

AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, January 13, 2020
5:30 P.M. Workshop re: Town Council Goal Setting
7:00 – 7:30 P.M. Call to Order

I. CALL TO ORDER

7:00 – 7:30 depending on length of workshop

II. APPROVAL OF MINUTES

December 23, 2019

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

20 – 001 To consider and act on accepting the Greely Woods Trail Easement, as recommended by the Lands and Conservation Commission.

20 – 002 To consider and act on authorizing legal action to be taken against the property owner of 99 Middle Road for allowing a business to operate that is not in compliance with Town ordinance after a notice of violation has been issued by the Code Enforcement Officer.

20 – 003 To appoint members to Boards/Committees.

VI. NEW BUSINESS

Budget Workshop schedule:

February 10th at 5:00 p.m. Council meeting night
February 18th at 5:00 p.m. Tuesday, non-Council meeting night
February 24th at 5:00 p.m. Council meeting night
March 2nd at 5:00 p.m. Tuesday, non-Council meeting night
March 9th at 5:00 p.m. Council meeting night
March 14th 8:00 a.m. to noon Saturday Workshop
March 23rd or April 13th Budget Public Hearing and adoption

January 21st @ 9:00 a.m. ReVision Energy ribbon cutting ceremony for solar array at 23 Drowne Road

January 22nd @ 6:00 p.m. neighborhood meeting at Town Hall re: new Public Works facility

VII. BUDGET REPORT

VIII. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, December 23, 2019

6:00 P.M. Executive Session

7:00 P.M. Town Council Meeting

6:00 P.M. Call to Order

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

- I. **EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(E) consultation with Town Attorney
Motion by Councilor Gruber, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(E) consultation with Town Attorney.
VOTE: 7-0 UNANIMOUS
TIME: 6:01 P.M.

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

II. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Gruber, to accept the December 9, 2019 meeting minutes as presented

VOTE: 7-0 UNANIMOUS

III. MANAGER'S REPORT

Town Manager Shane said that he would hold his report until New Business.

IV. PUBLIC DISCUSSION

None

V. LEGISLATION AND POLICY

19 – 144 To hear an update on the Comprehensive Plan from the Town Planner and Town Attorney.

Town Attorney, Natalie Burns, said that she will explain the legal requirements for Comprehensive Plans under Maine law. Maine law requires that municipalities must have a Comprehensive Plan that must address certain factors that are set forth in the statute. Town Planner, Carla Nixon will talk about those in her presentation. In addition, state law requires that municipalities must have a Comprehensive Plan if they have a zoning ordinance, rate of growth ordinance, and an impact fee ordinance, and they must be consistent with the Comprehensive Plan. In addition to these requirements in state law, once you have any amendments or a new Comprehensive Plan, you are required to make sure that ordinance are consistent within 18 months of adoption of the Comprehensive Plan. If challenged in court and it is decided a municipality's ordinances are not consistent with the Comprehensive Plan, that portion could be invalidated by the Court.

Town Planner, Carla Nixon presented the following:

Comprehensive Planning in Cumberland



Carla Nixon, AICP
Cumberland Town Planner
December 23, 2019

Presentation Topics

- History of Comprehensive Planning in Cumberland.
- Why Comprehensive Plans are Important.
- The Vision Statement Realized.....
- What's Next?
- Questions and Comments

2

The Comprehensive Plan: What is it?

A 2-3 year planning process that requires monthly or bi-monthly meetings by a citizen committee that is appointed by the Town Council. The Committee also includes the Town Manager, Planner, representatives from the Town Council, the Planning Board and the Lands/Conservation Commission. Data is gathered by consultants who provide Census data information and mapping support. Also critical is the use of a consultant to help develop and administer a town-wide citizen survey.

3

Our Plan.....

Cumberland's most recent comp plan (an update) was completed in 2014.

It added goals and action items to the 2009 Plan with the result being a 169 page document containing 15 chapters on each element of town planning including:

Demographics, Economy, Housing, Transportation, Public Facilities, Fiscal Capacity, Recreation and Open Space, Marine Resources, Water Resources, Critical Natural Resources, Agriculture and Forestry Resources, Historic and Archeological Resources, Land Use & Sustainability.

4

History of Comprehensive Planning in Cumberland

- 1st Plan: 1981
- 2nd Plan: 1998
- 3rd Plan: 2009
- 4th Plan: 2014
- Next Plan???

5

Why are Comp Plans Important?

They provide the legal basis for establishing land use regulations that are legally defensible.

They bring community members together to discuss, debate and ultimately establish a unified vision for addressing the future growth of the Town and setting out priorities that are unique to that one community.

6

2014 Comp Plan Vision Statement:

"...to preserve the community's rich agricultural heritage; to implement programs and practices to assure environmental sustainability, to make available quality affordable housing for people of all ages and income levels; to expand its non-residential tax base; and to facilitate moderate growth through prudent planning.

7

"to preserve the community's rich agricultural heritage"

Farm Stand



8

Sweetser's Apple Barrel



9

To Implement Programs & Practices to assure environmental Sustainability

Municipal Solar Farm on Drowne Road.
Adoption of a Small Wind Energy System (SWES) Ordinance
Reduce or eliminate use of pesticides.
Tree planting program?
Water quality monitoring program?

10

To make available quality affordable housing for people of all ages and income levels...

Drowne Rd. School Apts.



Osgood village Condos
Main Street



11

Castle Rock & Morrison's Hill Subdivisions

Castle Rock Subdivision
Rt. 100



Morrison's Hill Subdivision
Rt. 100



12

Cumberland Foreside Village: 96 Apartments



13

Behind Cumb. Food Co: 5 Rental Units...Retained Historical Character of the parcel



14

Multiplexes on Main Street (increase density in designated growth area)



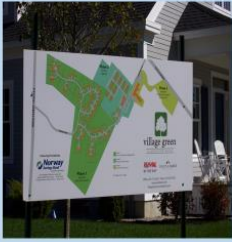
15

Town-Owned Cumberland Meadows (55 +)



16

Village Green



17

...to expand its non-residential tax base

- The focus has been on the three growth areas:

Route 1
Main Street/Town Center
Route 100

18

Route 1: Seafax



19

Route 1: Exactitude



20

Route 1: Maine Standards Company



21

Main Street



22

Main Street: Atlantic Regional Federal Credit Union.

(Referendum: 80% supported the contract zone that allowed the project)



23

Main Street: Louie's Grille



24

Main Street: Cumberland Food Company



25

Route 100: Skillins Greenhouse



26

Route 100: Dave Small Plumbing & The Board Barn



27

Route 100: Casco Systems (formerly Allen's Farm Site)



28

To implement programs & practices to assure environmental sustainability

Broad Cove Reserve



29

And to facilitate moderate growth through prudent planning.

- Balanced growth in housing development (single family & multiplex, ownership & rental).
- Focus on 55 + Condominium Developments that have high tax value, but low impact on Town Services (schools)
- Non-Residential Tax Base has increased from 2% in 2003 to 9% in today.

The school population decreased over past 10 years, but is now growing moderately due to the turnover of existing homes from older residents to young families.

30

Significant Planning Accomplishments

- Route 1: Cumberland Foreside Village: 96 apartments; 45 single family homes; 6-8 commercial lots.
- Village Green: 58 single family homes; 38 apartments.
- Main Street (Town Center District)
- Route 100 Commercial Corridor/Allen's Farm Redevelopment
- Ocean Access: Broad Cove Reserve
- Expansion of non-residential tax base
- Expansion of trail system and sidewalks/bike lanes throughout town.
- Acquisition of open space parcels that protect special areas of town (Twin Brook, Rines Forest, Knight's Pond).
- Ocean View Continuum of Care Facility

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More.....

- Protection of aquifers
- Major Road Connections
- Expansion of public water to west Cumberland.
- Infrastructure improvements: road maintenance schedule.
- Addition of natural gas.
- Development of Conservation Subdivision Ordinance.
- New businesses for local job development.
- Adoption of stormwater rules to protect environment.
- Adoption of an Impact Fee and Growth Ordinance.

32

What's ahead?

- Oceanview – Full Buildout: 106 “cottages”
- Cumberland Foreside Village Mixed Use (4 lots left)
- Town-owned Land off Tuttle Road (Compost/Brush....what else? Train station? Assisted living facility?)
- Completion of the Allen's Farm Redevelopment
- Build out of the 100 commercial corridor.
- Safe Utilization of the West Cumberland Industrial District.

What else?

- Implement action items relating to sustainability.
- Renewable energy: Solar, wind.....
- Net zero homes? Electric vehicles? Reduce/eliminate use of pesticides?
- Develop mass transit options: train, bus?
- Create new social places? Skating Rink, Community Recreation Center, Teen Center,

34

Questions? Comments?



35

19 – 145 To forward the Greely Woods Trail Easement to the Lands and Conservation Commission for review and recommendation.

Chairman Storey-King asked for any public comment.
No public comment.

Motion by Councilor Copp, seconded by Councilor Turner, to forward the Greely Woods Trail Easement to the Lands and Conservation Commission for review and recommendation.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Vail – he feels that setting goals for the Council is a good idea and he feels that it is appropriate to also set goals for the Town Manager. The Council will have a goal setting workshop before the next Town Council meeting.

Councilor Gruber – the Food Pantry distributed their Christmas baskets last Friday. Councilor Copp helped out that day, thank you to him.

He thanked Councilor Edes for the moose meat that he donated to the Food Pantry.

Thank you to Bill and Linda Shane and all the work that they do for the Food Pantry every week.

Thank you to Councilor Stiles grandson, Cole for helping out and to all the volunteers who show up all year long.

Thank you to the Fire Department for the toys for kids.

Happy Holidays to everyone.

Councilor Edes – thank you to Carla Nixon for the presentation on the Comprehensive Plan. He really enjoyed it. The Comprehensive Plan talks about business on Route One and Route 100. The Council voted for more residential housing in these areas as a quick fix for the lack of commercial development. He feels that was short sighted of this Council.

He thanked all of our public safety personnel. They do such a great job for our Town and we are very lucky to have them.

Councilor Stiles – he continues his efforts to collect \$10 from 1,000 residents of Cumberland and North Yarmouth for the 4-H auction that benefits the Food Pantry.

He thanked the Councilors for the Christmas goodies and wished everyone a very Merry Christmas.

Chairman Storey-King – there will be a joint meeting with the School Board and North Yarmouth Select Board on January 6th. The conversation will focus on where each entity is standing economically, what our debt looks like, and what our individual financial goals are.

The Council will hold interviews for a Public Works Facility Construction Manager on January 7th at 5:15 pm.

The Town Council goal setting workshop will be held before the next Council meeting. The public portion of the Council meeting may not begin until 7:30 that night.

Best wishes to Bert Copp who was injured recently. Bert is a very valued member of our Public Works department.

Merry Christmas and happy second night of Hanukah.

Councilor Copp – last Friday morning he called the Town Manager to ask if anything specific was needed at the Food Pantry for the holiday distribution. He said that they were all set, but asked him to come to Town Hall around 3:30 that day. What an eye opener this was for him to witness first hand. It was amazing. Because of the efforts of this Council and everybody that works at the Food Pantry, there are 75 to 100 people who will enjoy Christmas. We should all be very thankful that we have such an amazing Food Pantry and he thanked everyone involved who makes it run.

Councilor Turner – he agreed with Councilor Copp and acknowledged that the Food Pantry is an amazing benefit for our community.

He thanked Carla Nixon for her presentation. He feels that if a non-conforming use is allowed in a particular zone, when that use ends the zoning should go back to what it was originally. This would help with the situation that Councilor Edes spoke about.

He asked the Town Manager if instead of dumping snow at Twin Brook if it could be dumped at the new compost/brush facility.

Town Manager Shane said that they could look into permitting for this for next year. The wetlands around the site could be an issue.

Merry Christmas to everyone.

Town Manager Shane – he thanked the Greely swim team for helping out with setting up the Food Pantry Christmas Market last Thursday night. This is the 5th year that they have helped us.

School Resource Officer, Kirk Mazuzan worked with the school and Food Pantry to identify any families who may need help this holiday season. 7 food baskets were distributed to families who are not connected to the Food Pantry, but needed some help. Kirk does a great job and does so much more than patrol the halls of our schools.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:00 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM 20-001

To consider and act on accepting the Greely Woods Trail Easement,
as recommended by the Lands and Conservation Commission

RECREATION TRAIL EASEMENT

WILLIAM F. PANDOLFO and LAURA A. PANDOLFO, individuals with a mailing address of 25 Crystal Lane, Cumberland, ME 04021 (hereinafter referred to as the "Grantors"), their successors and assigns, hereby GRANT, with Quitclaim Covenant, as a gift, to the **TOWN OF CUMBERLAND**, a municipality organized and existing under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter referred to as the "Holder"), its successors and assigns, in perpetuity, a RECREATION TRAIL EASEMENT on and over a certain lot or parcel of land situated at 25 Crystal Lane in the Town of Cumberland, Cumberland County, Maine (hereinafter referred to as the "Trail Corridor"), being a twenty foot (20') wide corridor across a portion of the land of the Grantors as described in a Warranty Deed from George M. Cadigan, Jr., dated July 1, 2016 and recorded in the Cumberland County Registry of Deeds at Book 33253, Page 107; which Trail Corridor is more particularly described in Exhibit A, and depicted on Exhibit B, attached hereto and made a part hereof by reference.

1. Recreational Purpose

This Recreation Trail Easement is made exclusively in order to provide access to property owned by the Town of Cumberland, shown as Lot 15 of the Town's Tax Map R06 and known as the "Greely Woods," which property abuts the northwesterly border of Grantors' property and which is maintained as open-space to be used for low-impact outdoor recreational opportunities for the residents of and visitors to the Town of Cumberland (the "Recreational Purpose").

2. Structures, Surface Alterations, Vegetation Management

A. On the date of this Recreation Trail Easement, there are no structures or man-made objects on the Trail Corridor. Grantors shall not establish or maintain any structures or man-made objects on the Trail Corridor without the prior written consent of Holder.

B. The restrictions of this Paragraph 2 shall not prevent Holder from exercising its rights under Paragraph 3 to establish and maintain trails and related improvements which may be necessary or desirable in order to carry out the Recreational Purpose, all as determined in the reasonable discretion of Holder.

3. Holder's Rights

A. Holder, its successors and assigns, and its authorized representatives, are hereby granted the right to enter the Trail Corridor at any reasonable time and in any reasonable manner that is consistent with the purposes hereof, including the right to enter over any rights-of-way pertaining to the Trail Corridor, to exercise its rights under this Recreation Trail Easement.

B. Holder is granted the exclusive right, but not the obligation, to establish, and maintain unpaved trails on the Trail Corridor. Holder is further granted the exclusive right to construct, install, and maintain without limitation: low-impact outdoor recreational improvements on the Trail Corridor such as rip rap; barriers to discourage use by motorized vehicles; small

unlighted signs; and minor erosion control structures. Holder's construction and maintenance rights under this Paragraph may be delegated or assigned to another entity.

C. Holder is granted the right to selectively cut, prune and remove trees, leaners and blowdowns on the Trail Corridor for safety purposes without Grantors' approval, and the exclusive right to alter vegetation on the Trail Corridor for scenic and trail maintenance and improvement purposes, subject to the Grantors' approval, which shall not be unreasonably withheld.

D. Holder is granted the right to assign this Recreation Trail Easement, but only to an entity that as a condition of transfer agrees to uphold the Recreational Purpose of this grant, and satisfies the requirements of Section 1581(1) of Title 33 of the Maine Revised Statutes Annotated, as amended (or successor provisions thereof).

F. Holder is hereby granted the right to enforce this Recreation Trail Easement by proceedings at law and in equity, including the right to require the restoration of the Trail Corridor to a condition in compliance herewith. If a Court (or other decision maker chosen by mutual consent of the parties) determines that this Recreation Trail Easement has been breached by a party hereto or his/her/its assigns, agents, employees, contractors, invitees, licensees, permittees, tenants, guests, or lessees, which breach continues after first giving thirty (30) days' written notice of default by certified mail, return receipt requested to the breaching party, then the breaching party will reimburse the non-breaching party for any reasonable costs of enforcement, including court costs, reasonable attorney's fees, and any other payments ordered by such Court or decision maker. Grantors are not responsible for injury to or change in the Trail Corridor originating from outside of the Trail Corridor or Grantors' abutting reserved land, except for injury or change attributable to Grantors' actions, or from natural causes, such as, but not limited to, fire, flood, storm, earth movement, natural evolution of plant and animal communities, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Trail Corridor resulting from such causes.

4. Public Use

Holder has the right to permit, and the Grantors agree to refrain from taking any action to prohibit or discourage or to exact a fee for, non-motorized access and low-impact outdoor recreational use by the general public on the Trail Corridor, including, without limitation, walking, nature observation, bicycling, snowshoeing and cross-country skiing.

This grant prohibits motorized vehicles of any nature on the Trail Corridor except in connection with maintenance of or improvement to the Trail Corridor by Holder or its authorized representatives, or in emergency circumstances, or by motorized wheelchairs used for the purpose of enabling users to access the Trail Corridor and abutting Greely Woods.

Holder has the right to require that public use is conducted in a manner that does not unreasonably disturb plants, wildlife, or other lawful users of the Trail Corridor, or neighboring residents. Holder has the right to temporarily limit, restrict or prohibit public use of all or any part of the Trail Corridor and to close and reroute trails to assure safety or for maintenance purposes; provided, however, this right does not grant Holder any rights to use other land of Grantors' not

shown on Exhibit A or Exhibit B. Nothing herein should be construed to prohibit Grantors from using the Trail Corridor in common with public recreational users, as a member of the general public, and in accordance with the rules and regulations for general public use, provided that such use shall not unreasonably interfere with the public uses contemplated hereunder.

Notwithstanding any other provisions of this Trail Easement, no alcoholic beverages may be brought onto the Easement, nor shall any fires be kindled, nor is any overnight camping permitted, nor shall the Grantors, their successors and assigns have the duty to construct or maintain any improvements in the Trail Corridor easement.

5. General Provisions

A. This Recreation Trail Easement may be amended by written agreement of the Holder and Grantors, provided that Holder determines in its sole and exclusive judgment that the amendment furthers or is not inconsistent with the Recreational Purpose of this Easement, as stated hereinabove.

B. In order to establish the present condition of the Trail Corridor and its natural and scenic resources so as to be able to monitor future uses of the Trail Corridor and assure compliance with the terms hereof, Holder and Grantors may prepare an inventory of the Trail Corridor's relevant features and conditions (the "Baseline Data"), and if such Baseline Data is prepared, Holder and Grantors shall each maintain a true copy.

C. This Recreation Trail Easement is created pursuant to the Maine Trail Easement Act at Title 33, M.R.S.A. Sections 1581 through 1585, as amended. This Recreation Trail Easement is not intended to be construed as a conservation easement pursuant to Title 33 M.R.S.A. Section 476 *et seq.*

D. The interpretation and performance of this Recreation Trail Easement shall be governed by the laws of the State of Maine. Any general rule of construction to the contrary notwithstanding, this Recreation Trail Easement shall be liberally construed in favor of the grant to effect the Recreational Purpose of this Recreation Trail Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Recreational Purpose of this Recreation Trail Easement shall govern.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, Grantors have caused these presents to be signed and sealed on this _____ day of _____, 2019.

Signed Sealed and Delivered
In the Presence of

Witness

By: _____
William F. Pandolfo

Witness

By: _____
Laura A. Pandolfo

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

Date: _____, 2019

Personally appeared before me the above-named William F. Pandolfo and Laura A. Pandolfo and acknowledged the foregoing to be their free act and deed.

Before me,

Notary Public/Attorney at Law
Print: _____
My commission expires: _____

HOLDER ACCEPTANCE

The above and foregoing Recreation Trail Easement was authorized to be accepted by the Town of Cumberland, Holder as aforesaid, and the said Holder does hereby accept the foregoing Recreation Trail Easement, by and through William R. Shane, its Town Manager, hereunto duly authorized, this _____ day of _____, 2019.

TOWN OF CUMBERLAND

William R. Shane
Its Town Manager

STATE OF MAINE

COUNTY OF CUMBERLAND, SS.

Date: _____, 2019

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

Before me,

Notary Public/Attorney at Law

Print: _____

My commission expires: _____



PROFESSIONAL LAND SURVEYING, LLC
P.O. BOX 175
CUMBERLAND, MAINE 04021-175
207-854-1015

November 5, 2019

Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

EXHIBIT A

Trail Easement over William F. & Laura A. Pandolfo Property

A certain Easement, located on the northwesterly side of Crystal Lane in the Town of Cumberland, County of Cumberland, State of Maine and more particularly bounded and described as follows:

BEGINNING at a found granite monument on the northwesterly side of Crystal Lane at the corner of Lot 9 as depicted upon the plan recorded in the Cumberland County Registry of Deeds in Plan Book 77, Page 29;

Thence **southwesterly** along Crystal Lane on an **Arc** to the left **20.01 feet**, with a radius of 251.68 feet;

Thence **N 56°59'33" W a distance of 80.83 feet** over the land of William F. and Laura A Pandolfo as described in the deed recorded in said registry in Book 33253, Page 107 to a point;

Thence **N 34°15'56" E a distance of 20.00 feet** over the land of Pandolfo to a point at said Lot 9;

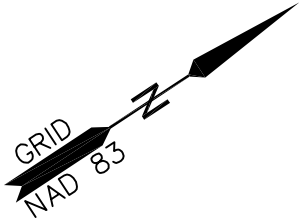
Thence **S 56°59'33" E a distance of 80.35 feet** along said Lot 9 to the **POINT OF BEGINNING**.

Containing an area of 1,609 square feet, more or less. The basis of bearings for this description was Maine State Grid Plane North American Datum of 1983 located in the West Zone.

Meaning and intending to describe an area to accommodate a Trail Easement over a portion of the land as described in the deed to William F. and Laura A Pandolfo recorded in Book 33253, Page 107.

PLAN BOOK 178 PAGE 55

TOWN OF CUMBERLAND
BOOK 2743 PAGE 204



TRAIL

N34°15'56"E
20.00'

PLAN BOOK 211 PAGE 120
PLAN BOOK 189 PAGE 50
PLAN BOOK 89 PAGE 39

PLAN BOOK 77 PAGE 29
LOT 9

#25 CRYSTAL LANE
MAP U14A LOT 83
PANDOLFO PROPERTY
BOOK 33253 PAGE 107

N56°59'33"W 80.83'
S56°59'33"E 80.35'

#19 CRYSTAL LANE

A20.01'
R251.68'

POLE 7

CRYSTAL LANE

Boundary  Points

PROFESSIONAL LAND SURVEYING, LLC
P.O. BOX 175
CUMBERLAND MAINE 04021-0175

TRAIL EASEMENT

Over Land of
WILLIAM F. & LAURA A. PANDOLFO
Property Located at 25 Crystal Lane
Cumberland Maine



Scale: 1"=30'	Date: 11/5/19	PLS 2282
Drawn: db	Checked: db	Job: 2019111

ITEM 20-002

To consider and act on authorizing legal action to be taken against the property owner of 99 Middle Road for allowing a business to operate that is not in compliance with Town ordinance after a notice of violation has been issued by the Code Enforcement Officer

**NOTICE OF VIOLATION WARNING
ORDER FOR CORRECTIVE ACTION**

To: Owner of record dated 06-08-2018 – Helen L. Champagne, Trustee,
of the Channel Realty Trust, 90 Alton Road Apt. 812, Miami Beach, FL
33139 as filed in CCRD Book 34909 Page 42 (see Exhibit P-1)

Owner: Channel Realty Trust

Address: Channel Realty Trust
C/O Helen L. Champagne, Trustee
90 Alto Road Apt. 812
Miami Beach, Florida 33139

Tenant: Shannon M. Barnes
DBA- Mountain Dogs Daycare
Address: 99 Middle Road
Cumberland, Maine 04021

MAP: R-01 LOT: 36 (see Exhibit - Assessors record P-2)

You are hereby notified that you are in violation of: Operating a business
without Town of Cumberland Planning Board approval at the property
described as 99 Middle Road in the Town of Cumberland, Maine 04021

DATE VIOLATION OBSERVED: 08-06-2019 by complaint from
neighbor and issuance of State of Maine Boarding Kennel License # F1713
issued on August 29th, 2019. (see Exhibit P-3)

DESCRIPTION OF VIOLATION: Operation of a "Boarding Kennel" in the
Rural Residential 2- (RR2) Zone per Town of Cumberland Zoning
Ordinance Chapter 315-Section 6.B.1.q (see Exhibit P-4) -without Town of
Cumberland Planning Board approval as required by Chapter 229 Site Plan
Review Ordinance as required for non-residential uses in the Town of
Cumberland.

You are hereby ordered to take the following corrective action or measures no later than 10 days from receipt of this notice:

Cease the current use until such time as the Town of Cumberland Planning Board grants approval and all conditions of approval are met.

Failure to comply with this Order may result in court action against you, and you may be required to pay a fine. Title 30-A M.R.S.A. Subsection 4452 establishes a fine of \$100 - \$2,500 for each violation of Ordinance. (A separate fine may be assessed for each day a violation continues). The Town of Cumberland may seek an order for corrective action, a substantial fine, plus its attorney's fees and costs in such an action.

You may also have the right to appeal this notice per Section 315-80 (see Exhibit P-5) Violations and penalties as set forth in the Town of Cumberland Zoning Ordinance.

Please contact the Code Enforcement Officer at the Town Office or by telephone at 207-829-2207 if you have any questions concerning this violation and to propose a plan to bring your property into compliance. You must notify the Code Enforcement Officer when corrective action is taken so that a compliance check may be made.

DATE: 11-06-2019

A handwritten signature in blue ink, reading "William C. Longley Jr.", is written over a horizontal line.

William C. Longley Jr
Code Enforcement Officer,
Town of Cumberland

CC: Town Manager William Shane
Town Attorney
File

BUDGET REPORT

REVENUES

01/09/2020
12:30:53

TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 07 OF 2020

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					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,129,406.85	-1,235,265.62	-1,279,042.84	-1,213,246.52	-1,950,000.00
0011 0304 Boat Excise Tax	-2,258.40	-3,370.74	-3,165.40	-2,725.50	-14,000.00
0011 0325 Supplemental Taxes	-14,130.35	.00	.00	.00	.00
0011 0328 Outer Islands Property Tax	-21,676.03	-21,887.03	-22,020.50	-23,513.74	-42,000.00
0011 0329 Payment in Lieu of Taxes	-14,902.00	-15,344.00	-15,959.00	-16,061.48	-31,000.00
TOTAL Other Tax Revenues	-1,182,373.63	-1,275,867.39	-1,320,187.74	-1,255,547.24	-2,037,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-270.75	-246.50	-269.25	-220.75	-541.00
0012 0312 Marriage Lic & Vital Records	-1,467.86	-1,368.60	-1,686.00	-1,644.80	-2,436.00
0012 0313 Birth Certificates	-976.60	-1,005.20	-805.20	-777.40	-1,361.00
0012 0314 Death Certificates	-938.13	-1,167.40	-1,278.20	-1,047.80	-1,713.00
0012 0315 Clerk Licenses	-1,170.00	-1,785.00	-2,300.00	-1,655.00	-4,608.00
0012 0316 Shellfish Licenses	-477.35	-313.77	-416.61	-389.25	.00
0012 0317 Conservation Fees	-82.65	-46.23	-93.39	-50.75	.00
0012 0334 Snowmobile Reg. Agent Fees	-201.00	-167.00	-179.00	-134.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-11,578.00	-12,296.00	-12,310.00	-15,016.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-136.00	-127.00	-150.00	-165.00	-1,098.00
0012 0366 Building Permits	-87,848.83	-39,351.94	-46,126.08	-41,340.11	-75,000.00
0012 0367 Electrical Permits	-14,714.53	-17,211.50	-12,272.00	-12,717.60	-21,634.00
0012 0368 Plumbing Permits	-11,475.00	-12,342.50	-9,523.50	-7,845.00	-18,789.00
0012 0369 Other Permits	-1,177.00	-377.00	-720.00	-348.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	.00	-42.00	-69.00	-64.00	-37.00
0012 0398 Application Fee	-200.00	-1,350.00	-1,400.00	-1,150.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-803.00	-843.00	-832.00	-577.00	-2,800.00
0012 0404 Commercial Haulers License	-100.00	.00	.00	.00	-500.00
TOTAL License & Permit Revenue	-133,616.70	-90,040.64	-90,430.23	-85,142.46	-154,974.00
0013 Intergovernmental Revenues					
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0013 0331 State Revenue Sharing	-239,418.26	-262,567.42	-269,629.72	-320,841.69	-503,207.00
0013 0335 DOT Block Grant	-68,012.00	-69,136.00	-68,644.00	-71,480.00	-68,000.00
0013 0341 North Yarmouth Recreation Shar	-21,851.00	-16,688.00	-9,460.00	871.25	3,485.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0013 0342 North Yarmouth Library Share	-72,183.00	-77,712.00	-80,036.00	-42,340.17	-169,361.00
0013 0347 North Yarmouth Channel 2	-1,370.00	-1,474.00	.00	.00	.00
0013 0348 ACO Sharing Payments	.00	.00	.00	-21,496.00	.00
TOTAL Intergovernmental Revenue	-402,834.26	-427,577.42	-427,769.72	-455,286.61	-737,083.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-9,508.73	-9,615.92	-10,892.00	-22,659.88	-30,000.00
0015 0306 Over/Short	-351.25	648.75	5,104.76	3.99	-100.00
0015 0364 Growth Permits	-12,700.00	-2,000.00	-1,900.00	-1,600.00	-2,000.00
0015 0365 Board of Appeals	.00	-200.00	-100.00	-200.00	.00
0015 0379 Investment Earnings	-275.52	.00	.00	.00	.00
0015 0390 Misc. Revenue	-36,637.61	-34,492.28	-31,237.95	-31,867.07	-25,000.00
0015 0399 Staff Review Fee	-5,500.00	-17,600.00	-9,250.00	-8,800.00	-14,117.00
0015 0403 Mooring Fees	-500.00	-1,400.00	-456.02	-1,568.00	-1,500.00
0015 0410 Private Ways	-200.00	-200.00	-600.00	.00	-400.00
0015 0432 Workers Compensation Dividend	-13,558.82	.00	.00	.00	.00
0015 0508 Impact Fees	-157,318.00	-30,823.80	-51,251.90	-54,205.20	-60,000.00
TOTAL Other Revenues	-236,549.93	-95,683.25	-100,583.11	-120,896.16	-133,117.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-1,127.00	-832.00	-1,575.00	-5,169.00	-2,000.00
0021 0353 Police Insurance Reports	-264.00	-310.00	-326.00	-260.00	-500.00
0021 0390 Miscellaneous Police Revenue	-66.00	-300.15	-729.00	-165.00	-648.00
0021 0427 Parking Tickets	.00	-565.00	-275.00	-575.00	-100.00
0021 0431 Outside Detail	-27,582.89	-22,150.30	737.52	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,393.00	-1,899.00	-1,669.00	-1,265.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	.00	-24,000.00	-24,500.00	.00	.00
0021 0546 Court Reimbursements	-953.72	-300.00	46.00	-3,392.28	-2,200.00
TOTAL Police Related Revenues	-31,386.61	-50,356.45	-28,290.48	-10,826.28	-7,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-2.50	-300.00	.00	-15.00	-100.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0022 0431 Outside Details	-19,726.54	-19,698.25	.00	.00	.00
0022 0504 Rescue Billing	-96,541.10	-93,303.75	-100,824.97	-48,784.40	-160,000.00
0022 0505 Non Emergency Transports	-50,281.83	-6,765.06	.00	.00	-12,000.00
0022 0507 Paramedic Intercepts	-300.00	-300.00	.00	.00	-600.00
0022 0617 Donations Received	.00	.00	.00	-1,000.00	.00
TOTAL Fire Related Revenues	-166,851.97	-120,367.06	-100,824.97	-49,799.40	-172,700.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-78.00	-234.00	-3,132.00	-5,956.00	-20,500.00
0031 0391 Field Usage Fees	-5,274.00	-5,281.20	-5,383.20	-3,806.80	-10,000.00
0031 0431 Outside Details	-1,043.80	-1,407.02	-1,234.03	-852.16	.00
0031 0517 Bags/Universal Waste	-131,496.00	-184,550.00	-175,230.00	-87,655.00	-286,015.00
0031 0539 Brush Passes	-2,250.00	-1,681.00	-1,595.00	-1,666.00	-8,277.00
0031 0617 Twin Brooks Donations	-23.00	-118.00	.00	-100.00	-92.00
TOTAL Public Services Revenues	-140,164.80	-193,271.22	-186,574.23	-100,035.96	-324,884.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	.00	.00	-4,000.00	-5,000.00
0035 0378 Soda Sales	-1,724.94	-1,644.50	-2,039.60	-1,594.40	-2,500.00
0035 0560 Rental Income	-16,029.39	-13,227.66	-10,276.25	-6,750.00	-14,000.00
0035 0565 Cell Tower Land Lease	-12,600.00	-12,600.00	-12,600.00	-12,600.00	-21,600.00
TOTAL VH Other Revenues	-30,354.33	-27,472.16	-24,915.85	-24,944.40	-43,100.00
0037 VH Golf Revenues					
0037 0306 Over/Short	-11.20	.98	-7.24	506.47	.00
0037 0357 Golf Memberships	-106,430.88	-96,858.00	-117,410.40	-93,088.60	-230,000.00
0037 0358 Greens Fees	-73,726.70	-87,265.95	-99,893.75	-80,082.44	-120,000.00
0037 0359 Golf Cart Rentals	-55,022.77	-67,304.21	-56,108.29	-52,340.45	-88,000.00
0037 0416 Practice Range	-5,451.75	-7,191.50	-4,911.75	-1,248.25	-10,000.00
0037 0417 VH Program Revenues	-19,655.00	-27,491.52	-46,365.70	-42,284.00	-56,529.00
0037 0419 Advertising Sales	3,325.00	-800.00	-5,681.50	.00	-23,392.00
0037 0522 Outing Golf	-56,391.43	-36,180.00	-41,978.43	-63,999.00	-45,000.00

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
0037 0617 Donations Received	.00	-845.00	.00	.00	.00
TOTAL VH Golf Revenues	-313,364.73	-323,935.20	-372,357.06	-332,536.27	-572,921.00
0041 Recreation Related Revenues					
0041 0440 41100 After School Programs	-149,670.00	-169,909.50	-169,052.09	-172,386.50	-269,836.00
0041 0441 41110 Youth Enrichment Programs	-52,276.68	-73,583.60	-98,152.60	-107,181.07	-148,607.00
0041 0442 41120 Youth Sports Programs	-50,595.00	-52,666.00	-55,236.25	-50,184.00	-93,052.00
0041 0443 41130 Skiing Programs	-47,545.00	-50,715.00	-53,362.00	-56,694.00	-45,020.00
0041 0444 41140 Day Camps	-44,802.05	-33,700.18	-29,100.65	-30,108.43	-180,160.00
0041 0445 41150 Swimming Programs	-16,687.00	-16,851.00	-19,882.29	-17,121.00	-54,052.00
0041 0446 41160 Adult Enrichment Revenue	-27,195.50	-24,459.94	-26,844.43	-18,863.49	-39,515.00
0041 0447 41170 Adult Fitness Revenue	-45,406.10	-43,405.34	-43,234.13	-37,594.70	-42,743.00
0041 0448 41190 Special Events/Trips Reven	-1,586.00	-1,900.00	-2,546.00	-2,125.00	-2,243.00
0041 0449 41190 Recreation Programs	-3,325.55	-2,714.00	-1,056.00	-4,933.28	-6,971.00
0041 0570 41190 Rec Soccer Revenue	-11,760.00	-16,190.00	-18,175.00	-20,190.00	-20,245.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-615.00	-1,575.00	-2,624.00	-870.00	-15,672.00
0041 0606 41190 CPR/First Aid Revenues	-660.00	.00	-635.00	-825.00	.00
TOTAL Recreation Related Reven	-452,123.88	-487,669.56	-519,900.44	-519,076.47	-918,116.00
0045 Library Related Revenues					
0045 0392 Library Fines	-2,046.59	-1,899.43	-1,616.50	-2,626.61	-3,500.00
0045 0394 Misc. Library Revenue	-1,081.36	-672.50	-686.10	-708.70	-1,000.00
TOTAL Library Related Revenues	-3,127.95	-2,571.93	-2,302.60	-3,335.31	-4,500.00
0211 Police- Salaries & Bens					
0211 0431 Outside Details	.00	.00	-21,762.11	-19,467.78	-22,491.00
TOTAL Police- Salaries & Bens	.00	.00	-21,762.11	-19,467.78	-22,491.00
0221 Fire- Salaries & Benefits					
0221 0431 Outside Details	.00	.00	-15,420.32	-15,159.62	-18,000.00
TOTAL Fire- Salaries & Benefits	.00	.00	-15,420.32	-15,159.62	-18,000.00

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ACCOUNTS FOR:		PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001	General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
TOTAL General Fund		-3,092,748.79	-3,094,812.28	-3,211,318.86	-2,992,053.96	-5,146,134.00
TOTAL REVENUES		-3,092,748.79	-3,094,812.28	-3,211,318.86	-2,992,053.96	-5,146,134.00
GRAND TOTAL		-3,092,748.79	-3,094,812.28	-3,211,318.86	-2,992,053.96	-5,146,134.00

EXPENSES

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
10 General Government					
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130 Administration	369,807.34	364,293.30	362,296.01	376,790.61	621,818.00
140 Assessor	47,708.57	44,139.31	64,216.68	58,651.52	102,534.00
150 Town Clerk	122,521.46	118,305.60	139,780.81	163,405.03	265,989.00
160 Technology	130,250.67	135,430.16	132,671.16	157,658.98	212,517.00
165 Elections	7,630.77	2,938.75	5,701.69	1,774.01	16,026.00
170 Planning	36,796.62	37,399.76	37,193.34	35,263.88	73,802.00
190 Legal	30,214.06	35,599.91	22,143.57	32,102.22	47,500.00
TOTAL General Government	744,929.49	738,106.79	764,003.26	825,646.25	1,340,186.00
20 Public Safety					
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210 Police	816,396.63	790,099.35	773,910.08	805,369.53	1,412,547.00
220 Fire	572,533.38	533,166.29	536,431.38	551,583.87	1,032,323.91
240 Code Enforcement	51,622.98	80,220.85	77,350.31	82,486.29	140,977.00
250 Harbor Master	.00	5,079.13	3,511.64	12,012.04	12,000.00
260 Animal Control	20,552.14	21,842.29	20,305.42	40,549.45	32,875.00
TOTAL Public Safety	1,461,105.13	1,430,407.91	1,411,508.83	1,492,001.18	2,630,722.91
30 Public Services					
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310 Public Works	688,733.01	724,926.57	652,021.64	597,625.20	1,236,087.00
320 Waste Disposal	304,754.44	282,678.91	282,473.40	267,144.31	565,635.00
430 Parks	149,585.23	190,374.82	203,464.49	188,316.98	311,112.00
440 West Cumberland Rec	3,377.33	3,324.83	2,943.64	2,438.45	7,427.00
470 Historical Society Building	1,928.85	2,771.62	4,318.91	4,299.30	7,164.00
TOTAL Public Services	1,148,378.86	1,204,076.75	1,145,222.08	1,059,824.24	2,127,425.00
37 Val Halla Golf Club					
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350 Valhalla-Club	24,143.90	22,921.07	18,740.36	14,936.96	27,100.00
360 Valhalla-Course	302,131.96	301,299.66	319,241.81	313,982.78	509,259.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
370 Valhalla-Pro Shop	168,473.10	165,548.69	200,043.64	156,370.80	225,574.00
TOTAL Val Halla Golf Club	494,748.96	489,769.42	538,025.81	485,290.54	761,933.00
40 Recreation					
410 Recreation	558,114.65	567,532.02	620,436.92	661,622.27	1,048,508.00
420 Aging in Place	.00	.00	15,358.03	11,394.25	86,793.00
TOTAL Recreation	558,114.65	567,532.02	635,794.95	673,016.52	1,135,301.00
45 Library					
450 Library	243,084.54	246,188.05	278,398.84	287,692.91	497,303.00
TOTAL Library	243,084.54	246,188.05	278,398.84	287,692.91	497,303.00
90 Other					
580 General Assistance	22,614.43	17,704.72	19,291.84	19,621.86	35,000.00
590 Health Services	12,235.75	12,235.75	12,235.75	16,235.75	17,875.00
620 Cemetery Association	27,925.00	26,700.00	28,450.00	26,700.00	26,700.00
630 Conservation	2,750.00	2,762.04	5,542.45	1,335.21	13,000.00
800 Fire Hydrants	32,052.92	38,006.90	39,018.23	40,994.80	78,924.00
810 Street Lighting	22,306.16	21,895.60	17,199.84	17,613.78	45,000.00
830 Contingent	12,579.41	.00	2,907.19	2,500.00	10,000.00
840 Municipal Building	46,351.73	45,461.67	57,629.22	43,711.43	104,523.00
850 Abatements	40,894.65	22,336.23	6,070.93	32,504.24	2,900.00
TOTAL Other	219,710.05	187,102.91	188,345.45	201,217.07	333,922.00
96 Fixed Expenses					
650 Debt Service	565,020.80	692,833.99	528,987.24	361,209.26	995,000.00
750 Insurance	175,023.41	181,549.75	250,866.27	242,201.83	263,400.00
910 Capital Reserves	1,038,598.00	693,000.00	699,300.00	771,061.00	771,061.00
TOTAL Fixed Expenses	1,778,642.21	1,567,383.74	1,479,153.51	1,374,472.09	2,029,461.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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98 Assessments					
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860 MSAD #51	9,368,609.88	10,038,062.58	10,902,657.99	9,468,878.46	18,937,756.87
890 County Tax	775,374.00	813,904.00	878,954.00	910,761.00	878,954.00
TOTAL Assessments	10,143,983.88	10,851,966.58	11,781,611.99	10,379,639.46	19,816,710.87
TOTAL General Fund	16,792,697.77	17,282,534.17	18,222,064.72	16,778,800.26	30,672,964.78
TOTAL EXPENSES	16,792,697.77	17,282,534.17	18,222,064.72	16,778,800.26	30,672,964.78
GRAND TOTAL	16,792,697.77	17,282,534.17	18,222,064.72	16,778,800.26	30,672,964.78