRACTOR SHALL ALLOW OR ARRANGE FOR THE MAINEDOT, ITS INSPECTORS, AGENTS, EMPLOYEES, CONTRACTORS OR INVITED GUESTS, TO ENTER UPON ANY LAND OWNED OR CONTROLLED BY THE CONTRACTOR OUTSIDE OF AND ADJOINING THE RIGHT-OF-WAY OF ANY HIGHWAY OR PUBLIC WAY, WHICH MAYBE USED FOR CONSTRUCTION OF THE TRAFFIC IMPROVEMENTS, AT ANY AND ALL TIMES AND FOR ANY AND ALL PURPOSES NECESSARY OR INCIDENTAL TO SUCH INSPECTION OR TESTING.
20. THE PLACEMENT OF BITUMINOUS PAVING MATERIALS SHALL BE SUBJECT TO ALL OF THE WEATHER AND SEASONAL LIMITATIONS OUTLINED UNDER MAINE DOT STANDARD SPECIFICATIONS, NOVEMBER 2014 EDITION DIVISION 400, PAVEMENTS, SECTION 401, PARAGRAPH 401.06.
21. ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO REMOVE AND RESET POST SIGNS, MAILBOXES, AND POLES SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT BID PRICES. IF ANY DAMAGE OCCURS TO POSTS, SIGNS, MAILBOXES OR ASSOCIATED HARDWARE DURING REMOVAL, STORAGE OR RESETTING, THE DAMAGED MATERIALS SHALL BE REPLACED BY THE CONTRACTOR, TO THE SATISFACTION OF THE ENGINEER, AT NO ADDITIONAL COST TO THE OWNER.
22. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. UNDERGROUND FACILITIES INDICATED ON THE CROSS SECTIONS HAVE BEEN CARRIED OVER FROM THE PLAN VIEW DATA AND MAY ALSO INCLUDE FURTHER APPROXIMATIONS OF THE ELEVATIONS (DEPTHS) BASED UPON STRAIGHT LINE INTERPOLATION FROM THE NEAREST MANHOLE, GATE VALVES, OR TEST PITS. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE HIS WORK AND SCHEDULE AND THE UTILITY RELOCATION WORK WITH THE PROPER UTILITY COMPANY. UTILITY CONTACTS FOR THIS PROJECT ARE:
- CENTRAL MAINE POWER
ATTN: BILL BRIGGS
162 CANO ROAD
PORTLAND, ME 04103
(207) 828-2831

FAIRPOINT
ATTN: MARTY PEASE
5 DAVIS FARM ROAD
PORTLAND, ME 04103
(207) 797-1119

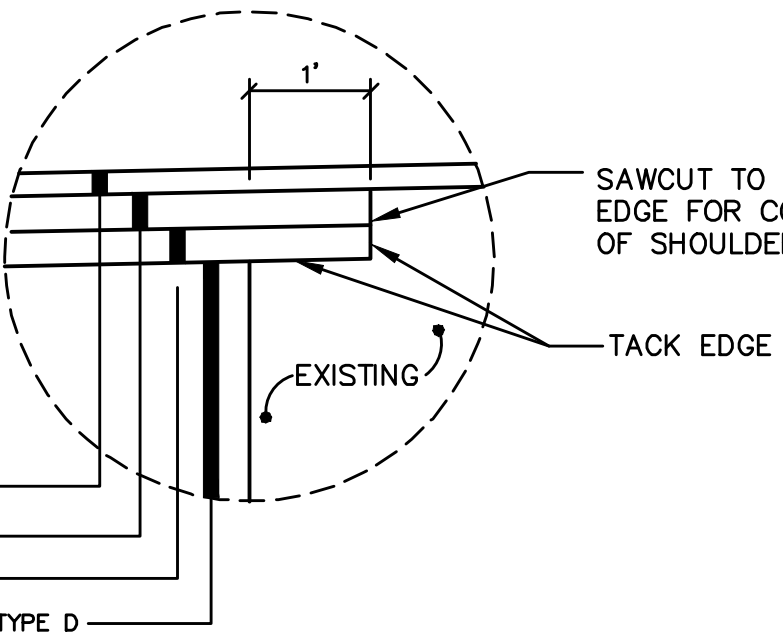
PORTLAND WATER DISTRICT
ATTN: JAY ARNOLD
PO BOX 3553
225 DOUGLASS STREET
PORTLAND, ME 04104
(207) 774-5981

TIME WARNER
ATTN: MARK PELLETIER
118 JOHNSON ROAD
PORTLAND, ME 04102
(207) 253-2324
23. ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
24. PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE PROFESSIONAL LAND SURVEYOR.
25. EXISTING CONDITIONS BASED ON SURVEY COMPLETED BY BOUNDARY POINTS.
26. CONSTRUCTION SHALL NOT COMMENCE UNTIL AUTHORIZED BY THE TOWN, THE MAINEDOT AND THE ENGINEER.
27. THE CONTRACTOR SHALL SUBMIT A QC PLAN AS OUTLINED UNDER MAINE DOT STANDARD SPECIFICATIONS, NOVEMBER 2014 EDITION DIVISION 400, PAVEMENTS, SECTION 401, PARAGRAPH 401.19, FOR APPROVAL BY THE MAINEDOT AND ENGINEER. THE ACCEPTANCE METHOD SHALL BE METHOD D. THE CONTRACTOR SHALL NOTIFY THE ENGINEER 48 HOURS IN ADVANCE OF ANY PAVING. THE DENSITY REQUIREMENTS AND DISINCENTIVE SHALL APPLY AS OUTLINED IN SECTION 401.204 OF THE MAINE DOT, SECTION 401. CORES WILL NOT BE REQUIRED. THE TOWN MAY TAKE SAMPLES FOR TESTING AT THEIR DISCRETION TO DETERMINE IF THE MIX IS WITHIN THE TOLERANCES LISTED IN TABLE B OF SECTION 401.204.
28. ALL PAVEMENT MARKINGS AND SIGNS THAT CONFLICT WITH THE PROPOSED SHALL BE REMOVED IN ACCORDANCE WITH THE MAINEDOT SPECIFICATIONS.
29. ALL NEW SIGNS SHALL HAVE HIGH INTENSITY RETRO-REFLECTIVE SHEETING. WHEN WOOD POSTS ARE USED THEY SHALL BE PRESSURE TREATED.
30. A TACK COAT OF EMULSIFIED ASPHALT, RS-1 OR HM5-1 SHALL BE APPLIED TO ANY EXISTING PAVEMENT AT A RATE OF APPROXIMATELY 0.025 GALLON/S.Y., AND ON MILLED PAVEMENT APPROXIMATELY 0.050 GALLONS/S.Y. A FOG COAT OF EMULSIFIED ASPHALT SHALL BE BETWEEN EXISTING PAVEMENT AND THE SURFACE COURSE, AT A RATE NOT TO EXCEED 0.025 GALLONS/S.Y.
31. THE CONTRACTOR SHALL COMPLETE THE WORK WITHIN RIGHTS-OF-WAY OR EASEMENTS, AND WILL BE RESPONSIBLE IF TRESPASSING OCCURS ON PRIVATE PROPERTY.
32. ALL EXISTING WATER VALVE COVERS AND ANY OTHER EXISTING UTILITIES SHALL BE ADJUSTED TO GRADE BY THE APPROPRIATE UTILITY COMPANY.

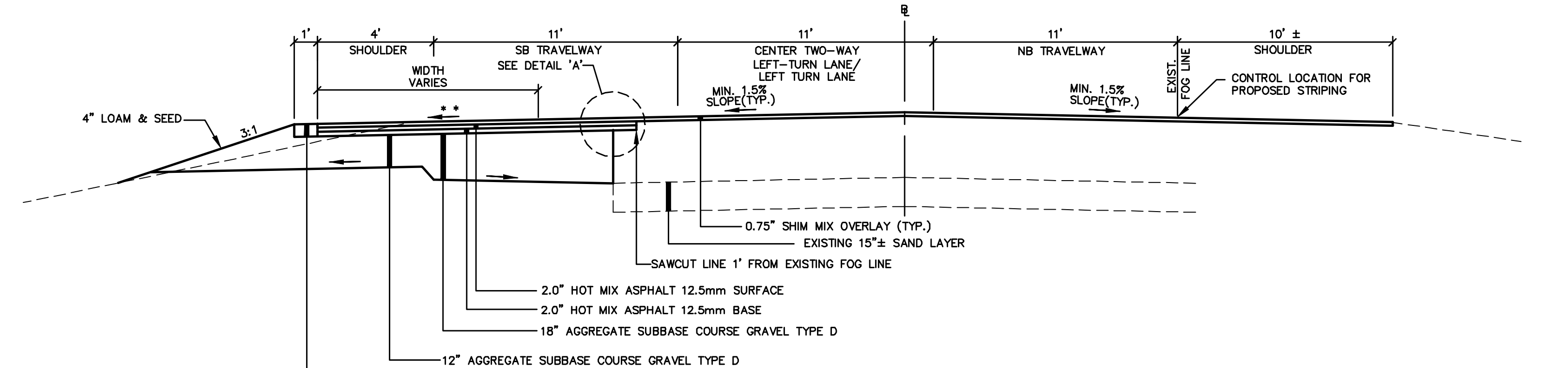
33. ACTUAL GRUBBING LIMITS MAY VARY BASED ON FIELD CONDITIONS AS DIRECTED BY THE RESIDENT. ESTIMATED GRUBBING DEPTHS ARE 6 INCHES IN FIELD AREAS AND 12 INCHES IN WOODED AREAS.
34. ANY NECESSARY CLEANING OF EXISTING PAVEMENT PRIOR TO PAVING SHALL BE INCIDENTAL TO THE RELATED PAVING ITEMS.
35. NO EXISTING DRAINAGE SHALL BE ABANDONED, REMOVED OR PLUGGED WITHOUT PRIOR APPROVAL OF THE RESIDENT.
36. LOAM HAS BEEN ESTIMATED FOR DISTURBED AREAS. ACTUAL PLACEMENT OF THE LOAM SHALL BE AS NOTED ON THE PLANS OR DESIGNATED BY THE RESIDENT.
37. THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING MAILBOXES TO ENSURE THAT THE MAIL WILL BE DELIVERABLE. MAILBOXES SHALL BE RELOCATED SO THAT THE POSTS ARE 1 FOOT BEHIND EDGE OF SHOULDER OR AS DIRECTED BY THE ENGINEER. NO SEPARATE PAYMENT WILL BE MADE FOR THIS WORK; IT SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
38. THE CONTRACTOR IS RESPONSIBLE FOR THE CAREFUL SIDE STAKING OF EXISTING CENTERLINE AS PER STANDARD SPECIFICATION 105.6.2. SIDE STAKES SHALL BE PLACED SAFELY OUTSIDE OF THE CONSTRUCTION LIMITS AND THE EXISTING CENTERLINE GRADES SHALL BE TRANSFERRED TO THESE STAKES.
39. ANY DAMAGE TO THE SLOPES CAUSED BY THE CONTRACTOR'S EQUIPMENT, PERSONNEL, OR OPERATION SHALL BE REPAIRED TO THE SATISFACTION OF THE RESIDENT. ALL WORK, EQUIPMENT, AND MATERIALS REQUIRED TO MAKE REPAIRS SHALL BE AT THE CONTRACTOR'S EXPENSE.
40. ESTIMATED QUANTITIES FOR REQUIRED STRUCTURAL EARTH EXCAVATION, DRAINAGE AND MINOR STRUCTURES ARE INFORMATIONAL ONLY AND REPRESENT THE APPROXIMATE MINIMUM QUANTITY REQUIRED TO INSTALL DRAINAGE STRUCTURES. ADDITIONAL EXCAVATION FOR THE CONTRACTOR'S CONVENIENCE OR TO COMPLY WITH BACKSLOPING REQUIREMENTS WILL NOT BE PAID FOR DIRECTLY BUT WILL BE CONSIDERED INCIDENTAL TO THE RELATED DRAINAGE ITEMS.
41. NO SEPARATE PAYMENT FOR SUPERINTENDENT OR FOREMAN WILL BE MADE FOR THE SUPERVISION OF EQUIPMENT BEING PAID FOR UNDER THE EQUIPMENT RENTAL ITEMS.
42. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MAINE DEPARTMENT OF TRANSPORTATION'S BEST MANAGEMENT PRACTICES FOR EROSION CONTROL & SEDIMENT CONTROL, FEBRUARY, 2008.
43. TEST PITS OF ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
44. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.
45. LOCATION OF WATER MAINS ARE APPROXIMATE AND BASED ON A COMPOSITE OF AS-BUILT PLANS AND SURVEYED FEATURES SUCH AS VALVES.
46. COORDINATE WITH APPROPRIATE UTILITY COMPANY FOR SUPPORT OF UTILITY POLES AS NECESSARY.
47. TEST PITS SHALL BE COMPLETED PRIOR TO ORDERING STRUCTURES TO DETECT EXACT ELEVATION/LOCATION OF EXISTING UTILITIES. TEST PIT INFORMATION SHALL BE PROVIDED TO THE ENGINEER TO REVIEW PRIOR TO ORDERING STRUCTURES FOR THEIR REVIEW. TEST PITS SHALL INCLUDE ALL EXCAVATION, BACKFILL AND TEMPORARY PAVEMENT IN ROAD SECTIONS.
48. ANY DAMAGE CAUSED TO THE EXISTING UTILITIES BY THE CONTRACTORS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND NO SEPARATE PAYMENT SHALL BE MADE.
49. ANY BASE PAVEMENT NOT SURFACED BEFORE WINTER WILL REQUIRE TEMPORARY PAVEMENT MARKINGS OF PAINT, BOTH YELLOW CENTERLINE AND WHITE EDGE LINES AND WILL BE CONSIDERED PART OF ITEM 627.76.
50. CATCH BASIN AND MANHOLE FRAMES AND COVERS SHALL BE RAISED TO MATCH OVERLAY WITH THE USE OF CAST IRON RISER RINGS.



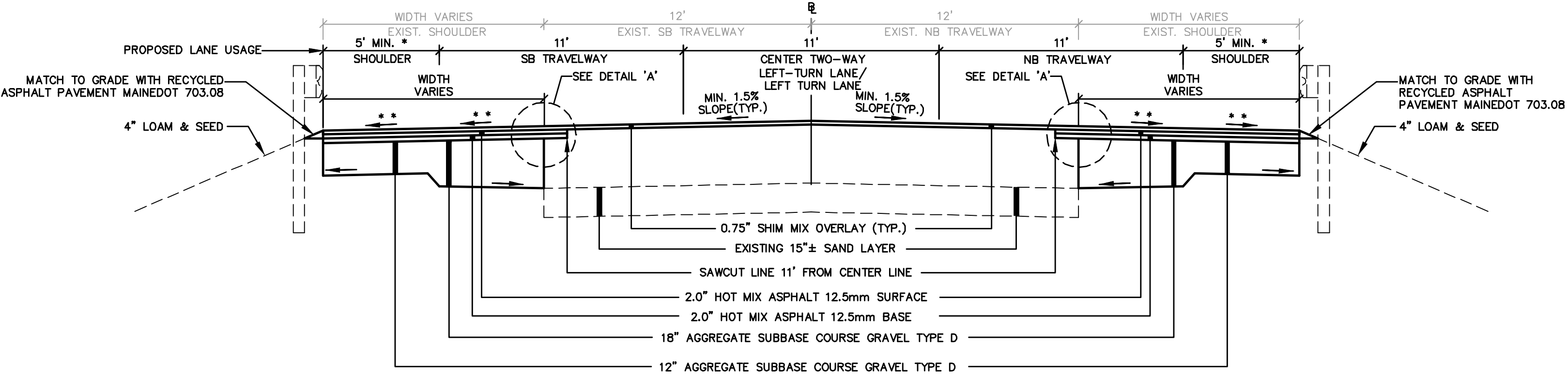
CENTER TWO-WAY LEFT TURN LANE DETAIL
NOT TO SCALE



DETAIL 'A'
NOT TO SCALE

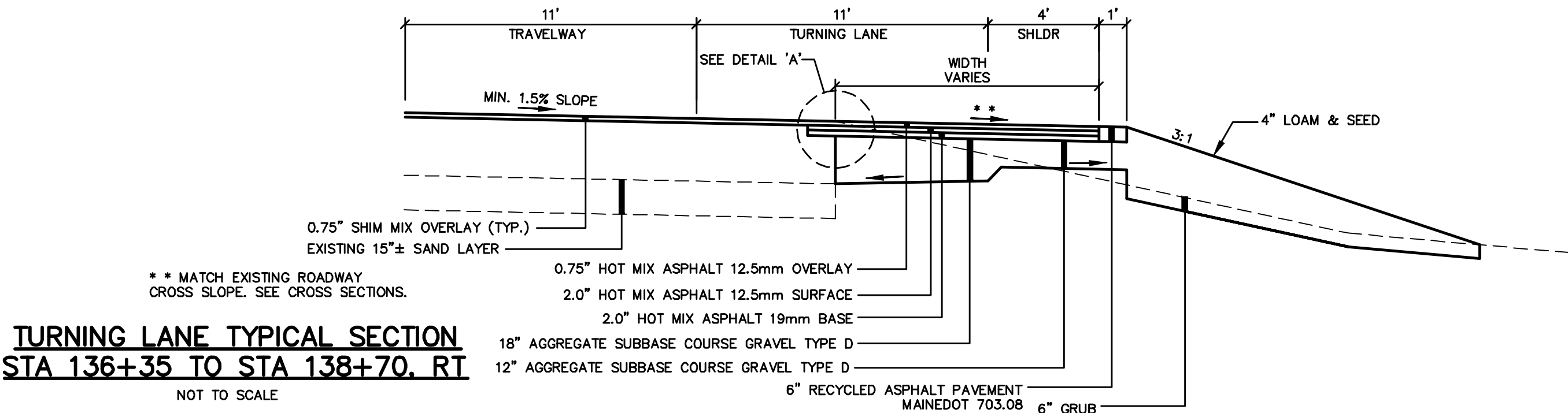


TYPICAL SECTION
STA 0+00 TO STA 45+50 (LT)
STA 97+60 TO STA 111+00 (LT)
STA 131+40 TO STA 136+35 (RT)
NOT TO SCALE



TYPICAL SECTION
STA 111+00 TO STA 119+50
STA 139+50 TO STA 144+65
NOT TO SCALE

NOTE: ALL PAVEMENT IN THE TURN LANE SHALL BE PLACED BY MACHINE.



TURNING LANE TYPICAL SECTION
STA 136+35 TO STA 138+70. RT
NOT TO SCALE

NOTE: THIS PLAN SET IS ISSUED FOR REVIEW PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

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Rev.	Date	Revision

CLIENT REVIEW	11-15-16	DER
CLIENT REVIEW	4-28-16	DER
Issued For	Date	By

Design:	DJG	Draft:	LAN	Date:	APRIL 2016
Checked:	DER	Scale:		Job No.:	1636.03
File Name: 1636-03-TYP.dwg					
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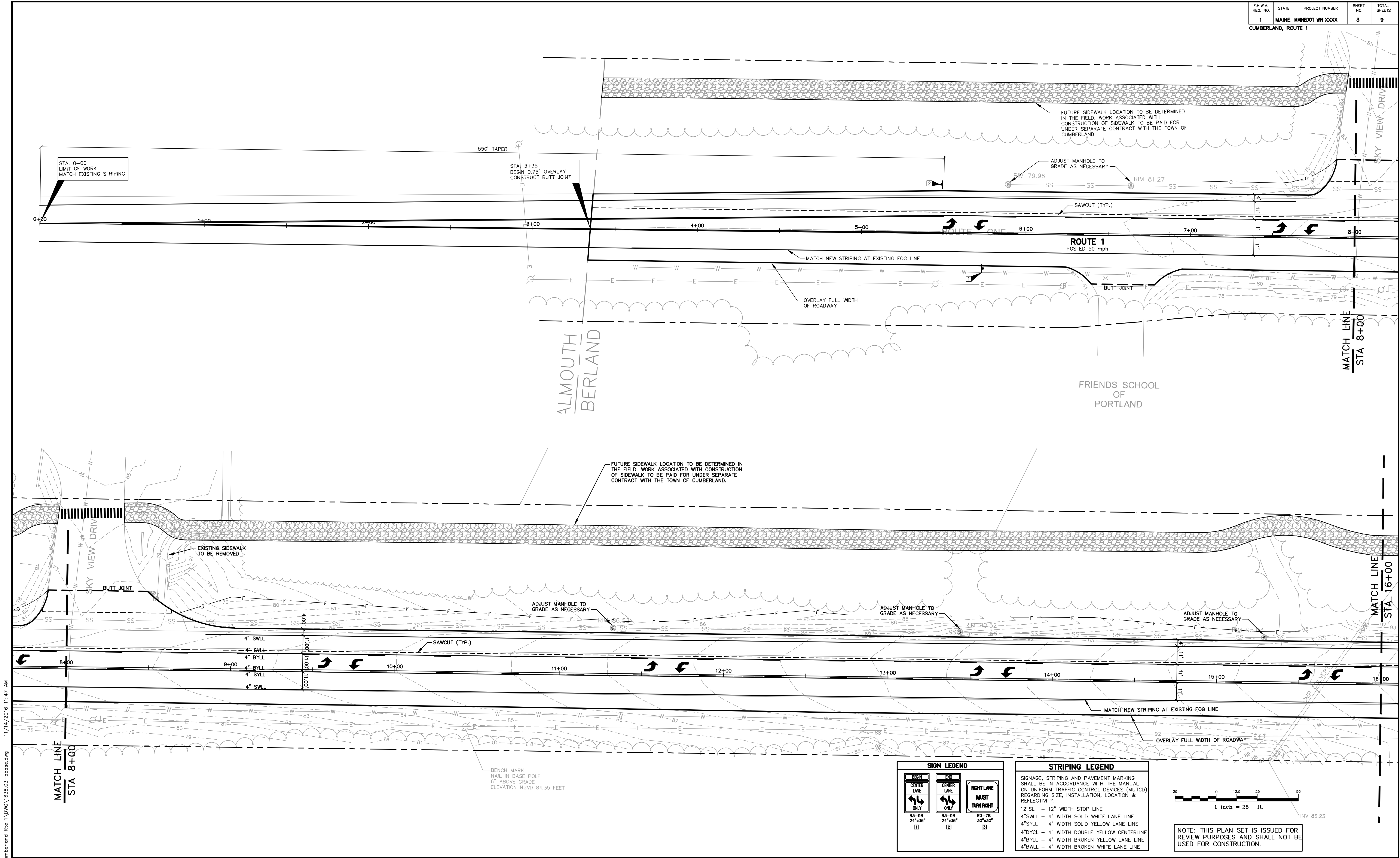


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207.772.2515

Drawing Name:	General Notes & Typical Sections
Project:	Route 1 Roadway Improvement Project Cumberland, Me
Client:	Town of Cumberland 290 Tuttle Road, Cumberland, Me 04021

Drawing No.

2



Rev.	Date	Revision

CLIENT REVIEW	11-15-16	DER
CLIENT REVIEW	4-28-16	DER
Issued For	Date	By

Design: DJG	Draft: LAN	Date: APRIL 2016
Checked: DER	Scale: 1" = 25'	Job No.: 1636.03
File Name: 1636.03-phase.dwg		
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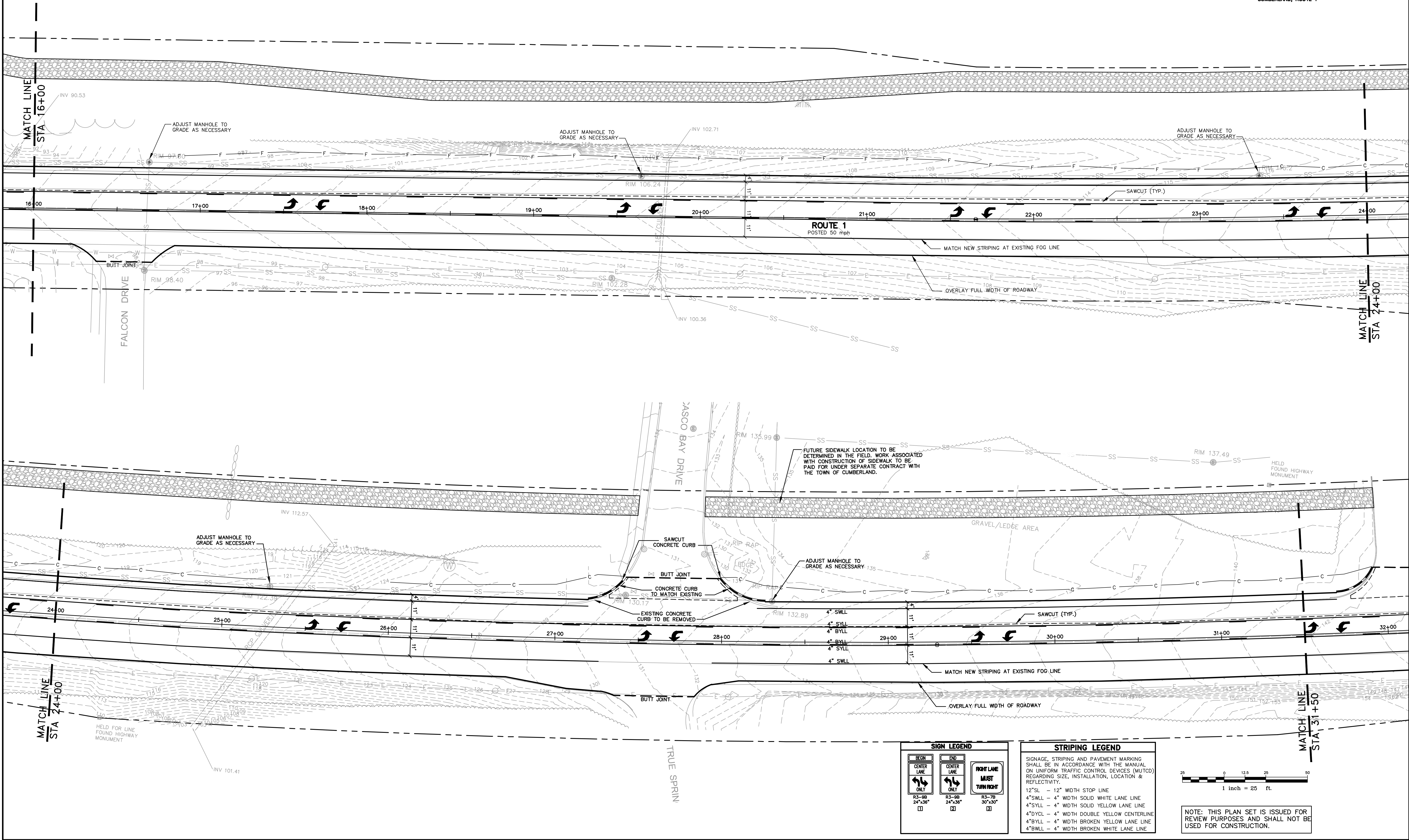
Drawing Name:	Striping Plan
Project:	Route 1 Roadway Improvement Project Cumberland, Me
Client:	Town of Cumberland 290 Tuttle Road, Cumberland, Me 04021

Drawing No.

3

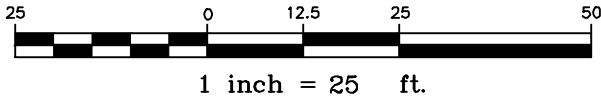
F.H.W.A. REG. NO.	STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1	MAINE	MAINEDOT WIN XXXX	4	9

CUMBERLAND, ROUTE 1



SIGN LEGEND		
R3-9B 24"x36" [1]	R3-9B 24"x36" [2]	R3-7B 30"x30" [3]

STRIPING LEGEND
SIGNAGE, STRIPING AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REGARDING SIZE, INSTALLATION, LOCATION & REFLECTIVITY.
12"SL - 12" WIDTH STOP LINE
4"SWLL - 4" WIDTH SOLID WHITE LANE LINE
4"SYLL - 4" WIDTH SOLID YELLOW LANE LINE
4"DYCL - 4" WIDTH DOUBLE YELLOW CENTERLINE
4"BYLL - 4" WIDTH BROKEN YELLOW LANE LINE
4"BWLL - 4" WIDTH BROKEN WHITE LANE LINE



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Drawing Name:	Striping Plan
Project:	Route 1 Roadway Improvement Project Cumberland, Me
Client:	Town of Cumberland 290 Tuttle Road, Cumberland, Me 04021

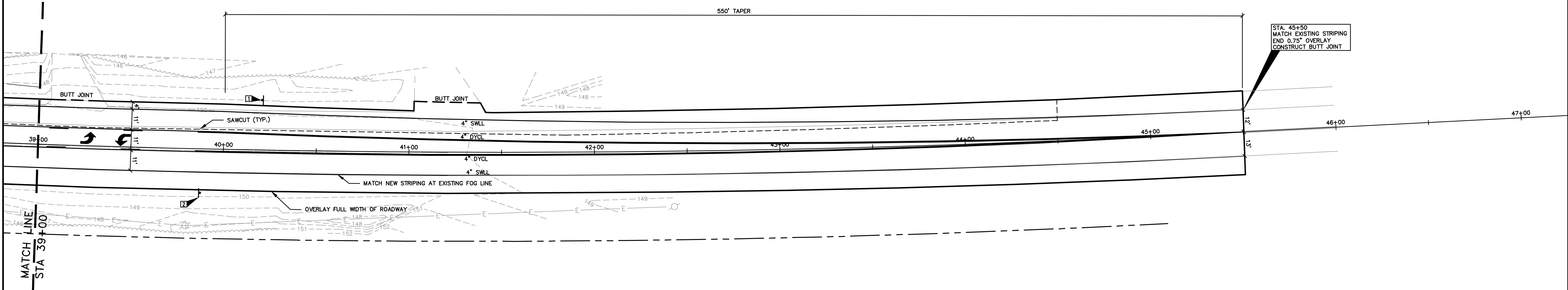
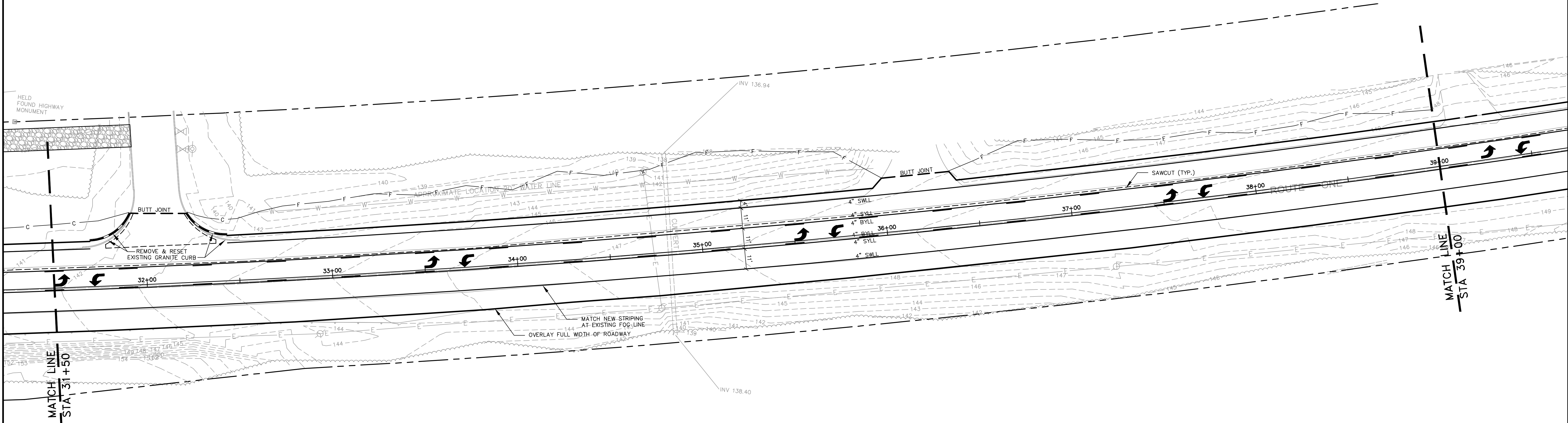
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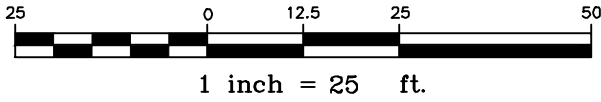
F.H.W.A. REG. NO.	STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1	MAINE	MAINEDOT WIN XXXX	5	9

CUMBERLAND, ROUTE 1



SIGN LEGEND		
BEGIN CENTER LANE ONLY R3-9B 24"x36" [1]	END CENTER LANE ONLY R3-9B 24"x36" [2]	RIGHT LANE AHEAD TURN RIGHT R3-7B 30"x30" [3]

STRIPING LEGEND
SIGNAGE, STRIPING AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REGARDING SIZE, INSTALLATION, LOCATION & REFLECTIVITY.
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Drawing Name:	Striping Plan
Project:	Route 1 Roadway Improvement Project Cumberland, Me
Client:	Town of Cumberland 290 Tuttle Road, Cumberland, Me 04021

Drawing No.
5

EXHIBIT G

STANDARDS FOR RESIDENTIAL USE PRIVATE ROADS IN CUMBERLAND FORESIDE VILLAGE

- A. All private roads for residential use within the Contract Zone shall be designed in accordance with the private roadway standards as contained in Article VI and Table 2 of Chapter 350 of the Cumberland Code as modified by Section 4315-18, V-MUZ District of the Cumberland Code, and as further modified below:

Standard:	Private Road:
Right-of-Way Width	30'
Roadway Pavement Width	18'
Grass Esplanade	4' (one side)
Paved Sidewalk	5' (one side)
Maximum Dead End Road Length	750'
Minimum Roadway Centerline Grade (1.0% preferred)	1.0%
Maximum Roadway Centerline Grade	10%
Minimum Centerline Radius (100' preferred)	100'
Minimum Tangent Length Between Curves of Reverse Alignment	0'
Minimum Angle of Street Intersection (90° preferred)	75°
Minimum Distance Between Street Intersections on Same Side	100'
Minimum Distance Between Street Intersections on Opposite Side	10'
Minimum Pavement Crown	¼" per foot
Minimum Slope of Gravel Shoulder	½" per foot
Minimum K Factor, Crest Vertical Curve	15
Minimum K Factor, Sag Vertical Curve	20
MPH Design Speed	25
Maximum Grade within 75' of Intersection	3%
Minimum Property Line Radius at Intersection	0'
Dead End Turn Around	Tee Turn Around 25' Length

- B. The following design standards shall apply to the Contract Zone residential use private roads:

1. The drainage system for private roads shall consist of closed drainage to the extent practicable; however, shallow under-drained swales may be used alongside roadways where no sidewalk is proposed. Where sidewalks are proposed, they shall be constructed with curb and access to the closed drain system through catch basin inlets, for example.
2. Parking and garage doors towards the public right-of-way are permissible provided the garages are architecturally designed to not be the principal element of the structure. Parking and garage doors facing towards private roads and private drives are permissible.
3. A minimum of two (2) street trees at 2 ½" caliper shall be planted for each residential unit adjacent to a private way.

ITEM 19-022

To hold a Public Hearing to consider and act on a Farm Based Special
Events License renewal for Joanne Fryer of Mowfield Farm



FARM BASED SPECIAL EVENTS LICENSE
Chapter 81 of the Cumberland Code

Application

Name:

Address:

Email:

Telephone:

PB Site Plan Approval Date:

Submission Requirements

Please submit one paper copy and one electronic copy of your Site Plan (Planning Board submission), Notice of Decision and Conditions of Approval along with this Cover Sheet.

License Fee - \$50

License Fee is to cover costs of Public Hearing Notices and advertisement to neighbors and abutters.



Town of Cumberland
Cumberland Town Hall, Council Chambers
Monday, February 11, 2019 at 7:00 pm

Notice from the Town of Cumberland

The following item will be heard at **the February 11, 2019, Town Council Meeting:** Renewal of Farm Based Special Events License for Mowfield Farm, Mrs. Joanne Fryer, 111 Bruce Hill Road, Cumberland, Maine.

For More Information call the Cumberland Town Clerk's Office at (207) 829-5559, email todonnell@cumberlandmaine.com or stop by the Cumberland Town Hall, 290 Tuttle Road, Cumberland, Maine 04021.

For cancellations check Channel 6, 8, 13 or the town website @ cumberlandmaine.com.

Agenda items are subject to change without notice. The most current agenda is available on our website or by contacting the Town Clerk's Office.

Please inform us of any special requirement you may have due to a disability.



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Notice from the Town of Cumberland

The following item will be heard at **the February 11, 2019, Town Council Meeting:** Renewal of Farm Based Special Events License for Mowfield Farm, Mrs. Joanne Fryer, 111 Bruce Hill Road, Cumberland, Maine.

For More Information call the Cumberland Town Clerk's Office at (207) 829-5559, email todonnell@cumberlandmaine.com or stop by the Cumberland Town Hall, 290 Tuttle Road, Cumberland, Maine 04021.

For cancellations check Channel 6, 8, 13 or the town website @ cumberlandmaine.com.

Agenda items are subject to change without notice. The most current agenda is available on our website or by contacting the Town Clerk's Office.

Please inform us of any special requirement you may have due to a disability.



Town of Cumberland
Cumberland Town Hall, Council Chambers
Monday, February 11, 2019, at 7:00 p.m.

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Notice of Decision

Date: December 20, 2017

To: Joanne Fryer
111 Bruce Hill Rd.
Cumberland, ME 04021

Re: *Public Hearing: Site Plan Review to allow for Farm Based Special Events, 111 Bruce Hill Road, Tax Map R05, Lot 42 A, Owner and Applicant: Joanne Fryer.*

This is to advise you that on December 19, 2017 the Planning Board held a public hearing for Site Plan Review to allow for Farm Based Special Events, 111 Bruce Hill Road, Tax Map R05, Lot 42 A, and voted to approve Site Plan Review to allow for Farm Based Special Events, 111 Bruce Hill Road, Tax Map R05, Lot 42 A, Owner and Applicant: Joanne Fryer subject to the Standard Condition of Approval and 4 Conditions of Approval.

Findings of Fact: See Below

Waivers granted: None

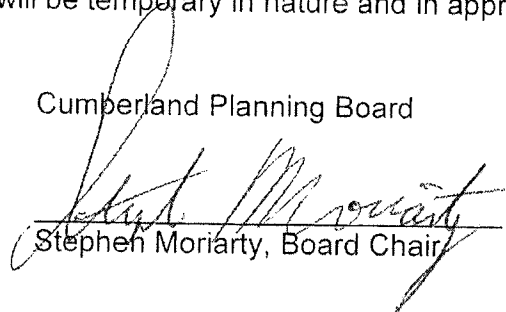
Waivers Denied: None

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

Conditions of Approval:

1. The applicant shall obtain a sign permit from the Town of Cumberland.
2. The applicant shall comply with all state and local fire regulations.
3. All fees shall be paid prior to the Town Council's issuance of the Farm Based Event License.
4. Any temporary outdoor storage of fuels, petroleum products or chemicals shall be limited to the needs of a single event and will be temporary in nature and in approved containers.

Cumberland Planning Board



Stephen Moriarty, Board Chair

Chapter 229 – SITE PLAN REVIEW

SECTION 10: APPROVAL STANDARDS AND CRITERIA: The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

10.1 Utilization of the Site: The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

There will be no construction of new structures or parking areas. There are no known environmentally sensitive areas on the parcel. The events will be limited to 8 per year.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.2 Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

10.2.1.1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

10.2.1.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.2.1.3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

10.2.1.4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

10.2.1.5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

10.2.1.6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

10.2.1.7 Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

10.2.1.8 The following criteria must be used to limit the number of driveways serving a proposed project:

a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

10.2.2 Access way Location and Spacing: Access ways must meet the following standards:

10.2.2.1 Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

10.2.2.2 Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

10.2.3 Internal Vehicular Circulation: The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

10.2.3.1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

10.2.3.2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

10.2.3.3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

10.2.4 Parking Layout and Design: Off street parking must conform to the following standards:

10.2.4.1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

10.2.4.2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

10.2.4.3 Parking stalls and aisle layout must conform to the following standards.

Parking Stall Angle	Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

10.2.4.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

10.2.4.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

10.2.4.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

10.2.5 Building and Parking Placement

10.2.5.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

10.2.5.2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

10.2.6 Pedestrian Circulation: The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There is an existing 18' wide driveway into the site. There is adequate sight distance in each direction as shown in the file photos. There is a 16' - 18' wide gravel driveway that extends approximately 2,000' into the site where the events will be held. Parking will be in open fields. There is no need for pedestrian sidewalks as the site is an open field and there will not be traffic circulating during the events. There are no buildings proposed.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1 Stormwater Management: Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

10.3.1.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

10.3.1.2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

10.3.1.3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

10.3.1.4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

10.3.1.5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

10.3.1.6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

10.3.1.7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the

reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

10.3.2 Erosion Control

10.3.2.1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

10.3.2.2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

There are no new impervious areas being created as part of this project. There is no construction associated with this application.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.4 Water, Sewer, Utilities and Fire Protection

10.4.1 Water Supply Provisions: The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

10.4.2 Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

10.4.3 Utilities: The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

10.4.4 Fire Protection: The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

Portable toilets will be used for each event. An on-site generator will provide necessary electrical power for tent lighting and sound amplification. The Fire Chief has reviewed and approved the proposed plan. Potable water will be brought in for each event.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.5 Water Protection

10.5.1 Groundwater Protection: The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

Temporary toilets will be brought in for each event. Permanent storage of fuels or chemicals will not occur.

10.5.2 Water Quality: All aspects of the project must be designed so that:

10.5.2.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

10.5.2.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

There is no permanent outdoor storage of petroleum products. Underground propane tanks are not part of this amendment.

10.5.3 Aquifer Protection: If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is not located within the Town Aquifer Protection Area.

Based on the materials included in the application, the Board finds that the standards of this section have been met.

10.6 Floodplain Management: If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The site is not located within a floodplain.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.7 Historic and Archaeological Resources: If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

There will be no excavation or construction on the site. There are no apparent historical resources on the site.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.8 Exterior Lighting: The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

No lighting is proposed other than the temporary lighting that will be provided from on-site portable generators.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.9 Buffering and Landscaping

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

10.9.2 Landscaping: Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

There will be only infrequent (up to 8 per year) events at the site. There are no new structures or parking areas proposed therefor no new buffering or landscaping is required. The fields are bounded by stands of trees on three sides and Bruce Hill Road on the fourth side.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.0 Noise: The development must control noise levels such that it will not create a nuisance for neighboring properties.

Potential point source generators of noise are the arrival and departure of trucks that will bring the generator, tents, chairs and other supplies needed for each of the 8 events. Given the distance that exists between neighboring properties and the site, this noise should not be audible. There will be amplified sound and music at most, if not all of the events. The Ordinance limits the hours for amplified music from 10:00 a.m. to 10:00 p.m. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.11 Storage of Materials

10.11.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

10.11.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

10.11.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no permanent outdoor storage of petroleum products. All trash will be removed within 24 hours of the conclusion of the event.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.12 Capacity of the Applicant: The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Ability: *There was no need for technical assistance as there are no new roads, structures or parking areas being built.*

Financial Capacity: *There was no need for evidence of financial capacity as there are no public improvements required for the proposal.*

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.13 Design and Performance Standards

The project is NOT subject to any of the design and performance standards contained in the Ordinance for the Route 1, Route 100 or Main Street corridors.

Chapter 81
FARM BASED SPECIAL EVENTS LICENSING

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Licensing requirements for Farm Based Special Events:

81-1. Title.

This Chapter shall be known and may be cited as "Farm Based Special Events Licensing".

81-2. PURPOSE.

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend Farm Based Special Events, including exhibitions, festivals, music concerts, weddings, and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation and safety problems. Therefore, the following License is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

81-3. DEFINITIONS.

A. **Farm Based Special 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.

81 -4. LICENSE REQUIRED; APPLICATION PROCEDURE.

- A. A Planning Board Site Plan Approval is required prior to applying for the first Annual License. Subsequent renewals do not require additional Planning Board approvals unless the site is modified requiring an amended Site Plan approval.
- B. No person may sponsor, promote, operate or hold any **Farm Based Special Event License** ("Event License") unless a license therefore is first obtained from the Town Council of Cumberland.
- C. Applications for all **Event Licenses** shall be made in writing to the Town Council and shall state the name of the applicant; his resident address; the name of the

business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, a specific description of the circumstances; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be required by the Town Council prior to the issuance of said permit.

- D. No license shall be issued for any thing or act, or premises, if the premises and building to be used do not fully comply with all ordinances, codes and regulations of said Town.
- E. The amount of said fee shall be set by the order of the Town Council.
- F. The application review procedure shall require a written plus electronic submission of the Planning Board Site Plan approval including the Notice of Decision and conditions of approval. The documents shall be the basis for review of each License. Town staff will review each license and provide a written recommendation to the Town Council prior to the Public Hearing. The review shall require conformance with the standards set in section § 81-5 of this Ordinance unless waived by the Town Council. Farmers are required to obtain Site Plan approval only once and not annually unless Site Plan has changed.
- G. Renewals shall follow the same procedure listed § 81-4F. The Renewals shall include any correspondence related to the previous year's license, all Fire-EMS and Police Reports and any relevant items.

§ 81-5 LICENSE STANDARDS.

In reviewing submitted pursuant to § 81-4, the Town Council shall determine whether to issue a license based upon whether the application meets all of the following standards:

- A. Access.** Convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists, and all public roadways in the proximity of the large outdoor event shall be adequately staffed.
- B. Grounds.**
 - (1) Each large outdoor event assembly area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.
 - (2) Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.
 - (3) The grounds shall be maintained free from accumulation of refuse and from health and safety hazards constituting a nuisance as defined.
 - (4) Illumination shall be provided at night beginning 1/2 hour before sunset to protect the safety of the persons at the large outdoor event. The assembly area shall be adequately lighted, but lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
 - (5) Parking shall be provided for persons arriving by vehicular means.
 - (a) Service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles.
 - (b) The width of the service road should not be less than the following:
 - [1] One traffic lane: 12 feet.
 - [2] Two traffic lanes: 24 feet.
 - [3] Parallel parking lanes: seven feet.
 - (c) Adequate parking space shall be provided, which means that there shall be at least one parking space to every three persons, and the density shall not exceed 100 passenger cars or 30 buses per usable acre.
 - (6) At least 10 square feet per person shall be provided on the site for a large outdoor event with assigned seating; at least 15 square feet shall be provided for a large outdoor event with festival seating; and no overnight assemblage shall be permitted.

C. Water supply.

- (1) An adequate, safe supply of potable water, meeting the requirements of the State Department of Health and Human Services, Division of Environmental Health, shall be provided and common cups shall not be used. Service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.
- (2) Transported water shall be obtained from an approved source, stored and dispensed in an approved manner. "Approved" as used in this subsection means in compliance with standards adopted by the State Department of Health and Human Services, Division of Environmental Health.

D. Sanitation.

- (1) Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 pounds per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).
- (2) When water is not available under pressure, and non-water carriage toilets are used, at least three gallons of water per person per day shall be provided for drinking and lavatory purposes.
- (3) Where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Health and Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.
- (4) Sanitary facilities shall be provided at the rate of one for each 200 persons. Any other proposal for providing sanitary facilities must be in accordance with the requirements of the Department of Health and Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.
- (5) The required sanitary facilities shall be conveniently accessible and well defined.
- (6) Each toilet shall have a continuous supply of toilet paper.
- (7) Service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.
- (8) Separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room shall be screened so that the interior is not visible from the outside.
- (9) Wastewater shall be discharged in a manner consistent with the requirements of the State Department of Health and Human Services, Division of Environmental

Health.

- (10) Disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Health and Human Services, Division of Environmental Health.

E. Refuse disposal.

- (1) Refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition or conditions which are inconsistent with the health, safety, and welfare of the patrons of the large outdoor event or of the public.
- (2) Refuse containers shall be readily accessible, and one thirty-two gallon refuse container or its equivalent shall be provided for each 100 persons anticipated or one sixteen-cubic-yard trash container shall be provided for every 5,000 persons anticipated. All trash barrels shall be lined with plastic bags.
- (3) The area where motor vehicles are parked shall have one thirty-two gallon refuse container or its equivalent for every 200 such motor vehicles.
- (4) All refuse shall be collected from the assembly area at least twice each twelve-hour period of the large outdoor event, with a minimum of two such collections per large outdoor event exceeding six hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.
- (5) The grounds and immediate surrounding property shall be cleared of refuse within 24 hours following the large outdoor event.

F. Vermin control. Insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe and effective control methods; where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety.

- (1) Where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable state standards and regulations and the Town's electrical codes.
- (2) The grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.
- (3) Internal and external traffic and security control shall meet requirements of the applicable state and local law enforcement agencies.
- (4) The Town of Cumberland Police, Fire/EMS Department has been informed of the event and adequate public safety protection equipment is available.

- H. **Noise.** No amplification of music or sound shall continue beyond 10:00 p.m. measured by a sound-level meter and frequency weighting network (manufactured according the standards prescribed by the American National Standards Institute), inherently and recurrently generated shall not exceed a maximum of 60 decibels at lot boundaries, excepting air raid sirens and similar warning devices;

81-6. PUBLIC HEARING; GRANT OF EVENT LICENSE; TERM.

- A. The Town Council shall, prior to granting an event license and after reasonable notice to the municipality and the applicant, hold a public hearing within 21 days of receipt of a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.
- B. Abutters and neighbors within 500' of the Event location shall be notified in writing by the Town of the Public Hearing for annual license renewals.
- C. The event license may be granted subject to such conditions and restrictions as the Council may deem necessary.
- D. An event license shall be valid only until December 31st of any calendar year.

§ 81-7. PERMITS, BLACK OUT DATES.

Each Event License may hold up to 8 events per calendar year with an approved Event License. The Town Council authorizes the Town Manager, or his designee, to meet with license holders to issue permits for proposed scheduled events and to collect fees. *Chapter 84 FEES & FINES* will list the permit fee for each Farm Based Special Event. Said permit fee shall adequately cover the costs for additional Public Safety staffing as result of one or multiple events occurring simultaneously in the community. **Permit blackout dates around the annual Cumberland Fair** are expected due to the lack of local resources to adequately cover the Town.

§ 81-8. INSPECTIONS.

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a FARM BASED SPECIAL EVENT license are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any municipal ordinance, code or regulation or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of said Town authorized to make the inspection at any reasonable time that admission is requested.
- B. In addition to any other penalty which may be provided, the Town Council may revoke the FARM BASED SPECIAL EVENT license of any licensee in the municipality

an inspection or who interferes with such officer, official, or employee while in the performance of his duty, provided that no license or FARM BASED SPECIAL EVENT license shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.

§ 81- 9. SUSPENSION OR REVOCATION OF EVENT LICENSE.

The Town Council may, after a public hearing preceded by notice to interested parties, suspend or revoke any FARM BASED SPECIAL EVENT license which has been issued under this chapter on the ground that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare or violates any municipal regulations.

§ 81- 10. DENIAL OF EVENT LICENSE; APPEALS.

- A. Any licensee requesting a FARM BASED SPECIAL EVENT license from the Town Council shall be notified in writing of its decision no later than 21 days from the date his application was received. In the event that a licensee is denied an event license, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for an event license within 30 days after an application for an event license has been denied.
- B. Any licensee who has requested an event license and has been denied, or whose event license has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Superior Court.

§ 81-11. RULES AND REGULATIONS.

- A. The Town Council is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of FARM BASED SPECIAL EVENT licenses, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.
- B. Such rules and regulations shall be additional to and consistent with all sections of this chapter.

§ 81-12. VIOLATIONS AND PENALTIES.

The Town of Cumberland shall enforce this chapter through its Code Enforcement Officer. Anyone violating any provision of this chapter shall be subject to a fine not less than \$500 nor more than \$1,000 per violation. Each day such violation continues shall constitute a separate offense.

§ 81-13. Waivers.

The Town Council may, in its discretion, waive any of the requirements under § 81-4 or § 81-5 of this chapter if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular license application.

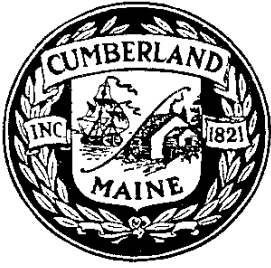
§ 81-14. Transfer of license.

Licenses issued hereunder shall not be transferable or assignable.

ITEM

19-023

To hear a report and request the appointment of an ad hoc Historical Society Building Committee to work on the logistics of moving the Historical Society building to the Library site



MEMORANDUM

Town of Cumberland, Maine
290 Tuttle Road
Cumberland, ME 04021
Telephone (207) 829-2205 • Fax (207) 829-2214

To: Finance Committee
From: William R. Shane, Town Manager
Date: January 27, 2019
Re: Historical Society Move 2019

I have met with the Historical Society on several occasions to discuss building repairs, future location and future space needs. As you know, we will need to invest significant money into the structure of the building, and doing so at its existing site doesn't make much sense. Now that all parties are on board with a move to the Library, I would like to propose the following plan for the move:

- I. Appraisal of Blanchard Road lot (completed)
- II. Structural evaluation of building (completed)
- III. Hire an architect for:
 - a) Concept plan
 - b) Cost of renovation
 - c) Phased plan
- IV. Appoint a Building Committee
 - a) Work with architect (similar to Fire Station)
 - b) Develop funding strategies
 - c) Work toward Planning Board approvals
 - d) Meet with abutters and neighborhood
 - e) Meet with Library Board and Historical Society to develop "Building Use Policies"

Tentative schedule for Town Council approval:

- February 2019 – Approval by Town Council to appoint Building Committee and approve purchase and sale of Blanchard Road site
- March 2019 – Hire architect (Building Committee)
- January – July 2019 – Catalogue, box and store current collection
- May 2019 – Present Town Council with concept plan

- June / July 2019 – Present Building Use Policy and Planning Board review
- July – September 2019 – Phase I of building relocation
- August 2019 – Update plan, costs, and fundraising plan
- September 2019 – Move building from Blanchard Road to Library site
- October 2019 – Move into relocated building
- October 2019 – April 2021 – Fundraising
- October 2019 – Summer 2021 – Develop plans and specifications, bid project, build project

Obviously, this is a schedule that needs to be flexible and phased, but our focus needs to be on a long term fit for the Historical Society with the Library, and to allow our residents access to the display and historical items preserved by the Society for future generations.

As our Library has successfully morphed into a “cultural center” for our community, our Historical Society must be protected so that our heritage will not be forgotten. What is the purpose of a historical society? A very basic answer to that question from Wikipedia is:

A historical society (sometimes also preservation society) is an organization dedicated to preserving, collecting, researching, and interpreting historical information or items. Originally, these societies were created as a way to help future generations understand their heritage.

Our farming and shipbuilding heritage will be lost if we are not careful to remember to share stories and facts, and continue to celebrate the nearly 200 years of building the best community in Maine. I am hopeful with this new facility that the collection will be on display 40+ hours per week, 52 weeks per year.

I am confident that with this Council leading the process and transition, our new Historical Society building and viewing center will be visited and shared by all of our residents with pride and a sense of belonging to something very special.

BUDGET REPORT

REVENUES

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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
0011 Other Tax Revenues					
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0011 0303 Motor Vehicle Excise Tax	-1,047,987.09	-1,129,406.85	-1,235,265.62	-1,278,037.05	-1,950,000.00
0011 0304 Boat Excise Tax	-2,743.70	-2,258.40	-3,370.74	-2,772.60	-14,000.00
0011 0325 Supplemental Taxes	.00	-14,130.35	.00	.00	.00
0011 0328 Outer Islands Property Tax	-19,944.63	-21,676.03	-21,887.03	-22,020.50	-42,000.00
0011 0329 Payment in Lieu of Taxes	-14,804.00	-14,902.00	-15,344.00	-15,959.00	-31,000.00
TOTAL Other Tax Revenues	-1,085,479.42	-1,182,373.63	-1,275,867.39	-1,318,789.15	-2,037,000.00
0012 License & Permit Revenues					
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0012 0311 Hunting/Fishing Lic Agent Fees	-247.00	-270.75	-246.50	-269.25	-541.00
0012 0312 Marriage Lic & Vital Records	-1,413.00	-1,467.86	-1,368.60	-1,686.00	-2,436.00
0012 0313 Birth Certificates	-686.20	-976.60	-1,005.20	-805.20	-1,361.00
0012 0314 Death Certificates	-808.20	-938.13	-1,167.40	-1,278.20	-1,713.00
0012 0315 Clerk Licenses	-1,955.00	-1,170.00	-1,785.00	-2,300.00	-4,608.00
0012 0316 Shellfish Licenses	-378.51	-477.35	-313.77	-416.61	.00
0012 0317 Conservation Fees	-56.49	-82.65	-46.23	-93.39	.00
0012 0334 Snowmobile Reg. Agent Fees	-141.00	-201.00	-167.00	-179.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-11,691.00	-11,578.00	-12,296.00	-12,310.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-155.00	-136.00	-127.00	-150.00	-1,098.00
0012 0366 Building Permits	-47,810.42	-87,848.83	-39,351.94	-46,126.08	-75,000.00
0012 0367 Electrical Permits	-11,512.55	-14,714.53	-17,211.50	-12,272.00	-21,634.00
0012 0368 Plumbing Permits	-8,474.98	-11,475.00	-12,342.50	-9,523.50	-18,789.00
0012 0369 Other Permits	-650.00	-1,177.00	-377.00	-720.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-6.00	.00	-42.00	-69.00	-37.00
0012 0398 Application Fee	-655.56	-200.00	-1,350.00	-1,400.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-766.00	-803.00	-843.00	-832.00	-2,800.00
0012 0404 Commercial Haulers License	-200.00	-100.00	.00	.00	-500.00
TOTAL License & Permit Revenue	-87,606.91	-133,616.70	-90,040.64	-90,430.23	-154,974.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-219,288.92	-239,418.26	-262,567.42	-231,569.24	-453,207.00
0013 0332 Park Fee Sharing	.00	.00	.00	.00	-10,055.00
0013 0335 DOT Block Grant	-63,232.00	-68,012.00	-69,136.00	-68,644.00	-69,136.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0013 0341 North Yarmouth Recreation Shar	-3,644.00	-21,851.00	-16,688.00	-9,460.00	-35,000.00
0013 0342 North Yarmouth Library Share	-72,976.00	-72,183.00	-77,712.00	-80,036.00	-160,000.00
0013 0347 North Yarmouth Channel 2	-1,274.00	-1,370.00	-1,474.00	.00	.00
0013 0348 ACO Sharing Payments	-3,161.00	.00	.00	.00	.00
TOTAL Intergovernmental Revenue	-363,575.92	-402,834.26	-427,577.42	-389,709.24	-727,398.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-16,349.83	-9,508.73	-9,615.92	-10,892.00	-30,000.00
0015 0306 Over/Short	-47.50	-351.25	648.75	376.16	-100.00
0015 0364 Growth Permits	-2,600.00	-12,700.00	-2,000.00	-1,900.00	-2,000.00
0015 0365 Board of Appeals	-400.00	.00	-200.00	-100.00	.00
0015 0379 Investment Earnings	785.33	-275.52	.00	.00	.00
0015 0382 Sale of Assets	-7,599.00	.00	.00	.00	.00
0015 0390 Misc. Revenue	-34,860.08	-36,637.61	-34,492.28	-31,237.95	-25,000.00
0015 0399 Staff Review Fee	-2,069.44	-5,500.00	-17,600.00	-9,250.00	-14,117.00
0015 0403 Mooring Fees	-235.00	-500.00	-1,400.00	-456.02	-1,500.00
0015 0410 Private Ways	-800.00	-200.00	-200.00	-600.00	-400.00
0015 0432 Workers Compensation Dividend	-10,803.37	-13,558.82	.00	.00	.00
0015 0508 Impact Fees	-77,312.30	-157,318.00	-30,823.80	-51,251.90	-60,000.00
TOTAL Other Revenues	-152,291.19	-236,549.93	-95,683.25	-105,311.71	-133,117.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-290.00	-1,127.00	-832.00	-1,575.00	-2,000.00
0021 0353 Police Insurance Reports	-327.00	-264.00	-310.00	-326.00	-500.00
0021 0390 Miscellaneous Police Revenue	-515.00	-66.00	-300.15	-729.00	-648.00
0021 0427 Parking Tickets	.00	.00	-565.00	-275.00	-100.00
0021 0431 Outside Detail	-22,827.16	-27,582.89	-22,150.30	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,464.00	-1,393.00	-1,899.00	-1,669.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	.00	.00	-24,000.00	-24,500.00	-49,000.00
0021 0546 Court Reimbursements	-150.00	-953.72	-300.00	671.00	-2,200.00
0021 0620 Federal Grant revenue	-25,000.00	.00	.00	.00	.00
TOTAL Police Related Revenues	-50,573.16	-31,386.61	-50,356.45	-28,403.00	-56,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-5.00	-2.50	-300.00	.00	-100.00

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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0022 0431 Outside Details	-17,083.59	-19,726.54	-19,698.25	.00	.00
0022 0504 Rescue Billing	-82,094.19	-96,541.10	-93,303.75	-84,041.51	-160,000.00
0022 0505 Non Emergency Transports	-47,401.59	-50,281.83	-6,765.06	.00	-12,000.00
0022 0507 Paramedic Intercepts	-600.00	-300.00	-300.00	.00	-600.00
TOTAL Fire Related Revenues	-147,184.37	-166,851.97	-120,367.06	-84,041.51	-172,700.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-273.00	-78.00	-234.00	-3,132.00	-500.00
0031 0391 Field Usage Fees	-8,500.56	-5,274.00	-5,281.20	-5,383.20	-10,000.00
0031 0431 Outside Details	-1,113.10	-1,043.80	-1,407.02	-1,234.03	.00
0031 0517 Bags/Universal Waste	-93,580.00	-131,496.00	-184,550.00	-161,480.00	-286,015.00
0031 0539 Brush Passes	-1,365.00	-2,250.00	-1,681.00	-1,595.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-23.00	-118.00	.00	-92.00
TOTAL Public Services Revenues	-104,831.66	-140,164.80	-193,271.22	-172,824.23	-304,884.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	.00	.00	.00	-8,000.00
0035 0378 Soda Sales	-1,705.87	-1,724.94	-1,644.50	-2,039.60	-2,500.00
0035 0560 Rental Income	-10,863.18	-16,029.39	-13,227.66	-10,276.25	-14,000.00
0035 0565 Cell Tower Land Lease	.00	-12,600.00	-12,600.00	-12,600.00	-24,000.00
TOTAL VH Other Revenues	-12,569.05	-30,354.33	-27,472.16	-24,915.85	-48,500.00
0037 VH Golf Revenues					
0037 0306 Over/Short	-9.68	-11.20	.98	-7.24	.00
0037 0357 Golf Memberships	-111,309.35	-106,430.88	-96,858.00	-117,410.40	-230,000.00
0037 0358 Greens Fees	-81,238.95	-73,726.70	-87,265.95	-99,893.75	-120,000.00
0037 0359 Golf Cart Rentals	-47,776.08	-55,022.77	-67,304.21	-56,108.29	-88,000.00
0037 0416 Practice Range	-7,009.00	-5,451.75	-7,191.50	-4,911.75	-10,000.00
0037 0417 VH Program Revenues	-12,954.00	-19,655.00	-27,491.52	-46,365.70	-56,529.00
0037 0419 Advertising Sales	.00	3,325.00	-800.00	-5,681.50	-23,392.00
0037 0522 Outing Golf	-69,602.08	-56,391.43	-36,180.00	-41,978.43	-45,000.00
0037 0617 Donations Received	.00	.00	-845.00	.00	.00

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HISTORICAL ACTUALS COMPARISON REPORT

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ACCOUNTS FOR:		PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001	General Fund					
<hr/>						
	TOTAL VH Golf Revenues	-329,899.14	-313,364.73	-323,935.20	-372,357.06	-572,921.00
<hr/>						
0041	Recreation Related Revenues					
<hr/>						
0041	0371 41000 Fall Recreation Revenue	-44,877.45	.00	.00	.00	.00
0041	0372 41000 Winter Recreation Revenue	-89,671.00	.00	.00	.00	.00
0041	0373 41000 Spring Recreation Revenue	-5,809.00	.00	.00	.00	.00
0041	0374 41000 Summer Recreation Revenue	-21,743.50	.00	.00	.00	.00
0041	0440 41100 After School Programs	-103,240.05	-149,670.00	-169,909.50	-169,052.09	-214,836.00
0041	0441 41110 Youth Enrichment Programs	.00	-52,276.68	-73,583.60	-98,152.60	-108,607.00
0041	0442 41120 Youth Sports Programs	.00	-50,595.00	-52,666.00	-55,236.25	-93,052.00
0041	0443 41130 Skiing Programs	.00	-47,545.00	-50,715.00	-53,362.00	-45,020.00
0041	0444 41140 Day Camps	.00	-44,802.05	-33,700.18	-29,100.65	-180,160.00
0041	0445 41150 Swimming Programs	.00	-16,687.00	-16,851.00	-19,882.29	-54,052.00
0041	0446 41160 Adult Enrichment Revenue	-21,304.90	-27,195.50	-24,459.94	-26,844.43	-39,515.00
0041	0447 41170 Adult Fitness Revenue	-36,129.68	-45,406.10	-43,405.34	-43,234.13	-37,743.00
0041	0448 41190 Special Events/Trips Reven	-220.00	-1,586.00	-1,900.00	-2,546.00	-2,243.00
0041	0449 41190 Recreation Programs	-4,484.00	-3,325.55	-2,714.00	-1,056.00	-6,971.00
0041	0570 41190 Rec Soccer Revenue	-6,815.00	-11,760.00	-16,190.00	-18,175.00	-20,245.00
0041	0571 41190 Rec Ultimate Frisbee Reven	.00	-615.00	-1,575.00	-2,624.00	-15,672.00
0041	0606 41190 CPR/First Aid Revenues	1,551.20	-660.00	.00	-635.00	.00
	TOTAL Recreation Related Reven	-332,743.38	-452,123.88	-487,669.56	-519,900.44	-818,116.00
<hr/>						
0045	Library Related Revenues					
<hr/>						
0045	0379 Library Interest Income	-160.64	.00	.00	.00	.00
0045	0392 Library Fines	-2,819.82	-2,046.59	-1,899.43	-1,616.50	-3,500.00
0045	0394 Misc. Library Revenue	-736.00	-1,081.36	-672.50	-686.10	-1,000.00
	TOTAL Library Related Revenues	-3,716.46	-3,127.95	-2,571.93	-2,302.60	-4,500.00
	TOTAL General Fund	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,108,985.02	-5,030,358.00
	TOTAL REVENUES	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,108,985.02	-5,030,358.00
	GRAND TOTAL	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,108,985.02	-5,030,358.00

EXPENSES

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
10 General Government					
<hr/>					
130 Administration	351,804.84	369,807.34	364,293.30	361,431.84	588,736.00
140 Assessor	52,336.94	47,708.57	44,139.31	64,216.68	96,036.00
150 Town Clerk	129,031.94	122,521.46	118,305.60	140,688.63	247,295.00
160 Technology	107,500.12	130,250.67	135,430.16	132,658.17	202,151.00
165 Elections	2,784.99	7,630.77	2,938.75	6,022.37	16,026.00
170 Planning	37,234.99	36,796.62	37,399.76	37,193.34	71,630.00
190 Legal	25,457.08	30,214.06	35,599.91	22,143.57	47,500.00
TOTAL General Government	706,150.90	744,929.49	738,106.79	764,354.60	1,269,374.00
<hr/>					
20 Public Safety					
<hr/>					
210 Police	791,745.21	816,396.63	790,099.35	752,369.67	1,378,565.00
220 Fire	530,481.49	572,533.38	533,166.29	521,139.69	968,342.00
240 Code Enforcement	63,347.21	51,622.98	80,220.85	77,350.31	132,952.00
250 Harbor Master	.00	.00	5,079.13	3,511.64	11,650.00
260 Animal Control	21,574.71	20,552.14	21,842.29	20,305.42	31,108.00
TOTAL Public Safety	1,407,148.62	1,461,105.13	1,430,407.91	1,374,676.73	2,522,617.00
<hr/>					
30 Public Services					
<hr/>					
310 Public Works	578,166.79	688,733.01	724,926.57	651,885.65	1,166,478.00
320 Waste Disposal	252,345.28	304,754.44	282,678.91	282,473.40	512,350.00
430 Parks	153,988.54	149,585.23	190,374.82	203,697.96	292,754.00
440 West Cumberland Rec	985.90	3,377.33	3,324.83	2,943.64	7,202.00
470 Historical Society Building	815.83	1,928.85	2,771.62	4,318.91	4,958.00
TOTAL Public Services	986,302.34	1,148,378.86	1,204,076.75	1,145,319.56	1,983,742.00
<hr/>					
37 Val Halla Golf Club					
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350 Valhalla-Club	21,260.76	24,143.90	22,921.07	18,740.36	26,485.00
360 Valhalla-Course	345,932.40	302,131.96	301,299.66	319,717.51	489,882.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**
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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
370 Valhalla-Pro Shop	161,049.17	168,473.10	165,548.69	189,039.59	243,415.00
TOTAL Val Halla Golf Club	528,242.33	494,748.96	489,769.42	527,497.46	759,782.00
40 Recreation					
410 Recreation	509,875.99	558,114.65	567,532.02	617,971.72	993,045.00
420 Aging in Place	.00	.00	.00	14,891.03	37,453.00
TOTAL Recreation	509,875.99	558,114.65	567,532.02	632,862.75	1,030,498.00
45 Library					
450 Library	236,817.35	243,084.54	246,188.05	275,625.43	494,236.00
TOTAL Library	236,817.35	243,084.54	246,188.05	275,625.43	494,236.00
90 Other					
580 General Assistance	22,470.49	22,614.43	17,704.72	19,291.84	35,000.00
590 Health Services	11,884.80	12,235.75	12,235.75	12,235.75	13,875.00
620 Cemetery Association	35,700.00	27,925.00	26,700.00	28,450.00	26,700.00
630 Conservation	5,961.36	2,750.00	2,762.04	5,542.45	5,000.00
800 Fire Hydrants	31,038.74	32,052.92	38,006.90	39,018.23	75,624.00
810 Street Lighting	22,016.89	22,306.16	21,895.60	17,199.84	45,000.00
830 Contingent	2,958.70	12,579.41	.00	2,907.19	10,000.00
840 Municipal Building	37,934.37	46,351.73	45,461.67	57,629.22	90,847.00
850 Abatements	33,872.31	40,894.65	22,336.23	6,070.93	20,000.00
TOTAL Other	203,837.66	219,710.05	187,102.91	188,345.45	322,046.00
96 Fixed Expenses					
650 Debt Service	578,751.72	565,020.80	692,833.99	528,987.24	970,000.00
750 Insurance	177,856.03	175,023.41	181,549.75	250,332.04	286,554.00
910 Capital Reserves	1,181,500.00	1,038,598.00	693,000.00	699,300.00	699,300.00
TOTAL Fixed Expenses	1,938,107.75	1,778,642.21	1,567,383.74	1,478,619.28	1,955,854.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**
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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
98 Assessments					
<hr/>					
860 MSAD #51	9,074,946.37	9,368,609.88	10,038,062.58	10,902,657.99	18,690,270.84
890 County Tax	747,431.00	775,374.00	813,904.00	878,954.00	878,954.00
TOTAL Assessments	9,822,377.37	10,143,983.88	10,851,966.58	11,781,611.99	19,569,224.84
TOTAL General Fund	16,338,860.31	16,792,697.77	17,282,534.17	18,168,913.25	29,907,373.84
TOTAL EXPENSES	16,338,860.31	16,792,697.77	17,282,534.17	18,168,913.25	29,907,373.84
GRAND TOTAL	16,338,860.31	16,792,697.77	17,282,534.17	18,168,913.25	29,907,373.84