

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 10, 2020

6:00 P.M. Finance Committee Meeting

7:00 P.M. Call to Order

Streaming on YouTube - Town of Cumberland Maine and broadcast live
on Spectrum Channel **1301**

I. CALL TO ORDER

II. APPROVAL OF MINUTES

July 27, 2020

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

20 – 051 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

20 – 052 To hold a Public Hearing to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

20 – 053 To consider and act on adopting standards to develop and maintain trails on Town owned properties and Town owned easements, as recommended by the Lands & Conservation Commission.

20 – 054 To hear a report from the Town Manager re: discontinuance of a portion of Turkey Lane from Range Road to the snowmobile bridge.

20 – 055 To accept a bequest of \$50,000 for a scholarship fund to be set up for a Greely senior.

20 – 056 To set a Public Hearing date of August 24th to consider and act on a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Planning Board.

20 – 057 To set a Public Hearing date of August 24th to consider and act on amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Planning Board.

VI. NEW BUSINESS

Ordinance Committee Meetings @ 7:30 a.m. on August 12th

Finance Committee Meetings @ 5:30 p.m. on August 24th

Town Council FOAA training with Town Attorney on August 24th at 6:00

VII. ADJOURNMENT

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 27, 2020
6:00 P.M. Finance Committee Meeting

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Edes, seconded by Councilor Vail, to accept the July 20, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

None

III. PUBLIC DISCUSSION

Bill Stiles of Range Road said that he met with the Town Manager in regard to the recommendation that Siemen's made to improve the air quality in Town buildings and alleviate viruses. He met with his old friend, Dr. Jimmy Vaughn at the University of New England to discuss this. Dr. Vaughn's opinion is that the proposal that Siemen's submitted will not kill 100% bacteria in the ventilation systems. He said that to kill 98% of the coronavirus, HEPA filters would need to be cleaned and sterilized frequently.

IV. LEGISLATION AND POLICY

20 – 042 To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2021 tax rate.

Tax Assessor, John Brushwein said that the 2021 Tax Assessment is complete as of today and tax bills will be mailed next week. His recommendation is that the FY2021 tax rate be set at \$20.35 per \$1,000.00 of assessed value. This represents a 2.52% (.50 cent) increase above the FY2020 tax rate of \$19.85.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Councilor Edes asked for the breakdown of what the tax increase would be on a \$400,000 home since the increases are only coming from the County and the School (there was no increase on the Town portion).

Town Manager Shane responded that the County is responsible for 3% of the increase, and the School is responsible for 97% of the increase.

Motion by Councilor Foster, seconded by Councilor Vail, to set the municipal tax rate for FY2021 at \$20.35.

VOTE: 7-0 UNANIMOUS

20 – 043 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

Town Manager Shane said that Maine Revenue Service is recommending 8%.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set an interest rate of 8% for delinquent real and personal property taxes for FY2021.

Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.

VOTE: 7-0 UNANIMOUS

20 – 044 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee.

Councilor Storey-King said that the Ordinance Committee discussed this at their meeting last week. There was some discussion that it made sense to put housing on the backside of the (Board Barn) property, which abuts a dirt road. There was also a discussion that we have so little commercial property in Town, it was not favorable to give it up for residential development.



Zone Change Request - Board Barn property - 3.35 Acres to VMDR from VCC

Town Manager Shane said that most of the parcel outlined on the map above is undevelopable, except for the back portion along Old Gray Road, which could be developed for residential homes.

Councilor Vail said that he is not in favor of allowing duplexes in a single family residential neighborhood.

Councilor Turner said that this has to go before the Planning Board and then back to the Town Council for Public Hearings. The neighborhood will have an opportunity to state their concerns. He thinks it will naturally play itself out and we will have a clear picture when the Council has to make a decision.

Councilor Edes said that he is not in favor of this. We have heard from the people in this Town that they want more commercial tax base. In this case, we are taking 3.35 acres out of commercial zoning. We did it on Route One. We keep losing commercial property and there is almost none left that can be developed in this Town.

Councilor Copp said that nobody knows what is going to happen to the Board Barn property. He is a little hesitant and is not in favor of changing zoning because someone wants to build residential homes in a commercial zone.

Councilor Storey-King said that she supports sending this to the Planning Board. She would like to see how this plays out at the Planning Board meeting and we will hopefully hear from the neighbors.

Chairman Gruber asked for any public discussion.
No public discussion.

Motion by Councilor Storey-King, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee.

VOTE: 5-2 (Edes and Copp opposed) MOTION PASSES

20 – 045 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee.

Town Manager Shane explained that we currently have only 3 lines of text in the exterior lighting section of the ordinance, which is not very descriptive. The new language spells out hours of operation, height of fixtures, when lights can be turned on and off, etc. The new language will give businesses the technical guidelines that we currently do not have.

Councilor Edes said that this came from the residents who live in residential homes next to commercial buildings on Route One. There are business and insurance reasons that these businesses are lit at night. He is not in favor of this.

Councilor Turner agreed with Councilor Edes. We ended up with residential homes on Route One. People should be reminded that they were scared to death that a big box store was going to be built on Route One. We tried for years to get commercial businesses on Route One and Route 100.

Councilor Foster said that regardless if you think this amendment is right or wrong, the current 3 lines in the ordinance is not appropriate. It needs more specificity. Regardless if you live next to a business or not, there is light pollution, and as a Town we talk about how much we appreciate our rural character. We don't want lights on just for the sake of having lights on.

Councilor Vail said that this is an opportunity to take a look at what we need for lighting in order to operate businesses safely, street lights, intersections, and nuisance lighting. He feels that we need more than the amendments proposed.

Chairman Gruber asked for any public comment.

Bill Stiles said that he feels that the ordinance does need to be updated to keep up with the advancements in lighting.

Motion by Councilor Turner, seconded by Councilor Vail, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-1 (Edes opposed) MOTION PASSES

20 – 046 To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

Town Manager Shane explained that our building permit fees have not been changed for 15 years. We have attempted to keep our fees in line with our neighboring Towns and similar sized communities. Councilor Foster asked for an example of what the new fees would look like currently vs. what it would look like if we change our fees. See example below on a 2,000 sf building:

	<u>OLD FEES</u>	<u>NEW FEES</u>
1700 finished	\$425	\$680
300 unfinished	30	60
Garage 24x30 (720 sf)	72	144
3 bathrooms	150	275
Septic system	265	390
Well	0	0
Electrical	85	119
TOTAL	\$1,027	\$1,668

This is a big increase, but again, we have not raised our fees in over 15 years. The increase would represent \$28,000 to \$35,000 in additional revenue for the Town.

Chairman Gruber asked for any public comments.

No public comments.

Councilor Foster asked Mr. Longley (Code Enforcement Officer) if there are certain permits issued that cost more and use more of his time. Maybe we could target those first as opposed to the ones that are more of a "rubber stamped" permit.

Mr. Longley replied that he feels that he has done this in the proposed fee amendments. Not all the fees are being changed.

Motion by Councilor Copp, seconded by Councilor Foster, to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 047 To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

Police Chief Rumsey explained that this came up after a resident complained that they had to pay a registration fee for their alarm system when there are a lot of other residents who have self-installed systems who don't have to pay a fee. This is a valid point and he checked with other communities to see how they handle this. They all seem to handle it differently. We chose to take the middle ground and not require an annual registration, but encouraging voluntary registration. The reason this is important to the Police Department is when they go to an alarm call and nobody is home (this happens frequently), it is very important to have contact information for a responsible resident to assist with getting the alarm turned off. The proposed amendments removed the requirement to register alarms, encourages voluntary registration, and keeps the fee structure for numerous false alarms.

Chairman Gruber asked for any public comments.

No public comments.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 048 To consider and act on authorizing the Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B.

Police Chief Rumsey explained that State statute allows municipalities to dispose of bicycles in any way that we see fit, after we have followed our normal process. For example, if we take in unclaimed property we hold onto it for 5 months, make a public notification, then wait 30 days. With the Council's approval, we can donate unclaimed bikes to a charity. This is also helpful to the Police Department because they won't take up room in our storage area.

Councilor Gruber asked for any public comment.

No public comment.

Motion by Councilor Vail, seconded by Councilor Storey-King, to authorize the Cumberland Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B.

VOTE: 7-0 UNANIMOUS

20 – 049 To appoint members to boards and committees.

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Riva Krut to the Lands & Conservation Commission and Bill Stiles to the Cumberland Housing Authority and the Prince Memorial Library Advisory Board.

VOTE: 7-0 UNANIMOUS

20 – 050 Town Council committee assignments.

Motion by Councilor Edes, seconded by Councilor Turner, to approve the FY'21 Town Council Committee Assignments as presented.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Storey-King – She donated \$20 to the Food Pantry. She got an inspection sticker at Copp Motors and instead of taking payment, Councilor Copp asked her to donate \$20 to the Food Pantry.

Councilor Edes – There was a lot of good discussion this evening. He appreciates that about this Council.

Councilor Vail – He also donated \$20 to the Food Pantry in lieu of paying for an inspection sticker at Copp Motors.

He had the opportunity to go through 2 houses in Town that were torn down today. The craftsmanship was amazing to see, albeit 60 years of neglect.

Chairman Gruber – The food pantry served 61 customers last week. Thank you to the volunteers who put their time into the pantry each week.

He thanked the Town Manager for posting 15 mph signs on the road into the brush dump.

He spoke to the gentleman who picked up the donated items at the Salvation Army donation box and he asked him to let the public know to please not leave items outside the donation box.

Councilor Foster – None

Councilor Turner – None

Councilor Copp – A few weeks ago, he, Councilor Edes and the Town Manager sat in on a demo meeting on body cameras for the Police Department. The quote came back and they are very expensive.

Town Manager Shane added that the challenge for us, as a small Police Department, is the cost of the data management. We would have to add a position or a \$50,000 to \$60,000 fee just to manage the data. We have other priorities and the Police Chief agrees with that. We have to focus on our radio system first. Maybe in a few years the price will come down on body cams, but the quarter of a million dollar cost could be better spent within the department.

Town Manager Shane – Channel 2 is broadcasting again, but only temporarily. We are in a lawsuit, along with 6 – 7 other Towns through GPCOG, which challenged Spectrum’s decision to take channel 2 away from us without the ability to challenge their decision. While this is being sorted out in the courts, channel 2 is broadcasting again.

A reminder to the public that we are not funding the railroad quiet zones in this budget year. That project is on hold until the Finance Committee and Town Council decide if and when it will be budgeted.

We have been hit again as a community with brown tail moths. Our past spraying programs were ineffective. To be successful, a spray program should be a concerted effort with our neighboring Towns and with an aerial spraying. We have learned that spraying from the road does not work.

VI. ADJOURNMENT

Motion by Councilor Vail, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:32 P.M.

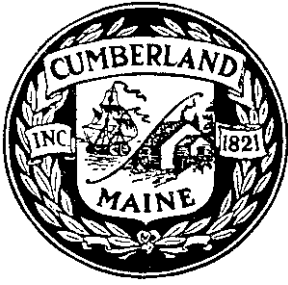
Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

20-051

To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: August 10, 2020
Re: **20-051 Chapter 84 Fees & Fines Changes**

The Fees & Fines Ordinance has not been updated in 15 years as it relates to our building codes. The Town's Code Enforcement Officer, Bill Longley, has proposed the changes attached to this memo. The changes represent the average of costs as compared to the neighbors we typically benchmark against (Cape, Falmouth, Freeport, and Yarmouth). Bill has developed a draft proposal that he has presented to the Ordinance Committee.

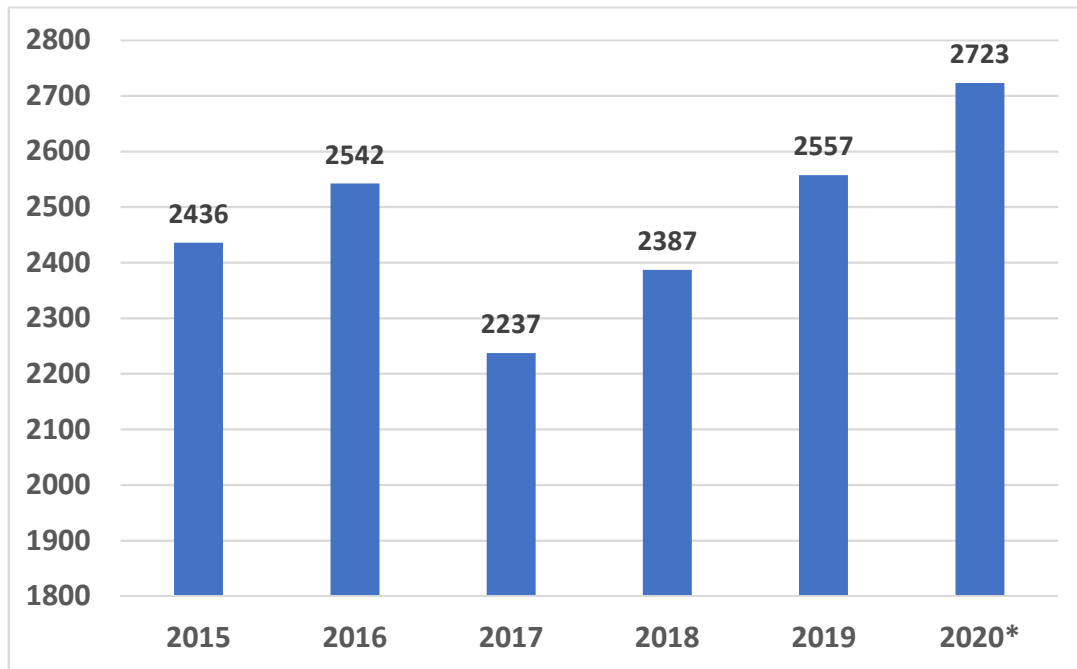
Review of fees for 2020 Building, Electric and plumbing							
Type of Fee	Cumberland Existing	Cumberland Proposed		Yarmouth	Falmouth	Freeport	Cape Elizabeth
Population 2018 Estimated	8165	8,165		8,518	11,180	8,510	9,313
Building Permits							
Residential :							
Minimum building permit fee	\$50.00	\$50.00		\$50.00	\$25.00 added to building fee	\$55.00	\$25.00 up to \$2,500 Value
New house or additions	\$.25 per square foot finished	\$.40 per square foot finished		\$10.00 per \$1,000.00	\$.25 per square foot finished	\$.40sf Residential	Over \$2,500 \$10 per \$1,000.
	\$.10 per square foot unfinished	\$.20 per square foot unfinished			\$.05 per square foot unfinished	foot unfinished	\$.40 sf all other
Renovation and alterations	\$10.00 per \$1,000.00	\$14.00 per \$1,000.00		\$10.00 per \$1,000.00	\$ 5.00 per \$1,000.00	\$1,000.00	
Foundation only					\$100.00		
Commercial :							
Minimum Building permit fee	\$100.00	\$100.00		\$100.00	\$25.00 added to building fee	\$55.00	
New Building or addition	\$.30 per square foot finished	\$.50 per square foot finished			\$10.00 per \$ 1,000.00	\$.45 sf Commercial	
	\$.10 per square foot unfinished	\$.20 per square foot unfinished					
Renovation and alterations	\$10.00 per \$1,000.00	\$14.00 per \$1,000.00		\$10.00 per \$ 1,000.00	\$20.00 + \$7.00 per \$1,000.	\$11.00 per \$1,000.00	
Foundation only					\$ 25.00 + \$.15 sf of area	\$55.00	
Decks and sheds	\$25.00 up to 400 sqft then \$.10 sqft	\$25.00 up to 400 sqft then \$.10 sqft		\$25. up to 200Sq Ft >200 \$10 per \$ 1,000	Shed \$25.00 up to 200 sf + \$.05 sf Deck \$10.00 + \$.15 sf of floor area	\$ 55.00 up 700 sf then \$.40 if over	
Demolition permit	\$25.00	\$50.00		Min \$50.00 or \$10 per \$1,000.	\$25.00	\$55.00	\$50.00
Change of use (without BP)	\$50.00	\$100.00					\$50.00
Swimming Pool inground / above	84-27 =\$ 100	\$100.00		\$100.00	\$75.00		
Solar panels (currently min fee)	New listing	\$10.00 per \$ 1,000.00					
Electrical Permits							
Residential and Commercial :							
Minimum electric permit fee	\$50.00	\$50.00		\$ 50.00 / \$55.00		\$55.00	\$25.00
New-additions- renovations	\$.05 per sq. ft of area	\$.07 per sq. ft of area		\$.06 Residential \$.10 Commercial		\$.06 sf Res / \$.10 sf Com	1-10 = \$25.00
New service or upgrade	\$25.00	\$25.00		\$25.00		\$25.00	11-24 = \$ 50.00
Swimming pools	\$25.00	\$25.00		\$25.00		Over 30 1/2 sq ft fee of \$.50 sf	Over 25 = \$100.00
Administration fee (req for all)	\$25.00	\$25.00		\$25.00	\$25.00	\$30.00	Appliance curcuits \$ 15 each
Late filing fee	\$25.00	\$25.00		\$25.00			Air Cond or Ref \$ 50.00
Plumbing Permits							
Residential and Commercial :							
Internal fees - Minimum	\$40.00	\$60.00		\$40.00	\$60.00	\$60.00	\$40.00
Fixture fee	\$10.00 per fixture(State Min)	\$15.00 per fixture(State Min) 150 % of State Miniumum		\$10.00 per fixture(State Min)	\$10.00 per fixture plus 50% of State	150 % of State	\$10 per fixture
External fees							
Complete systems							
Engineered system	\$200.00	\$300.00		150 X Sate Min = \$300.00	150% of \$	150% of State	\$200.00
Non-engineered system	\$250.00	\$375.00		\$375.00	\$375.00		\$250.00
Primitive system	\$100.00	\$150.00		\$150.00			\$100.00
Separate laundry	\$35.00	\$52.50		\$52.50			\$35.00
Seasonal conversion	\$50.00	\$75.00		\$75.00			\$50.00
Variance	\$20.00	\$30.00		\$30.00			\$20.00
Separate parts of a system							
Alternative toilet only	\$50.00	\$75.00		\$75.00			\$50.00
Disposal field only	\$150.00	\$225.00		\$225.00	\$225.00		\$150.00
Treatment tank only (nonengineered)	\$150.00	\$225.00		\$225.00			\$150.00
Treatment tank only (engineered)	\$80.00	\$120.00		\$120.00			\$80.00
Holding tank	\$100.00	\$150.00		\$150.00			\$100.00
Other components	\$30.00	\$45.00		\$45.00			\$30.00
State DEP surcharge new system	\$15.00	\$15.00		\$15.00			\$15.00
Re-inspection fees							
First	\$25.00	\$50.00		\$25.00	\$25.00		
Second	\$25.00	\$75.00		\$25.00			
Third or more	\$100.00	\$100.00		\$100.00			
Certificate of Occupancy				\$50.00	\$75. 00 without a building permit		
Temporary Certificate of Occupancy		\$100.00		\$150.00			
Window replacement only				No Charge			
Home Occupation	\$50.00	\$100.00		\$25.00			
Construction without permits	First Violation Double Fee	First Violation Double Fee		\$100. to \$2,500 per Violation	\$100. to \$2,500 per violation	Double Fee	Double Fee
	Second Violation Double Fee	Second Violation Triple Fee					
	Third and subsequent \$ 2,500.00	Third and subsequent \$2,500.00					

240	Code Enforcement	2017	2018	2019	2020
		ACTUALS	ACTUALS	ACTUALS	BUDGET
Expenses	Code Enforcement	\$108,004	\$136,084	\$142,020	\$140,977
Revenues	Licenses & Permits Revenues	-\$169,177	-\$112,523	-\$111,552	-\$115,423
	Cost of Code Enforcement	-\$61,173	\$23,561	\$30,468	\$25,554
		Profit	Expense	Expense	Expense

15	Other Revenues	2017	2018	2019	2020
		ACTUALS	ACTUALS	ACTUALS	BUDGET
0015 0508	Impact Fees	-\$184,441	-\$59,616	-\$79,340	-\$60,000

Average Living Area By Year

Year Built	Avg living Area	
2015	2436	
2016	2542	
2017	2237	
2018	2387	
2019	2557	
2020*	2723	10 homes



* 2020 Based on 10 homes

Chapter 84. Fees and Fines

[HISTORY: Adopted by the Town Council of the Town of Cumberland 12-14-2009; amended 8-23-2010. Subsequent amendments noted where applicable.]

Article I. Fee Schedule

[Amended 9-10-2012]

§ 84-1. Alarm systems.

- A. Application fee: \$50.
- B. Annual registration fee: \$25.

§ 84-2. Board of Adjustment and Appeals.

- A. Application and notice fee: \$100.

§ 84-3. Building permits.

- A. Residential.
 - (1) Minimum fee: \$50.
 - (2) New construction (including all floor levels from the lowest floor to the highest floor level).
 - (a) Finished areas: \$0.~~25~~40 per square foot.
 - (b) Unfinished areas: \$0.~~40~~20 per square foot.
 - (3) Renovations, Solar arrays and alterations: \$~~40~~14 per \$1,000 (include written cost estimate).
- B. Commercial.
 - (1) Minimum fee: \$100.
 - (2) New construction (including all floor levels from the lowest floor to the highest floor level).
 - (a) Finished areas: \$0.~~30~~50 per square foot.
 - (b) Unfinished areas: \$0.~~40~~20 per square foot.
- C. Decks and sheds: \$25 up to 400 square feet then \$0.10 per square foot additional.
- D. Demolition permits: \$~~25~~50.

- E. Change of use: ~~\$50~~100 (no charge if permit issued).

§ 84-4. Community antenna television (CATV).

- A. Filing fee: \$100.
- B. Copy (DVD) of live broadcast public meeting: \$10.

§ 84-5. Dog control.

- A. Annual license.
 - (1) Neutered/spayed: \$6.
 - (2) Nonneutered/nonspayed: \$11.
- B. Late fee (after February 1): \$15.
- C. Approval for dog release, administration and impounding fee: \$40.

§ 84-6. Electrical permits.

- A. New construction/addition/renovations: \$0.9507 per square foot (minimum inspection fee \$25).
- B. New service/upgrade: \$25.
- C. Swimming pool: \$25.
- D. Administrative fee (required on all permits): \$25.
- E. Minimum fee for electrical permit: \$50.
- F. Late filing fee: \$25.

§ 84-7. Explosives.

- A. Permit fee: \$20.

§ 84-8. Floodplain management.

- A. Nonrefundable application fee: \$25 for all minor development and \$50 for all new construction or substantial improvements.

§ 84-9. Growth management.

- A. Growth management permit fee: \$100.
- B. Administrative reinstatement fee: \$50.

§ 84-10. Library.

- A. Photocopies and printing: \$0.10 per page.
- B. Outgoing fax: \$0.50 per page (incoming and toll-free numbers are free).
- C. Overdue fees.
 - (1) Adults: \$0.10 per item per day.
 - (2) Children: \$0.05 per item per day.
- D. Nonresident borrowing: \$30 per year.

§ 84-11. Mass gatherings.

- A. Minor large outdoor event (500 to 4,999 persons): \$250.
- B. Major large outdoor event (greater than 5,000 persons): \$500.

§ 84-12. Moorings.

[Amended 12-14-2015; 1-3-2017; 3-26-2018; 2-11-2019; 10-28-2019]

- A. Resident: \$50.
- B. Nonresident: \$250.
- C. Daily rental for transient mooring: \$20.
- D. Reassignment fee: \$250.
- E. Dinghy dockage and time limit fee: \$50.
- F. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring.
- G. Late mooring renewal/application fee: \$50.
- H. Personal watercraft rack storage fee: \$50 per craft.
- I. Violation of § 48-7, Personal watercraft storage, fee: \$50.
- J. Violation of any provision of Chapter 48 not listed above, fee: \$100.

§ 84-13. Plumbing permit.

- A. Internal fees: ~~\$10-15~~ per fixture; ~~\$40-60~~ minimum. All fees are at 150% of State Minimum
- B. External fees.
 - (1) Complete systems.
 - (a) Engineered system: ~~\$200~~300.
 - (b) Nonengineered system: ~~\$250~~375.
 - (c) Primitive system: ~~\$100~~150.

- (d) Separate laundry: ~~\$355~~2.50.
- (e) Seasonal conversion: ~~\$50~~75.
- (f) Variance: ~~\$20~~30
- (2) Separate parts of systems.
 - (a) Alternate toilet only: ~~\$50~~75.
 - (b) Disposal field (engineered): ~~\$150~~225
 - (c) Disposal field (nonengineered): ~~\$150~~225
 - (d) Treatment tank only (nonengineered): ~~\$150~~225.
 - (e) Treatment tank only (engineered): ~~\$80~~120.
 - (f) Holding tank: ~~\$100~~150
 - (g) Other components: ~~\$30~~45.
- (3) Subsurface septic surcharge: \$15.

§ 84-14. Public swimming pool.

- A. License to operate and maintain a public swimming pool: \$100 per year.

§ 84-15. Reinspection fee.

- A. Building, plumbing and electrical. (Reinspection fees are assessed at the discretion of the inspector.)
 - (1) First: ~~\$25~~50.
 - (2) Second: ~~\$25~~75.
 - (3) Third or more: \$100.

§ 84-16. Rezoning or contract zone fee.

- A. Staff review: \$500.
- B. Zoning Map change: \$350.
- C. Zoning text change: \$350.
- D. Consulting escrow: \$800.
- E. If both a text and map change collect for both.

§ 84-17. Road acceptance.

- A. Application fee: \$100.

§ 84-18. Sewer use.

- A. Sewer user connection fee: \$50.
- B. Board of Sewer Appeals request for a hearing: \$50.
- C. Review by Town Engineer: the number of hours spent by the Town Engineer times the hourly rate of \$65.

§ 84-19. Shellfish license.

Each license includes a conservation fee of \$10.

- A. Resident commercial shellfish license: \$110.
- B. Nonresident commercial shellfish license: \$210.
- C. Resident recreational shellfish license: \$10.
[Amended 12-15-2015]
- D. Nonresident recreational shellfish license: \$10.
[Amended 12-15-2015]
- E. Monthly recreational shellfish license: resident \$10; nonresident \$10.
[Amended 12-15-2015]
- F. Junior license: \$10.
[Amended 12-15-2015]
- G. Resident and nonresident senior license: \$0 (no fee).
[Amended 12-15-2015]

§ 84-20. Shoreland zoning.

- A. Staff review: \$150.
- B. Planning Board issued: \$250.

§ 84-21. Signs.

- A. Fee: \$50.

§ 84-22. Site plan fees.

[Amended 10-23-2017]

- A. Minor staff review.
 - (1) Application and notice fee: \$100.
 - (2) Review fee: \$250.

- (3) Consulting escrow: \$500. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

B. Major staff review.

- (1) Application and notice fee: \$100.
- (2) Review fee: \$350.
- (3) Consulting escrow: \$800. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

C. Planning Board review.

- (1) Application and notice fee: \$150.
- (2) Review fee: \$500.
- (3) Consulting escrow: \$1,500. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

D. Site Plan amendment: classified as per § **229-2B** and fee as listed above.

§ 84-23. Small wind turbine.

A. Permit fee: \$150.

§ 84-24. Solid waste.

- A. Trash bags for residential household waste as defined in Chapter **235**, Article **II**, shall be \$2.50 for a thirty-three-gallon bag and \$1.25 for a fourteen-gallon bag.
- B. Annual hauler's license fee: \$100.
- C. Identification stickers for the use of the Town wood products area and Town garage: \$1.

§ 84-25. Special amusement permit.

- A. Permit: \$50.
- B. Liquor license: \$10.
- C. Private catering certificate: \$10.

§ 84-26. Subdivision.

- A. Minor.
 - (1) Application fee: \$100.
 - (2) Planning review fee: \$500.
 - (3) Per lot fee: \$25.

- (4) Consulting escrow (per lot or dwelling unit): \$100. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

B. Major.

- (1) Application fee: \$100.
- (2) Planning review fee: \$1,500.
- (3) Per lot fee: \$100.
- (4) Consulting escrow (per lot or dwelling unit): \$100. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

C. Revision.

- (1) Application fee: \$100.
- (2) Per revised lot fee: \$150.
- (3) Consulting escrow: \$350. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

§ 84-27. Swimming pools.

- A. Aboveground and in-ground: \$100.

§ 84-28. Temporary CO's and structures.

- A. Minimum ~~building~~ permit fee: ~~\$50~~100.

§ 84-29. Temporary victualer's license.

- A. Establishment operated by nonprofit organization: no fee.

§ 84-30. Timber harvesting.

- A. One-year renewable permit: \$25.

§ 84-31. Vehicles and traffic.

[Amended 12-12-2017]

- A. Permit for curb loading zone: a service fee of \$25 per year or fraction thereof.
- B. Parking other than parallel: \$25.
- C. Parked facing traffic: \$25.
- D. Parked more than 12 inches from road edge: \$25.
- E. Parking on curb or sidewalk: \$25.

- F. Obstructing traffic: \$25.
- G. Obstructing hydrant: \$50.
- H. Obstructing fire lane: \$50.
- I. Obstructing driveway: \$25.
- J. Vehicle on crosswalk: \$25.
- K. Parking too near intersection: \$25.
- L. Parking too near traffic control device: \$25.
- M. Double parked: \$25.
- N. Parking where prohibited by sign(s): \$25.
- O. Parked within 50 feet of rail crossing: \$25.
- P. Occupying two spaces: \$25.
- Q. Winter parking ban: \$25.
- R. Interfering with snow removal: \$25.
- S. Disability parking space: \$100.
- T. Overtime parking: \$25.

§ 84-32. Yard waste facility.

- A. Brush/trees/slash/leaves/grass clippings and other landscape trimmings. Brush/trees/slash is considered any hard or soft wood less than 12 inches in diameter. Lengths up to 12 feet will be accepted. Stumps and wood over 12 inches in diameter will not be accepted.
- B. Cars and pickup trucks: \$5 per load.
- C. Single-axle trailers up to four feet by six feet: \$5 per load.
- D. All trailers over four feet by six feet: \$5 per load.
- E. Rack-body trucks, one dump: \$5 per load.
- F. One-day pass for all vehicles excluding dump trucks: \$10 per day.
- G. Six-wheeled seven-yard dump trucks: \$25 per load.
- H. Larger loads (wheelers and tri-axle dump trucks) will not be accepted.
- I. Motor oil and car batteries: must see attendant; no fee.
- J. Residential annual pass (July 1 to June 30): \$25.
- K. Commercial annual pass (July 1 to June 30)*: \$250. *Cumberland yard waste only.

§ 84-33. Zoning.

- A. Domesticated chickens.
 - (1) License fee: \$10.
 - (2) Late fee for licenses that have expired: \$10.
- B. Erosion and sedimentation control (§ **315-48**).
[Added 8-12-2013]
 - (1) Permit fee: \$25.

§ 84-33.1. Farm-based special events.

[Added 2-12-2018]

- A. License: \$50.
- B. Events: \$250 each event; up to \$750 maximum per calendar year. There shall be no more than eight events under any individual license.

Article II. Fines

§ 84-34. Construction without permit.

- A. Fines for construction without permit. Based on twelve-month permit activity for individual, contractor, or company. This includes building, plumbing and electrical permits.
 - (1) First offense: ~~double~~ Double fee.
 - (2) Second offense: ~~double~~ Triple fee.
 - (3) Third and subsequent offenses: \$2,500 minimum.

§ 84-35. Stop-work order or other violation.

- A. Title 30-A, § 4452, of the Maine Revised Statutes Annotated (fine per violation): \$100 to \$2,500.

§ 84-36. Violations.

- A. Violation of any ordinance provision: not more than \$100 for each offense.

§ 84-37. Firearms.

[Added 1-14-2019]

- A. Fines for violating any provision of Chapter **92** shall be subject to a fine of:
 - (1) First violation: \$100.
 - (2) Second violation: \$150.
 - (3) Each subsequent offense: \$250.

ITEM

20-052

To hold a Public Hearing to consider and act on amendments to Chapter
9 (Alarms) of the Cumberland code, as recommended by the
Ordinance Committee

Chapter 9

ALARM SYSTEMS

GENERAL REFERENCES

Fires and fire protection — See Ch. 96.

§ 9-1

ALARM SYSTEMS

§ 9-3

ARTICLE I

Title, Purpose and Definitions

§ 9-1. Title; repealer.

This chapter shall be known and may be cited as the "Alarm Systems Ordinance of the Town of Cumberland, Maine." This chapter shall repeal and replace the alarm systems ordinance previously adopted on August 28, 1978.

§ 9-2. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of its residents and reduce the incidence of ~~nonemergency~~ **false** alarms by establishing appropriate guidelines for the ~~installation~~ **registration** and use of alarm systems. ~~and the notification of such installations.~~

§ 9-3. Definitions.

For purposes of this chapter, certain terms or words used herein shall be defined as follows:

ALARM AGENT — Any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the Town.

ALARM SYSTEM — A system including any mechanism, equipment, **hardware, software** or device designed for the detection of unauthorized entry upon any property, ~~(other than motor vehicles or vessels)~~, and/or the detection of heat, smoke or fire, **or transmission of the notification of a medical emergency requiring ambulance response** and which ~~automatically~~ transmits a signal, message or warning from a private facility **by any means, including but not limited to a phone call from a system operator, automated phone message from an alarm system, an external audible alarm, or telephonic alarm systems** designed to operate automatically ~~through the use of public telephone facilities,~~ to the Town of Cumberland Police Department, ~~or Fire/EMS Department,~~ **the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response.**

NONEMERGENCY FALSE ALARM — Any alarm signal sent to the **Town of Cumberland Police Department, Fire/EMS Department, the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response** ~~Police Department~~ that is

not in response to an actual or attempted unauthorized entry upon property, ~~requiring an immediate Police Department response~~, any alarm signal sent to the Fire/EMS Department that is not in response to heat, smoke, fire or water ~~requiring immediate response by the Fire/EMS Department~~, and any alarm signal sent to the Fire/EMS Department that is not in response to a medical emergency ~~requiring ambulance response~~. It includes, but is not limited to, ~~false~~ **unintentional** alarms caused by domestic animals, a malfunctioning alarm system, unusually severe weather conditions, **negligent activation of the alarm system or an improperly maintained alarm system, or** intentional activation of an alarm system when an immediate response is not required., ~~negligent activation of the alarm system or an improperly maintained alarm system.~~

PERSON — A natural person, association, firm, partnership, corporation, or other entity.

RESPONSIBLE PERSON – The person responsible for an alarm system. In the case of a residence, the responsible person will generally be a resident. In any case, if a responsible person cannot be identified, the property owner shall be considered the responsible person.

§ 9-4

ALARM SYSTEMS

§ 9-7

ARTICLE II

Permits Registrations

§ 9-4. ~~Permit required~~ **Registration encouraged.**

~~No person shall install, maintain or operate an alarm system without first obtaining a permit therefor from the Chief of the Police or Fire/EMS Department, as appropriate.~~ **A person who is responsible for an alarm system is encouraged to register the alarm system with the Town. The purpose for registering the alarm system is so that first responders will have accurate contact information for the person or persons responsible for the property in the event of an emergency or false alarm.**

§ 9-5. Procedural rules.

~~The Chief of the Police or Fire/EMS Department shall establish in writing such procedural rules not inconsistent with this chapter as are necessary to process alarm system permits.~~

§ 9-6. ~~Application for permit.~~ **Registration forms.**

~~Applications for permits to install, maintain or operate an alarm system shall be~~ **Alarm system registrations should be** filed with the **Town** Chief of the respective department, or his/her designee, on forms supplied by the Town of Cumberland, ~~together with an application fee established by order of the Town Council.~~² Said **application** **registration** shall set forth the following:

- A. ~~Applicant's~~ **Registrant's** name, address and telephone number;
- B. Address and telephone number of structure in which alarm system is to be installed;

- C. Name, address and telephone number of the alarm system installer;
- D. Name, address and telephone number of the person maintaining the alarm system;
- E. Name, address and telephone number of the person **(s)** to contact when the Police or Fire/EMS Department receives an alarm;
- F. Location of alarm system control panel within the structure;
- G. Location of any lock box;
- H. Type of alarm (telephonic, **or** audible, **or other**); and

I. A signed statement by an authorized alarm agent that the alarm system has been inspected and is in proper working order.

~~§ 9-7. Issuance of permit; conditions.~~

A. The Chief of the Police or Fire/EMS Department shall approve such application if he/she finds that:

~~§ 9-7~~ CUMBERLAND CODE ~~§ 9-9~~

~~(1) The applicant has submitted a completed application pursuant to § 9-6 of this chapter.~~

~~(2) The use of said alarm system will not interfere with the orderly conduct of Town business.~~

~~(3) The person installing the system maintains an adequate service organization to repair, maintain or otherwise service alarm systems purchased or leased by him/her.~~

B. The Chief of the Police or Fire/EMS Department may impose such conditions which reasonably relate to the application approval standards or the appropriate administration of this chapter, as evidenced by § 9-2, upon said permits.

~~§ 9-8. Inspections.~~

The Chief of the Police or Fire/EMS Department, or his/her designee, may inspect or cause to be inspected any alarm system or any property protected by an alarm system at all reasonable times to ensure compliance with the provisions of this chapter.

~~§ 9-9. Suspension or revocation of permit.~~

The Chief of the Police or Fire/EMS Department may suspend or revoke any permit issued pursuant to the provisions of this chapter, after giving written notice to the permit holder and an opportunity for the permit holder to be heard, if he/she determines that the alarm system installed pursuant to said permit has been installed, maintained or operated in violation of any term

or condition of said permit or the provisions of this chapter or the permit holder has failed to pay any penalty specified in Article IV or VI of this chapter. In the event that the Chief of the Police or Fire/EMS Department suspends or revokes a permit, the Town may disconnect the person from the alarm system or telephone call-in master panel until such time as all penalties incurred under this chapter have been paid, the permit holder has remedied the cause of the false alarms and provides satisfactory documentation that the system has been inspected, and the permit holder has applied for a new permit; provided, however, that the Town also reserves the right to collect any penalties incurred under this chapter as otherwise permitted by law.

§ 9-10

ALARM SYSTEMS

§ 9-12

ARTICLE III General Provisions

~~§ 9-10. Automatic dialing services.~~

~~No person shall install, operate or maintain an alarm system which automatically transmits a signal, message or warning to the Town of Cumberland Police or Fire/EMS Department or to their respective telephone lines, except to such telephone number or numbers as designated by the permit issued under the provisions of this chapter or as otherwise approved and agreed to by the Chief of the respective department.~~

§ 9-11. Alarm system information.

Information relating to any alarm system shall be maintained in a confidential manner, and the unauthorized release of such information by any person shall be a violation of this chapter.

§ 9-12. Lock boxes.³

It is not a requirement of this chapter, but the Town urges persons to install an approved lock box (preferably a Knox-Box® system or equivalent) as part of the alarm system in order to provide a key to the structure for use by the Police or Fire/EMS Department when responding to an alarm. Further, all ~~existing permit holders~~ **responsible persons** are urged to provide a lock box with a key to their structures and to notify the Police or Fire/EMS Department in writing of the location of said lock box within 90 days after the effective date of this chapter.

§ 9-13

ALARM SYSTEMS

§ 9-13

ARTICLE IV Transmittal of ~~Nonemergency~~ **False** Alarms

§ 9-13. Penalties for false alarms.

~~A. Any permit holder~~ **The person** whose system causes the transmittal of a ~~nonemergency false~~ alarm shall be subject to the following penalties;

provided, however, that in the event an alarm system is activated as a result of a natural or unnatural event beyond the permit holder's control and not directly caused by the permit holder (e.g., disruption of electrical service due to storm, motor vehicle accident, or contractor's negligence), no penalty shall be imposed. ~~at the discretion of the Chief of the respective department. It shall be the burden of the permit holder to demonstrate to the satisfaction of the Chief that an alarm signal was the result of such natural or unnatural event beyond the permit holder's control.~~

B. For the purpose of this section, the number of false alarms shall be based upon the calendar year and shall be recalculated annually.

(1) First response. For the first response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief or his/her designee will document the date, time and alarm malfunction and keep this information on file ~~for the period of one year.~~

(2) Second response. For the second response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief shall ~~give~~ **deliver or cause to be delivered** written notice of the ~~nonemergency~~ **false** alarm to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **thirty days** of the ~~nonemergency~~ **false** alarm, along with notice of the monetary penalty for any additional ~~nonemergency~~ **false** alarms received. ~~The permit holder shall file a written report with the Police or Fire/EMS Chief stating the cause of the false alarm, if known, and describing corrective action taken, if any, by the permit holder.~~

(3) Third response. For the third response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief shall ~~give~~ **deliver or cause to be delivered** written notice of the ~~nonemergency~~ **false** alarm to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **thirty days** of the ~~nonemergency~~ **false** alarm, which notice shall demand payment of ~~\$75~~ **\$100** for a ~~nonemergency~~ **false** fire/~~rescue~~ **EMS** alarm or ~~\$25~~ **\$50** for a ~~nonemergency~~ **false** police alarm. This penalty may be excused by the Police or Fire/EMS Chief for good cause shown by the ~~responsible person~~ **permit holder**. ~~In the case of an alarm system malfunction or improperly maintained alarm system, the respective Chief shall require the permit holder to file with the respective department a signed statement of a qualified person that the alarm system has been inspected and is in proper working order.~~

- (4) Fourth response. For the fourth response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within a calendar year, the respective Chief shall ~~give~~ **deliver or cause to be delivered** written notice to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **thirty days** of the ~~nonemergency~~ **false** alarm, which notice shall demand payment of a penalty to the Town in the amount of ~~\$100~~ **\$125** for a ~~nonemergency~~ **false** fire/~~rescue~~ **EMS** alarm or ~~\$50~~ **\$75** for a ~~nonemergency~~ **false** police alarm.
- (5) Subsequent alarms. For all subsequent responses by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within a calendar year, the respective Chief shall ~~give~~ **deliver or cause to be delivered** written notice to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **thirty days** of the ~~nonemergency~~ **false** alarm, which notice shall demand payment of a penalty to the Town as listed below. Each ~~nonemergency unnecessary response to a false alarm~~ **response** shall be billed in twenty-five-dollar increments as the following examples demonstrate:

Response	Fire/EMS Alarms	Police Alarms
5th	\$125 \$150	\$75 \$100
6th	\$150 \$175	\$100 \$125
7th	\$175 \$200	\$125 \$150
8th	\$200 \$225	\$150 \$175

- (6) Payment due date; late fee. The ~~permit holder~~ **responsible person** shall ~~file any written report or signed statement required hereunder and~~ pay any penalty demanded hereunder within 10 **business** days after the ~~permit holder's~~ **person's** receipt of written notice from the Police or Fire/EMS Department. If the ~~permit holder~~ **responsible person** fails to pay assessed charges within 10 **business** days of receipt of said charges, there will be an additional late fee of \$5 per day added.

- ~~(7) Grace period for new alarm responses. For purposes of this section, the calendar year shall not include the first 30 days following the date of installation of any alarm system installed after the effective date of this chapter.~~

§ 9-14. ~~Permit holder response to alarms.~~

~~The permit holder or his/her designated contact person, as kept on file with the Police or Fire/EMS Department, shall respond to each alarm at the request of the respective department's dispatcher for the purpose of securing the premises.~~

ARTICLE V
Annual Registration

§ 9-15. Registration fee; application update form.

~~A. A registration fee established by order of the Town Council shall be assessed to each permit holder annually on the anniversary of the permit holder's original application.⁴ An application update form will be sent with each registration fee invoice requesting the permit holder to identify any changes in alarm status, contact persons or residential ownership. The permit holder shall complete such application update form annually.⁵~~

~~B. Failure of the permit holder to complete an application update form may result in the revocation of the permit. Revocation of the permit shall result only after the permit holder has received notice of his/her failure to complete the annual application update form and of the penalty therefor and been given adequate time, no more than 10 working days, to respond to such notice.~~

ARTICLE VI
Enforcement

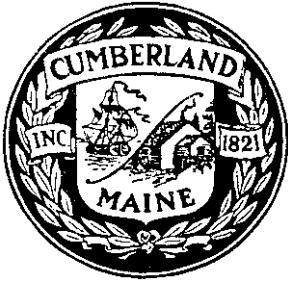
§ 9-16. Violations and penalties.

Violation of any provisions of this chapter, other than those provided for in Article IV, shall be punished by a fine of not more than \$100 for each offense. Each act of violation shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this chapter by appropriate action.

ITEM

20-053

To consider and act on adopting standards to develop and maintain trails on Town owned properties and Town owned easements, as recommended by the Lands & Conservation Commission



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: August 6, 2020
Re: 20-053 Trail Standards - LCC

The Trails subcommittee of the Lands & Conservation Commission will be presenting a recommendation to you for trail standards for all town owned properties. John Jensenius, Chair of the Trails Committee, will be presenting the document and requesting your input and approval. John will explain how Knight's Pond Preserve is covered in this document. The Joint Standing Committee could adopt these standards separately, but there is no requirement to do so as it would require both North Yarmouth and Cumberland members to vote on the acceptance.

This will become a Council Policy, similar to the Use Policies that are in all our Town owned properties. It is a real effort to standardize our trails and to add some guidance for future trail development. The document before you is well written and easy to follow.

Town of Cumberland

Trail Construction and Maintenance Standards

The following document applies to Town-owned properties and Town-owned easements on private properties, except that any previous agreements for the management of trails on Town-owned properties shall be honored. While similar standards are recommended for Town-marked trails on private property where the Town does not hold an easement, no cutting or other maintenance should be done without property owner agreement and permission. All new trail construction and/or maintenance on Town-owned properties must be done in conjunction with the Town's Recreational Trails Subcommittee and/or Lands and Conservation Commission. Construction or maintenance on Town-owned properties which are covered by an easement must also be coordinated with the holder of the easement and follow the terms of that easement.

INTRODUCTION

Cumberland's trails have been developed to be enjoyable and safe for residents and visitors. They are designed, constructed, and maintained for specific uses and also to minimize the impact on the natural resources of the surrounding area while taking advantage of scenic, educational, and cultural opportunities. Basic principles considered are:

- Trails should be in visually pleasing corridors and incorporate as many scenic points of interest, as possible.
- Trails should provide a variety of ecological, vegetative, and geographic features.
- Trails should avoid crossing wetlands or unstable ecological habitats, when possible.
- Trails should provide connections to other trails, recreation facilities, parks, neighborhoods, communities, etc.
- Any new trails should incorporate existing trails, when possible.
- Trails should be designed to require minimum maintenance.
- Trails should avoid close proximity to homes, when possible.
- Trails should reflect the mood and atmosphere of the area it traverses.
- Town-marked trails on private property must have landowner support.

TRAIL USES

Cumberland's trails are used for a variety of outdoor recreational activities. These activities include:

- Hiking/Walking
- Dog walking
- Biking
- Running
- Snowshoeing
- Cross country skiing
- Horseback riding
- Snowmobiling

TYPES OF TRAILS

Cumberland has numerous trails throughout the town, many of which originated from old logging trails. Cumberland's trails include trails on Town-owned property, trails on private property for which the Town holds an easement, and trails across private property. In general, the Town-owned trails and easements can be categorized as follows:

- Urban Trails – The Town's sidewalks and paved pathways.
- Semi-rural Trails – High-use trails that have been "hardened" to allow for multiple types of uses. These trails are typically constructed of gravel and are at least 5 ft wide. Examples: Town Forest, Twin Brook (Tuttle Road side).
- Rural Trails – Somewhat lower-use trails that are generally in more rural parts of the Town. Typically, these trails are intended to be narrower, wind their way through somewhat remote forested areas, may be uneven and "rooty" in places, and have a trail surface tread width of about 2 feet. Examples: Rines Forest, Knight's Pond, Greely Woods, Twin Brook (Greely Road side)
- Snowmobile Trails – Snowmobile trails are generally located on rural trails which have been specifically designated for snowmobiles and are typically at least 8 ft wide.
- Handicap-Accessible Trails – These trails have been specifically designed to be wheelchair accessible. While Urban and Semi-rural trails may be capable of accommodating wheelchairs, handicap-accessible trails are specifically designed for wheelchair use. Example: Twin Brook (Handicap Trail).

Where appropriate, the Recreational Trails Subcommittee of the Lands and Conservation Commission posts trail markers on Town-owned land and easements and includes these trails on maps. With permission, the Subcommittee can also place trail markers on and map privately-owned trails that link to the trails on Town-owned properties and easements.

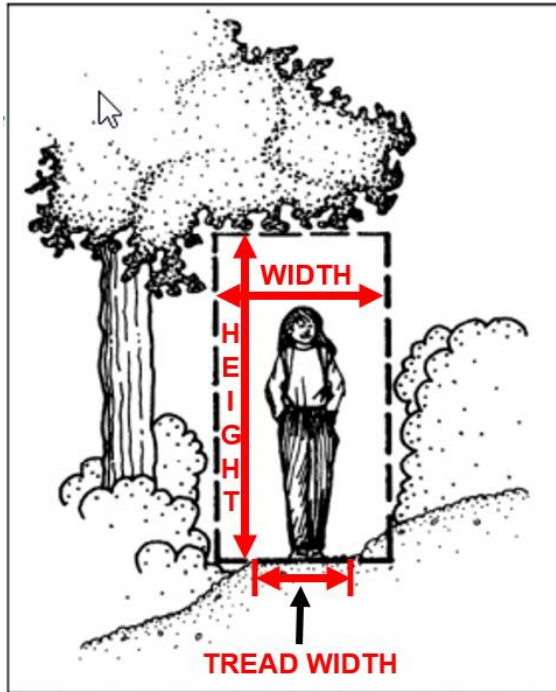
TRAIL MAINTENANCE ASSIGNMENTS

Cumberland's trails are maintained by the Public Works Department and by volunteers. For Town-owned properties and easements, the following apply:

- Urban Trails – Maintained by the Public Works Department
- Semi-rural Trails – Maintained mainly by the Public Works Department with assistance from volunteers when needed.
- Rural Trails – Maintained mainly by volunteers with assistance from the Public Works Department, when needed. Volunteers are organized primarily through the Recreational Trails Subcommittee and/or easement holders. All new trail construction or maintenance in Town-owned property must be approved by the a representative of the Recreational Trails Subcommittee.
- Snowmobile Trails – Maintained by the Moonlight Snow Skimmers and the Recreational Trails Subcommittee with assistance from the Public Works Department when needed.
- Handicap-Accessible Trails – Maintained mainly by the Public Works Department, with assistance from volunteers when needed.

TRAIL CONSTRUCTION AND MAINTENANCE STANDARDS

Trail construction standards are designed to enhance the trail experience and safety for trail users while limiting the impact to the environment. New trails should be designed to meet the recommended width, height, and tread-width standards. Older trails that far exceed the recommended standards should be maintained to meet the recommended standards. For example, although an old rural logging trail may be 20 ft wide, the trail should only be maintained to the recommended width, thus allowing natural vegetation to “fill in” much of the original logging trail. In cases where trails are more open to light, an occasional mowing or brush hogging of grass or brush may be needed to maintain a safe and open trail. In these cases, trail tread and width may be increased to allow for maintenance access or safety concerns.



The following table provides recommendations for trail width, tread width, height and surface type for the different categories of trails.

Standard	Urban	Semi-rural	Rural	Snowmobile	Accessible
Tread width	4-6 ft	8-10 ft	1.5-3 ft	6-10 ft	4 ft
Trail width	8-10 ft	12-14 ft	3-5 ft	6-10 ft	6 ft
Trail Height	8 ft*	8 ft*	8 ft*	8 ft*	8 ft*
Tread Surface	Concrete/ Asphalt	Sand/gravel aggregate or Natural	Natural, Sand/gravel aggregate where necessary	Natural, Sand/gravel aggregate where necessary	Concrete/ Asphalt

* Note that trail height recommendations do not apply when heavy snow loads weigh down branches.

A major challenge is keeping rural trails from expanding beyond the recommended width. This typically happens when soft areas of the trails become mucky (particularly in the spring) and bikers and pedestrians create ever-expanding alternative paths around the ever-expanding mucky areas. To reduce the spiderwebbing of trails through soft areas, a sand/gravel aggregate pathway should be used to stabilize and “harden” the original trail pathway. Note that this sand/gravel aggregate pathway should be limited to the recommended width for the trail, thus allowing natural vegetation to grow in any trampled or mucky areas surrounding the trail.



Example of stabilizing sand/gravel path used to harden soft area that had become mucky due to wet conditions and heavy use. The goal is to keep the width of the trail from expanding and allow the vegetation along the alternate path (to the left of the original path) to grow back to its natural state.

TRAIL STRUCTURES

The Town of Cumberland typically utilizes two types of trail structures – bridges and walkways. Bridges are primarily constructed to allow passage over streams while walkways allow passage through wetland areas. As a general guideline, bridges should be at least as wide as the required tread width for the trail, but no less than 4 ft wide. Walkways should be at least as wide as the required tread width, but no less than 2 ft wide. Walkways are typically no higher than a foot above the ground surface. Both bridges and walkways should be constructed with the treads perpendicular to the trail. Planking is not recommended as it is typically less stable, less effective, and difficult for bikers to ride across. Planking also presents a hazard for snowmobilers during the winter and is not permitted on snowmobile trails. Walkways are allowed on snowmobile trails as long as they are a minimum of 8 ft wide.

All trail bridges more than 4 feet above the ground or water surface must have a railing at least 42 inches in height (54 inches for bridges intended for bikers). Trail bridges (of any size) that do not have railings should have a curb along both sides of the treads. Walkways should generally be less than a foot above ground level and, therefore, do not need railings. However, small curbs may be used along either side of the tread to provide additional safety.



Example of walkway through wetland area.



Example of small bridge with curbing over stream.

TRAIL SIGNAGE

Signs along trails should be used to inform and direct users of the trails. Care should be taken to limit signage to only what is necessary. Signage may consist of trail markers, property ownership signs (Town versus Private), educational signs (i.e., flora or fauna identification or information), etc. The following are examples of signage used on Town-marked trails:

- Colored trail markers – Posted on town-owned trails and connecting private trails (with owner permission) to help users follow the trail. Trails on private property are marked only if permission is granted to show the trail on a public map.
- Roadside trail signs – Posted along public and private roads (with permission) to mark the entrance of a trail.
- Cumberland Trails (CT) sign – Posted on trails at or near the entrance to Town-owned property.
- Leaving Town-owned Property signs - Posted on trails to indicate users are leaving Town of Cumberland property and entering private property.
- Private property signs – May be placed on Town-marked private property (with permission) to encourage users to respect the owner's property.
- IF&W Private Property signs – May be placed on Town-marked private property (with permission) to encourage users to respect the owner's property.
- DACF- BPL Snowmobile signs – Posted on snowmobile trails by the Moonlite Sno-Skimmers Club.
- Restricted use signs – Posted near trail entrances to inform the public of trail use restrictions.



Examples of signs used on Cumberland's trails.

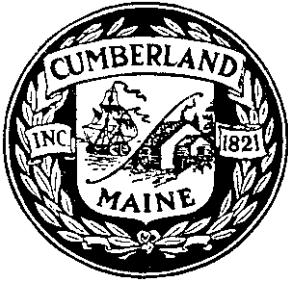
TRAIL CLOSURES AND RESTRICTIONS

While the overall goal is to keep Town-owned trails open year-round for their intended uses, there may be times and/or situations that require closures or additional restrictions. For example, storm damage may require that trails be closed for a period of time until they are safe to use. Also, seasonal closures for specific uses may be necessary to prevent damage to the trails or surrounding environment. The Town Manager has the authority to close any Town-owned trails. The Chair of the Lands and Conservation Commission can request that the Town Manager close or restrict the use of any Town-owned trail.

ITEM

20-054

To hear a report from the Town Manager re: discontinuance of a portion of Turkey Lane from Range Road to the snowmobile bridge



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: August 6, 2020
Re: **20-054 Turkey Lane – Range Road End**

Turkey Lane is a road which had a bridge across a stream and has been abandoned for over 40 years. As a Town we have a responsibility to maintain public roads. This road however does not serve any homes and has lacked any real maintenance other than a snowmobile bridge for a very long time.

The landowner who owns both sides of this section of road has asked the Town to consider an abandonment or discontinuance of the road. This action is a very specific legal action and is outlined in the attached documents written by the Town Attorney.

Tonight, is step one in the process. To hear the report and overview of the request. The next step is to set a public hearing for abutters to voice concerns, support, or give input. After the Public hearing on August 24th, you will have to set another Public Hearing for a Council vote on September 14th.

I believe this is the right thing to do and it preserves a public easement for pedestrian and snowmobiles. This will need a recommendation from the LCC which could be scheduled at their September meeting.

DISCONTINUANCE OF PORTION OF TURKEY LANE PROCEDURES AND SCHEDULE

1. The Town Council holds a meeting to discuss the proposed discontinuance and files an order of discontinuance with the Town Clerk. **Prior to that meeting, the Town must give best practicable notice to all abutting property owners of the proposed discontinuance.** Notice must include a description of the discontinuance, information concerning the retention of the public easement and maintenance obligations for and the right of access to the way under the continuance of a public easement; it should also inform abutting property owners that they have the right to enter into agreements regarding maintenance of and access to the discontinued way. (D-1-abutter notice; D-2-draft discontinuance order). Note: the draft discontinuance order does not have to be included with the abutter notice

Anticipated date: August 10, 2020

2. The order of discontinuance must set forth:

- a. The location of the town way to be discontinued.
- b. The names of abutting property owners.
- c. The amount of damages, if any determined by the municipal officers to be paid to each abutter.
- d. Whether a public easement will be retained. Because the public easement is to be less than the full area of the road, the order should contain a good description of the area to be retained. In addition, this should include a list of the uses to which the easement will be limited.

Note: under the statute an easement for public utility facilities “necessary to provide or maintain service remains in a discontinued town way regardless of whether a public easement is retained.”

3. The Town Council holds a public hearing on the order of discontinuance at a subsequent meeting.

Anticipated date: August 24, 2020

4. The Town Council then votes on the order 10 or more business days after the public hearing. It must approve the order of discontinuance and the damage awards and, if necessary to appropriate the necessary funds to pay the damages.

Related to this, the Town Council can approve the license for the installation and maintenance of the desired improvements in the retained public easement area.)

(D-3-license agreement) (to be provided)

Anticipated date: September 14, 2020

5. The Town Clerk must record an attested certificate of discontinuance in the Registry of Deeds. The certificate must include the name of the town way, the Town's name and the names of the abutting property owners. The discontinuance is effective on the date of recording. The Town Clerk must provide a copy of the certificate to the MDOT Bureau of Maintenance and Operations.

(D-4-certificate of discontinuance).

Order of Discontinuance of a Portion of a Town Way

To: Residents of the Town of Cumberland and other interested persons

From: Municipal Officers of the Town of Cumberland

Pursuant to 23 M.R.S.A. § 3026-A, the Municipal Officers of the Town of Cumberland hereby order the discontinuance as a Town way of that portion of Turkey Lane running from Range Road up to, but not including, the bridge on Turkey Lane, as further shown on Exhibit A, for a distance of approximately 1,040 feet.

Having given best practicable notice to all abutting property owners, a list of whom is attached to this Order, and the Town Planning Board, we further order that no damages be awarded to the abutting property owners because they have requested this discontinuance.

Further, said Municipal Officers in their capacity as the Town Council and the legislative body of the Town of Cumberland, hereby approve said order of the municipal officers and further order that said portion of Turkey Lane be discontinued immediately, without damages to abutters and with a public easement retained as described and set forth in Exhibit B.

Date: _____,

Thomas Gruber

Robert Vail

Ronald Copp, Jr.

Allison Foster

Michael Edes

Shirley Storey-King

George Turner

Municipal Officers/Town Council

LIST OF ABUTTING PROPERTY OWNERS

1. Bella LLC
60 Range Road
Cumberland Center, Maine 04021
Tax Map R05, Lot 14
2. Trustees of Revocable Inter Vivos Trust Agreement of Mary Lucile Gallaudet
67 Range Road
Cumberland Center, Maine 04021
Tax Map R05, Lot 15A

EXHIBIT A
DESCRIPTION OF PORTION OF TURKEY LANE TO BE DISCONTINUED

SURVEYOR'S NOTES

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE CLIENT THAT THIS SURVEY PLAN, MADE TO THE NORMAL STANDARD OF CARE, SUBSTANTIALLY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR LAND SURVEYOR STANDARDS.

NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, UNDERGROUND STRUCTURES, ZONING REGULATIONS OR REAL ESTATE TITLE.

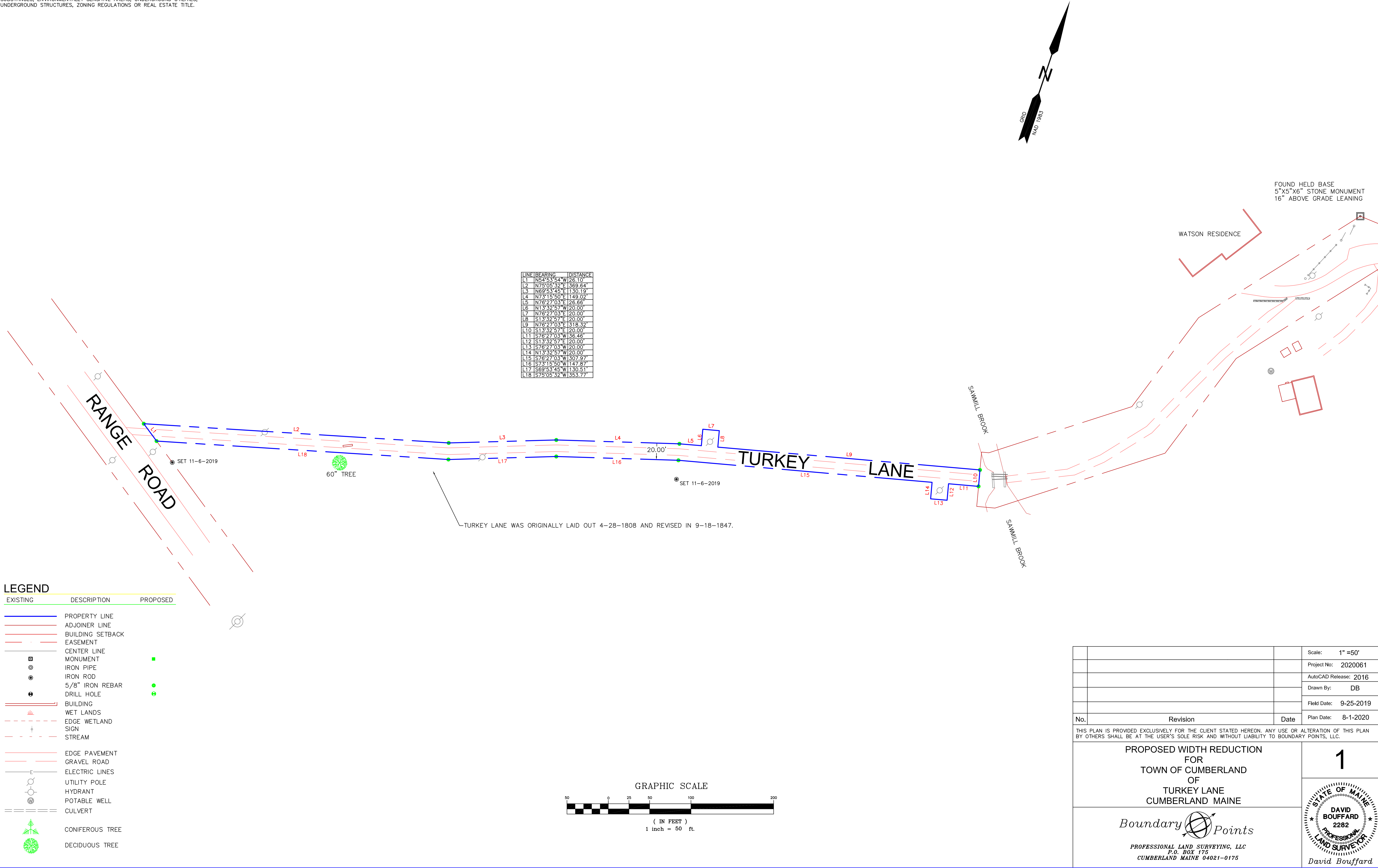


EXHIBIT B
DESCRIPTION OF PUBLIC EASMENT TO BE RETAINED

A certain lot or parcel of land with any improvements thereon, located on the northeasterly side of Range Road in the Town of Cumberland, County of Cumberland, State of Maine and more particularly bounded and described as follows:

BEGINNING at an iron rebar on the easterly side of Range Road at the corner of Turkey Lane about 10 feet off the center of existing travelled way;

Thence the following courses and distances along Turkey Lane:

N 54°53'54" W, a distance of 26.10'
N 75°05'32" E, a distance of 369.64'
N 69°53'45" E, a distance of 130.19'
N 73°15'50" E, a distance of 149.02'
N 76°27'03" E, a distance of 364.98'
S 13°32'57" E, a distance of 20.00'
S 76°27'03" W, a distance of 364.43'
S 73°15'50" W, a distance of 147.87'
S 69°53'45" W, a distance of 130.51'
S 75°05'32" W, a distance of 353.77'

To the **Point of Beginning**.

Containing an area of **0.47 Acre**

The basis of bearings for this description was the Maine State Grid Plane North American Datum 1983 located in the West Zone.

Together with the right to install and maintain utilities.

Meaning and intending to reduce the width of a portion of Turkey Lane from 66 feet wide down to a width of 20 feet wide and approximately centered on the old travelled way.

Use of the public easement will be limited to use by pedestrians, snowmobiles, non-motorized vehicles and emergency vehicles.

TO: Bella LLC
60 Range Road
Cumberland Center, Maine 04021
Tax Map R05, Lot 14

FROM: Cumberland Town Council, as the Municipal Officers of the Town

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This letter is to notify you that the Town Council proposes to initiate the process to consider whether to issue an order to discontinue Turkey Lane from its intersection with the Range Road to, but not including, the bridge on Turkey Lane, for a distance of approximately 1,040 feet and will determine damages, if any, to be paid to abutting property owners.

This section of Turkey Lane is now a town way, subject to a winter closure order, that is approximately sixty-six feet wide and is shown more particularly on Assessor's Tax Map R05, on file at Cumberland Town Hall, 290 Tuttle Road, Cumberland, ME (sketch enclosed). The Town Council intends to retain a public easement in the road. The public easement will be limited to twenty feet in width and will be further limited for use by pedestrians, snowmobiles, non-motorized vehicles and emergency vehicles.

If an Order of Discontinuance is issued and subsequently approved by vote of the Town Council, as the legislative body of the Town, the Town will have no obligation to maintain, repair or plow that section of Turkey Lane, but the public will still have the right to utilize the public easement as limited above, unless the public easement is extinguished as well. If the public easement is also extinguished, the Town will have no obligation to maintain, repair or plow the public easement road and the public will not have a right to utilize it in any manner. Ownership of the road is generally presumed to revert to the abutting landowners to the center line, but the Town cannot provide legal advice to you on ownership of any discontinued portion of the road.

As an abutting property owner, you would have the right to maintain a discontinued road and to form a road association or enter private agreements to maintain, plow and repair the road if it is discontinued with or without a public easement. Abutting property owners have the right to establish private easements to provide access to their property if they do not already possess a private right of access over a discontinued road.

Our records show that both properties abutting this portion of Turkey Lane are otherwise accessible by another public way. If you believe that your property is not otherwise accessible by another public way, please notify the Town at your earliest convenience. The Town considers your property to be accessible by another public way if it has the required frontage on that public way, regardless of whether you ultimately choose to utilize Turkey Lane as your driveway access.

On August 10, 2020, the Town Council will meet to determine whether to: (1) proceed with the discontinuance process and retain a public easement in the discontinued road as described and limited above; or (2) proceed with discontinuance of the road without retaining a public easement.

These matters will be discussed at this meeting of the Town Council and at a public hearing to be held on August 24, 2020. As an abutter, you or your designated agent are invited to attend that meeting, and to attend and be heard at the public hearing.

If you have any immediate questions, please do not hesitate to contact the Town Manager, Bill Shane, at (207) 829-2205. Thank you.

Thomas Gruber
Town Council Chair

Enclosure:
Tax Map sketch

TO: Trustees of Revocable Inter Vivos Trust Agreement of Mary Lucile Gallaudet
67 Range Road
Cumberland Center, Maine 04021
Tax Map R05, Lot 15A

FROM: Cumberland Town Council, as the Municipal Officers of the Town

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This letter is to notify you that the Town Council proposes to initiate the process to consider whether to issue an order to discontinue Turkey Lane from its intersection with the Range Road to, but not including, the bridge on Turkey Lane, for a distance of approximately 1,040 feet and will determine damages, if any, to be paid to abutting property owners.

This section of Turkey Lane is now a town way, subject to a winter closure order, that is approximately sixty-six feet wide and is shown more particularly on Assessor's Tax Map R05, on file at Cumberland Town Hall, 290 Tuttle Road, Cumberland, ME (sketch enclosed). The Town Council intends to retain a public easement in the road. The public easement will be limited to twenty feet in width and will be further limited for use by pedestrians, snowmobiles, non-motorized vehicles and emergency vehicles.

If an Order of Discontinuance is issued and subsequently approved by vote of the Town Council, as the legislative body of the Town, the Town will have no obligation to maintain, repair or plow that section of Turkey Lane, but the public will still have the right to utilize the public easement as limited above, unless the public easement is extinguished as well. If the public easement is also extinguished, the Town will have no obligation to maintain, repair or plow the public easement road and the public will not have a right to utilize it in any manner. Ownership of the road is generally presumed to revert to the abutting landowners to the center line, but the Town cannot provide legal advice to you on ownership of any discontinued portion of the road.

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These matters will be discussed at this meeting of the Town Council and at a public hearing to be held on August 24, 2020. As an abutter, you or your designated agent are invited to attend that meeting, and to attend and be heard at the public hearing.

If you have any immediate questions, please do not hesitate to contact the Town Manager, Bill Shane, at (207) 829-2205. Thank you.

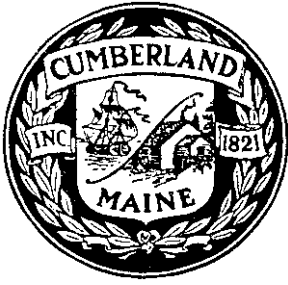
Thomas Gruber
Town Council Chair

Enclosure:
Tax Map sketch

ITEM

20-055

To accept a bequest of \$50,000 for a scholarship fund to be set up
for a Greeley senior



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: August 6, 2020
Re: **20-055** David Scully Memorial Scholarship Fund

A \$50,000 donation has been made to set-up a scholarship fund for a Cumberland Greely High School graduating senior. The permanent fund will allow the interest from the fund to be used for a senior for college. Typically, our interest rates for these scholarships funds have been around \$500 to \$1,000 annually. We are restricted on our investments to the types of funds which are very safe, and therefore, typically bear a lower return rate. Lately the return has been in the 1% to 2% range.

I would recommend you accept this gift and set up the fund as outlined in the will.

Chairman Tom Gruber will be requesting your appointment of Shirley Storey King, our retired school-teacher, as a citizen member of the scholarship committee. Shirley's background and familiarity with the students and other teachers will be a huge advantage in helping assist the scholarship review team at Greely High School with the selection of this and other Town scholarships.

ITEM

20-056

To set a Public Hearing date of August 24th to consider and act on a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone,
as recommended by the Planning Board



Zone Change Request - Board Barn property - 3.35 Acres to VMDR from VCC

July 14, 2020

Mr. William Shane

Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

**Subject: Rezone Application - Board Barn
222 Gray Road
Tax Map U20/Lot 66**

Dear Bill,

The Applicant, Michael Record, has retained **Gorrill Palmer (GP)** to assist with the preparation of the permitting documents and plans for a project site located at 222 Gray Road. Currently, the project is located within the Village Center Commercial Zone and the applicant is requesting a zone change request for a portion of a 7.15-acre parcel between New Gray Road (Route 100/26) and Old Gray Road in Cumberland. Currently, the front portion of the property on New Gray Road is developed with the existing Board Barn. The remainder of the parcel remains undeveloped with wooded cover and has frontage on Old Gray Road.

BACKGROUND AND EXISTING CONDITIONS

The subject parcel shown by Assessor's Map U20, Lot 66 is 7.15 acres and is currently zoned as Village Center Commercial (VCC). The Village Medium Density Residential (VMDR) Zone abuts the parcel on its southern and western property boundaries. Currently, the parcel is developed with the Board Barn on the parcel's eastern frontage along New Gray Road. The remainder of the parcel is undeveloped and with mostly wooded cover. We have included an excerpt of the Town GIS Website depicting the current zoning of in the vicinity of the site and the area to be rezoned for ease of review.

PROPOSED ZONE CHANGE

The applicant is proposing to rezone approximately 3.35 acres of the property which fronts Old Gray Road from the VCC zone to the VMDR Zone which does allow for residential use. As shown on Figure 1 included with this letter, we have depicted the portion of the parcel to be rezoned. This frontage of the parcel on Old Gray Road, which is proposed to be rezoned, abuts the existing VMDR zoned parcels. Subsequent to approval of the zone change, the intent of the applicant is to subdivide the overall parcel into five lots which would consist



of the existing Board Barn and four new residential lots. The residential lots would consist of three single family lots with 20,000 SF of net residential area and a duplex on the fourth lot with 40,000 SF of net residential area. A Preliminary Lot Division Plan depicting the proposed lots and necessary easements for the subdivision is attached to this letter as Attachment 2. The development of this Subdivision would require Planning Board Review.

It is noted that a proposed 15-foot drainage easement, to benefit the Town of Cumberland is included as part of the proposed subdivision. The easement is located along the northern boundary of the parcel and its area has been deducted from the net residential area calculations for the duplex lot. The easement will allow Town drainage

CLOSURE

It is our understanding, based upon discussions with you, that you will present our proposal to the Ordinance Committee prior to the July 27, 2020 Town Council meeting. Subsequent to approval of the rezone the applicant will apply for a Subdivision Application with the Town of Cumberland to allow the parcel to be subdivided into 5 lots. As shown in Attachment 2, the lots will consist of the Board Barn, 3 single family lots, and a multi-family (duplex) lot.

Based upon a favorable review from the Committee, the proposal would then be reviewed by the Planning Board and subsequently the Town Council for final action.

We look forward to the review of our proposal and if you have any questions or require further additional information, please feel free to contact our office.

Sincerely,

GORRILL PALMER

Douglas Reynolds, PE
Project Manager

c: Michael Record

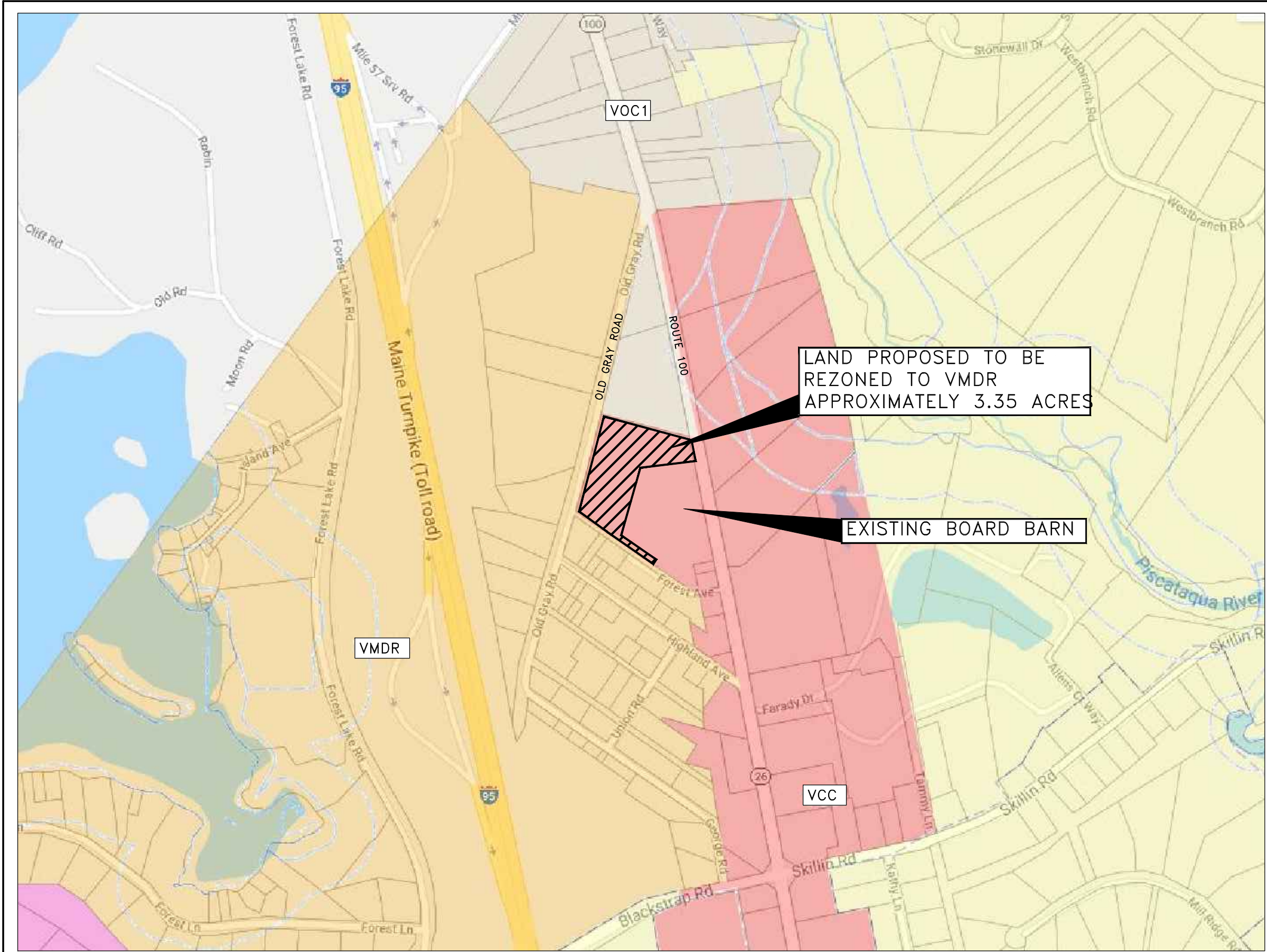
Attachments:

Town GIS Excerpt Map – Figure 1
Preliminary Lot Division Plan



ATTACHMENT 1

TOWN GIS EXCERPT MAP



LEGEND	
	VOC1 – VILLAGE OFFICE COMMERCIAL 1
	VCC– VILLAGE CENTER COMMERCIAL
	VMDR– VILLAGE MEDIUM DENSITY RESIDENTIAL

Rev.	Date	Revision
–	–	–

Design:	BG	Date:	JUNE 2020
Draft:	CH	Job No.:	2406
Checked:	DER	Scale:	NTS
File Name: 2046-ZONE.dwg			



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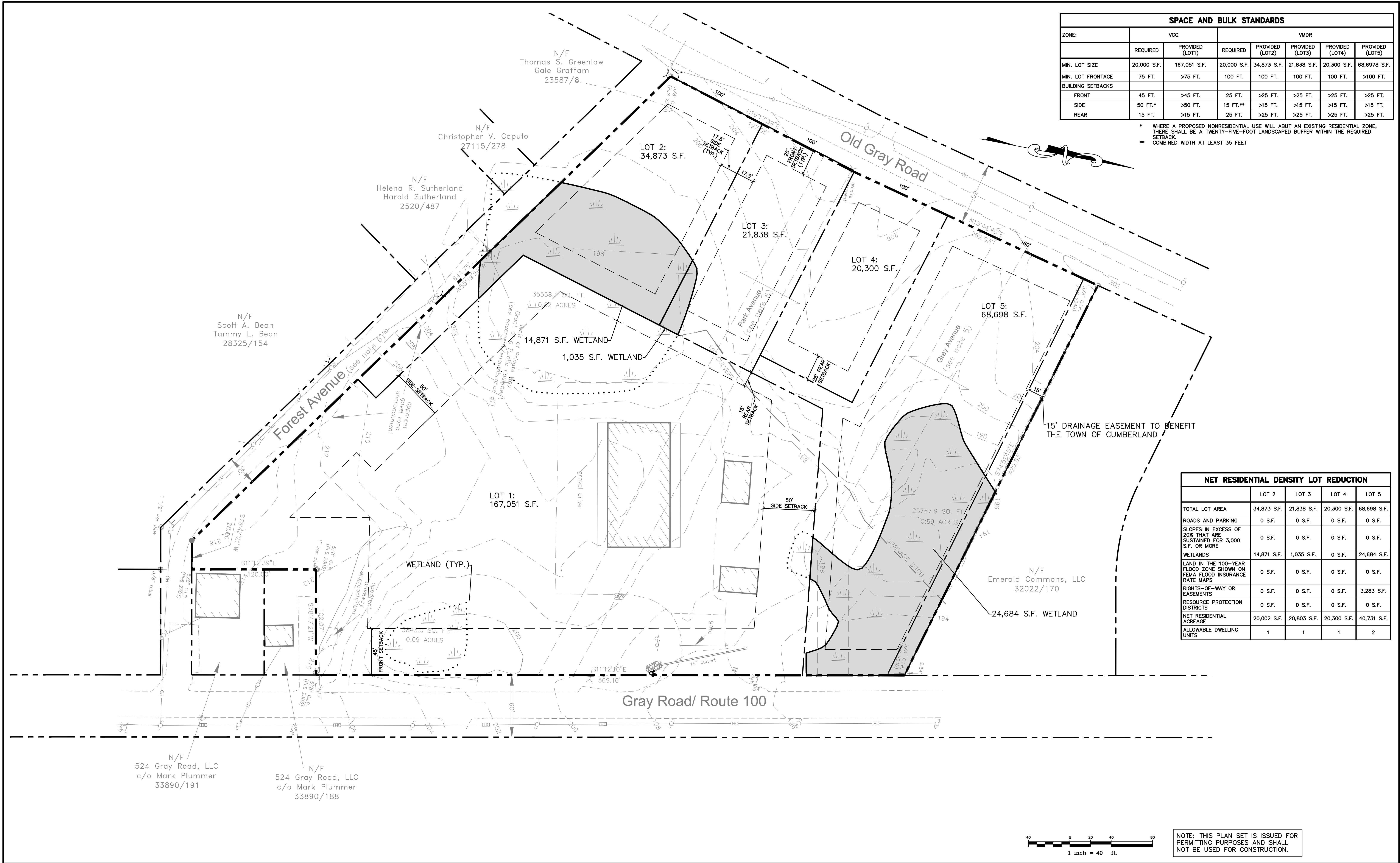
Drawing Name:	Proposed Zone Change
Project:	BOARD BARN



ATTACHMENT 2

PRELIMINARY LOT DIVISION PLAN

U:\2406.01 Record Lumber - Subdivision - Cumberland V - CAD\DWG\2406-01-SUBD.dwg 7/14/2020 1:30 PM



Rev.	Date	Revision

ZONE CHANGE	7/14/20	DER
Issued For	Date	By

Design: BG	Draft: CH	Date: JUNE 2020
Checked: DER	Scale: 1"=40'	Job No.: 2406.01
File Name: 2406-01-SUBD.dwg		
This plan shall not be modified without written permission from Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer.		



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207.772.2515

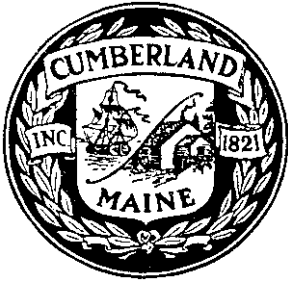
Drawing Name:	Preliminary Lot Division Plan
Project:	Board Barn 222 Gray Road, Cumberland, Maine 04021
Client:	Michael Record 2 Riverside Drive, Falmouth, Maine 04105

Drawing No.
1

ITEM

20-057

To set a Public Hearing date of August 24th to consider and act on amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Planning Board



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: July 22, 2020
Re: 20-045 Site Plan Ordinance – 229-10 Exterior Lighting

The following proposed changes to the Lighting Ordinance were developed by Town Planner Carla Nixon. The Ordinance Committee supported this move to the Town Council (3-0) agenda and be voted upon to send to the Planning Board for a Public Hearing and a recommendation.

H. Exterior lighting. The use of exterior lights shall be minimized to the greatest extent possible. Exterior lighting of commercial buildings, parking areas and signs shall only be allowed during the actual hours of operation and one hour prior to and one hour following the hours of operation. Low level pedestrian lighting (no greater than 14' in height) is permitted at doorways but must be shielded to restrict the maximum apex angle of the cone of illuminations to 150 degrees. ~~The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All other light fixtures shall be motion-sensing set to illuminate a limited area when motion is detected and turned off when the detected motion ceases. All exterior lighting must utilize full cut-off fixtures to avoid glare and adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.~~

Current Language in Site Plan – 229-10 Approval Standards and Criteria

H.
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.