

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, January 24, 2022**

**7:00 P.M.** Call to Order

**6:00 P.M. WORKSHOP** re: Community Survey

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

January 10, 2022

### **III. MANAGER'S REPORT**

### **IV. PUBLIC DISCUSSION**

*Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.*

### **V. LEGISLATION AND POLICY**

**22 – 006.** To hold a Public Hearing to consider and act on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee.

**22 – 007.** To hold a Public Hearing to consider and act on amendments to the Official Cumberland Overlay Zoning Map to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial District, as recommended by the Planning Board.

**22 – 008.** To repeal and rescind the Town of Cumberland Extension of Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses that was adopted by the Town

Council on January 10, 2022.

**22 – 009.** To forward to the Planning Board for a Public Hearing and recommendation, a Contract Zone Agreement for The Grange at Longwoods.

**22 – 010.** Discussion (and possible action) re: Community Survey.

## **VI. NEW BUSINESS**

- Budget Review Meetings every Monday at 5:30 p.m. beginning February 28<sup>th</sup> through Saturday, April 2<sup>nd</sup> at 8:00 a.m.
- February 28<sup>th</sup> Town Council Workshop to be held at West Cumberland Rec Hall

## **VII. BUDGET REPORT**

## **VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, January 10, 2022**

**6:00 P.M. Workshop re: Senior Tax Program**

## **7:00 P.M. Call to Order**

Present: Councilors Edes, Gruber, Segrist, Storey-King and Vail

Excused: Councilors Copp and Foster

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

Motion by Councilor Gruber, seconded by Councilor Segrist, to accept the December 27, 2021 meeting minutes as presented.

VOTE: 5-0 UNANIMOUS

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

### **III. PUBLIC DISCUSSION**

No public discussion.

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

#### **22 – 001 To consider and act on the adoption the 2022 Cumberland County Hazard Mitigation Plan.**

Town Manager Shane explained that this plan was adopted several years ago, and the Town Council is required to adopt it every 5 years. This plan will be adopted by all communities in Cumberland County and its purpose is to improve roadway infrastructure design and to mitigate disasters.

Chairman Vail asked for any public comment.

No public comment.

Motion by Councilor Edes, seconded by Councilor Gruber, to adopt the 2022 Cumberland County Hazard Mitigation Plan.

VOTE: 5-0 UNANIMOUS

#### **22 – 002 To hold a Public Hearing to consider and act on extending the medical marijuana caregiver moratorium for up to an additional 180 days.**

Chairman Vail explained that this will extend the current moratorium. There was some concern that the Town Council may not be able to complete their work on the Medical Marijuana Caregiver Licensing Ordinance before the moratorium expires.

Town Manager Shane added that if the Town Council passes the licensing ordinance in 2 weeks, the moratorium will be rescinded.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Segrist, seconded by Councilor Gruber, to approve the following extension:

WHEREAS, a moratorium on the location, operation, permitting, approval or licensing of any and all medical marijuana uses within the Town was enacted by the Town Council on July 28, 2021, for a period of one hundred and eighty (180) days from the date of applicability, *i.e.*, until January 24, 2022; and

WHEREAS, the moratorium was necessary to provide the Town with time to study its own ordinances in order to determine the effect of potential medical marijuana uses within all areas of the Town, particularly those areas located outside of the previously-established Registered Caregiver Overlay District, as is more particularly defined in § 315-28.5 of the Town Code; and

WHEREAS, the identified issues giving rise to the need for the moratorium still exist, and substantial progress has been made in addressing these issues by virtue of the drafting and consideration of proposed amendments to the Town Code and the adoption of a medical marijuana registered caregiver licensing ordinance, but the Town has not yet completed all of this work; and

WHEREAS, additional time is needed to ensure that the Town resolves these issues before additional medical marijuana uses may be located, operated, permitted, approved, or licensed within the Town.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains that all provisions of the Town of Cumberland Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses are hereby extended for an additional period of one hundred and eighty (180) days, from January 25, 2022 to July 22, 2022.

VOTE: 5-0                      UNANIMOUS

**22 – 003    To hear an update on amendments to Chapter 86 (Medical Marijuana Registered Caregiver Licensing) of the Cumberland Code, as recommended by the Ordinance Committee.**

Councilor Storey-King said that the Ordinance Committee met again last week to review some changes to the ordinance with the Town Attorney and some members of the public, who attended the meeting. It was decided to reduce the application fee to \$2,000 the first year and \$1,000 for renewals. Quite a bit of time was spent discussing signs and how businesses establish their presence. We do not allow medical marijuana retail establishments in our Town. Only caregivers are allowed. What we have developed is a good ordinance. Now the challenge will be to get the 32 licensed caregivers in our community to toe the line and get their license to operate.

Councilor Edes said that he echo's the concern regarding how we get all of the caregivers to get into compliance with the ordinance. We have heard from a few who have been involved, but not the majority. He wondered if we should offer a discount on the licensing fee for those who come forward and get licensed within the first 30 days.

Chairman Vail said that we have been talking about this for six months and only a few interested parties have shown up. There has been ample opportunity for those people who are concerned to get involved.

Chairman Vail asked for any public comment.


No public comment.

**22 – 004    To hear a report from the Senior Tax Rebate Committee.**

Councilor Segrist explained that we had a very productive workshop earlier this evening. We talked about an issue that we all care deeply about, which is ensuring that the seniors in our community are able to age in place gracefully within the Town that they have lived in for a significant portion, if not their entire life. Over the last several months, we have been providing updates in terms of what we might be able to do to help those seniors. We have developed a senior property tax deferral program. The program would play off the rebate program that



we currently have, but in theory, it would allow a certain pilot group of qualifying seniors to have their property taxes frozen at their current level. The workshop slides detailing the program are below:



Senior Property  
Tax Assistance  
(Deferral) Pilot  
Program

Helping Cumberland Seniors  
Age In Place

“Every year, my property taxes increase, while my income remains the same. I’ve lived in Cumberland for most of my life and, while I don’t mind paying my fair share in taxes, I’m worried that I won’t be able to keep up and that I will be forced to sell my home and leave the town I love.”

- Cumberland Resident

Overview

What Is The Program?

How Does It Work?

Why Do We Need It?

What Are The Requirements?


How Much Does It Cost?

Do We Already Have This Program?

Next Steps


What Is The Program?

The Senior Property Tax Assistance (Deferral) Pilot Program would allow qualified Cumberland residents to defer the payment of incremental property taxes, effectively freezing their property taxes at current levels until such time as certain triggering events occur.



How Does It Work?

- Each year, property taxes tend to increase as the town grows and expands services.
- By “freezing” a qualifying taxpayer’s property taxes at their current baseline level (e.g., \$5,000), the annual increase or “increment” (e.g., \$250) would be held in abeyance until such time as certain triggering events occur (e.g., taxpayer sells the home, passes away, no longer uses it as a primary residence, etc.).
- Any increment amount owed (e.g., \$250) would continue to accumulate over time and a lien would be placed on the property until paid in full (with interest).



Why Do We Need This?



Property taxes in Cumberland increase an average of **3.2%** every year.



With the potential building of a **new school**, that figure will likely **increase**.



This puts considerable **financial pressure on lower-income seniors** in our community whose **income is often fixed or limited** to pensions or Social Security.



Allowing low-income seniors to **"freeze"** their property taxes at current levels **helps more Cumberland residents age in place** with dignity and respect, while ensuring they **continue to contribute financially** to town services.

## What Are The Requirements?

- The property must be an **eligible homestead** where the taxpayer has resided for at least **20 years** prior to the date of application;
- The taxpayer must be the **owner**, at least **70 years of age** and occupy the homestead as a **primary residence**; and
- The **household income** (Maine AGI) of the taxpayer **does not exceed 250%** of the federal poverty line (currently, \$66,260).



- The property must be an **eligible homestead** where the taxpayer has resided for at least **20 years** prior to the date of application;
- The taxpayer must be the **owner**, at least **70 years of age** and occupy the homestead as a **primary residence**; and
- The **household income** (Maine AGI) of the taxpayer **does not exceed 250%** of the federal poverty line (currently, \$66,260).



By limiting the pilot to 15 participants, the program can be funded for as little as **\$11,250** (\$750 x 15 participants).



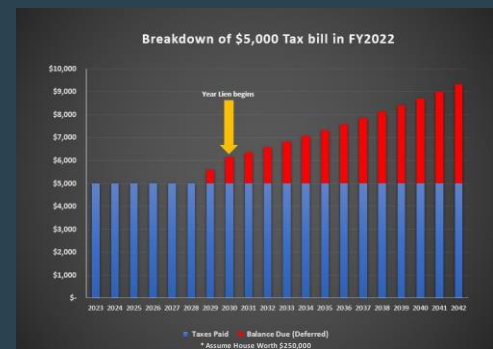
This funding ensures **rebate funds (\$750)** are **applied first** to outstanding incremental tax liability, helping to push any tax lien recording out to **year 8** of the program.



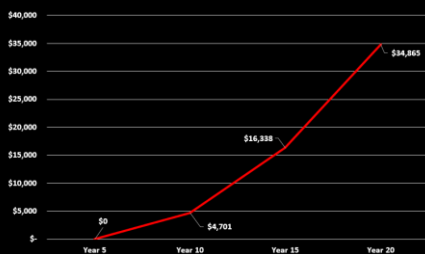
This also allows **more residents to benefit** from the program, while **limiting potential deferred revenue exposure**.



**NOTE:** Under the program, **revenue is not lost** but rather, is simply **"deferred,"** with interest until certain triggering events occur.



**Deferred Tax Balance over 20 Years\***



## Do We Already Have This Program?

No. We have a **Senior Tax Assistance (Rebate) Program**, which provides rebates of up to **\$750** to Cumberland residents who:

- Are 70 years of age or older;
- Maintain (Rent or Own) a homestead in the Town of Cumberland;
- Have been town residents for at least 10 years; and
- Have a combined household income (Maine AGI) of less than \$91,000.



## Program Comparison

Senior Property Tax Assistance (Rebate) Program	Senior Property Tax Assistance (Deferral) Pilot Program
70 Years of Age or Older	70 Years of Age or Older
<u>Maintain (Rent or Own)</u> Homestead in Town of Cumberland	<u>Own</u> Homestead in Town of Cumberland
Cumberland Resident for <u>10</u> Years	<u>Residing in Cumberland Home 20</u> Years
Combined Household Income (Maine AGI) Does Not Exceed <u>\$91,000</u>	Combined Household Income (Maine AGI) Does Not Exceed <u>\$66,260</u>

## Next Steps

- Work with Ordinance Committee and Town Attorney to draft pilot program's ordinance language for full Town Council review.
- Work with Town Staff to develop the pilot program's interview questionnaire, application process, and onboarding procedures.
- Work with Finance Committee and Town Council to appropriate \$11,250 to fund pilot program as part of Annual Budget Process or through Year End Balance Transfer.



No public present. No public comment.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the development of the required ordinance language for the Senior Tax Assistance Deferral Pilot Program and submit the complete document to the Senior Property Tax Committee for review and Town Council action, prior to the end of April.

VOTE: 5-0 UNANIMOUS

### **22 – 005 To authorize the Town Manager to accept a payment for delinquent FY'19 taxes in the amount of \$800.00 on property identified as Map U19/Lot 18.**

Town Manager Shane explained that this property is now in foreclosure so the acceptance of any tax payments must be approved by the Town Council.

No public present. No public comment.

Motion by Councilor Segrist, seconded by Councilor Storey-King, to authorize the Town Manager to accept a partial payment for delinquent FY'19 taxes in the amount of \$800.00 on property identified as Map U19/Lot 18.

VOTE: 5-0 UNANIMOUS

## **V. NEW BUSINESS**

**Councilor Segrist** – He is very excited to be moving the Senior Property Tax Assistance Program forward and to get more input from the public and the Town Council.

**Councilor Storey-King** – She told everyone to stay safe with the new wave of COVID that is out there.

**Councilor Gruber** – no new business.

**Chairman Vail** – The partitions are back up on the Council dais because Councilor Foster had mentioned to him at the last meeting her concern about the rapidity of which COVID cases are occurring at the school, and she thought it might be a good idea to put the partitions back up in an effort to stay safe. It’s all around us and all the precautions we can take are warranted.

He had a thought recently about the future of the gravel pits in our Town. At some point, they are not going to have any gravel left in them, so maybe an exercise on the part of the Town Council would be useful to look at putting solar farms there or directing other types of development.

**Councilor Edes** – More and more of our favorite people are getting sick. He wished Councilor Foster and her family a speedy recovery.

**Town Manager Shane** – He gave the following update on the pre-comprehensive plan survey for Councilor Foster:

- While not required by the state anymore, the Council agreed it was time to start the process of updating our Comprehensive Plan.
- To gauge an initial baseline and provide a direct comparative to the survey conducted as part of the last update to the Comp Plan, we are leveraging the survey created and administered by the professional surveying group Market Decisions.
- The ability to compare apples to apples the responses today to those from 2007 is a unique opportunity for our evolving community that we wanted to take advantage of.
- The questions contained in the survey are aimed at understanding the sentiment of our citizens as it relates to the current state as well as possibilities for the future.
- The questions are relatively high level and aimed at “just getting started”. The responses are expected to guide the Council, and any subsequent ad hoc committees related to an update of the comp plan, as we look to dive deeper into certain topics.
- Survey is largely finalized with some last-minute edits received last Friday.
- Starting next week, we will begin to introduce the context of this survey in the Crier with an expected release date of early February. We will leave the survey open for responses for 30 days still leaving about 60 days for response analysis ahead of our target date of May for the “response review”.

## **VI. ADJOURNMENT**

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

VOTE: 5-0 UNANIMOUS

TIME: 7:44 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

# 22-006

To hold a Public Hearing to consider and act on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee

# DRAFT

## Chapter 86

### Medical Marijuana

### Registered Caregiver Licensing

#### § 86-1 Title.

This Chapter shall be known and may be cited as "Medical Marijuana Registered Caregiver Licensing."

#### § 86-2 Purpose; authority; interpretation.

The purpose of this Chapter is to provide for and regulate the issuance of local licenses for Registered Caregivers in the Town of Cumberland. Such licensing shall provide for annual review of and reasonable control over Registered Caregivers' ~~practices-operations~~ and to ensure that life safety and nuisance concerns are properly addressed.

This Chapter is adopted pursuant to the Town of Cumberland's home rule authority, under Art. VIII, Part Second of the Maine Constitution, and 30-A M.R.S. § 3001. This Chapter is also adopted consistent with the Town's statutory authority pursuant to 22 M.R.S. § 2429-D, as may be amended or recodified.

This Chapter does not authorize the operation of adult-use "marijuana establishments" as that term is defined in 28-B M.R.S. § 102(29), as may be amended or recodified. In addition, this Chapter does not authorize the operation of medical marijuana "caregiver retail stores," medical marijuana "manufacturing facilities," medical "marijuana testing facilities," or medical marijuana "registered dispensaries," as those terms are defined in 22 M.R.S. §§ 2422(1-F), 2422(4-R), 2422(5-C), and 2422(6), respectively, as may be amended or recodified.

This Chapter does not, and shall not be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421, et seq.

#### § 86-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

**Cardholder:** A "cardholder," as that term is defined in 22 M.R.S. § 2422(1), as may be amended or recodified.

**Disqualifying Drug Offense:** ~~A~~ - "disqualifying drug offense," as that term is defined in 22 M.R.S. § 2422(4), as may be amended or recodified.

**Licensed Premises.** The ~~physical structure~~ parcel of property, i.e., a Lot on the Tax Maps of the



Town of Cumberland, where a Registered Caregiver is licensed to operate, consistent with a Registered Caregiver License issued by the Town Council under this Chapter.

**Medical Marijuana:** Marijuana possessed or used by a Cardholder for medical use, in accordance with 22 M.R.S. § 2423-A, as may be amended or recodified. For the avoidance of doubt, “medical marijuana” does not refer to marijuana possessed or used by an individual of at least 21 years of age for recreational purposes, as more particularly defined and permitted by Title 28-B of the Maine Revised Statutes, as may be amended or recodified.

**Qualifying Patient:** A “qualifying patient,” as defined in 22 M.R.S. § 2422(9), as may be amended or recodified.

**Registered Caregiver:** A “registered caregiver,” as defined in 22 M.R.S. § 2422(11), as may be amended or recodified, that is required to register with the State of Maine Office of Marijuana Policy pursuant to 22 M.R.S. § 2425-A. For the avoidance of doubt, a “Registered Caregiver” does not include those categories of caregiver expressly exempted from state registration requirements, as more specifically listed in 22 M.R.S. § 2423-A(3)(C)(1) – (3), as may be amended or recodified.

**Registered Caregiver Cultivation Area:** An indoor area enclosed by four (4) walls and a permanent roof, including but not limited to a greenhouse, used by a Registered Caregiver for cultivation of medical marijuana that is enclosed and equipped with locks or other security devices that permits access only by a person authorized to have access to the area under Maine law. For the avoidance of doubt, the cultivation of marijuana outside of an enclosed, roofed space, is expressly prohibited.

#### **§ 86-4 Applicability and effect.**

**A.** No Registered Caregiver may operate within the Town of Cumberland in a physical location that is not within the Registered Caregiver Overlay District, as established and defined in § 315-28.5 of the Town of Cumberland Code of Ordinances, unless that Registered Caregiver was legally existing and operating in that physical location prior to November 26, 2018 and has not materially expanded their operation since that date.

**B.** Regardless of its physical location, beginning on the effective date of this Chapter, no Registered Caregiver may operate within the Town of Cumberland without first receiving a Registered Caregiver License from the Town Council in a manner consistent with the procedures and requirements of this Chapter.

#### **§ 86-5 Effective date; initial licensing application deadline.**

This Chapter shall be effective upon adoption by the Town Council. All Registered Caregivers operating within the Town of Cumberland on the Effective Date shall submit licensing applications to the Town Clerk within ninety (90) days of the Effective Date. Failure to do so shall subject a Registered Caregiver to enforcement action, and potential civil penalties, as detailed in § 86-12 of this Chapter.

**§ 86-6 License required; application procedure.**

A. The operation or performance of conduct consistent with a Registered Caregiver without first receiving a Registered Caregiver License from the Town Council shall be considered a violation of this Chapter, subjecting the violating party to civil fines and other penalties as further outlined herein.

B. The Town Council shall be empowered to issue licenses to individuals to operate as Registered Caregivers in the Town of Cumberland. Registered Caregiver Licenses issued under this Chapter shall be reviewed and approved, approved with conditions, or denied at a Town Council meeting to be held following public notice and public hearing.

C. Each applicant for a new or renewal Registered Caregiver License shall complete and file an application on a form prescribed by the Town Council; Applications for new Registered Caregiver Licenses shall be accompanied by a Two Thousand Dollar (\$2,000) non-refundable application fee. Applications for renewal of previously-granted Registered Caregiver Licenses shall be accompanied by a One Thousand Dollar (\$1,000) non-refundable application fee, together with a Three Thousand Dollar (\$3,000) non-refundable application fee, in addition to any additional annual license fees required by the Town of Cumberland Code of Ordinances. Such applications shall contain the following:

~~(1) — A copy of the applicant's State medical marijuana caregiver registration application, and all supporting documentation as filed with the State of Maine Office of Marijuana Policy, and any amendments thereto.~~

(12) Evidence of state registration and other approvals (if any) required to operate as a Registered Caregiver, including but not limited to the Registered Caregiver's caregiver registration card issued by the Maine Office of Marijuana Policy.

~~(23) If not included in the applicant's State medical marijuana caregiver registration application, a~~ description of the form of ownership of the business enterprise together with the attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Registered Caregiver operation.

~~(34) If not included in the applicant's state license application, a~~ An affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.

~~(5) — A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license, allowing the Town of Cumberland to obtain criminal records and other background check information related to the individual.~~

(46) Evidence of all land use approvals or conditional land use approvals required to operate a Registered Caregiver pursuant to the Town of Cumberland Code of Ordinances, including but not limited to, a building permit, a site plan approval, and/or a certificate of



occupancy.

(57) If the proposed Licensed Premises is not owned by the applicant, then a signed letter of approval from the proposed Licensed Premises' owner shall be provided.

(68) A detailed depiction of the proposed Licensed Premises.

(7) All other information necessary for the Applicant to demonstrate compliance with all performance standards imposed by § 86-8 of this Chapter, including but not limited to documentation and other supporting information regarding: (i) access to the proposed Licensed Premises, (ii) safety and security of the proposed Licensed Premises, (iii) a ventilation plan for the proposed Licensed Premises, (iv) a waste disposal plan for the Licensed Premises, (v) certificates of insurance demonstrating coverage and terms consistent with the requirements of this Chapter, and (vi) an operations plan for the proposed Licensed Premises.

D. Registered Caregiver License applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S. § 403(3)(F), as may be amended, shall mark such information as confidential. An individual who possesses a valid State medical marijuana registered caregiver registration card need not identify themselves in an application for a Registered Caregiver License under this Chapter. The Cardholder must, however, identify themselves and provide all relevant application materials to the Town Clerk for examination, but the identity of the Cardholder shall not be a public record and the Town shall not share the identity of the Cardholder, except as necessary by law in the performance of the Town's official functions. At the time that the application is submitted, the Cardholder may appoint a representative to appear before the Town Council on their behalf. Advertisements for the requisite public hearing shall contain the location of the proposed Licensed Premises and the identity of the owner of the real estate and the identity of the designated representative.

E. The Town Council may only issue one (1) Registered Caregiver License to a single business, individual, or owner. For purposes of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities.

#### **§ 86-7 Public hearing; granting license; term; renewal.**

A. The Town Council shall hold a public hearing within sixty (60) days of receipt of a completed licensing application, as determined by the Town Clerk. At such a public hearing, the testimony of the applicant and that of any interested members of the public shall be taken.

B. Property owners whose property lines are within 500 feet of the proposed Licensed Premises shall be notified in writing by the Town of the public hearing for the initial licensing application and all subsequent licensing renewals sought.

C. Following a public hearing, the Town Council shall consider the application and determine whether the application is consistent with all provisions of this Chapter, as well as all other applicable portions of the Town of Cumberland Code of Ordinances. In line with this

determination, applications for licensure shall be granted, granted with conditions, or denied by the Town Council. Conditions may be imposed on any Registered Caregiver License issued pursuant to this Chapter as necessary to protect the health, safety, and welfare of the public and to achieve the goals and objectives of this Chapter.

**D.** A Registered Caregiver License shall be valid for a period of one (1) year from date of issuance and must be renewed annually.

**E.** Applications for renewal of existing Registered Caregiver Licenses shall include all materials required by § 86-6(C) of this Chapter, and shall be processed in the same manner as initial licenses and shall be subject to all provisions of this Chapter. Applications for the renewal of a Registered Caregiver License shall be submitted to the Town Clerk at least sixty (60) days prior to the expiration of the existing license and shall be considered by the Town Council in the manner prescribed for initial license applications in this Section. In considering applications for renewal of existing Registered Caregiver Licenses, the Town Council shall also consider any and all fire, EMS, and/or police reports, as well as all code enforcement complaints and notices of violation (if any), related to the Licensed Premises created during the previous licensing term.

#### **§ 86-8 License performance standards.**

No Registered Caregiver License may be granted or renewed by the Town Council and no Registered Caregiver may operate, even after issuance of a Registered Caregiver License, except in compliance with the performance standards contained in this Section. Such performance standards shall automatically be incorporated into all Registered Caregiver Licenses granted by the Town Council as conditions of approval:

**A.** Access. Convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists.

**B.** Traffic. The establishment of a Registered Caregiver operation will not create an unreasonable increase in the frequency or intensity of vehicle traffic in proximity to the Licensed Premises.

**C.** Location. No Registered Caregiver may operate in a location that is less than 500 feet from the property line of a pre-existing public or private school serving grades Pre-K through 12<sup>th</sup> grade, or a day care center licensed by the State of Maine.

**D.** Safety.

(1) Where an electrical system is installed within the Licensed Premises, it shall be installed and maintained in accordance with the provisions of the applicable state standards and regulations and the Town's electrical codes.

(2) The Licensed Premises shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

(3) Internal and external foot traffic and security control shall meet requirements of the

applicable state and local law enforcement agencies.

(4) The Town of Cumberland Police and Fire Departments have determined that adequate public safety protection equipment is available to provide service to the Licensed Premises.

E. Noise. No amplification of sound shall occur on or from the Licensed Premises as measured by a sound-level meter and frequency-weighting network (manufactured according the standards prescribed by the American National Standards Institute), inherently and recurrently generated, shall not exceed a maximum of 60 decibels, as detected at any lot line of the Licensed Premises.

F. Number of plants; Location of Cultivation Area. A Licensee may not possess or cultivate - ~~No~~ more than thirty (30) mature marijuana plants, or 500 square feet of plant canopy, and sixty (60) immature plants; ~~may be cultivated~~ on a Licensed Premises. All marijuana must be cultivated in an indoor Registered Caregiver Cultivation Area, as that term is defined in this Chapter. No outdoor cultivation or storage of marijuana is allowed.

G. Marijuana cultivation by a Registered Caregiver is prohibited where any portion of the Licensed Premises lies within the Shoreland Zone.

H. Ventilation. All Registered Caregivers shall have an odor mitigation system installed within the Licensed Premises, the design of which has been approved by a Maine licensed engineer. The odor control system installed shall be sufficient to ensure that no odors will be perceptible from any adjoining property line of the Licensed Premises.

I. Waste disposal. Any marijuana waste generated on the Licensed Premises must be disposed of in a manner consistent with all rules established by the Maine Office of Marijuana Policy, as the same may be amended from time to time. The Licensed Premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.

J. Loitering. The Registered Caregiver shall make adequate provisions to prevent Cardholders or other persons from loitering on the Licensed Premises. It shall be the Licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of the Licensed Premises is ordered to leave.

K. Security. The Licensed Premises must meet the following security requirements:

(1) The Licensed Premises shall have lockable doors and windows and shall be served by an alarm system that includes both an audible alarm and a police department notification component. Said alarm systems must also be professionally monitored, and maintained in good working condition.

(2) The Licensed Premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) days per week, and video shall be retained



for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

L. Insurance; indemnification.

(1) Each Licensee shall procure and maintain occurrence-based commercial general liability insurance coverage in the minimum amount of \$1,000,000 per occurrence / \$2,000,000 aggregate for bodily injury, death, and property damage. Such coverage shall not include any bodily injury or property damage restrictions or exclusions associated with cultivation or sale of medical marijuana.

(2) Evidence of insurance required herein shall be a condition of the issuance of any Registered Caregiver License under this article, and shall be submitted to the Town as part of the applicant's license application. Certificates shall guarantee ten days' notice to the Town of termination of insurance or any material change from the insurance provider or agent. ~~The Town's acceptance or lack of such evidence shall not be construed as a waiver of the applicant's obligation to obtain and maintain such insurance as required by this Chapter.~~

(3) By accepting a Registered Caregiver License from the Town, the Licensee knowingly and voluntarily waives, releases, and discharges the Town from all claims, causes of action and demands, both known and unknown, which it has ever had, or may have against the Town, officers, agents, employees, representatives, insurers, successors, and assigns for any injuries, damages or liabilities, resulting from the arrest, prosecution or other consequence of the Registered Caregiver or its parties of control for a violation of local, state or federal laws, rules or regulations.

M. Frequency of patient visits; hours of operation. If ~~a Registered Caregiver's~~ the Licensed Premises are not located within the Registered Caregiver Overlay District, as shown on the Town of Cumberland's Official Zoning Map and further defined in § 315-28.5 of the Town of Cumberland Code of Ordinances, ~~said a~~ Registered Caregiver may not sell or dispense marijuana to more than five (5) Cardholders in a 24-hour period and may only do so between the hours of 9 AM to 5 PM Monday through Friday.

N. ~~One Limit on Registered Caregiver Licenses Per Licensed Premises~~ Registered Caregiver Per Licensed Premises.

(1) No more than one (1) Registered Caregiver License may be granted for a Licensed Premises located outside of the Registered Caregiver Overlay District.

~~(2) No more than -t In spite of any language to the contrary and for the avoidance of doubt, only one wo~~ (2) Registered Caregiver Licenses may be granted for each Licensed Premises located within the Registered Caregiver Overlay District.

~~As such, only one (1) Registered Caregiver may operate consistent with a Registered Caregiver Licensed granted under this Chapter, on a single parcel of property, as more particularly shown on the Tax Maps of the Town of Cumberland. For the avoidance of doubt, Registered Caregivers seeking to~~

operate on the same Licensed Premises must each receive and maintain a separate Registered Caregiver License consistent with this Chapter.

~~O. No Caregiver Retail Stores. The Town of Cumberland does not allow medical marijuana “caregiver retail stores,” as that term is defined in 22 M.R.S. § 2422(1-F), as may be amended. As such, Licensees shall not: (a) maintain or post regular business hours for the Licensed Premises; (b) allow access to the Licensed Premises by members of the general public; (c) permit more than one (1) Qualifying Patient to enter the Licensed Premises for the purposes of purchasing or otherwise receiving medical marijuana at a time; (d) permit Qualifying Patients to enter the Licensed Premises without first having an appointment to do so; (e) sell goods or services other than Medical Marijuana, including but not limited to t-shirts, hats, mugs, or other such merchandise, directly to any Qualifying Patient; or (f) operate the Licensed Premises with any other attribute that is generally associated with retail stores.~~

O. No Caregiver Retail Stores. The Town of Cumberland does not allow medical marijuana “caregiver retail stores,” as that term is defined in 22 M.R.S. § 2422(1-F), as may be amended. As such, Licensees shall not: (a) post regular business hours for the Licensed Premises on said Licensed Premises or in any advertising or marketing materials; (b) allow access to the Licensed Premises by members of the general public; (c) permit more than two (2) Qualifying Patients to enter the Licensed Premises for the purposes of purchasing or otherwise receiving medical marijuana at a time; (d) permit Qualifying Patients to enter the Licensed Premises without first having an appointment to do so; (e) sell goods or services other than Medical Marijuana, including but not limited to t-shirts, hats, mugs, or other such merchandise, directly to any Qualifying Patient; or (f) operate the Licensed Premises with any other attribute that is generally associated with retail stores.

P. Signs. All Licensees shall display a sign on the Licensed Premises to enable emergency responders to locate said Licensed Premises. Such signs may only contain the Licensee’s business name or trade name and the street address of the Licensed Premises, both of which shall be displayed in plain, non-stylized typeface. No additional content, including logos, are permitted. All such signs must receive a sign permit from the Code Enforcement Officer prior to installation or erection, and shall comply in all respects with § 315-63 of the Town of Cumberland Code of Ordinances.

## **§ 86-9 Inspections.**

A Licensee and its agents and employees shall, at any reasonable time, permit inspection of the Licensed Premises by the Town if necessary to ensure compliance with the provisions of this Chapter or any other applicable portion of local ordinance or state law.

## **§ 86-10 Decision on licensing application; revocation of license.**

A. Any applicant requesting a Registered Caregiver License from the Town Council shall be notified in writing of the Town Council’s decision no more than fourteen (14) calendar days from the date of the Town Council’s decision. In the event that a license application is denied, or is granted with conditions, the applicant shall be provided with the reasons for the denial or the



conditional grant in writing. The applicant may not reapply within thirty (30) days after an application for a license that has been denied.

**B.** The Town Council may, after notice and hearing, suspend or revoke a Registered Caregiver License issued under this Chapter if the Licensee, or any of the Licensee's officers, members, directors, or partners:

- (1) Fails to maintain compliance with all requirements of this Chapter, or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. § 2421, *et seq.*, as may be amended or recodified;
- (2) Has not acquired and maintained all necessary State of Maine and local approvals prior to and during the term of the License;
- (3) Has been convicted of a disqualifying drug offense;
- (4) Has had a license issued under this Chapter, or any other applicable state or local approval revoked;
- (5) Has provided false or misleading information in connection with the license application; or
- (6) Has, after receiving written notice and demand, refused to allow the Licensed Premises to be inspected for compliance with this Chapter, or has otherwise interfered with a Town officer, official, or employee's performance of their official duties.

#### **§ 86-11 Appeals.**

Any appeal of a decision of the Town Council to grant, grant with conditions, deny, suspend, or revoke a Registered Caregiver License pursuant to this Chapter, shall be to Maine Superior Court within thirty (30) days of the date of the decision, in a manner consistent with Rule 80B of the Maine Rules of Civil Procedure.

#### **§ 86-12 Violations and penalties.**

The Town of Cumberland shall enforce this Chapter through its Code Enforcement Officer. In addition to revocation and/or suspension of a Registered Caregiver License as provided in this Chapter, any violations of this Chapter shall be subject to a minimum fine of \$100.00 per day and a maximum fine of \$2,500.00 per day, pursuant to 30-A M.R.S. § 4452. \_Each day that a violation remains constitutes a separate violation. The Town Council, or its authorized agent, is authorized to initiate legal proceedings in Maine District Court to enjoin the unlawful operation of a Registered Caregiver, as provided in this Chapter. If the Town is the prevailing party in such proceedings, the Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

#### **§ 86-13 Waivers.**

The Town Council may, in its discretion, waive any of the requirements under § 86-6 of this Chapter

if it finds the submittal of certain materials is unnecessary or irrelevant to the review of a particular Registered Caregiver License application.

**§ 86-14 Transfer of license.**

A Registered Caregiver License may not be assigned or transferred to another person or entity. Any change in ownership or change in officers of the licensee requires a new license. The new owners of any Registered Caregiver, as defined in this Chapter, shall apply to the Town Council for a new license prior to beginning operation. Registered Caregiver Licenses are limited to the premises for which they are issued and are not transferable to any other property. All Licensees who desire to relocate to a new location shall apply to the Town Council or its designee for a new license and if approved they shall relinquish their permit/license from the previous location.

**§ 86-15 Validity and severability.**

Should any section or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Chapter.

Chapter Originally Adopted January \_\_\_\_, 2022

# ITEM

## 22-007

To hold a Public Hearing to consider and act on amendments to the Official Cumberland Overlay Zoning Map to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial District, as recommended by the Planning Board



**TOWN OF CUMBERLAND, MAINE  
PLANNING BOARD NOTICE OF DECISION**

**Date:** January 19, 2022


**To:** William Shane, Town Manager

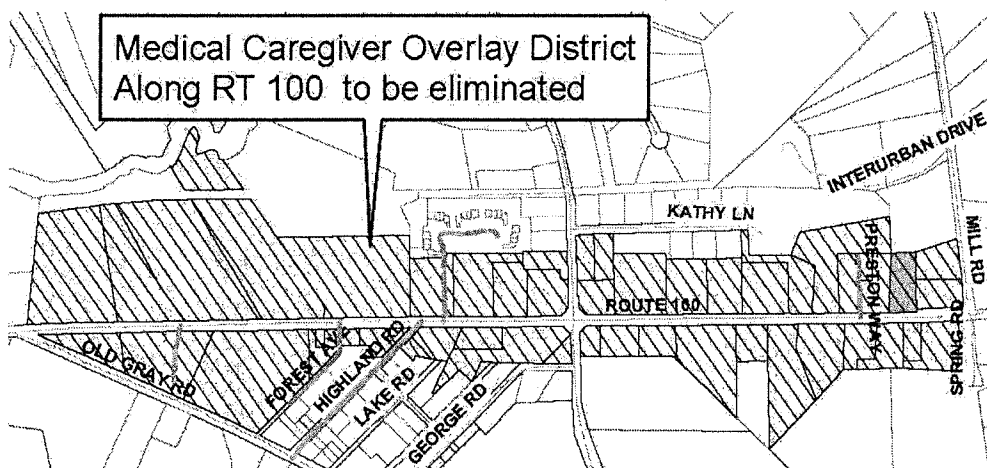
**From:** Carla Nixon, Town Planner

**Re:** Recommendation to Town Council to amend the Official Overlay Zoning Map for Cumberland, Maine to eliminate the Medical Caregiver overlay zone from the Village Center Commercial zoning district.

This is to advise you that on Tuesday, January 18, 2022, the Planning Board held a Public Hearing on providing a recommendation to the Town Council to amend the Official Overlay Zoning Map for Cumberland, Maine to eliminate the Medical Caregiver overlay zone from the Village Center Commercial zoning district. The Planning Board voted affirmatively to recommend to the Town Council to amend the official Overlay Zoning Map to remove the Medical Caregiver overlay zone from the Village Center Commercial zoning district.

Cumberland Planning Board

  
Jason Record, Chairman



# ITEM

# 22-008

To repeal and rescind the Town of Cumberland Extension of  
Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses  
that was adopted by the Town Council on January 10, 2022

**TOWN OF CUMBERLAND  
EXTENSION OF MORATORIUM ORDINANCE  
REGARDING MEDICAL MARIJUANA CAREGIVER USES**

WHEREAS, a moratorium on the location, operation, permitting, approval or licensing of any and all medical marijuana uses within the Town was enacted by the Town Council on July 28, 2021, for a period of one hundred and eighty (180) days from the date of applicability, *i.e.*, until January 24, 2022; and

WHEREAS, the moratorium was necessary to provide the Town with time to study its own ordinances in order to determine the effect of potential medical marijuana uses within all areas of the Town, particularly those areas located outside of the previously-established Registered Caregiver Overlay District, as is more particularly defined in § 315-28.5 of the Town Code; and

WHEREAS, the identified issues giving rise to the need for the moratorium still exist, and substantial progress has been made in addressing these issues by virtue of the drafting and consideration of proposed amendments to the Town Code and the adoption of a medical marijuana registered caregiver licensing ordinance, but the Town has not yet completed all of this work; and

WHEREAS, additional time is needed to ensure that the Town resolves these issues before additional medical marijuana uses may be located, operated, permitted, approved, or licensed within the Town.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains that all provisions of the Town of Cumberland Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses are hereby extended for an additional period of one hundred and eighty (180) days, from January 25, 2022 to July 22, 2022.

Adopted January 10, 2022

**TOWN OF CUMBERLAND  
MORATORIUM ORDINANCE REGARDING  
MEDICAL MARIJUANA CAREGIVER USES**

WHEREAS, the Town Council of the Town of Cumberland (the “Town”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (3) The Town has previously enacted a Registered Caregiver Overlay District as part of its Zoning Ordinance; and
- (4) Because the Registered Caregiver Overlay District only applies to commercial zoning districts, it has not resolved legitimate and substantial questions about the impact of medical marijuana uses on the Town in other zoning districts, including questions as to compatibility with existing land uses and developments in the Town; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana uses within the Town have potentially serious implications for the health, safety and welfare of the Town and its residents; and
- (6) The Town currently faces the possibility of an overconcentration of medical marijuana uses, both in the Registered Caregiver Overlay District and in other districts; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana uses in the Town; and
- (8) In the judgment of the Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains:

**Section 1. Moratorium.** The Town does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana uses within the Town. No person or organization shall develop or operate a new medical marijuana use that was not in lawful existence on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana use.

**Section 2. Definitions.** For purposes of this ordinance, the term “medical marijuana uses” means a registered caregiver as defined in 22 M.R.S. § 2422(11), and includes a caregiver cultivation facility, a caregiver processing facility or any other associated use.

**Section 3. Pending Proceedings.** Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana use for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance, but it shall not apply to any medical marijuana use that has received site plan approval from the Town prior to July 12, 2021.

**Section 4. Conflicts/Savings Clause.** Any provisions of the Town’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Section 5. Violations.** If any medical marijuana use is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

**Section 6. Effective Date.** Pursuant to Article II, § 11(c) of the Cumberland Town Charter, this Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days after July 12, 2021, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

**Section 7. Severability.** Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision.

# ITEM

# 22-009

To forward to the Planning Board for a Public Hearing and recommendation, a Contract Zone Agreement for The Grange at Longwoods

**CONTRACT ZONING AGREEMENT**  
**BY AND BETWEEN THE TOWN OF CUMBERLAND**  
**AND**  
**SYNERGOSITY LLC**  
**RELATING TO THE GRANGE AT LONGWOODS**  
**76 LONGWOODS ROAD**

This Contract Zoning Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between the TOWN OF CUMBERLAND, MAINE, a municipal corporation (“Town”) and SYNERGOSITY LLC, (the “Owner”), a Maine limited liability company with a business address of 173 Spurwink Road, Scarborough, Maine 04074, its successors and assigns, pursuant to 30-A M.R.S. §4352 (8) (the “Statute”), which governs conditional and contract re-zoning in Maine municipalities, and Section 315-79 of the Cumberland Zoning Ordinance (the “Zoning Ordinance”), which sets forth the Town’s Contract Zoning standards, conditions and procedures.

WHEREAS, the land subject to this Agreement (the “Premises”) is comprised of 61.56 acres +/- located on the westerly side of Longwoods Road (Route 9) and consists of two tax parcels: a parcel approximately 42 acres in size and designated on the tax maps as Map R-03, Lot 13, which is improved with a circa 1870 farmhouse and barn, and a parcel approximately 19 acres in size and designated on the tax maps as Map R-03, Lot 6-A, which is undeveloped land, and

WHEREAS, the Owner’s title to the Premises is derived from a deed from Daniel F. Villacci and Marianna Villacci to Synergosity LLC dated September 3, 2021 and recorded in the Cumberland County Registry of Deeds in Book 38626, Page 268, a copy of which is attached hereto, marked as Exhibit A, and

WHEREAS, the Premises are depicted on a plan attached hereto, marked as Exhibit B, and

WHEREAS, the Premises are located in the Rural Residential 1 (RR1) Zone, and

WHEREAS, the Owner wishes to develop the Premises as a mixed-use project (the “Project”) to include residential, agricultural, commercial and recreational uses, with a significant conservation component, and

WHEREAS, the conservation component of the project will provide long-term protection for nearly 90% of the Premises through an agricultural Conservation Easement (the “CE”)

granted to Maine Farmland Trust (“MFT”), a copy of which is attached hereto, marked as Exhibit C<sup>1</sup>, and

WHEREAS, MFT will eventually transfer the Holder’s responsibilities under the CE to the Chebeague and Cumberland Land Trust (“CCLT”), which will supplement CCLT’s other conservation holdings in the Town, and

WHEREAS, the CE provides for agricultural use of the Conservation Area, consisting of approximately 51 acres of cropland, pasture, hayfields and woodlands and a three-acre Farmstead where the existing farmhouse, barn and related infrastructure are located, and

WHEREAS, ideally, a farmer (the “Farmer”) will enter into a long-term lease arrangement with the Owner to farm the land, and

WHEREAS, the existing residence within the Farmstead may house the Farmer and his or her family or be modified to provide housing for farm workers, and

WHEREAS, the Conservation Parcel has favorable topography and soils composition for the Project’s uses, including growing and on-site sale of vegetables and other agricultural products by the Farmer, and

WHEREAS, potential also exists for a year-round farmers market, a farm-based retail use, on either the Developed Area (defined below) or in the Farmstead portion of the Conservation Area and

WHEREAS, the commercial component of the project will occur on the seven +/- acres of the Premises (the “Developed Area”) and include a restaurant and event space to be known, for the purposes of this document, as the Grange Hall Pub (the “Grange Hall”) and possibly a year-round farmer’s market, as noted above, and

WHEREAS, the Developed Area also may be the site of a second residence to supply housing for either the Farmer, farm staff or the Grange Hall operator, and

WHEREAS, the existing residence and barn on the Conservation Area and all structures within the Developed Area will be set back at least 400 feet from existing structures on abutting parcels, and

WHEREAS, the contemplated recreational uses associated with the Project include but are not limited to hiking, cross-country skiing, exterior sculpture display, disc golf and may include establishment of a spur trail connecting to the Town’s existing trail system, and

---

<sup>1</sup> On January 1, 2022, the Developer and MFT entered into a purchase and sale contract that calls for the Developer to convey a CE covering approximately 54 acres of the Premises to MFT. A summary of the terms of the planned CE is attached hereto, marked as Exhibit C. The closing on sale of the CE will have occurred before the Town Council votes on this CZA, so the CE itself will be attached to the final version as Exhibit C.



WHEREAS, the proposed trails, exterior sculpture and Grange Hall will be significant cultural enhancement to the residents of Cumberland, and

WHEREAS, the preservation of the rear portion of the Premises, which has frontage on the East Branch of the Piscataqua River, will provide an important regional benefit for the environment, and

WHEREAS, this proposal will protect a significant traditional rural, agricultural viewshed along Longwoods Road, as is more particularly shown on Exhibit D hereto, and

WHEREAS, the Project advances land use objectives consistent with the Comprehensive Plan, including economic development (by promoting sustainability and encouraging businesses that allow residents to more easily obtain basic goods and services as well as social places where residents can gather together), tax fairness (the non-residential aspects of the development will shift some of the municipal tax burden from residential to commercial taxpayers), enhancement of recreation and open space (through preservation of open fields and vistas, and use and expansion of trail networks that will help promote active and healthy lifestyles), protection of natural resources (including wetlands, plant habitat and native wildlife), preservation and continued use of agricultural land, and the production and harvest of locally produced food, and

WHEREAS, in order for the Project to be financially feasible for the Owner and for all applicable code requirements to be met, certain agreements are required with respect to use of the Premises, and the relative applicability of design standards and performance standards set forth in the Zoning Ordinance, and

WHEREAS, the Town and the Developer desire to enter into a Contract Zoning Agreement for the Premises, subject to the terms and conditions set forth herein.

NOW, THEREFORE, pursuant to 30-A M.R.S. §4352 (8) and Section 315-79 of the Zoning Ordinance, as amended, the Cumberland Town Council hereby finds that this Contract Zoning Amendment:

- A. is consistent with the Comprehensive Plan duly amended adopted by the Town of Cumberland through its Town Council on March 24, 2014;
- B. establishes a Contract Zone area that would be in harmony with the existing and permitted uses in the original zone of the area involved;
- C. only includes conditions and restrictions which are related to the physical development and future operation of the Project, and
- D. imposes conditions and restrictions that are necessary and appropriate for the protection of the public health, safety and general welfare of the Town.

In furtherance of these common goals, the parties agree as follows:

I. Establishment of the Contract Zone

The Town hereby agrees that the Premises as described herein shall be a contract zone (the “Contract Zone”) pursuant to the provisions of 30-A M.R.S. §4352(8) and Section 315-79 of the Zoning Ordinance. Except as expressly modified or otherwise stated herein, the Premises shall be subject to the provisions and requirements of the underlying RR1 Zoning District, as the same may be amended from time to time, together with all applicable lot and general requirements not modified hereby.

II. Description of the Land and Permitted Uses

A. The Conservation Area comprises approximately 54 acres of the total 61.56 acre parcel. Its use is limited by the CE, a copy of which is attached to this Agreement, marked as Exhibit C. Under this Contract Zone Agreement, the following uses and structures are permitted anywhere within the Conservation Area:

1. The production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to forage and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental and greenhouse products.
2. Construction of additional or replacement agricultural infrastructure, including but not limited to storage sheds, tool barns, hoop houses, raised garden beds and irrigation systems, with the size, number and location of any structures within the Viewshed to be subject to approval by the Planning Board during Site Plan Review.
3. Outdoor sculpture installations.
4. Active recreation such as hiking and cross-country skiing, and passive recreation such as picnicking and landscape painting.

B. The following uses are permitted, but not within the portion of the approximately 9-acre portion of the Conservation Area that has frontage on and is adjacent to Longwoods Road (the “Viewshed”), which is delineated on Exhibit D hereto:

1. Residential use of the existing farmhouse or any replacement thereof and any associated barn and other infrastructure.
2. A seasonal or year-round farmer’s market or farm store.
3. Timber harvesting and associated forest management activities.
4. Temporary sawmills, if sited so as not to be visible from Longwoods Road.

5. Solar panels and low-impact wind turbines to generate electricity primary for on-site use, if sited so as not to be visible from Longwoods Road.
6. Recreational trails, whether or not connected to existing trails on abutting parcels.
7. Any other uses permitted by the CE.
8. Uses and buildings accessory to those above.

C. The Developed Area is comprised of approximately seven (7) acres in the location shown on Exhibit B. Under this Contract Zone Agreement, the following uses and structures are permitted within the Developed Area:

1. For one (1) year after the Planning Board grants Site Plan review approval of the Project, two (2) food trucks or similar temporary or mobile outdoor food preparation facilities and one (1) beverage cart may serve food and beverages, including alcoholic beverages. Upon application, the Town Council shall have the authority to extend the right of the Developer to operate food trucks for additional time periods.
2. Temporary standalone tents and tent-like structures, equipped with tables and chairs to provide seating for customers, provided such tents are located so as not to be significantly visible from Longwoods Road. For the purpose of this provision, “temporary” shall mean such tents are allowed (a) during the period where mobile outdoor food preparation facilities are being used and (b) on an occasional, short-term basis for special events such as weddings.
3. A full-service restaurant and bar known as the Grange Hall, which will include a pub/restaurant, a special event room, and an outdoor terrace and porch. Use of an awning to allow use of the terrace and porch in inclement weather is permissible. The architectural style of the Grange Hall shall be consistent with those found on Maine farms.
4. Musical and other entertainment, indoors and outdoors, provided that a special amusement permit is obtained in accordance with Chapter 13 of the Town Code. Amplified music shall only be allowed during the hours of 10:00 a.m. and 10:00 p.m.
5. Private special events (e.g., weddings, birthday parties, family reunions, corporate outings, meetings for non-profit organizations) where food and beer, wine and spirits may be served, and live music may be provided.
6. Indoor and outdoor events for the general public such as art receptions, educational tours, lectures on wildlife and local flora, bird watching tours, disc golf competitions and sculpture garden tours. For outdoor special events where large crowds

are anticipated, a Mass Gathering Permit shall be obtained in advance pursuant to Chapter 162 of the Town Code.

7. Art exhibits, including outdoor sculpture installations.

8. A new residential structure to be occupied either by the Farmer, farm employees or the operator or staff of the Grange Hall. Such residence may be a single-family residential dwelling unit or a lodging house containing two or more rooming units and common areas to provide housing for employees of the farm or Grange Hall. The architectural style of the new residence shall be consistent with typical Maine farmhouses.

9. Parking areas for uses allowed on the Premises. All parking areas shall be gravel except that seasonal parking may be permitted on grass within the Developed Area to allow for additional parking for special events.

10. Septic systems to support the structures on the Developed Area.

11. Drilled wells to support the structures on the Developed Area and to provide irrigation for agriculture within the Conservation Area.

12. Exterior sculpture installations.

13. Recreational trails and trailheads.

14. Home occupations and home-based occupations.

15. Uses and buildings accessory to those above.

### III. Access

Access to the Premises shall be over an existing 20-foot-wide driveway that runs westerly from Longwoods Road for a distance of approximately 1,100 feet. The existing driveway may be extended to provide access to the Developed Area and pull-outs will be created to allow for vehicles headed in opposite directions to pass each other. To preserve the rural farm style aesthetic of the Premises, driveways and parking areas will be non-paved gravel surfaces. All disturbed acreage shall be managed in compliance with local, state, and federal ordinances, codes and statutes.

### IV. Utilities

The existing overhead power and telecommunication lines shall be maintained in substantially their current location and may be extended as necessary to provide power to both the Conservation and Developed Areas. Waste disposal shall be via a subsurface septic system to be constructed and maintained in accordance with State and Town codes and ordinances. Water shall be sourced from an underground well to be constructed and maintained in accordance with State and Town codes and ordinances.

V. Signage

Signage shall be permitted in accordance with Section 315-63 of the Town Code.

VI. Lighting:

There shall be no lighting on the Conservation Area except around the buildings in the Farmstead portion. All such lighting, as well as the lighting in the Developed Area, shall be fully shielded, downward-facing and shall be placed on motion detectors from the hours of 11:00 p.m. to 7:00 a.m.

VII. Division of Premises

The Owner shall be permitted to divide the Premises once in the course of transferring the Conservation Area or the Developed Area to third parties. Any such division shall be of the whole of the Conservation Area or the whole of the Developed Area, as the case may be, and all of the provisions of this Agreement shall bind the future owners.

VIII. Design Restrictions and Standards

1. There shall be no required street frontage, given the location of the existing building and proposed buildings and the size of the Premises.

2. As all of the development will be clustered on a ten (10) acre portion of the Premises (the Developed Area being 7+/- acres and the Farmstead portion of the Conservation Area being 3 +/- acres), required front, rear and side setbacks shall be fifteen (15) feet, both between buildings within the Developed Area the Farmstead portion of the Conservation Area, and as between the Developed Area and the Conservation Area.

**SUBJECT TO THE TERMS HEREIN, THE CUMBERLAND PLANNING BOARD SHALL HAVE REVIEW AUTHORITY UNDER THE APPLICABLE PROVISIONS OF THE CUMBERLAND SITE PLAN AND ZONING ORDINANCES TO IMPOSE CONDITIONS OF APPROVAL PURSUANT TO SAID ORDINANCES RELATING TO DEVELOPMENT AND CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN.**

IX. Miscellaneous Provisions

A. Survival Clause The terms and conditions of this Agreement shall run with the land and be binding upon and insure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. This Agreement shall not be assignable without the prior approval of the Cumberland Town Council, provided, however, that the Developer may assign this Agreement without such approval to a corporate entity or limited liability company solely owned and organized by the Developer for the purpose of developing the project. A true copy of this Agreement shall be recorded in the Cumberland County Registry of Deeds.

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

C. Governing Law. This contract is entered into in the State of Maine and shall be governed by and enforced in accordance with the laws of the State of Maine.

D. Binding Covenants. The above-stated restrictions, provisions and conditions are an essential part of this contract and shall run with the subject premises, shall bind the interest therein, and any party in possession or occupancy of the Premises or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives.

E. Amendment. This Agreement may be amended only by written agreement of the parties.

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

G. Enforcement. The Town shall have the ability to enforce any breach of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S. §4452. In the event that the Developer fails to develop the Property in accordance with this Agreement, or in the event of any other breach of any condition set forth in this Agreement, the Town Council shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to develop or operate in accordance with the requirements of this Agreement. The resolution may include a termination of this Agreement by the Town Council and a rezoning of the Property to the prior or any successor zoning districts. In such an event, the Property shall then be used only for such uses as are allowed by law.

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

WITNESS

TOWN OF CUMBERLAND

\_\_\_\_\_

By: \_\_\_\_\_  
William R. Shane, Town Manager

WITNESS

SYNERGOSITY LLC

\_\_\_\_\_

By: \_\_\_\_\_  
Alexander Timpson, Manager

STATE OF MAINE  
CUMBERLAND, ss

Date:

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

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

\_\_\_\_\_  
Printed Name

Commission Expires:

STATE OF MAINE  
CUMBERLAND, ss

Date:

Then personally appeared the above-named Alexander Timpson, in his capacity as Manager of the Maine limited liability company known as Synergosity LLC and acknowledged the foregoing instrument as his free act and deed in such capacity, and the free act and deed of said Company.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

\_\_\_\_\_  
Printed Name

Commission Expires:



DLN: 1002140161144

**WARRANTY DEED**  
**{Maine Statutory Short Form}**

KNOW ALL PERSONS BY THESE PRESENTS, THAT **DANIEL F. VILLACCI** and **MARIANNA VILLACCI**, both with a mailing address of 297 Middle Road, Falmouth, ME 04105 for consideration paid, GRANT to **SYNERGOSITY LLC**, a Maine limited liability company with a principal place of business in Scarborough, Maine with WARRANTY COVENANTS, the land in the Town of Cumberland, County of Cumberland, and State of Maine, described as follows:

**See Attached Exhibit A.**

WITNESS, my hand and seal this 3rd day of September 2021.

SIGNED, SEALED AND DELIVERED in the presence of

\_\_\_\_\_  
 \_\_\_\_\_

*Daniel Villacci*  
**DANIEL F. VILLACCI**  
*Marianna Villacci*  
**MARIANNA VILLACCI**

State of Maine  
 County of Cumberland

September 3rd 2021

Then personally appeared the above-named **DANIEL F. VILLACCI** and **MARIANNA VILLACCI** and acknowledged the foregoing instrument to be their free act and deed.

Before me,

*Susan Descoteaux*  
 Notary Public

Printed Name:

My commission expires:

Susan Descoteaux  
 NOTARY PUBLIC  
 State of Maine  
 My Commission Expires 6/02/2022

76 Longwoods Road, Cumberland

Exhibit A

*Historical Description*

Parcel I (76 Longwoods Road):

A certain lot or parcel of land with the buildings thereon, situated on the westerly side of Longwoods Road, in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron pin on the westerly side of Longwoods Road at the northerly corner of land formerly of Owen Farwell; thence South 53° West by said Farwell land and land now or formerly of Bertelle Seekins, one thousand two hundred sixty (1,260) feet, more or less, to an iron pin on the Falmouth Town Line; thence North 38° West by the Falmouth Town Line, one thousand two hundred fifteen (1,215) feet, more or less, to an iron pin at the southerly corner of land now or formerly of Frank E. Oulton; thence North 53° East by said Oulton land, seven hundred eighty-seven (787) feet, more or less, to a pile of stones; thence North 37° 30' West by said Oulton land five hundred eighty-five (585) feet, more or less, to an iron pin at the southerly corner of land conveyed by Roger Bolduc to Wallace E. Leavitt, et al, by deed dated March 26, 1956 and recorded in the Cumberland County Registry of Deeds in Book 2281, Page 101; thence North 52° East by said Leavitt land, seven hundred thirty (730) feet, more or less, to an iron pin at the westerly corner of land conveyed by Christen Christensen to Hans Zenas Hansen by deed dated September 7, 1927 and recorded in said Registry of Deeds in Book 1277, Page 92; thence South 36° 30' East by said Hansen land, six hundred three (603) feet, more or less, to an iron pin; thence North 52° East by said Hansen land, one hundred forty-one (141) feet, more or less, to an iron pipe at the westerly corner of land conveyed by Robert Nelson to Henry L. Hanson by deed dated January 10, 1948 and recorded in said Registry of Deeds in Book 1907, Page 68; thence South 32° 30' East by said Hanson land, three hundred twelve (312) feet, more or less, to an iron pin; thence North 52° 30' East by said Hanson land, one hundred forty-seven (147) feet, more or less, to an iron pin on the westerly sideline of Longwoods Road; thence South 10° 45' East by Longwoods Road, one thousand one hundred fifteen (1,115) feet, more or less, to the point of beginning. Containing 54 acres, more or less.

Excepting, however, so much of said premise as was conveyed by Maurice P. Hansen to Central Maine Power Company by deed dated July 27, 1956 and recorded in said Registry of Deeds in Book 2310, Page 495, but this conveyance includes all the rights and privileges reserved in said deed.

This conveyance is made subject to the easement conveyed by Maurice P. Hansen and Marie C. Hansen to New England Telephone and Telegraph Company and Central Maine Power Company by deed dated January 27, 1950 and recorded in said Registry of Deeds in Book 1989, Page 434.

Being a portion of the premises as described in a Warranty Deed from Daniel F. Villacci to Daniel F. Villacci and Marianna Villacci, dated May 13, 2002 and recorded at Book 17630, Page 16 in the Cumberland County Registry of Deeds.

Parcel II (0 Longwoods Road):

A certain lot or parcel of land, located in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point which is the intersection of the East Branch of the Piscataqua River and the southerly line of a certain lot or parcel of land now of Central Maine Power Company, more particularly described in a deed from Frank E. Oulton and Annie G. Oulton to Central Maine Power Company, dated October 5, 1956 and recorded at the Cumberland County Registry of Deeds, Book 2281, Page 494; thence southeasterly along said southerly line of said Central Maine Power Company land to a point intersecting with the northwesterly line of a certain lot or parcel of land now or formerly of Daniel F. Villacci; thence westerly along said line to a point which is the northwest point of said lot or parcel of land now of Daniel F. Villacci; thence South 42° East by land formerly of Peter Merrill thirty-five (35) rods to said lot or parcel of land now of Daniel F. Villacci to a point; thence running South 48° West by land formerly of Joseph Sawyer forty-seven (47) rods and eight (8) links to the Falmouth and Cumberland line; thence North 41° West by said Falmouth and Cumberland line to the easterly bank of the East Branch of said Piscataqua River; thence running northeasterly and upstream along said easterly bank to the point of beginning; comprising 18 acres more or less;

Also, all rights which the Grantors may have in or with respect to a certain lot or parcel of land now of Central Maine Power Company and described in a deed from Frank E. Oulton and Annie G. Oulton to Central Maine Power Company, dated October 5, 1956 and recorded in said Registry of Deeds in Book 2281, Page 494.

Being a portion of the premises as described in a Warranty Deed from Daniel F. Villacci and Marianna Villacci to Daniel F. Villacci and Marianna Villacci, dated May 13, 2002 and recorded at Book 17630, Page 14 in the Cumberland County Registry of Deeds.

*New Description*

Also conveying all our right, title and interest in the below alternate description of the above-described parcels which is based upon an unrecorded plan entitled "Existing Conditions Survey for Alexander Timpson of 76 Longwoods Road, Cumberland, Maine" dated August 10, 2021, by David Bouffard, PLS:

A certain lot or parcel of land with any improvements thereon, located on the westerly side of Longwoods Road, also known as State Route 9 in the Town of Cumberland, County of Cumberland, State of Maine and more particularly bounded and described as follows:

**BEGINNING** at a found iron rebar capped PLS 1183 on the westerly side of Longwoods Road at the northerly corner of land formerly of Philip Stanhope as described in Deed Book 2932, Page 385 recorded in the Cumberland County Registry of Deeds;

Thence **S 35°50'39" W, a distance of 1278.39'** along land formerly of Philip L. Stanhope and land now or formerly of Roberto Bertelle as described in Book 3640 Page 172 to a found iron pipe;

Thence **N 56°33'06" W, a distance of 1213.64'** along land now or formerly of Elwin Hansen as described in Book 3029, Page 502 to a found iron pipe;

Thence **N 55°12'38" W, a distance of 421.76'** along land of Hansen to a found iron pipe;

Thence **N 55°12'38" W, a distance of 437'**, more or less, along land now or formerly of Daniel Vallacci as described as the Town of Falmouth Parcel of land in Book 6362, Page 132, to the center of the East Branch of the Piscataqua River;

Thence northerly along the center of the said river about **1,660 feet**, more or less to a point;

Thence **S 55°10'35" E, about 185'**, more or less along land now or formerly of Central Maine Power Company as described in Book 2281, Page 494 to a point (a tie bearing and distance from the last-mentioned iron pipe to this point is N 04°43'30" W, a distance of 1162.40').

Thence **S 55°10'35" E, a distance of 800.00'** to angle point of Central Maine Power Company land;

Thence **S 85°43'08" E, a distance of 1286.21'** along Central Maine Power Company land as described in Book 2310, Page 495 to Longwoods Road;

Thence **S 28°52'05" E, a distance of 546.85'** along Longwoods Road to the **POINT OF BEGINNING**.

Containing an area of **61.56 Acres**, more or less.

Also, another parcel of land opposite the before mentioned angle point on northerly side of the 450-foot-wide corridor of Central Maine Power Company land;

**BEGINNING** at a found copper rod with cap on the northerly side of Central Maine Power Company land as described in Book 2310 Page 495 at the westerly corner of land now or formerly of Todd Shallow as described in Deed Book 34990, Page 348 recorded in the Cumberland County Registry of Deeds;

Thence **N 85°43'08" W, a distance of 293.15'** along Central Maine Power Company land as described in Book 2310 Page 495 to an angle point;

Thence **N 55°10'35" W, a distance of 106.66'** along Central Maine Power Company land to a found iron pipe;

Thence **N 35°02'41" E, a distance of 158.06'** land as is depicted as Lot 1 of the plan recorded in the Cumberland County Registry of Deeds in Plan Book 198 Page 161 to a found iron pipe;

Thence **S 53°43'30" E, a distance of 358.63'** along land now or formerly of Robert Crawford as described in Book 26346 Page 25 and land of said Todd Shallow to the **POINT OF BEGINNING**.

Containing an area of **0.83 Acre**, more or less.

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

Together with any right of way that may exist as a result of long use over the Central Maine Power Company land described in Book 2310, Page 495.

Subject to utility easement as described in Book 1989, Page 434.

Meaning and intending to describe land in the Town of Cumberland, being a portion of the premises as described in a deed to Daniel F. and Marianna Villacci dated May 13, 2002 and recorded in said Registry in Book 6362 Page 132.

- 


CONSERVATION AREA  
±2,378,376 SF  
(±54.6 ACRES)

FARMSTEAD  
AREA

DEVELOPED AREA  
±303,092 SF  
±6.95 ACRES)

## VIEWSHED BUFFER



	-	-	-
REV.	BY	DATE	STATUS
		ALEX TIMPSON THE GRANGE AT LONGWOODS CUMBERLAND, MAINE	
		CONCEPTUAL LAND USE PLAN	
 <p>ENVIRONMENTAL • CIVIL • GEOTECHNICAL • WATER • COMPLIANCE</p> <p>4 Blanchard Road, PO Box 85A, Cumberland, Maine 04021 Phone 207.829.5016 • Fax 207.829.5692 • sme-engineers.com</p>		DESIGN BY: JTR DRAWN BY: SJM DATE: 1/2022 CHECKED BY: DPD LMN: CONCEPT-LAND U CTB: SME-STD	
JOB NO.	21519	DWG FILE	BASE-GIS
			LU-100



**OVERVIEW OF  
PROPOSED CONSERVATION EASEMENT  
ON LAND OWNED BY  
SYNERGOSITY LLC**

The landowner has entered into a purchase agreement to sell an agricultural conservation easement over 55 acres of his property to the Maine Farmland Trust (MFT). The sale of the conservation easement is expected to close in early spring, 2022. The landowner is selling the conservation easement at a discount to its appraised value. The Chebeague & Cumberland Land Trust (CCLT) is contributing to the purchase price. It is anticipated that MFT will transfer the conservation easement to CCLT in the future making it CCLT's responsibility to monitor and enforce the terms of the conservation easement.

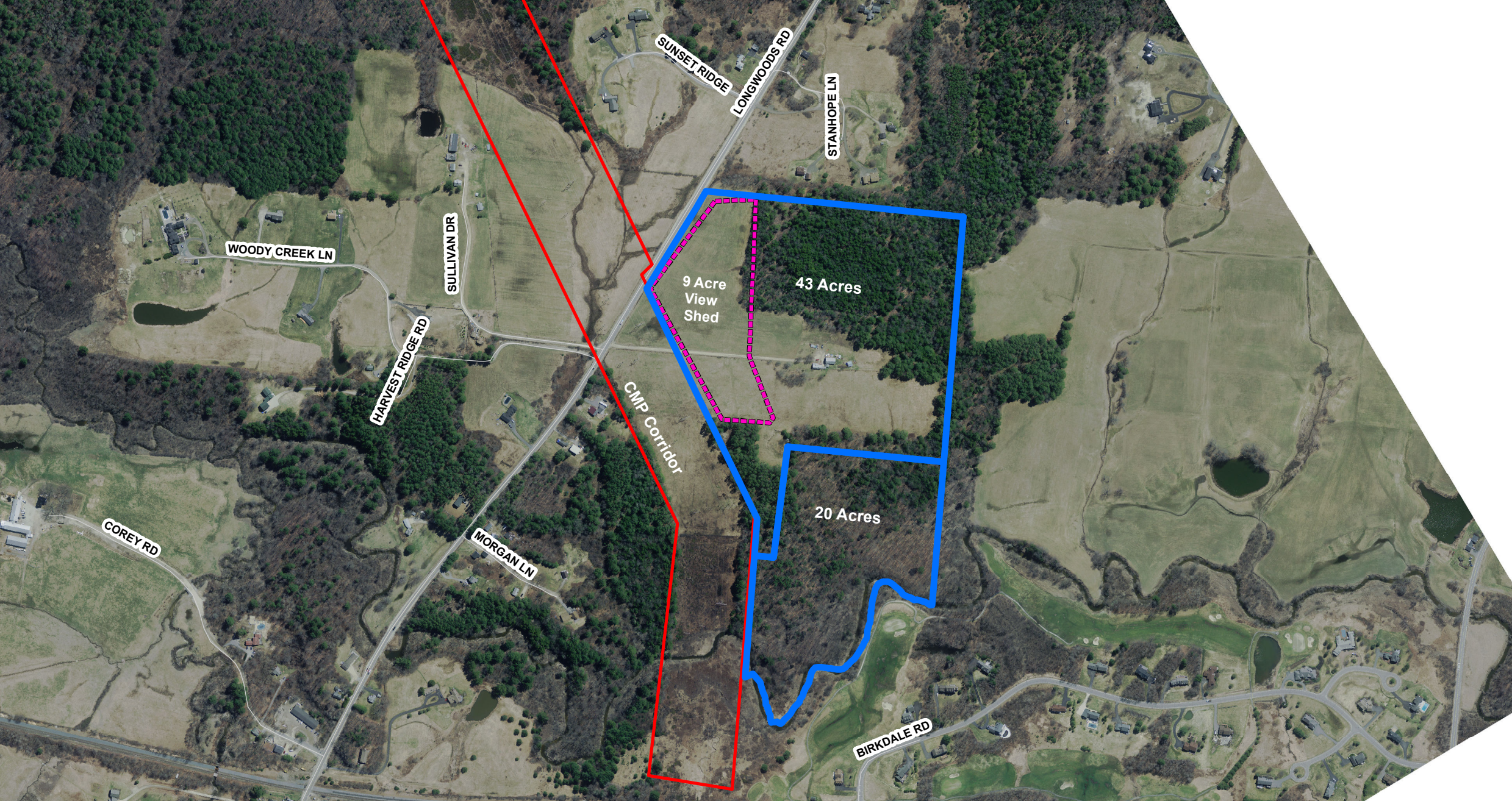
The area covered by the conservation easement includes most of the open fields on the property, along with forest lands, wetlands, and river shoreline. The existing farmhouse and barn are included in the conservation easement as part of an approximately three-acre "Farmstead Area" where a residence and additional permanent agricultural buildings are permitted.

The purpose of the conservation easement is to help ensure that the property always remain in agricultural use and to permanently protect important natural resources on the property, such as the riverfront and wetlands. Key provisions in the conservation easement include the following:

- Subdivision of the easement property is prohibited. The property, including the Farmstead Area, must always remain under a single ownership.
- No permanent buildings are allowed on the property except within the Farmstead Area, where a single residence and agricultural outbuildings are permitted. A farmstand and agri-tourism structures are permitted in this area as well.
- Outside of the Farmstead Area, minor agricultural structures, (e.g. fencing and water troughs) and temporary structures such as hoop houses and irrigation systems are permitted. In addition, minor recreational improvements, such as trails and campsites will be permitted, as well as temporary art works such as sculptures. All permanent structures require written approval of the easement holder.
- Energy production, such as solar panels, is permitted with approval of easement holder.
- The property may not be used for the disposal or storage of waste and rubbish. No wastewater discharge is permitted on the property other than in approved sub-surface wastewater disposal systems.
- The landowner is required to maintain the open fields.
- Sustainable forest management is permitted in accordance with a forest management plan except in sensitive areas such as wetlands and along the river shoreline. A 250' no cut buffer along the East Branch of the Piscataqua River will be established (with exceptions for invasive species, recreational trails and hazard trees.) All timber harvests must be supervised by a licensed forester.
- The easement holder has the right to purchase the property at its appraised agricultural value if the landowner wishes to sell the property to someone other than a family member or a qualified farmer.

- Public trail access will be guaranteed with limitations. Trail locations will be identified in the conservation easement. Prior to closing on the conservation easement, the landowner and CCLT will develop an initial public access management agreement to determine the management, uses, and maintenance approaches for the trails and other public access. Easement will permit modification of trail locations and type/method of public access with written approval of the easement holder. Also, with written agreement between the landowner and easement holder, public access to certain portions of the property may be prohibited or limited.







# BUDGET REPORT

## Revenues

01/20/2022  
10:35:18

### TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1  
glactrpt

FOR PERIOD 07 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,279,042.84	-1,343,798.00	-1,438,580.94	-1,287,246.72	-2,003,000.00
0011 0304 Boat Excise Tax	-3,165.40	-3,292.70	-4,639.80	-3,319.30	-17,000.00
0011 0328 Outer Islands Property Tax	-22,020.50	-23,513.74	-22,947.69	.00	-46,000.00
0011 0329 Payment in Lieu of Taxes	-15,959.00	-16,061.48	-18,903.00	-19,039.50	-33,000.00
TOTAL Other Tax Revenues	-1,320,187.74	-1,386,665.92	-1,485,071.43	-1,309,605.52	-2,099,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-269.25	-263.75	-203.75	-737.18	-541.00
0012 0312 Marriage Lic & Vital Records	-1,686.00	-1,708.00	-1,897.40	-1,869.00	-2,400.00
0012 0313 Birth Certificates	-805.20	-883.40	-823.80	-1,062.00	-1,400.00
0012 0314 Death Certificates	-1,278.20	-1,234.20	-1,044.00	-537.00	-1,500.00
0012 0315 Clerk Licenses	-2,300.00	-1,700.00	-1,230.00	-2,360.00	-4,608.00
0012 0316 Shellfish Licenses	-416.61	-452.32	-592.74	-576.08	-600.00
0012 0317 Conservation Fees	-93.39	-67.68	-127.26	-113.92	-100.00
0012 0334 Snowmobile Reg. Agent Fees	-179.00	-197.00	-186.00	-159.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-12,310.00	-16,731.00	-19,504.00	-17,973.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-150.00	-179.00	-183.00	-144.25	-500.00
0012 0366 Building Permits	-46,126.08	-47,667.91	-77,992.46	-81,415.99	-75,000.00
0012 0367 Electrical Permits	-12,272.00	-13,816.55	-21,072.22	-16,848.21	-21,634.00
0012 0368 Plumbing Permits	-9,523.50	-8,797.50	-14,087.50	-12,415.00	-18,789.00
0012 0369 Other Permits	-720.00	-432.00	-387.00	-1,321.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-69.00	-66.00	-59.00	-48.00	-60.00
0012 0390 Misc. Revenue	.00	.00	-100.00	-80.00	.00
0012 0398 Application Fee	-1,400.00	-1,250.00	-450.00	-1,100.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-832.00	-770.00	-571.00	-624.00	-900.00
0012 0404 Commercial Haulers License	.00	.00	-100.00	.00	-500.00
TOTAL License & Permit Revenue	-90,430.23	-96,216.31	-140,611.13	-139,383.63	-152,989.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-269,629.72	-434,085.52	-572,601.74	-748,767.76	-825,000.00
0013 0335 Local Rd Asst Prog	-68,644.00	-71,480.00	-66,876.00	-72,636.00	-67,000.00
0013 0341 North Yarmouth Recreation Shar	-9,460.00	1,742.50	-4,546.00	-32,304.00	-129,216.00

01/20/2022  
10:35:19

TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

PAGE 2  
glactrpt

FOR PERIOD 07 OF 2022

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
0013 0342 North Yarmouth Library Share	-80,036.00	-84,680.42	-45,848.25	-48,108.75	-192,435.00
0013 0390 Misc. Revenue	.00	.00	.00	-3,850.00	.00
TOTAL Intergovernmental Revenue	-427,769.72	-588,503.44	-689,871.99	-905,666.51	-1,213,651.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-10,892.00	-23,045.60	-8,787.29	-5,077.34	-30,000.00
0015 0306 Over/Short	5,104.76	570.01	466.18	-3,912.38	-100.00
0015 0364 Growth Permits	-1,900.00	-2,000.00	-2,400.00	-1,500.00	-2,000.00
0015 0365 Board of Appeals	-100.00	-200.00	.00	.00	.00
0015 0390 Misc. Revenue	-31,237.95	-31,867.07	-32,218.66	-44,132.87	-25,000.00
0015 0399 Staff Review Fee	-9,250.00	-8,950.00	-4,350.00	-3,350.00	-9,700.00
0015 0403 Mooring Fees	-456.02	-1,618.00	-126.00	-1,284.00	-5,000.00
0015 0410 Private Ways	-600.00	.00	-200.00	.00	-400.00
0015 0508 Impact Fees	-51,251.90	-56,876.40	-66,085.60	-66,988.60	-60,000.00
TOTAL Other Revenues	-100,583.11	-123,987.06	-113,701.37	-126,245.19	-132,200.00
0021 Police Related Revenues					
0021 0337 State Grant revenue	.00	.00	-951.30	.00	.00
0021 0351 Police Issued Permits	-1,575.00	-6,914.00	-630.00	-302.00	-2,000.00
0021 0353 Police Insurance Reports	-326.00	-350.00	-240.00	-672.00	-500.00
0021 0390 Miscellaneous Police Revenue	-729.00	-165.00	-51.00	-95.00	-648.00
0021 0427 Parking Tickets	-275.00	-575.00	-175.00	-25.00	-100.00
0021 0431 Outside Detail	737.52	.00	.00	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,669.00	-1,627.00	-1,223.00	-1,244.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	-24,500.00	.00	.00	.00	.00
0021 0546 Court Reimbursements	46.00	-3,392.28	-119.02	-932.88	-2,200.00
TOTAL Police Related Revenues	-28,290.48	-13,023.28	-3,389.32	-3,270.88	-7,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	.00	-15.00	.00	.00	.00
0022 0504 Rescue Billing	-100,824.97	-81,268.89	-66,473.55	-72,695.86	-160,000.00
0022 0507 Paramedic Intercepts	.00	.00	-300.00	.00	.00

01/20/2022  
10:35:19

**TOWN OF CUMBERLAND**  
**HISTORICAL ACTUALS COMPARISON REPORT**
**PAGE 3**  
**glactrpt**
**FOR PERIOD 07 OF 2022**

<b>ACCOUNTS FOR:</b>	<b>PRIOR YR3</b>	<b>PRIOR YR2</b>	<b>LAST YR</b>	<b>CURRENT YR</b>	<b>CY REV</b>
<b>001 General Fund</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>BUDGET</b>
<hr/>					
0022 0617 Donations Received	.00	-1,000.00	-4,295.00	.00	.00
0022 0617 COVID Donations Received	.00	.00	8.99	.00	.00
TOTAL Fire Related Revenues	-100,824.97	-82,283.89	-71,059.56	-72,695.86	-160,000.00
 0031 Public Services Revenues					
<hr/>					
0031 0390 Misc. Revenue	-3,132.00	-5,962.00	-3,545.00	-28.00	-20,500.00
0031 0391 Field Usage Fees	-5,383.20	-4,031.80	.00	-60.00	-5,000.00
0031 0431 Outside Details	-1,234.03	-852.16	.00	.00	.00
0031 0517 Bags/Universal Waste	-175,230.00	-130,076.50	-142,565.00	-42,327.50	-295,015.00
0031 0539 Brush Passes	-1,595.00	-1,666.00	-6,209.00	-2,914.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-100.00	-1,885.00	-2,908.60	.00
TOTAL Public Services Revenues	-186,574.23	-142,688.46	-154,204.00	-48,238.10	-328,792.00
 0035 VH Other Revenues					
<hr/>					
0035 0329 Payment in Lieu of Taxes	.00	-9,000.00	.00	.00	.00
0035 0378 Soda Sales	-2,039.60	-1,594.40	-2,085.40	-2,745.00	-2,500.00
0035 0560 Rental Income	-10,276.25	-6,750.00	-6,750.00	-7,500.00	-14,000.00
0035 0565 Cell Tower Land Lease	-12,600.00	-12,600.00	-13,410.00	-12,420.00	-24,840.00
TOTAL VH Other Revenues	-24,915.85	-29,944.40	-22,245.40	-22,665.00	-41,340.00
 0037 VH Golf Revenues					
<hr/>					
0037 0306 Over/Short	-7.24	506.47	-3.89	-.64	.00
0037 0357 Golf Memberships	-117,410.40	-90,604.48	-123,701.55	-175,161.10	-235,542.00
0037 0358 Greens Fees	-99,893.75	-80,082.44	-125,666.61	-146,279.50	-179,737.00
0037 0359 Golf Cart Rentals	-56,108.29	-52,340.45	-72,911.19	-87,765.00	-92,257.00
0037 0416 Practice Range	-4,911.75	-1,248.25	-6,478.97	-4,888.00	-8,860.00
0037 0417 VH Program Revenues	-46,365.70	-42,284.00	-90,755.63	-80,230.00	-70,500.00
0037 0419 Advertising Sales	-5,681.50	.00	.00	.00	-22,500.00
0037 0522 Outing Golf	-41,978.43	-63,999.00	-36,038.00	-64,708.00	-48,290.00
TOTAL VH Golf Revenues	-372,357.06	-330,052.15	-455,555.84	-559,032.24	-657,686.00
 0041 Recreation Related Revenues					
<hr/>					
0041 0440 41100 After School Programs	-169,052.09	-192,306.50	-183,256.00	-175,521.00	-272,000.00

01/20/2022  
10:35:19

TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

PAGE 4  
glactrpt

FOR PERIOD 07 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0041 0441 41110 Youth Enrichment Programs	-98,152.60	-114,622.07	-15,734.50	-139,471.50	-175,000.00
0041 0442 41120 Youth Sports Programs	-55,236.25	-55,963.00	-7,372.50	-91,085.00	-115,000.00
0041 0443 41130 Skiing Programs	-53,362.00	-57,274.00	-13,802.50	-25,255.00	-45,020.00
0041 0444 41140 Day Camps	-29,100.65	-30,108.43	-71,445.50	-211,997.90	-165,000.00
0041 0445 41150 Swimming Programs	-19,882.29	-19,446.00	-1,040.00	-4,700.00	-21,250.00
0041 0446 41160 Adult Enrichment Revenue	-26,844.43	-27,575.26	-7,525.00	-8,827.20	-31,715.00
0041 0447 41170 Adult Fitness Revenue	-43,234.13	-42,205.20	-16,188.00	-35,737.00	-45,000.00
0041 0448 41190 Special Events/Trips Reven	-2,546.00	-2,445.00	.00	-3,136.00	-5,000.00
0041 0449 41190 Recreation Programs	-1,056.00	-5,775.28	.00	.00	-1,995.00
0041 0570 41190 Rec Soccer Revenue	-18,175.00	-20,190.00	-9,123.00	-29,737.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-2,624.00	-3,060.00	.00	-725.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	-635.00	-520.00	-165.00	-15.00	-250.00
TOTAL Recreation Related Reven	-519,900.44	-571,490.74	-325,652.00	-726,207.60	-914,230.00
0044 W Cumberland Hall Revenues					
0044 0377 Hall Rental	.00	.00	.00	-405.00	.00
TOTAL W Cumberland Hall Revenu	.00	.00	.00	-405.00	.00
0045 Library Related Revenues					
0045 0392 Library Fines	-1,616.50	-2,935.66	-613.59	-49.15	.00
0045 0394 Misc. Library Revenue	-686.10	-805.20	-428.67	-127.02	.00
TOTAL Library Related Revenues	-2,302.60	-3,740.86	-1,042.26	-176.17	.00
TOTAL General Fund	-3,174,136.43	-3,368,596.51	-3,462,404.30	-3,913,591.70	-5,707,136.00
TOTAL REVENUES	-3,174,136.43	-3,368,596.51	-3,462,404.30	-3,913,591.70	-5,707,136.00
GRAND TOTAL	-3,174,136.43	-3,368,596.51	-3,462,404.30	-3,913,591.70	-5,707,136.00

# Expenses



01/20/2022  
10:37:21

## TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1  
glactrpt

FOR PERIOD 07 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
130 Administration	362,296.01	379,816.04	339,952.58	364,814.98	664,743.00
140 Assessor	64,216.68	58,752.52	63,096.94	67,606.69	118,867.00
150 Town Clerk	139,780.81	156,151.75	124,428.80	165,665.18	291,177.00
160 Technology	132,671.16	162,283.03	194,433.92	173,652.21	280,613.00
165 Elections	5,701.69	3,990.43	5,666.78	3,571.30	35,127.00
170 Planning	37,193.34	35,623.98	32,651.35	38,864.80	74,035.00
190 Legal	22,143.57	28,327.87	36,945.90	16,002.77	47,500.00
210 Police	752,147.97	807,352.11	810,003.03	840,072.58	1,552,217.00
220 Fire	521,011.06	555,097.37	567,715.42	541,286.31	1,078,586.00
240 Code Enforcement	77,350.31	83,138.76	85,877.58	94,919.30	150,858.00
250 Harbor Master	3,511.64	12,012.04	14,039.76	8,519.15	22,480.00
260 Animal Control	20,305.42	19,524.69	30,558.51	38,995.68	36,179.00
310 Public Works	652,021.64	714,715.80	643,429.09	676,636.64	1,302,955.00
320 Waste Disposal	282,473.40	311,123.69	332,255.45	353,296.47	637,459.00
350 Valhalla-Club	18,740.36	15,482.90	18,550.40	7,823.16	26,241.00
360 Valhalla-Course	319,241.81	338,290.76	349,507.50	373,604.04	559,899.00
370 Valhalla-Pro Shop	200,043.64	151,826.34	136,692.25	144,217.17	240,351.00
410 Recreation	620,436.92	698,684.89	436,933.49	620,025.36	955,292.00
420 Aging in Place	15,358.03	61,789.07	61,800.75	125,701.35	101,716.00
430 Parks	203,464.49	195,286.48	208,740.68	190,164.41	327,477.00
440 West Cumberland Rec	2,943.64	2,976.90	2,953.42	1,985.44	8,744.00
450 Library	278,398.84	299,560.74	282,360.26	298,677.77	550,098.00
470 Historical Society Building	4,318.91	4,299.30	186.00	625.22	11,364.00
580 General Assistance	19,291.84	23,951.42	18,006.56	8,495.47	35,000.00
590 Health Services	12,235.75	16,235.75	.00	2,235.75	3,875.00
620 Cemetery Association	28,450.00	26,700.00	26,700.00	26,700.00	26,700.00
630 Conservation	5,542.45	1,335.21	4,601.97	18,246.81	21,000.00
650 Debt Service	528,987.24	361,209.26	300,580.47	174,808.25	1,262,301.00
750 Insurance	250,866.27	237,893.08	291,510.37	299,095.84	319,619.00
800 Fire Hydrants	39,018.23	47,826.86	48,707.37	42,482.48	83,500.00
810 Street Lighting	17,199.84	21,350.85	45,000.00	.00	45,000.00
830 Contingent	2,907.19	2,520.00	58,023.51	25,084.30	10,000.00
840 Municipal Building	57,629.22	48,378.47	65,826.34	70,071.34	109,837.00
850 Abatements	6,070.93	34,163.70	5,327.14	9,605.08	1.00
TOTAL General Fund	5,703,970.30	5,917,672.06	5,643,063.59	5,823,553.30	10,990,811.00
TOTAL EXPENSES	5,703,970.30	5,917,672.06	5,643,063.59	5,823,553.30	10,990,811.00
GRAND TOTAL	5,703,970.30	5,917,672.06	5,643,063.59	5,823,553.30	10,990,811.00