

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, March 9, 2009**

**7:00 p.m.** Call to Order

### **I. APPROVAL OF MINUTES**

February 23, 2009

### **II. MANAGER'S REPORT**

### **III. PUBLIC DISCUSSION**

### **IV. LEGISLATION AND POLICY**

**09 – 030** To hold a Public Hearing to consider and act on a Contract Zone request from Atlantic Regional Federal Credit Union, for location at the former Chase Flower Shop site at the corner of Main Street and Farwell Avenue.

**09 – 031** To hold a Public Hearing to consider and act on a Rines Forest Management Plan as recommended by the Rines Property Citizens Advisory Committee.

**09 – 032** To hear a recommendation from the Lands & Conservation Commission re: request for a license to locate driveway access from Greely Road Extension.

**09 – 033** To hold a Public Hearing to consider and act on authorizing a license for driveway access from Greely Road Extension.

**09 – 034** To hold a Public Hearing to consider and act on a Wharfing Out Permit for Scott Searway, 3 Ledge Road, Map U6A/Lot 28.

**09 – 035** To set a Public Hearing date (*March 23rd*) to consider and act on an application from the Sparrow's Nest for a Victualer's/Mobile Cart at the 9th hole of the Val Halla Golf Course.

**09 – 036** To set a Public Hearing date (*March 23rd*) to consider and act on sending a recommendation to the Planning Board re: changes to Section 501 (Non-Conforming Uses) of the Cumberland Zoning Ordinance.

**V. NEW BUSINESS**

**VI. EXECUTIVE SESSION** – pursuant to Title 36 M.R.S.A., § 841, re: Poverty Abatement Requests for property identified as Map U20/Lot 9A and Map U02/Lot U02/31.

**VII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, February 23, 2009**

**6:00 p.m. Workshop**

**7:00 p.m. Call to Order**

## **6:00 p.m. WORKSHOP with Rines Property Citizens Advisory Committee re: Forest Management Plan**

### **Call to Order: 7:00 p.m.**

Present: Chairman Turner, Councilors Storey-King, Perfetti, Stiles, Copp, and Moriarity.

Excused: Councilor Porter

### **I. APPROVAL OF MINUTES**

February 9, 2009

Motion by Councilor Stiles, seconded by Councilor Perfetti, to approve the minutes with Corrections as noted.

VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Porter absent)

### **II. MANAGER'S REPORT**

- Town Manager Shane discussed the pre-bid meeting for Range Road. There were over 23 contractors at the meeting. Town Manager Shane expects between 10 to 12 bidders. The bid will be two weeks from Friday.
- On President's Day, the Finance Committee had it's first initial meeting, which went very well. The budget books are here tonight for the Council Members, for budget meeting to be held on Saturday, March 7, 2009. This will be an all day meeting here at Town Hall.
- The Val Halla Board of Directors last week recommended for the Council's approval, next year's budget. This will be coming before the Council on March 7<sup>th</sup> as well.
- This Wednesday evening, the Coastal Waters Commission will be meeting for a float application on the Foreside. This will be coming before the Council sometime in March for a public hearing as required by the new Ordinance.
- Town Manager Shane stated that, "It was a very proud day to be in Cumberland yesterday. We had the opportunity to celebrate the life of Janet Landis, wife of Bill Landis and mother of Christine. It was a very special day. Thank you to Bob Hasson and Scott Poulin for use of the school. It was a great day for this community." Chairman Turner also noted that the Landis family also thanked both Mr. & Mrs. Shane for all of their help and support.

### **III. PUBLIC DISCUSSION**

None

#### **IV. LEGISLATION AND POLICY**

##### **09 – 022 To hear a report from the Cool Cities Committee.**

Chairman of The Cumberland Cool Cities Committee, Alex Brown gave a presentation of the Committees work to date. Mr. Brown explained that the Cool Cities Committee is part of a national effort, endorsed by the U.S. Conference of Mayors, in 2005, to address municipal greenhouse emissions. The Committee formed in May of 2008 and is comprised of 14 members. The Committee received carbon mapping software when the Town joined ICLEI (International Council for Local Environmental Initiatives). The software establishes a baseline from which the Committee can recommend conservation areas and practices, energy efficient equipment, vehicles and technologies, and renewable resource systems, such as solar and wind power. Data was gathered by Finance Director Alex Kimball from both the Town and the MSAD. The primary mission examined to date has been carbon dioxide emissions. The software allows the Committee to break out the cost by entity. The Committee has explored wind power and applied for a grant through the University of Maine for an anemometer. Unfortunately, we did not get the grant. The Committee would like to install an anemometer on a cell phone tower within the Town if possible. The Committee has begun a comprehensive review of the street lighting in town. The Committee also had an energy audit conducted on the Town Hall building by Efficiency Maine. There were several recommendations that came out of that audit, specifically, two majors ones, occupancy sensors for the lighting in Town Hall, and the major recommendation was to replace the standard allied bulbs with compact flouresent bulbs. The audit also recommended that the town explore updating the HVAC system. There could be a 20-30% savings in energy use by doing so. Efficiency Maine does have cash incentives to help with the costs as well. Vehicles with energy alternatives, such as natural gas, bio-diesel, and hybrids are also being explored.

##### **09 – 023 To accept donations on behalf of the Rescue Department.**

Town Manager Shane explained that there are \$300.00 in donations that are basically designated to the rescue reserve. Those donations are typically used to buy equipment. When the department is ready to purchase equipment, it will be brought before the Council for approval. At this time, there are no requests and the money will go into the Town reserve fund for rescue activities. Chairman Turner read the donations. Ledgeview Assisted Living - \$50.00, Ronald & Carol Beyna - \$50.00, and Beulah Sterner - \$100.00.

Motion by Councilor Moriarity, second by Councilor Storey-King, to accept donations in the amount of \$300.00 on behalf of the Cumberland Rescue Department.

VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Porter absent)

##### **09 – 024 To hold a Public Hearing to consider and act on an Off-Premise Retailer with Malt & Vinous License for Basil Provisions, 137 Main Street, for the period of March 2009 – March 2010.**

Town Manager Shane explained staff recommends approval of this License.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to approve the Off-Premise Retailer With Malt & Vinous License for Basil Provisions, 137 Main Street, for the period of March 2009-March 2010.

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

**09 – 025 To hold a Public Hearing to consider and act on a zone change to the Doane Property, Map U10, Lot 7B, from Rural Residential One Zone (RR1) to Village Mixed Use Zone (V-MUZ), allowing a mix of residential, office commercial and retail uses.**

Vice Chairwoman of the Doane Committee, Pam Russell, gave a presentation of the overview of the property, and the recommended changes that the Committee has come up with. Ms. Russell explained that this is a very tricky piece of land. The topography is very hilly, with lots of streams. The Committee looked very closely at the Town wide survey to determine what residents would like to see. Some of the current zoning uses allowed now, that the committee does not feel make sense, are, Agriculture, Timber Harvesting, Animal Husbandry, and Private airport/heliport. The proposed zoning, V-MUZ, village mixed use zone would include the following permitted uses, that the Committee felt should be allowed are: Residential, Professional Offices, Personal Services, Small Markets, Restaurants, Retail, Private Schools, Research Facilities, and Municipal uses. The intention is to be very small scale. In the proposed zoning, Special Exception Uses would include: Residential Care Facilities, Commercial Health and Recreation Facilities, Home Occupations, Home Based Occupations, Home Based Retail, Bed & Breakfast Inns, Daycare Homes and Centers, and Religious Institutions. The Committee recommends a 5,000 square foot minimum lot size (2,500 for multiplex), 50 ft. frontage, setbacks of front- 15 ft., rear – 15 ft., and side – 10 ft.. Chairman Turner asked Ms. Russell, “if we were to adopt this as recommended, you spoke to the fact that as a Committee you were concerned about whether you would be faced with more than one restaurant, or more than one of this or that. If this were approved as it stands, basically, those would be permitted uses. Would there be any limitations on how that is administered?” Ms. Russell responded that the Committee really thought that the best thing to do was to recommend the zoning change. As far as how this is implemented, it really would be back in the Council’s hands as to whether you sold it as one parcel or single parcels. Councilor Moriarity asked if under the section, “road and drainage design standards” it provides that there will be no dead end streets. Does this mean that there will be no cul-de-sacs at all? And what is the difference between a dead end and a Cul-de-Sac? Town Planer, Carla Nixon explained that the Committee did not want to see a lot of roads that ended in hammer heads or dead end streets. Councilor Moriarity questioned if the Committee intended to exclude all Cul-de-Sacs? Ms. Russell explained that it would be up to the Council to determine when the Council is given a design. The Committee felt that it did not make sense to have a number of dead end streets but to maintain connectivity. Councilor Perfetti explained that when the Committee had discussions about kind of a grand future plan, at the very minimum, having walking connectivity from Main Street through the Doane property onto Drowne , so that essentially you could walk that area of town continuously. There was desire for some basic connectivity. Councilor Stiles stated that the drawing that the Councilors have in front of them indicate that there are at least two major Cul-de-Sacs. Councilor Perfetti responded that generally these drawings are for illustrative purposes. This is a blank slate of land that could be developed in any number of ways. Chairman Turner questioned if the Committee would be o.k. with the Council if they suggested minimizing Cul-de-Sacs as opposed to not allowing Cul-de-Sacs at all. Ms. Russell responded that she felt the Committee would be very open to that suggestion. Town Manager Shane recommended that “there shall be no dead end streets” be removed from this ordinance, the reason being that when it is in a zoning ordinance, the flexibility is pulled from the planning boards hands. When it is not written, it gives the Planning Board the right to say, “We can have connectivity because of emergency vehicles, etc.” With this written, it is tying the hands of the Planning Board. Councilor Perfetti asked if it could be put in the introduction to the Zone? Town Manager Shane will work with the Town Planer to clean up the language. Chairman Tuner opened the public hearing.

Mr. Steven Winn of Stockholm Drive spoke. He is personally opposed to this plan. He feels that there is a little uncertainty as to what people are actually intending from this. Has a wetland study been done? If the road is connected to Wyman Way to Main Street, increased traffic would be a result

as well as other unintended consequences. With commercial development happening in West Cumberland, will there be a need for an east, west road connection? There are many current exemptions allowed in the current RR1 zoning. Councilor Moriarity questioned, "That as proposed, there is a cap on retail, office, markets, what is it about that that you find to be inconsistent or misleading?" Mr. Winn stated that when you start talking about deliveries to commercial businesses, you are talking about larger trucks etc.. Whatever your access is, it is going to be a different access than it is now. Councilor Moriarity respectfully disagreed with this. Route 100 has been zoned Commercial for decades, and the Council has recently done an entire retooling of that. The idea of an east;west corridor is not on the screen. It is not likely at all. Mr. Ted Chadbourne of Stockholm Drive spoke in regards to sprawl zones. Mr. Chadbourne has no objection to this proposal. He would like the Town Council to require a town road through the property. Mr. Daniel Nuzzi of Main Street spoke to say that he is in support of this type of project. Something like this makes more sense than trying to shoe horn development into residential neighborhoods. Putting this into an area away from Main Street would seem to take some of the traffic pressure off Main Street. Mr. Mike Tardiff of Main Street spoke in support of this project. This would be the perfect place for a credit union. Mrs. Kathy Lynch spoke as a member of the Doane Committee. Mrs. Lynch is looking at this project as a senior citizen. This project could be walked to from Cumberland Meadows and the senior housing. Ms. Lynch stated that, "An influx of money for a piece of property that is not being used that can then turn around and give services to the citizens of this town is important" Chairman Turner closed the public hearing. Councilor Moriarity thanked Ms. Russell for being a Vice-Chair of this Committee and the committee itself for doing a very thorough job. He also reminded everyone that this is simply a framework for what can be done in the future.

Motion by Councilor Perfetti, seconded by Councilor Moriarity to amend the Cumberland Zoning Ordinance and Zoning Map by adding Section 204.13, Village Mixed Use Zone (V-MUZ) and to change the Doane property, Tax Assessor Map U10, Lot 7B from Rural Residential One Zone (RR1) to the Village Mixed Use Zone (V-MUZ).

Motion by Councilor Moriarity, seconded by Councilor Stiles, to amend the motion by deleting the first sentence of proposed section 204.13.5.4, which reads "there shall be no dead end streets within this district"

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

Motion by Councilor Moriarity, seconded by Councilor Perfetti, to amend the definitional section of the zoning ordinance to include the proposed definition of market as being "a retail store selling primarily food products that does not exceed 5,000 square feet to be enumerated appropriately. Definitional section 102.

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

VOTE ON MAIN MOTION: UNANIMOUS 6-0 (Councilor Porter absent)

**09 – 026 To set May 4 – 8, 2009 as Bulky Waste Pickup week.**

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set May 4-8, 2009 as Bulky Waste Pickup week.

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

**09 – 027 To appoint a member to the Coastal Waters Commission.**

Motion by Councilor Moriarity, seconded by Councilor Perfetti, to appoint Craig Kinney to the Coastal Waters Commission.

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

**09 – 028 To set a Public Hearing date (March 9<sup>th</sup>) to consider and act on a Forest Management Plan as recommended by the Rines Property Citizens Advisory Committee.**

Motion by Councilor Copp, seconded by Councilor Stiles to set a Public Hearing date of March 9<sup>th</sup> to consider and act on a Forest Management Plan as recommended by the Rines Property Citizens Advisory Committee.

VOTE: UNANIMOUS 6-0 (Councilor Porter absent)

**09 – 029 To set a Public Hearing date (March 9<sup>th</sup>) to consider and act on a Contract Zone request for Atlantic Regional Federal Credit Union, to be located at the former Chase Flower Shop site on the corner of Main Street and Farwell Avenue.**

Motion by Councilor Copp, seconded by Councilor Storey-King to set a Public Hearing date of March 9<sup>th</sup> to consider and act on a Contract Zone request for Atlantic Regional Federal Credit Union, to be located at the former Chase Flower Shop site on the corner of Main Street and Farwell Avenue.

VOTE: 5-1- IN FAVOR (Councilor Perfetti against, Councilor Porter absent)

**V. NEW BUSINESS**

Councilor Copp - Thanked public works crew for a great job.

Councilor Storey-King- Clarification, not an anti bank person, she is an anti big bank person. Snowshoe & ski event at the Rines Forest at 10:00 a.m. on Saturday. Asked Chairman Turner to speak with Dave Perkins of the MSAD Board to invite Yarmouth and Falmouth to discuss consolidation possibilities, as they are both losing their superintendants. Now would be the most natural time to consider consolidation. Chairman Turner will contact him.

Chairman Turner - Also received the invite to the snowshoe & ski event at the Rines Forest.

Councilor Stiles - Wants residents to be very careful as the snow banks are very high right now. Budget books were passed out tonight.

Councilor Moriarity - Ran the new bridge at the end of Turkey Lane. It was a great decision to fix it.

**VI. EXECUTIVE SESSION – pursuant to Title 36 M.R.S.A., § 841, re: Poverty Abatement Application.**

Town Manager Shane recommended that this item be tabled, as we did not receive the necessary information from the applicant.

**VII. ADJOURNMENT**

Motion by Councilor Stiles, seconded by Councilor Perfetti, to adjourn.

VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Porter absent)

Time: 8:40 p.m.

Respectfully submitted,

Tammy O'Donnell  
Cumberland Deputy Town Clerk