

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, April 10, 2017

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

March 27, 2017

III. MANAGER'S REPORT

- Town Website – construction updates

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 17 – 047** To hear a presentation re: Brown Tail Moths from Charlene Donahue, Department of Agriculture, Conservation and Forestry and Lebel Hicks, PhD DABT, of the Maine Board of Pesticides Control.
- 17 – 048** To hold a Public Hearing to consider and act on authorizing the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth's on Route 88 provided that the majority of residents participate.
- 17 – 049** To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.
- 17 – 050** To hold a Public Hearing to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.
- 17 – 051** To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.
- 17 – 052** To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road.
- 17 – 053** To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.
- 17 – 054** To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana.
- 17 – 055** To set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.
- 17 – 056** To set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

VI. NEW BUSINESS

- May 2nd Special Town Council Meeting to countersign the Warrant and Notice of Election calling the June 13, 2017 M.S.A.D. 51 Budget Validation Referendum.

VII. ADJOURNMENT

MOTIONS

MOTIONS

17 – 047 No action.

17 – 048 I move to authorize the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth's on Route 88, provided that the majority of residents participate.

17 – 049 I move to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

OR

I move to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Ordinance Committee

17 – 050 I move to add the MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

17 – 051 I move to authorize the Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

17 – 052 I move to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 80 Foreside Road, and to collect \$500 for legal fees.

17 – 053 I move to forward the Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation.

17 – 054 No action.

17 – 055 I move to set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

17 – 056 I move to set a Public Hearing date of April 24th to consider and act on adoption of the FY2018 Municipal Budget.

MINUTES

03/27/17

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 27, 2017

5:50 P.M. Nominating Committee Meeting

6:00 P.M. WORKSHOP with Planning Board re: Sign Ordinance

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the March 13, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Letters were mailed to all residents on the Foreside regarding the Brown Tail Moth spraying program for this year. Residents being asked to opt in or out of the program.

On the agenda this evening is a Contract Zone amendment for Village Green. This is simply a lot line correction to get 100 feet of the landfill property back on Town property.

The Manager presented Lew Incze a Town chair for his many years of service to the Coastal Waters Commission. Lew and his wife will be moving to Harpswell.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

17 – 036 To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board.

Town Manager Shane explained that the recommendations are to accept the Planning Board recommendation, which adopts the entire ordinance except for the EMC messaging section, or the Ordinance Committee's recommendation, which adopts the entire ordinance including the EMC messaging section. Both recommendations are only for the Town Center District (from approximately the Congregational Church to the Credit Union on Main Street). The second piece of this, if the EMC's are approved, would be to include the school property because the PTO, as well as the Congregational Church have both requested an LED sign.

Chairman Turner opened the Public Hearing.

Public Discussion: Doug Currie of 321 Main Street said that there are significant safety concerns with LED signs. The potential consequence is having these signs all along Main Street. He referred to a study in 2009 that was prepared for the American Association of State Highway Transportation Officials.

- There is growing evidence that LED signs increase driver glance direction (distraction).
- Drivers engaging in visually demanding tasks have a crash risk three times higher than attentive drivers.

- A 2010 Transportation Research Laboratory study recommends that drivers do not have 2 or more signs in their field of view at the same time.
- The signs should not be placed near traffic control devices or driver decision and action points.

On Main Street, there are 10 places where signs can potentially be installed and a major intersection (Tuttle Road and Main Street).

- One study found that a driver's "eyes off road" time due to "external to the vehicle distraction" or inattention was estimated to cause more than 23% of all crashes and near crashes that occurred.
- Another study shows significantly longer average glance durations to roadside digital signs than to "baseline" sites and to traditional, fixed billboards, and the researchers suggest all measures of visual glances indicative of driver distraction would prove to be significantly worse in the presence of digital signs, if a full study was to be conducted at night (even more distracting at night).

Mr. Currie asked the Council to consider the safety implications that the scientific research proves. These signs are more distracting than conventional signs. Consider the placement of 10 LED signs along Main Street. He said that if the Council is considering approving this, it should be approved everywhere in Town except Main Street. That is the one place where these safety implications prove it to be the wrong place.

Paul Auclair of Olivia Lane said that most of the studies that he has looked at where safety was an issue, were based on conventional LED signs with a lot of movement, the placement of the sign and the speed limit. At night only the letters are illuminated, not the entire sign.

John Davis of Village Way said that the Church has been a passionate advocate for this request, and he feels that the request is quite minor. He suggested that we put together a master plan of what we want our community center to look like over the next decade. He asked the Council to think about the fact that this may be a small request now, but over time these small requests change. There has been significant change to the character of the center of Town over the past 10 years.

Carolyn Currie of 321 Main Street said that when her family moved to Cumberland 13 years ago, she was excited because it was a wonderful, small New England town. Then the zone changed to mixed-use and designed standards were created. They were promised that it would be a livable, compatible situation for everyone (residents and businesses). She has a restaurant on one side of her home and a dentist office on the other. If there are LED signs at these businesses, perpendicular to the road, she will see them in her windows at night. She realizes that she is only one person, but it is her home. She is also concerned about what it will do to the character of our Town. The Town has a wonderful feel and it is our job to preserve the history of our lovely Town.

Melissa Gattine of 325 Main Street said that her house was on the market 2 years ago when the Town Center plan was established. She then realized that this is her home and community, so they took the house off the market because they wanted to stay here. Is she going to have to look out her windows and see LED signs? She hopes not. This would make her sad. If we allow this, the challenge in the future isn't saying no, it's saying no to allow the rules to be tweaked for some people.

Al Alschuler of Tuttle Road is here this evening because he is a lawyer. He doesn't think that these signs will be all over Town, as many people have stated. The ordinance is limited to very subdued LED signs and they are very expensive. There is one thing that the Town can do to limit the signs, which he feels is constitutional. That is content discrimination. You can allow non-commercial messages and still forbid commercial messages. The Supreme Court distinguishes between commercial and non-commercial speech.

Diane Bennekamper, Minister of the Congregational Church, said that she appreciates all the work that has been done by the Ordinance Committee and the Planning Board to bring this forward to the Town Council. The motivation of the Church to request an LED sign is because they want to provide more of a service to the Town. The Church has many things that go on that are unrelated to their religious service, such as concerts, movies open to the public and events related to Aging in Place. They want to let the public be aware that these events are going on. Things change and the way of communicating changes over time. The cost of the sign is a lot, so the likelihood that they are going to go up all along Main Street, is very unlikely.

Councilor Storey-King asked the Town Attorney to respond to Mr. Alschuler's remarks.

Alyssa Tibbetts, Town Attorney said that while distinction between commercial and non-commercial speech is true, and if she was in a position to have to defend a lawsuit on behalf of the Town with respect to this, she is not confident that those are the basis for a policy decision to discriminate against or for a particular type of sign in this context. In the most recent case law of 2015 (Reed v. Gilbert, Arizona), the Supreme Court said that the Town of Gilbert's sign ordinance, by setting a category of sign, was unconstitutional because it was effectively content based regulation. By categorizing the sign, the ordinance was regulating the message of the sign. It was discussed at length with the Ordinance Committee whether we should take the risk of saying that we are going to allow this type of sign, or these particular types of uses, and then open ourselves up to a challenge from another user who is not within that category.

Jessica Grondin of Cumberland Center, said that the work that has been done to draft an ordinance that would set limits to ensure that the signs will not be distracting, was very well thought out and she is in support of this passing. She hopes that the Council will consider passing it this evening.

Kelly Greenlee said that she appreciates being able to drive through Town and not be attacked by signage. She moved here 4 ½ years and one of the criteria that they had was they wanted to live in a town that did not have a look or feel of a suburb of Boston. To put these LED signs in the middle of Town would be a mistake. We have a beautiful Town that draws people to its charm and we should leave it as the beautiful thing that it is.

Paul Auclair shared the photo below and explained that it is the current sign (on the left) and the proposed new sign. He does not understand how we can be so critical of the difference between the 2 signs.



Ingrid (?) Co-Chair of the PTO explained that the PTO wants to update the sign at the Wilson School. The current sign is a safety hazard to the volunteers that have to change the lettering on it. The PTO voted and approved to pay for a portion of a new sign, and they want to be supportive of a safe and effective communication tool to get messages out to the community of all the things going on at the school.

Andrea Peabbles of 10 Cross Road said that her concerns about LED signs are light pollution, the impact on the night sky, the biological impact on animals and people trying to sleep. There are many studies on these things. As far as activities at the school being advertised, they seem to be very well attended and spreading the word does not appear to be an issue in this Town. She is concerned with the domino effect of more signs and the effect on our Town which is becoming progressively urbanized.

Chairman Turner closed the Public Hearing.

Councilor Bingham said that for full disclosure, he is a member of the Congregational Church, and feels he can render an independent decision on this. With all the safeguards that the Ordinance Committee has built into this, he is not concerned that the impact is going to be as significant as some of the concerns we have heard. He said that from a procedural point, once the discussion is done, he is comfortable with making the motion of repealing and replacing the sign ordinance as recommended by the Ordinance Committee, in the Town Center District.

Motion by Councilor Bingham, seconded by Councilor Edes, to repeal and replace Section 315-63 (Signs) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King said that she has a great deal of heartburn over this. She really wants to make it work for everyone. Paul Auclair has been steadfast in working on this every step of the way with the Ordinance Committee, as has Steve Moriarty. She would like to change the ordinance language to say "EMC signs will be limited to non-commercial use" and take our chances.

Councilor Stiles said that he has heard a lot of good testimony on this. He would like to table this until we can look at one of these signs at night. What we are really dealing with is the lack of knowledge of what they will really look like at night. These signs might be better and less intrusive than an externally illuminated sign.

Chairman Turner said that Councilor Stiles suggestion is a good one.

Councilor Edes said that passing this is not going to make Main Street look like the Las Vegas strip and he takes objection with anyone who thinks that this is a public safety issue. It absolutely is not. He has been in law enforcement for 38 years and not one time in his career has an accident been caused by a sign. He does not believe that there are many businesses who are going to install these signs.

Councilor Gruber said that he tends to agree with Mr. Alschuler. We could accept it and see if any legalities come up. We should make a decision this evening one way or another.

Chairman Turner agreed with Councilor Gruber. He would also like to see a decision made and realizes all the time and hard work that everyone has put into putting this ordinance together. He would also like to table to see a sign at night.

Councilor Copp said that he would like to see a sign brought here by the sign company and put it on display for 30 days. If we could see it for 30 days, we could make an informed decision.

Councilor Storey-King said that she would like to work on this a little more. She wants to investigate the non-commercial use option.

Councilor Bingham withdrew his motion.

Councilor Stiles moved to table this item until such time that the Council has had an opportunity to view an example of a sign for a reasonable period. Councilor Gruber seconded.

VOTE: 4-3 (Bingham, Copp & Edes opposed) MOTION PASSES

17 – 037 To hold a Public Hearing to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Stiles, to table.

VOTE: 7-0 UNANIMOUS

17 – 038 To hold a Public Hearing to consider and act on a Contract Zone amendment for Cumberland Foreside Village, as recommended by the Planning Board.

Town Manager Shane explained that the application to include additional housing in Cumberland Foreside Village was withdrawn before it went to the Planning Board meeting, but there were other items that the Planning Board considered: 1) elimination of the trail on the I-295 buffer, 2) the trail along Route One to be built along the right-of-way or up to 25 feet on the existing property, 3) setbacks for lot 9 that were approved by the Planning Board under less restrictive zoning, to be rolled into the CZA with some changes to the setbacks, to be consistent with what was approved originally. The Council asked for additional tree buffering on the 295 side. These are the amendments that are in the CZA and this is the final step in the process.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman Turner closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Copp, to approve the Contract Zone amendments for Cumberland Foreside Village, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 039 To consider and act on a Contract Zone Agreement amendment request for Bateman Partners, LLC for Village Green.

Town Manager Shane explained that the lot line of the old demolition landfill is over the agreed upon property line. This Contract Zone amendment is to place the entire demolition landfill site back onto Town property. This is the first step in the Contract Zone process, which will also include a neighborhood meeting, a joint meeting with the Town Council and Planning Board to the Planning Board in April, then back to the Town Council.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to accept the staff recommendation to amend the Contract Zone Agreement for Bateman Partners, LLC for Village Green, and to move forward in the new Contract Zone Agreement process.

VOTE: 7-0 UNANIMOUS

17 – 040 To hold a Public Hearing to consider and act on a liquor license renewal for the Golf Learning Center from April 14, 2017 to April 13, 2018.

Chairman Turner opened the Public Hearing.

Public discussion: None

Chairman Turner closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the liquor license renewal for the Golf Learning Center from April 14, 2017 to April 13, 2018.

VOTE: 7-0 UNANIMOUS

17 – 041 To reappoint William Longley as Code Enforcement Officer and Richard Wentworth as alternate Electrical Inspector for the term of April 2, 2017 – March 31, 2018.

Motion by Councilor Bingham, seconded by Councilor Stiles, to reappoint William Longley as Code Enforcement Officer and Richard Wentworth as alternate Electrical Inspector for the term of April 2, 2017 – March 31, 2018.

VOTE: 7-0 UNANIMOUS

17 – 042 To set the week of May 15th - 19th for Spring Bulky Item Pick Up Week.

Motion by Councilor Copp, seconded by Councilor Gruber, to set the week of May 15th - 19th for Spring Bulky Item Pick Up Week.

VOTE: 7-0 UNANIMOUS

17 – 043 To appoint members to vacant board and committee seats.

Motion by Councilor Copp, seconded by Councilor Bingham, to appoint Sally Stockwell to the Conservation Subdivision Committee

Susan Nolde to the Lands & Conservation Commission

Judy Wohl and Tim Nastro to the Lands & Conservation Commission (Forestry sub-committee)

Bill Hansen to the Parks and Recreation Commission

VOTE: 7-0 UNANIMOUS

17 – 044 To appoint Benjamin Burnes and Matthew Merriman as Shellfish Wardens and Harbor Masters.

Motion by Councilor Bingham, seconded by Councilor Stiles, to appoint Benjamin Burnes and Matthew Merriman as Shellfish Wardens and Harbor Masters.

VOTE: 7-0 UNANIMOUS

17 – 045 To set a Public Hearing date of April 10th to consider and act on a Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of April 10th to consider and act on a Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

17 – 046 To hear a report from the Tax Collector re: foreclosures.

Motion by Councilor Stiles, seconded by Councilor Copp, to table.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – none

Councilor Gruber – none

Councilor Storey-King – none

Councilor Edes – none

Chairman Turner –none

Councilor Stiles – the Central Fire Station Building Committee has finalized the building plan and the construction budget is where they want it to be. The site excavation and the moving of the house next door will begin the first of April. There will be a groundbreaking ceremony on April 8th at 10:00 a.m.

He thanked those who donated to the 4-H auction to benefit the food pantry.

Councilor Copp – he wants the public to realize what our Police Department deals with. Over the past week, he has towed 3 vehicles where the drivers had federal warrants for their arrests. One was from Massachusetts and the other two were from Connecticut. One of them came to pick up their vehicle and paid the tow bill with counterfeit money. He wants to commend the Police Department for all they do for our community. They do an excellent job.

Town Manager Shane – he got a call from the Superintendent today and he reported that the School Resource Officer position is being recommended to be fully funded in the school budget. It was reported in the Forecaster last week that it would not be.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 8:58 P.M.

Reconvene to regular session at 9:45 P.M.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

17-047

To hear a presentation re: Brown Tail Moths from Charlene Donahue,
Department of Agriculture, Conservation and Forestry and Lebelles
Hicks, PhD DABT, of the Maine Board of Pesticides Control

ITEM

17-048

To hold a Public Hearing to consider and act on authorizing the Town Manager to execute a contract with Whitney Tree Service to spray for Brown Tail Moth's on Route 88 provided that the majority of residents participate

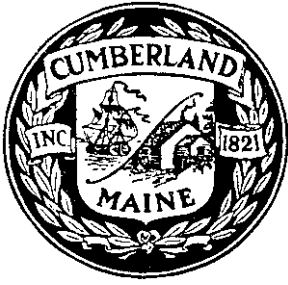


M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: April 6, 2017
Re: Whitney Tree Contract

I am recommending using Whitney Tree Services again this year. Last year's program was well received by the residents along the Foreside. I have attached a copy of the quote and the consent letters mailed to Foreside Area residents. This item was funded as part of the current year budget.



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

March 27, 2017

RE: Brown Tail Moth Tree Spraying Program 2017

Dear Cumberland Foreside Area Resident:

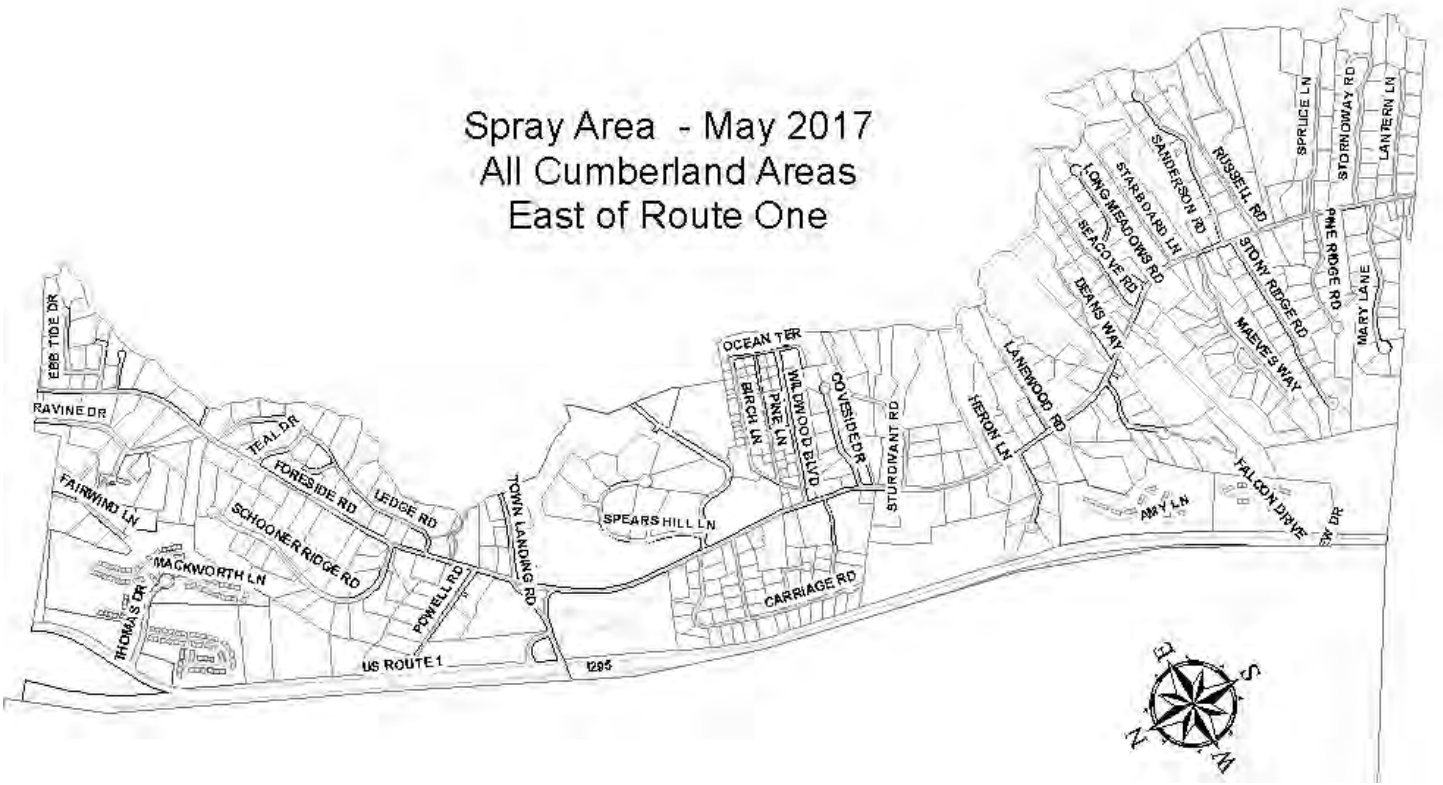
The Town is anticipating spraying for Brown Tail Moth's beginning in early May depending on weather conditions. We are asking for your permission to allow Whitney Tree Service to spray from the roadway in front of your home with a truck mounted sprayer. The truck will be traveling along the road at about 2.5 miles per hour while applying the spray. The chemical safety sheet for this organic insecticide is available on our website www.cumberlandmaine.com. As we are spraying from the street and not the air, this is becoming more of a street tree preservation program versus a brown tail moth eradication program. Our hope is that this will help with the melting of hairs from these caterpillars which can cause rashes, and in some cases, respiratory issues.

If the majority of residents choose to participate on your street, the spray application program will occur in early May. The spray application begins in the **morning around 4:30 AM and is typically completed by 6:45 AM.**

Additional information can be found on the Town's website at www.cumberlandmaine.com. We will be posting daily the streets completed each day. The following list of streets are eligible for this program, please call if your street is not listed.

2017 Streets Eligible for Spray Program

Spray Area - May 2017
All Cumberland Areas
East of Route One



Please return the attached permission or rejection form as soon as possible, but no later than April 30, 2017, so we can determine if your area is interested in participating in this program. If too many homes opt out of the spray program, the effectiveness is obviously greatly diminished and your street may be skipped over for this year. Please contact Town Hall at 829-2205 and ask for Bill or Pam if you have any additional questions.

Sincerely,

William R. Shane, Town Manager

2017 Consent Form

Town of Cumberland Ground Spray Application

Please FAX to 829-2224 or email wshane@cumberlandmaine.com

Or mail to Brown Tail Moth Program - Town Hall 290 Tuttle Road, Cumberland ME 04021

I have received notice that the Town of Cumberland intends to conduct a ground spray program from a truck mounted sprayer of **CONSERVE SC ®** during the month of May 2017 to control human health risk and nuisance exposures from the Brown Tail moth and Brown Tail moth caterpillar. The notice contains information about the insecticide to be used and any public precautions which appear on the insecticide label, contact names for the Town of Cumberland and its insecticide applicator, the Maine Poison Control Center and the Maine Pesticides Control Board, a description and sketch of the target areas and dates of application, and an explanation of the intended purpose of the program.

I understand that I may refuse consent to have the chemical, **CONSERVE SC ®** sprayed on my property by returning this form to the **Cumberland Town Office, 290 Tuttle Rd. Cumberland, Me. 04021** with my refusal of consent indicated below:-

CONSENT

I _____ of _____
(STREET # AND NAME)

Hereby **grant my consent** to the Town of Cumberland, Maine for conduct of an aerial spray program over my property in the Town of Cumberland, Maine as described in the above referenced notice. I understand that I may revoke my consent by timely (within 5 days of spraying) written notice to the Town of Cumberland.

Signature

Date

REFUSAL

I _____ of _____
(Street Name & #)

Hereby **refuse my consent** to the Town of Cumberland, Maine for conduct of a ground spray program over my property in the Town of Cumberland, Maine as described in the above referenced notice.

Signature

Date

Please note that failure to return this form on or before April 26, 2017 will be deemed to indicate your consent to the ground spray program. (Title 22, MRSA Section 1444). Returned forms postmark dated April 26, 2017 or earlier will be accepted.

To: Town of Cumberland
290 Tuttle Rd
Cumberland ME 04021

Tree Spade • Stump Removal • Tree Work
 Landscape • Hardscape • Insect and Disease Control



MEMBER
 Maine Arborist Association
 Member of ISA
 Tree Care Industry Assoc.

Comprehensive Insect and Disease Control Program

Early Spring: April thru May	Cost	Summer: June thru August	Cost
1. <input type="checkbox"/> Dormant Oil Spray..... Evergreens and Ornamentals	_____	12. <input type="checkbox"/> Second Foliar Spray.....	_____
2. <input type="checkbox"/> Systemic Soil Injections for Birch....	_____	13. <input type="checkbox"/> Fungicide Treatment.....	_____
3. <input type="checkbox"/> Fungicide Treatment..... Select Trees/Shrubs	_____	14. <input type="checkbox"/> Special Systemic Injections.....	_____
4. <input type="checkbox"/> Fertilization.....	_____	15. <input type="checkbox"/> Mosquito Control.....	_____
5. <input type="checkbox"/> Other _____	_____	16. <input type="checkbox"/> Other:.....	_____
Spring: May thru June		Fall: September - December	
6. <input checked="" type="checkbox"/> First Foliar Spray..... <u>see below</u>	_____	17. <input type="checkbox"/> Fall Tree & Shrub Fertilization..... Deep Root Liquid Soil Injection	_____
7. <input type="checkbox"/> Fungicide Treatment..... Selected Trees/Shrubs	_____	18. <input type="checkbox"/> Anti-Transpirant Spray Winter Protection	_____
8. <input type="checkbox"/> Special Systemic Injection.....	_____		
9. <input type="checkbox"/> Herbicide - Vegetation Control.....	_____		
10. <input type="checkbox"/> Mosquito Control.....	_____		
11. <input type="checkbox"/> Tick Control	_____		
		Est. total: \$18,500.00	
		Total Program _____	

Description/Notes:

#6) Apply Conserve SC through Mistblower to large shade trees roadside (Rt 88 and selected roads) to control Brown Tail moth defoliation.

Est. time 40 Hrs. of spraying @ 350.00/Hr including travel.
 Est. product usage - \$4,500.00

PRE-PAYMENT DISCOUNTS: deduct 5% for payment of the entire program. All work is performed by fully insured professionally licensed arborists. All materials are approved by state and federal agencies. We use the latest insecticides to provide insect control with great safety to the environment.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment net 30 days unless other arrangements are made in writing. 1 1/2% PER MONTH INTEREST WILL BE CHARGED on all past due accounts plus cost of collection plus attorneys fees.

REPRESENTATIVE SIGNATURE

DATE

CLIENT SIGNATURE

DATE

ITEM 17-049

To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: March 2, 2017

To: Bill Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing: Recommendation to Town Council to Repeal and Replace Section 315-63 (Signs) of the Cumberland Code. Applicant: Town of Cumberland.

This is to advise you that on February 28, 2017, the Planning Board voted to recommend to the Town Council to Repeal and Replace Section 315-63 (Signs) of the Cumberland Code excluding the EMC/LED lighting sign provisions within the draft document.

Cumberland Planning Board

Stephen Moriarty, Board Chair

Chapter 315. Zoning
Article VI. General Regulations
§ 315-63. Signs.

A. PURPOSE

It is the intent of these regulations to provide for attractive, coordinated, informative, and efficient signs with the express purpose of protecting property values, enhancing the physical appearance of the Town, and providing for public safety.

B. DEFINITIONS

(1) Abandoned Sign: Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

(2) Advertising Sign: A sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

(3) Agricultural Sign: A permanent or temporary identification sign on a parcel of land used in whole or in part for agricultural purposes and/or an advertising sign for the sale of products produced on the property where the sign is located.

(4) Athletic Field Sign: A one-sided sign that is placed on a fence that fully or partially surrounds an athletic field.

(5) Awning Sign: Any sign placed on the face of an awning. An awning is a flexible, woven cloth fabric mounted above and/or projected above a window or door.

(6) Banner or Streamer Sign: A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

(7) Billboard Sign: A board or panel exceeding 15 square feet in area used for the display of posters, or printed or painted advertising matter that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

(8) Changeable Copy Sign: A non-digital sign with characters, numerals or letters that can be changed or rearranged without altering the face of the surface of the sign.

(9) Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project, not to exceed the duration of the project.

(10) Contractor Sign: A temporary sign placed on-site by a contractor to advertise the work done on the property during the time such work is being performed.

(11) Development Identification Sign: An on-site sign identifying by logo, trademark, symbol, address, name or any combination thereof, of a building, premises or property, for example a subdivision or a shopping center.

(12) Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

(13) Electronic Message Center Sign: A digital form of a changeable copy sign that is electronically controlled by remote or automatic means to display characters, numerals or letters through the use of internal illumination, such as Light Emitting Diodes (LEDs).

(14) Entity: An organization or being that possesses separate existence for tax purposes. Examples would be corporations, churches or not for profit organizations.

(15) External Illumination: A sign whose light source is external to the sign and which casts light onto the sign from some distance.

(16) Flags: A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, organization or other entity and/or which is designed to provide information, e.g., "open." Examples of "flags" are banners and pennants.

(17) Font Pitch: A standard measurement to indicate the resolution of a digital sign based on the spacing of LED clusters known as pixels. The pixel pitch is the measurement in millimeters from the center of one pixel to the center of the next.

(18) Freestanding Sign: Any non-moveable sign not attached to a building. This can be a sign with only the name of one entity or a kiosk type sign showing multiple entities on the parcel.

(19) Helium or Inflated Sign: A sign that is tethered to the ground and remains airborne when inflated with helium or other gas designed to inflate or levitate the sign.

(20) Historical Designation Sign: A sign that gives notice that a property is of an historic nature as determined by a state, federal or local government agency.

(21) Home Occupation Sign: A sign containing only the name and occupation of a permitted home occupation.

(22) Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

(23) Illumination: A source of light for a sign that is external or internal to the sign.

(24) Internal Illumination: A sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign, which includes, but may not be limited to sources of light such as Light Emitting Diodes (LEDs).

(25) Kiosk Sign: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

(26) Maine Department of Transportation (MDOT) Business Directional Sign: An off-site sign which provides direction to a business location and which is issued by the Maine Department of Transportation (MDOT).

(27) Non-Conforming Sign: A sign lawfully existing at the time of adoption, revision, or amendment of the ordinance which no longer conforms to the zoning standards because of said revision or amendment.

(28) On-Premise Sign: A sign that is erected and maintained upon the real property on which a business, facility or point of interest advertised by the sign is located that is intended to be permanent in nature. This includes, but is not limited to, Advertising Signs, Directional or Instructional Signs, Home Occupation Signs, Window Signs and Historical Designation Signs.

(29) Portable Sign: A sign, not to exceed 2' x 4' in size, that is not permanently affixed to a structure or the ground and that is designed to be transported. Portable Signs may include, but are not limited to, signs designed to be transported by wheels, signs with A or T-frames, or menu and sandwich boards.

(30) Projecting Sign: An outdoor sign which is attached to a wall at an angle. Projecting signs must clear the ground by at least eight (8) feet and contain advertising for no more than two activities or businesses.

(31) Public Way: Any way designed for vehicular or pedestrian use and is maintained with public funds.

(32) Real Estate Sign, Off-Site: A readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

(33) Real Estate Sign, On-Site: A sign announcing the sale or rental of the property upon which the sign is located.

(34) Roof Mounted Façade Sign: A sign mounted above the eave line of a structure.

(35) Sign: A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service or to provide direction or identification for a premises or facility.

(36) Sign Area: The area of the square, rectangle, triangle, circle or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural support of a sign is to be excluded in determining the sign area.

Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. Where a sign includes two-sides, only one side shall be counted for purposes of determining the Sign Area.

(37) Sign Setback: The closest distance back from the road right of way that a sign may be located.

(38) Sign Structure or Support: The supports, up-rights, bracing, or framework of any structure that exhibits, supports or is capable of supporting a sign.

(39) Signage Plan: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot or lots.

(40) Subdivision Sign: A freestanding sign, illuminated or non-illuminated, located at the entrance to a residential subdivision, which gives the name of the subdivision and logo, if any. A subdivision sign may have two faces back-to-back or, if integrated as part of landscaping or solid structural features, may be two signs, each constructed at either side of the entrance into the subdivision.

(41) Suspended Sign: A sign that is suspended, parallel, or perpendicular from a building wall, roof, façade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

(42) Temporary Off-Premise Commercial Sign: A freestanding, non-illuminated sign that is placed within the public right-of-way for a limited period of time. This includes, but is not limited to, Contractor's Signs, Off-Site Real Estate Signs and Yard Sale Signs.

(43) Temporary Off-Premise Noncommercial Sign: A sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time, not to exceed six weeks per calendar year. This includes, but is not limited to, signs such as campaign or election signs and signs promoting or advertising civic events.

(44) Temporary On-Premise Sign: A freestanding, non-illuminated sign that is placed upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be temporary in nature for a specified period of time. This includes, but may not be limited to, Construction Signs, Contractor Signs, Development Identification Signs, Real Estate Signs, Portable Signs, and Yard Sale Signs that are in place for the duration of a specific event, project and/or sale.

(45) Third-Party Sign: Any sign identifying an enterprise and/or including a sponsoring advertisement such as Coca-Cola.

(46) Vehicular Sign: A vehicle that displays a logo, image or text that advertises or calls attention to any thing, person, business, activity or location.

(47) Wall Sign: An outdoor sign which is attached flat to, painted on, or pinned away from a building or wall or part thereof, and does not project more than 18" from the wall.

(48) Wind Activated Sign: Any sign designed and fashioned in such a manner as to move when subjected to wind pressure.

(49) Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

(50) Yard Sale Sign: A sign with a message advertising the resale of personal property that has been used by the resident.

C. APPLICATION PROCESS, PERMITS AND FEES.

(1) A person who wishes to erect or display a sign within the Town shall make application on a prescribed application form and submit the same to the Town Planner for each location where a sign is desired. For parcels on which more than one sign is permitted under this Section, only one application shall be required. A fee as established by the Town Council in Chapter 84 of the Cumberland Code shall be submitted with each application, except as indicated in Subsection D(1). Each application shall include, at a minimum, information regarding the dimensions, materials, colors, lighting, and method of mounting for the proposed sign.

(2) The Town Planner shall review the application and make a recommendation to the Code Enforcement Officer for approval or denial. The Code Enforcement Officer shall either approve or deny the application within eight (8) working days of receipt of submission. If the application is denied by the Code Enforcement Officer, reasons for the denial shall be provided to the applicant.

(3) Any person aggrieved by the decision of the Code Enforcement Officer regarding an application may appeal to the Board of Adjustment and Appeals, which shall consider said appeal within 30 days or at its next regularly scheduled meeting, whichever event occurs later, and the decision of the Board of Adjustment and Appeals shall be final.

(4) No sign shall be erected, attached, suspended or altered until a permit has been issued to the person or owner in control of the sign.

D. APPLICABILITY AND EXEMPTIONS.

(1) The provisions of this Section shall apply to all new and replacement, temporary and permanent signs proposed for erection or display in the Town of Cumberland.

(a) The provisions of Subsection C of this Section shall not apply to:

[1] Temporary On-Premise Signs.

[2] Temporary Off-Premise Noncommercial Signs.

[3] Historical Designation Signs.

[4] Agricultural Signs (temporary on-premise or temporary off-premise signs only; permanent on-premise signs shall be subject to the provisions of Subsection C)

[5] Signs relating to or controlling the use of private property.

[6] Signs associated with one-day sales such as yard/garage/tag sales.

[7] Directional or Instructional Signs

E. PROHIBITED SIGN TYPES

(1) The following types of signs shall be prohibited:

- a) Temporary Off-Premise Commercial Signs
- b) Wind Activated Signs
- c) Helium or Inflated Signs
- d) Banner or Streamer Signs
- e) Window Signs
- f) Billboards
- g) Any sign located within a public right of way, except as otherwise permitted by Maine law or this Section.
- h) Roof Mounted Façade Signs
- i) Vehicular Signs that are continuously in the same location, extend beyond the height, width or length of the vehicle, or are used to circumvent the provisions of this Section or Maine law (23 M.R.S.A. § 1913-A (1) (C)).
- j) Internally Illuminated Signs, except where expressly permitted.
- k) Contractor Signs within the public right of way.

(2) Authorized Town Personnel have the authority to immediately remove any sign that is in violation of this Section.

F. EXISTING NON-CONFORMING SIGNS

(1) Non-conforming signs existing at the time of adoption of this Section or subsequent amendment may continue, but may not be altered, rebuilt or relocated on the same premises. Normal maintenance and repairs are permitted.

(2) A non-conforming sign destroyed by accident or act of God may be replaced with a sign that meets the standards of this Section at the time of destruction, provided that a duly issued permit has been obtained.

(3) Nonconforming signs located within the public right-of-way shall not be permitted to be altered or relocated within the public right-of-way.

G. GENERAL REGULATIONS

(1) Maintenance and Location.

- (a) Signs must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety or to the physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.

Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Code Enforcement Officer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.

(b) Any sign which no longer advertises or identifies a bona fide business conducted, product sold, activity being conducted, or public notice shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within a period of 14 days following the date the activity has ceased.

(c) No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.

(d) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located, except as permitted under Subsection D(1)(a).

(2) Number of Signs.

Up to two (2) signs per business may be displayed on any lot in all zoning districts within the Town. These two signs shall not include Temporary On-Premise Signs otherwise permitted by this Section that are placed for a limited duration in association with a specific event, sale or project. One sign may be located at the entrance and another sign on the building. If two signs per business are proposed, one of the two signs may include advertising for products sold on the premises or by the business located on the premises, and such second sign shall not exceed 50% of the allowable sign size for the district in which it is located, regardless of whether it includes product advertising.

(3) Dimensional Standards.

(a) Sign Area: No individual sign shall contain more than 30 square feet of Sign Area in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed-Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC I), Village Office Commercial II (VOC II), Village Mixed-Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts. Signs in all other districts shall not contain more than 25 square feet of Sign Area.

(b) Height: No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as measured from the ground to the highest point on the sign. Signs attached to a principal structure as defined in Section 315-4 shall not extend above the roofline or the parapet, whichever is

higher, but in no event shall the sign be higher than the structure to which it is attached.

(c) Setback: No sign or attached structure or support shall be placed at or near the edge of any public way, as may be determined by a lawful authority, so as to obstruct sightlines for pedestrians, cyclists or drivers from the property on which the sign is located or from within the right of way, or otherwise encroach into the airspace of any public right-of-way. Sign setbacks shall be measured from the closest projecting edge of the sign. Portions of a sign structure may project no more than two (2) feet from the edge of the sign area. MDOT Business Directional Signs or attached structures or supports shall not be located in a manner that obstructs sightlines for pedestrians, cyclists or drivers from the property on which the sign is located or from within the right of way; however, MDOT Business Directional Signs may be placed at or near the edge of a public way and may encroach into the airspace of a public right of way provided that all provisions of Subsection H (5) below and the MDOT Sign Regulations are met.

(5) Freestanding Signs.

(a) Freestanding signs shall have no more than two faces. If the two faces are not back-to-back, the angle of separation between the two faces shall be less than 45 degrees. If the angle is 45 degrees or greater, the sign shall be considered as two separate signs and shall be approved only if the site qualifies for two signs. The back of freestanding signs with only one face used for signing area shall be a single color.

(b) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.

(c) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.

(d) Freestanding signs shall be designed to complement the architecture of the associated building.

(6) Flags

(a) Freestanding flags that bear messages or are intended to call attention to a business or property in the same manner as a sign shall not be permitted. Flags, such as those that display the word “open,” a business logo or a country or State flag, may be attached to signs, provided that such sign is permitted by and meets all other requirements of this Section. However, no more than one flag may be attached to a permitted sign of any kind.

(7) Route One, Route 100, Town Center District (TCD).

(a) Signs that are located in the Town Center District (TCD), or along the Route 1 or Route 100 Corridors are subject to the design guidelines and/or

standards found in this Chapter. Refer to the documents for those districts for specific standards.

H. SPECIFIC SIGN TYPES

(1) Athletic Field Signs.

(a) Signs may be installed on the fences of all athletic fields, subject to the following:

[1] Individual signs are to be no more than four (4') feet by eight (8') feet.

[2] Text and graphics shall be on only one side of the sign, and the signs shall be installed so the text and graphics face in toward the field.

[3] All signs must be removed at the end of the sport's season for which the athletic field is designated.

(2) Awning Signs

Awning Signs shall be allowed in all districts, provided that they receive a permit pursuant to Subsection C of this Section.

(3) Changeable Copy Signs.

Changeable Copy Signs shall be permitted in all districts on lots that do not include residential uses, provided that they receive a permit pursuant to subsection C of this Section.

(4) Electronic Message Center (EMC) Signs.

Electronic Message Center (EMC) Signs shall be permitted in the Town Center District (TCD) only; however residential uses in all zones, including the TCD, are prohibited from displaying EMC signs. No more than one EMC will be allowed per lot. Abutting lots on the same street that are under the same ownership or owned by related entities shall not have more than one EMC.

A special permit is required. This permit will state the requirements for use of an electronic message sign as listed below.

(a) EMC Sign Requirements:

1. EMC Signs shall be limited to alpha-numeric text only. No symbols, figures, pictures or images may be displayed.

2. The EMC Sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or

graphics allowed. Font Pitch (resolution) shall not exceed 16 millimeters so as to simulate a traditional painted sign.

3. The EMC Sign shall show only one fixed message at a time.
4. The EMC Sign may not change messages more frequently than once every 20 minutes.
5. When the message changes, it must be done as quickly as possible.
6. There shall be no flashing, revolving, animation effects, lights of changing degree and intensity or lights or lighting effects that cause glare.
7. No phasing, rolling, scrolling, flashing or blending is allowed when the message is changed.
8. The EMC Sign must have installed automatic or manual controls or an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.
9. The luminance of an EMC Sign shall be limited to 10,000 nits (candelas per square meter, or cd/m^2 , measured perpendicular to the rays from the source) during daylight hours and limited to 500 nits (cd/m^2) during the hours between dusk and dawn as may be permitted in Subsection I(3). The luminance levels shall be confirmed by the installer and are subject to external monitoring by the Town, or representative thereof, whose measurement shall prevail.
10. The EMC Sign shall be turned off completely between the hours of 10:00 p.m. and 7:00 a.m.
11. The EMC Sign shall not exceed 42" x 72".
12. The EMC Sign must be encased by a frame made of wood (or wood-like material) or stone (or stone-like material) and designed to be consistent with the architecture of the building. The frame may not exceed 10% of the EMC Sign itself.
13. No portable EMC Signs are permitted.

(4) Home Occupation Signs.

(a) Home occupation signs shall be permitted in all districts. Home Occupation Signs may not exceed four (4) square feet in surface area. A Home Occupation Sign shall be placed on the structure in which the home occupation is located, unless the structure is not visible from the right of way, in which case the sign may be located at the entrance to the property on which the home occupation is located provided that it is located so as not to impact visibility from the driveway

or right of way. The sign may only include the name, address, and type of home occupation of the occupant(s) of the premises on which said sign is located.

(5) Maine Department of Transportation (MDOT) Business Directional Signs.

(a) Purpose. This Subsection regulates and restricts business directional signs within the Town in order to promote the safety and well-being of the users of the public ways, reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.

(b) Location.

(1) Business directional signs may be located within the State of Maine DOT right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of roads that include one or more State of Maine roads:

- [i] U.S. Route 1 at Tuttle Road;
- [ii] Tuttle Road at Middle Road;
- [iii] Route 9 at Winn Road;
- [iv] Route 9 at Tuttle and Blanchard Roads;
- [v] Route 9 at Greely Road;
- [vi] Skillin/Blackstrap Roads at Routes 26 and 100;
- [vii] Blanchard Road at Skillin Road;
- [viii] Route 100 at Range Road;
- [ix] Route 88 and Tuttle Road;
- [x] Route 100 and Blackstrap
- [xi] Route 9 and Corey Road

(c) Standards. Business directional signs erected or in place after the effective date of this Section shall meet all specifications set forth in the Maine Department of Transportation Official Business Directional Signs Regulations.

(1) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.

(d) Maintenance.

(1) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.

(2) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.

(3) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.

(6) Temporary Off-Premise Noncommercial Signs.

Temporary off-premise noncommercial signs located in the public right-of-way shall comply with the requirements of 23 MRSA § 1913-A (1) (L). No such sign shall be located within five (5) feet of the traveled portion of the right-of-way or within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary off-premise noncommercial sign may not exceed 4 feet by 8 feet in size. A sign under this Subsection must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way. Temporary off-premise noncommercial signs may be placed within the public right-of-way for no more than six (6) weeks per calendar year.

I. LIGHTING STANDARDS

(1) A sign may be externally illuminated, provided that its sole purpose is to identify the premises on which it is displayed and does not include advertisements for products offered at the location. An externally illuminated sign may be displayed in the following zoning districts: Highway Commercial (HC), Office Commercial North (OC-N), Office Commercial South (OC-S), Village Center Commercial (VCC), Village Office Commercial I (VOCI), Village Office Commercial II (VOCII), Mixed Use Zone (MUZ), Village Mixed Use Zone (VMUZ), Industrial (I), Rural Industrial (RI) and Town Center District (TCD), provided that it does not emit a glare beyond the premises upon which it is located.

(2) No sign, other than EMC Signs, may be internally illuminated.

(3) All illuminated signs may only be lit during the actual hours of operation of the business for which the sign is advertising, provided that no sign may be lit between the hours of 10:00 p.m. to 7:00 a.m. Illuminated signs for business operations that are 24/7, such as emergency services or churches, may be continuously lit during the hours of 7:00 am – 10:00 pm regardless of actual operations or events.

(4) In all districts where an externally illuminated sign is permitted, the source of light of an externally illuminated sign shall be shielded or concealed. Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

(5) Colored lights are not permitted for any illuminated sign.

J. ENFORCEMENT

The Code Enforcement Officer shall be responsible for enforcing the provisions of this Section. In the event of a violation of any provision of this Section, the Code Enforcement Officer shall notify the property owner or person responsible for such violation, if not the property owner and if such person can be readily determined, and shall indicate the nature of the violation, the action necessary to correct the violation and the time period within which such corrective action must be taken. Where due written notification has been given by the Code Enforcement Officer and compliance has not been made within the required time period, the Town may cause removal of such sign and charge the cost of such removal to the owner.

K. VIOLATIONS

Any violation of this Section shall constitute a nuisance, and the owner, person or firm having control or use of any premises or sign violating any provisions hereof shall be fined as established by order of the Town Council for each day such violation is permitted to exist after notification in writing from the Town.

L. MINIMUM REQUIREMENTS

The provisions of this Section are minimum requirements. Whenever the requirements of this Section are at a variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed restriction, or covenant, the most restrictive or that imposing the highest standard shall govern.

M. WAIVERS

Notwithstanding any requirements of this Section, an applicant may request and the Board of Appeals may grant a variance related to the size of a sign pursuant to the provisions of Section 315-77 of this Chapter.

N. INTERPRETATION

The Code Enforcement Officer shall have sole discretion to classify any sign that is not otherwise expressly defined by this Section in accordance with the provisions of this Section that most closely apply to the type of sign at issue.

O. EFFECTIVE DATE.

This Section shall become effective on the date of adoption by the Cumberland Town Council.

ITEM 17-050

To hold a Public Hearing to consider and act on adding MSAD #51 properties (Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112) to the Town Center District (TCD) zone, as recommended by the Planning Board

Notice of Decision

Date: March 2, 2017

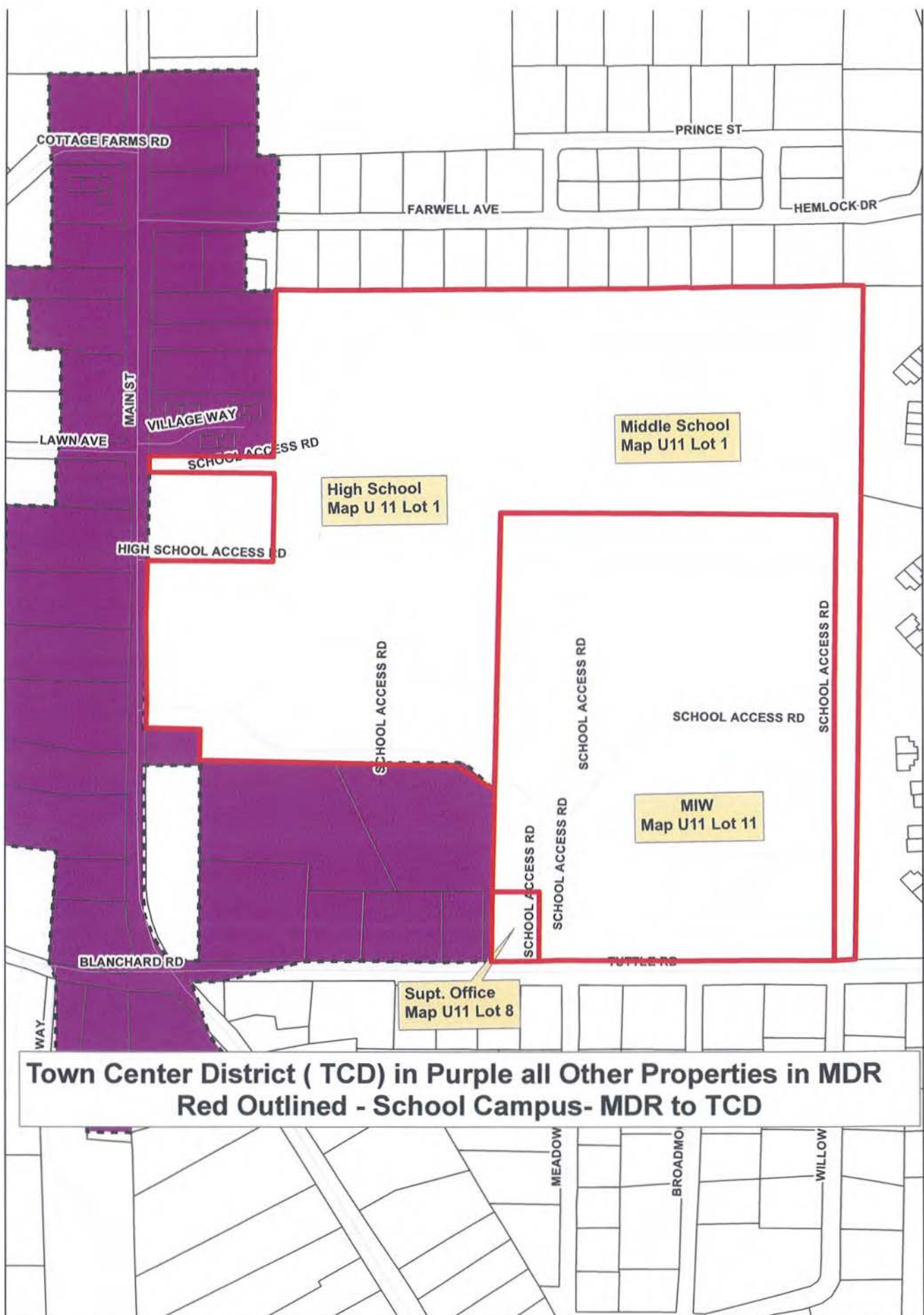
To: Bill Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: *Recommendation to Town Council to add MSAD #51 properties Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112 to the Town Center District (TCD) zone.*

This is to advise you that on February 28, 2017, the Planning Board voted to recommend to the Town Council to add MSAD #51 properties Tax Map U11, Lots 1, 8 & 9 and Tax Map U13, Lot 112 to the Town Center District (TCD) zone subject to the Town Council adopting the full new Sign chapter of the Cumberland Code (including the ECM/LED signs).

Cumberland Planning Board

Stephen Moriarty, Board Chair



ITEM 17-051

To hold a Public Hearing to consider and act on a Mass Gathering
Permit for Binnie Media's Maine Ultimate Yard sale to be held on
June 10, 2017 at the Cumberland Fair Grounds

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Maine's Ultimate Yard Sale

I have held discussions, on Tuesday, March 20, 2017, with Police Chief Rumsey, Lt. Milt Calder, Fire Chief Dan Small, and Mr. Mike Timmons, President of the Cumberland Farmers Club, in which we discussed the Spring Ultimate Yard Sale, at the Cumberland Fairgrounds. I reviewed in detail the requirements of the Mass Gathering Ordinance. The following represents our mutual understanding:

- Event participators will register online through the ultimateyardsale.com site.
- Registration levels have been increased to 300 from the previous level of 250.
- Exact attendance levels are unknown, however, it was determined that 5,000 is likely. Therefore, the organizers will pay the Major Mass Gathering fee of \$500.00.
- Registration cost will be \$30.00 per 12 x 12 foot booth.
- Entrance fee for attendee is \$2.00 per person.
- No parking fee will be charged.
- The event will be held Saturday, June 10, 2017 and occur within a fenced area.
- There will be no collection of the entrance fee at the gate. Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking and at the gate of the fenced vendor area.
- If the event is to be cancelled for any reason, a 24 hour notice will be provided by email to all participants and to the public through the broadcasting agency's seven radio stations.
- Registrants are required to set up between 5:00 a.m. and 8:00 a.m.
- Additional staff (6) have been hired by "At Work" flaggers to control parking.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 2 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club.
- A copy of the contract with Blow Brothers as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Binne Media will have approximately 25 employees in attendance throughout the event.

The Town fees for this event are listed below:

\$500.00	-	Mass Gathering Fee
\$445.00	-	Police Department
\$380.00	-	Fire Department

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed, as it has in the past. I hope the weather cooperates and they have a wonderful turnout. Thank you.

TOWN OF CUMBERLAND

Publication dates: _____
Publication names: _____
Date filed: _____
Fee rec'd: _____
Date Ordinance received: _____
Issued: _____
Denied: _____

**Mass Gathering Application – Major Outdoor Event
(5,000 or more persons)**

This application must be filed with the Town Clerk not less than 60 days before the date of the event.
Application must be accompanied by a non-refundable fee of \$500.

Name of applicant: Binnie Media

Address of applicant: 477 Congress St. 3A Portland, ME 04101 Tel. # 207-797-0780

Name of event: Maine's Ultimate yard Sale

Facility where the event will be held: Cumberland Fair Grounds

Is the facility owned by the applicant: _____ yes; ☒ no, (if no, attach a copy of the contract with the owner which allows use of the property)

Name of promoter (if different from above): _____

Telephone number: _____

Will any food vendors be serving at the event? ☒ yes, _____ no (if yes, how many, and what types) 4 - Hamburgers, Hot dogs, Fried Dough, Lemonade

These are contracted by Cumberland Farmers Club

Will any alcohol vendors be serving at the event? _____ yes, ☒ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served) _____

Date of event: June 10th, 2017 Time (start and finish times): 9A-2p

Number of tickets available: _____

Expected attendance: 5,000

Description of event: Large Community yard Sale

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. September 2016 - Fall yard Sale 5,000

2. June 2016 - Spring yard Sale 6,100

3. October 2015 - Fall yard Sale 5,200

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only
- C. Number of toilets available: _____ permanent; 17 portable
- D. Number of parking spaces available: 3,000 on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)
_____ yes; ✓ no, if no, which lots are not lighted _____
- F. Source of potable water: _____
- G. Refuse containers available, number and size: 15 plus dumpster
From Casewa Waste
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Casewa Waste - Attached
- I. When will refuse be picked up? Monday June 12th

Public Safety:

- J. Describe first aid facilities: Cumberland Fire & EMT
- K. Describe emergency facilities: Cumberland EMT

L. Describe communication facilities: 12 two-way Radios

M. Number of certified police officers: Cumberland Police

N. Other security personnel (include company name and qualifications):
Mark Marion, Sargent Cumberland County Sheriff

O. Describe fire personnel: Cumberland Fire

Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. 6 Traffic parking personnel From Branchard Rd. to Bruce Hill Rd. (work Attached)
- Q. Describe methods used to publicize alternate routes of reaching the scene of the event.
- R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management

- S. Plan for discouraging those not holding tickets for the event from not coming to the event site.
- T. Plan for preventing trespassing on private property in the area. Private Security from Sheriff's Dept.
- U. Will all publicity stop as soon as it is apparent that the event is sold out? ✓ yes;
no marketing ends on June 9th
- V. Description of how the event will be publicized, include how a sell-out will be publicized.

Other

- W. Name of liability insurance _____
Amount of coverage _____; amount of property insurance _____
- X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

Sh M. R. Th
Authorized signature

On _____ (date), I received a copy of the Cumberland Mass
Gathering Ordinance. _____ (authorized signature)



" We're # 1 in the # 2 Business "

P.O. BOX 221

OLD ORCHARD BEACH, ME 04064

PROPOSAL

March 13, 2017

TO: Binnie Media
Attn: Stan Bennett
Phone: 207-344-8007
Email: sbennett@binradio.com

RE: Portable Toilet Rentals for Ultimate Yard Sale at Cumberland County Fairgrounds on 6/10/17

We hereby submit specifications and estimates for:

14 Standard Portable Units (\$ 60.00 per unit)	\$	840.00
3 Barrier Free Portable Units (\$ 90.00 per unit)	\$	270.00
TOTAL	\$	1,110.00

*****DELIVERY TO BE 6/9/17 & PICKUP TO BE 6/12/17

Price Includes: Delivery, Set Up, Pick-Up, Paper Goods, Waterless Hand Sanitizer, Chemicals, Deodorization and Disposal.

We propose hereby to furnish material and labor—complete in accordance with the above specifications:

TERMS AND CONDITIONS

1. The customer agrees to pay all invoices related to the service of the portable sanitation facilities, including extra and overtime charges for any service rendered over and above normal servicing schedule. Customer authorizes uses of credit card number on file for all charges incurred in accordance with terms and conditions cited above. Blow Bros. reserves the right to prosecute any customer who intentionally issues a credit card or negotiating a worthless instrument knowing that it will not be honored by the maker or drawee in accordance with State of Maine Law.
2. The customer agrees to pay for any and all damage to or loss of the portable sanitation facilities as an insurer of cause or fault, except for reasonable wear and tear, while the portable sanitation facilities are at the site address.
3. Blow Bros. reserves the right to NOT remove, pump dry and lock the unit until account is paid in full. If lock is destroyed or continued use of unit occurs the customer will be subject to additional charges.
4. The customer agrees not to sell, rent, lease, or otherwise give up possession of the portable sanitation facilities listed herein without prior consent from BLOW BROS.
5. The customer agrees to keep the portable sanitation units clear and accessible for service trucks at all times and to assume any and all tow charges resulting from substandard site conditions.
6. The customer acknowledges that Blow Bros. will not be liable for any damages to pavement, curbing, lawns or any other property resulting from trucks servicing units placed at customer request.
7. The customer agrees to pay a late charge of 1.5% per month on the unpaid balance for all invoices over 30 days. This is an **Annual Percentage Rate of 18%**. The customer also agrees to pay costs of collection including attorney fees.

Payment to be made as follows:

Due prior to delivery

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Payment will be made as outlined above.

**Must sign and fax back to (207)934-1723. A representative from Blow Bros. will contact you for completion of your detailed order.*

Date of Acceptance: 3/14/17

Authorized Signature: *Stan Bennett*

Note: We may withdraw this proposal if not accepted within 30 days.

Signature: *M. Brown*
Margi Brown, Office Manager

Stan Bennett

From: Sue Richards <suer@atwork.com>
Sent: Monday, March 13, 2017 3:44 PM
To: Stan Bennett
Subject: Traffic Control at Cumberland Cty Fairgrounds

Afternoon Stan,

It was a pleasure speaking with you today.

I want to confirm that an order has been placed with us for Traffic Control/Flaggers (6 employees) for your event on June 10th, 2017, located at the Cumberland County Fairgrounds.

Thank you for your continued business with us.

Regards,

Sue Richards - Account Manager

400 Riverside St. Suite 7A

Portland, ME 04103

207-772-6060 Office

207-772-6336 Fax

suer@atwork.com

Please note:

Our Portland Office is moving to Gorham Maine.

As of April 1st 2017 to contact our Portland location please call:

358 Main Street,

Gorham ME 04038

207-839-5060

Fax: 207-839-9060

WE'RE MOVING 

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Stan Bennett (Binnie Media)

477 Congress St - 3rd Floor Annex
Portland, ME 04110
(207) 344-8007



Phone: (888) 852-2151
Fax: (802) 773-5988

Container Size	Deliver to	On-Site Phone
30 yd. Roll-off	197 Blanchard Rd Cumberland, ME 04110	-

Delivery Date	Pickup Date	We include	You can go up to...
Friday, Jun. 9, 2017	Monday, Jun. 12, 2017	5 days of free rental (\$5.00 per day thereafter)	2 tons of Trash (\$88.50 per additional ton)

Please note: We can not guarantee time requests.

Pricing Agreement:

Haul price	\$261.00
Estimated disposal cost	\$177.00
Rental cost	\$0.00
Delivery quote	\$75.00
Total base amount	\$513.00
Roll-off Service Fee	\$10.26
Total Taxes and Fees	\$10.26
Order total	\$523.26

Quoted on Tuesday, Mar. 14, 2017

I have read and agree to the Terms and Conditions stated on the attached agreement.

Signed: _____

Date: _____

Print Name: _____

Stan Bennett



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/15/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ellis Agency Inc 196 York Street P.O. Box 380 York, Maine 03909	Phone: (207)363-7670 Fax: (207)363-1389	CONTACT NAME: Jonel Thames Leake PHONE (A/C, Ho, Ext): (207)363-7670 E-MAIL ADDRESS: jleake@ellisinsuranceagency.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Massachusetts Bay Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 22306
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COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			ZDPA81908401	12/31/2016	12/31/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Yard Sale at the Cumberland Fair Grounds on June 10, 2017

CERTIFICATE HOLDER

Holder's Nature of Interest : Certificate Holder

Cumberland Farmers Club

197 Blanchard Rd.
Cumberland, ME 04021

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ITEM 17-052

To consider and act on authorizing the Code Enforcement Officer
to execute a Consent Agreement with the owners of
80 Foreside Road

CONSENT AGREEMENT

This Consent Agreement is entered into on the _____ day of _____, 2017 by and between GERALD K. GIORDANO and GLORIA L. GIORDANO, who owned property located at 80 Foreside Road, Cumberland, Maine ("Giordano") and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

WHEREAS, the Town of Cumberland (the "Town") is a municipal corporation duly organized under the laws of the State of Maine; and

WHEREAS, William Longley is the duly authorized Codes Enforcement Officer of the Town and Building Inspector (collectively the "CEO") of the Town authorized under state law to administer and enforce provisions of the Zoning Ordinance of the Town of Cumberland (the "Zoning Ordinance"); and

WHEREAS, since June 28, 2002, Gerald K. Giordano and Gloria L. Giordano (the "Landowners") have been the owners of real property located at 80 Foreside Road, Cumberland, Maine, described in a deed from Claudia C. Dodds, recorded at the Cumberland County Registry of Deeds in Book 17797, Page 1, and currently shown on Assessors Map U04 as Lot 2 (the "Premises"); and

WHEREAS, the currently existing single family home and attached garage were constructed prior to 1989 (the "Improvements"), and that a setback variance for the improvements was granted by the Town on June 15, 1989, as evidenced by the Certificate of Zoning Variance Appeal, recorded in the Cumberland County Registry of Deeds in Book 8793, Page 168, a copy of which is attached hereto; and

WHEREAS, it was determined in 2002 that an inconsistency may exist between the setback variance granted as aforesaid and that which is indicated by a mortgage inspection and then available building records; and,

WHEREAS, on June 21, 2002, a letter of non-action was issued by Barbara E. McPheters, Codes Enforcement Officer of the Town of Cumberland, noting the discrepancy and assuring the then owner, Claudia Dodds, that the Town would take no action against her with respect to the violation, a copy of which letter is attached; and

WHEREAS, the CEO has investigated this case and has determined that the apparent inconsistencies between the 1989 setback variance and the current location of the Improvements does not result in any significant health, safety or welfare problems; and those portions of the Improvements that may be encroaching into the setback are so integral to the Premises that removal of the Improvements, without harming the integrity of the remaining Improvements, is not feasible

Giordano and the Town agree as follows:

1. The Improvements shall be allowed to remain, and be repaired and replaced, in their current locations, but those portions of the Improvements that encroach into any setback shall

not be expanded in height, length or width from the now-current configuration.

- 2. All future improvements to the Premises must be in compliance with the setback requirements of the Town of Cumberland, and all other applicable requirements of the Zoning Ordinance.

- 3. Giordano agrees to pay the Town's attorney's fees and costs associated in the amount of Five Hundred Dollars (\$500.00). Such payment shall be made payable to the Town of Cumberland.

- 4. The Town agrees to relinquish its rights to prosecute Giordano, their successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the deck.

- 5. This Consent Agreement shall be binding upon Giordano, their successors in real property interest, assigns and heirs and it shall be duly recorded by Giordano in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.

- 6. At a meeting of the Town Council on April 10, 2017, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

Date: _____
Gerald K. Giordano

Date: _____
Gloria L. Giordano

TOWN OF CUMBERLAND

Date: _____
By: _____
William Longley, Its Duly Authorized
Code Enforcement Officer

STATE OF _____
COUNTY OF _____, 2017

Then personally appeared before me the above-named GERALD K. GIORDANO and GLORIA L. GIORDANO and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public
Print Name:

STATE OF _____
COUNTY OF _____, 2017

Then personally appeared before me the above-named WILLIAM LONGLEY, CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Before me,

Attorney-at-law/Notary Public
Print Name:

FOR MORTGAGE LENDER USE ONLY

GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THE PURPOSE OF THIS INSPECTION IS TO RENDER AN OPINION AS FOLLOWS: A) DWELLING AND ACCESSORY STRUCTURE'S COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACKS, AND B) FLOOD ZONE DETERMINATION BY HORIZONTAL SCALING ON BELOW REFERENCED FEMA MAP. (3) THIS INSPECTION EXCEPTS OUT ALL TECHNICAL STANDARDS CURRENTLY SET FORTH BY STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. (4) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER AND IS NOT TO BE USED BY ANOTHER PARTY FOR BOUNDARY LINE LOCATIONS OR LAND TITLE OPINIONS. (5) TITLE OR OWNERSHIP NOT DETERMINED. (6) A BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION PERTAINING TO BOUNDARY LINE LOCATIONS, EASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, ENCROACHMENTS, AND/OR CONFLICTS WITH ABUTTER'S DEEDS. (7) LOCATION/EXISTENCE OF WETLANDS NOT DETERMINED UNLESS SHOWN ON A RECORDED SUBDIVISION PLAN. (8) THIS OFFICE DOES NOT GRANT AUTHORIZATION TO ANY THIRD PARTY FOR USE OF THIS INSPECTION IN ANY BOUNDARY LINE EVALUATION FOR PERMITTING/PLANNING/APPROVALS. (9) THIS OFFICE ACCEPTS NO LIABILITY AND/OR RESPONSIBILITY FOR THE IMPROPER USE OF THIS MORTGAGE LOAN INSPECTION.

REV. 08/01/2013

THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES, IMPROVEMENTS SHOWN ARE APPROXIMATE.

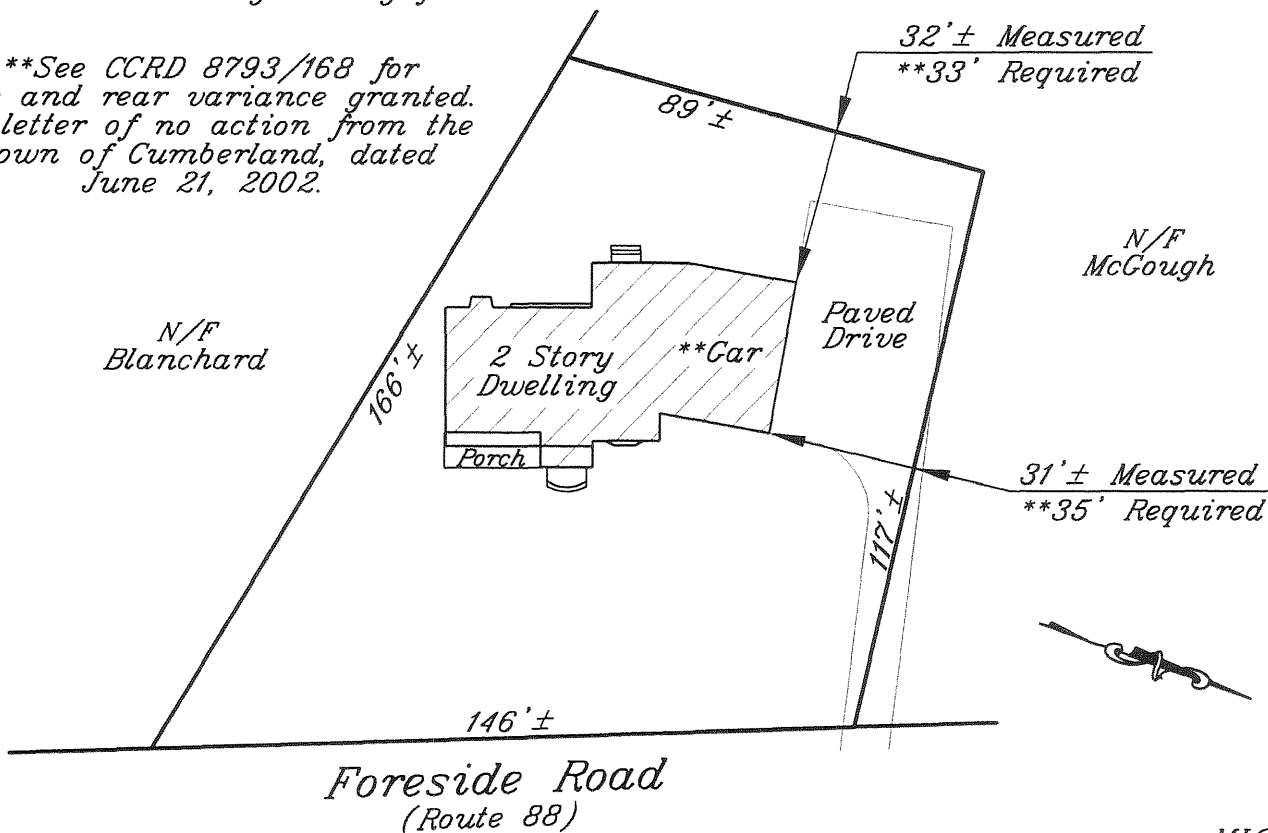
ADDRESS: 80 Foreside Road (Route 88)
Cumberland, Maine

INSP. DATE: 2/9/2017

SCALE: 1" = 40'

Recommend Boundary Survey for accurate location.

****See CCRD 8793/168 for
side and rear variance granted.
See letter of no action from the
Town of Cumberland, dated
June 21, 2002.**



SEE PROVIDED TITLE REFERENCES FOR APPURTENANCES, IF ANY.

APPLICANT: Stevenson FILE#: 21730446

OWNER: Cerald & Gloria Giordano CLIENT#: _____

LENDER: Saco & Biddeford Savings Institution

REQ. PARTY: Saco & Biddeford Savings Institution

TITLE REFERENCES: COUNTY: Cumberland

DEED BOOK: 17797 PAGE: 1

PLAN BOOK: _____ PAGE: _____ LOT: _____

MUNICIPAL REFERENCE:

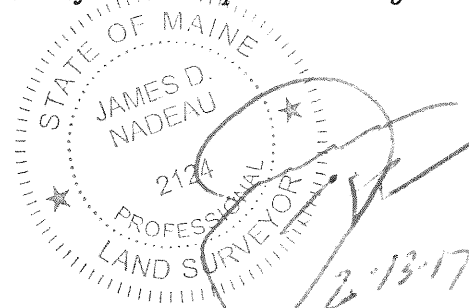
MAP: U04 BLOCK: _____ LOT: 2

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD
AREA PER FEMA COMMUNITY MAP No. 230162 PANEL: 0018C
ZONE: C DATE: 10/15/1985

THE DWELLING WAS ☒ IN COMPLIANCE WITH MUNICIPAL ZONING
SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers



918 BRIGHTON AVE. PH. (207) 878-7870
PORTLAND, ME. 04102 F. (207) 878-7871

THIS INSPECTION IS VALID ONLY WITH A
SURVEYOR'S SEAL AND IS NULL & VOID
90 DAYS AFTER INSPECTION DATE.

THIS IS NOT A BOUNDARY SURVEY - NOT FOR RECORDING

026841

BK8793PG0168

CERTIFICATE OF ZONING VARIANCE APPROVAL

I, Robert C. Robinson, the duly appointed, qualified and acting Chairman of the Zoning Board of Appeals for the Town of Cumberland, Cumberland County and State of Maine, hereby certify that on the 15th day of June, 1989, the following variance was granted pursuant to the provisions of 30 M.R.S.A. § 4963 and the Town of Cumberland's Zoning Ordinance.

1. Property Owner: Royce A. & Susan A. Gould - 80 Foreside Rd.
2. Property: Cumberland County Registry Book 8079, Page 055. (Last recorded Deed in Chain of Title).
3. Variance and Conditions of Variance:
32' from the rear lot line setback requirement and 25'
from the combined side lot line setback requirement to
construct an addition and attached garage.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 15th day of June, 1989.

Robert C. Robinson
(Printed or Typed Name)
Chairman

STATE OF MAINE
Cumberland, ss.

June 15, 1989.

RECEIVED
RECORDS DEPT. OF DEEDS

1989 JUN 19 PM 2:21

CUMBERLAND COUNTY

Then personally appeared the above-named Robert C. Robinson and acknowledged the above certificate to be his/her free act and deed in his/her capacity as Chairman of the Cumberland Board of Zoning Appeals.

Paula M. Wight 12/10/95
Paula M. Wight
(Printed or Typed Name)
NOTARY PUBLIC

PURSUANT TO 30 M.R.S.A. § 4963, THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE REGISTRY OF DEEDS WITHIN 30 DAYS OF THE FINAL APPROVAL OF THE VARIANCE; OTHERWISE, THE VARIANCE WILL BE INVALID.

RIGHTS GRANTED BY THE BOARD OF ADJUSTMENT AND APPEALS SHALL EXPIRE IF THE WORK OR CHANGE AUTHORIZED IS NOT BEGUN WITHIN SIX MONTHS OR SUBSTANTIALLY COMPLETED WITHIN ONE YEAR OF THE DATE OF VOTE BY THE BOARD.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

June 21, 2002

Claudia Dodds
80 Foreside Road
Cumberland Foreside, Maine 04110

Dear Claudia,

SUBJECT: 80 FORESIDE ROAD, MAP U4 LOT 2

With reference to the above property, it has been brought to the attention of this office that an inconsistency may exist between the setback variance dimension as approved by the Board of Adjustment and Appeals on June 15, 1989 and that which is indicated by the mortgage inspection and available building records.

A reasonable amount of research by this office provides sufficient information that clearly demonstrates that any infringement of local zoning was not done intentionally and it appears that the side setback for the addition and attached garage was erroneously determined at the time of construction. The distance was accepted at that time, and considerable time has passed without notice or complaint of the infringement.

Therefore, please be advised that the determination of this office is that the property indicated above substantially conforms to local zoning regulations as a legal existing nonconforming structure, notwithstanding evidence to the contrary, and that the Town of Cumberland will not take any action against the owner to enforce these violations.

If you have any questions please call me at 829-2207.

Sincerely,

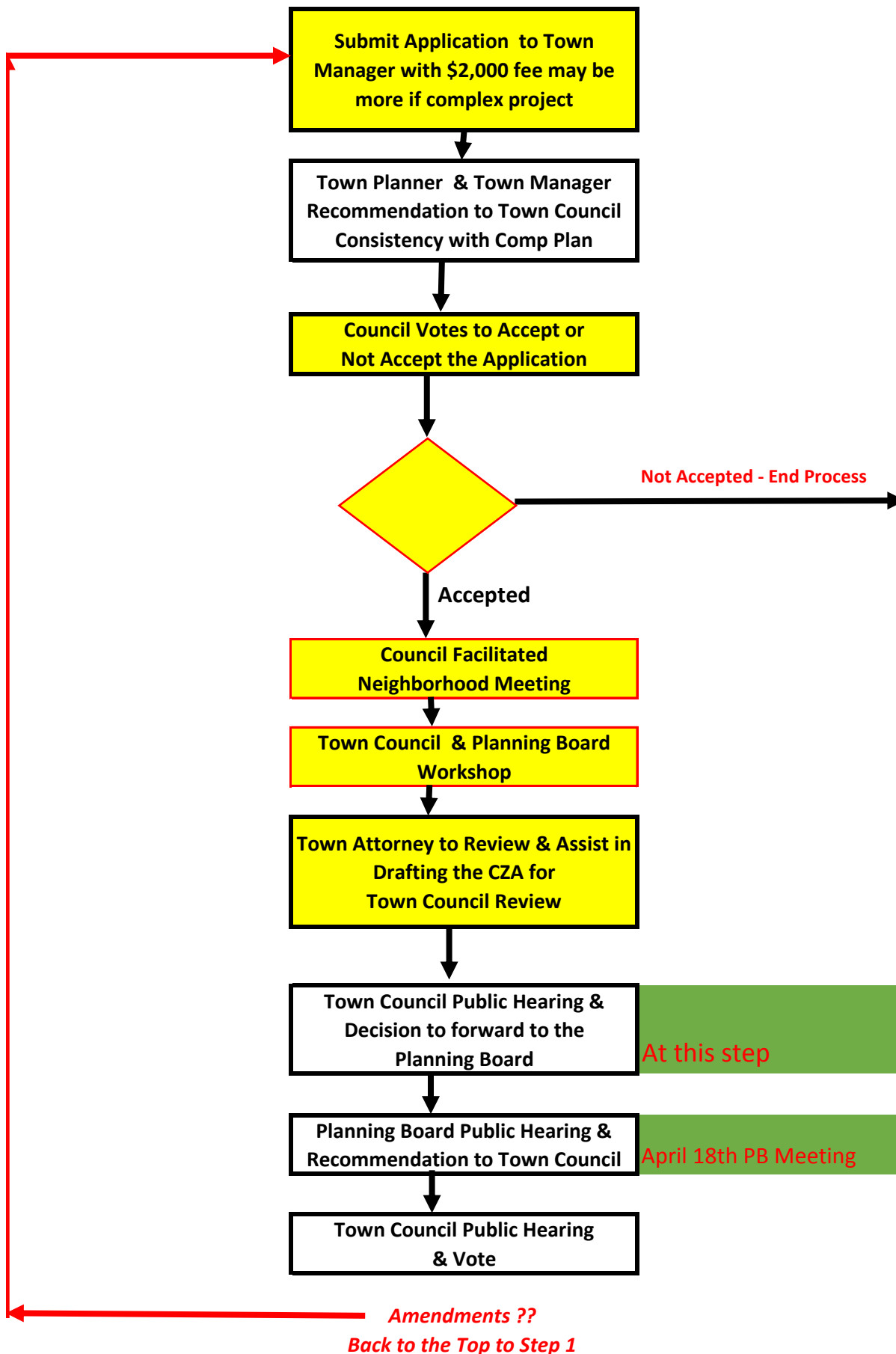
Barbara E. McPheters
Code Enforcement Officer

cc: File
Correspondence

ITEM

17-053

To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green to the Planning Board for a Public Hearing and recommendation





TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

Public Notice from the Town of Cumberland Village Green Subdivision Contract Zone Agreement Amendment

The Town of Cumberland is considering an amendment to the Village Green Subdivision Contract Zone Agreement.

Information regarding the proposed amendment to the Village Green Subdivision Contract Zone Agreement is enclosed with this notice. A copy of the full proposed amended agreement can be viewed at Cumberland Town Hall in the Planning Department or on the Town's website at www.cumberlandmaine.com.

Please note important meeting dates regarding this proposed amendment listed below. All meetings are open to the public. The public will have an opportunity to speak at the neighborhood meeting and all of the public hearings.

April 3, 2017 at 6:30 pm – Neighborhood Meeting at Cumberland Town Hall in Council Chambers.

April 3, 2017 at 7:00 pm – Town Council Workshop with Planning Board at Cumberland Town Hall in Council Chambers.

April 10, 2017 at 7:00 pm – Town Council Public Hearing and vote to consider referring the proposed amended agreement to the Planning Board for the Planning Board's recommendation.

April 18, 2017 at 7:00 pm – Planning Board Public Hearing and vote to make a recommendation to the Town Council regarding the proposed amended agreement. A map of the property and the proposed conditions of the rezoning are included with this notice.

April 24, 2017 at 7:00 pm – Town Council Public Hearing and vote to approve, modify or deny the proposed amended agreement.

For More Information call the Cumberland Planning Department at (207)829-2206, email csilberman@cumberlandmaine.com or visit the Cumberland Town Hall Planning Department, 290 Tuttle Road, Cumberland, Maine 04021.

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

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



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland, Maine 04021

Telephone (207) 829-5559 • Fax (207) 829-2214

March 21, 2017

George Turner, Chairman
Cumberland Town Council
290 Tuttle Road
Cumberland, Maine 04021

RE: Application for CZA Amendment for Village Green and Future Subdivision amendment

Dear Chairman Turner,

Several years ago, the Town sold the property that is now known as Village Green, to Bateman Partners. Part of that agreement was to locate the existing demolition landfill entirely on Town property. At the time of transfer, limited test pit information was available and the property line was agreed upon based on what we had assumed were the limits of the demolition landfill area.

The Town then began the permitting process through the Maine Department of Environmental Protection (MDEP) for the closure and capping of the 30 year old dormant landfill and found the limits to be over the agreed upon property line. This Contract Zone amendment is to place the entire demolition site onto Town property and off the property of the Village Green Homeowner's Association. The Town has been working closely with Bateman Partners to resolve this matter. As developer, Bateman Partners is the required party to bring this matter forward, but they truly have no fault in this required amendment. Since the project was a Contract Zone Agreement it requires, by Town Ordinance, a Neighborhood Meeting, a Planning Board recommendation and Town Council action prior to applying to the Planning Board for the subdivision line to be amended and moved closer to the pond to have all the landfill located on Town Property (see Attached sketch). The meeting schedule is outlined in the attached Public Notice.

As required by Ordinance, the Town Council will be facilitating the Neighborhood Meeting on Monday, April 3, 2017 at 6:30 PM and will only be discussing the moving of the property line. This is the only reason for the amendment to this Contract Zone Agreement. **Exhibit A & Exhibit B** will need to be amended as part of this agreement.

The area to be transferred to the Town is 0.6 acres adjacent to the pond. Exhibit A & B will be modified to reflect the changes depicted in the attached graphic (Figure 1).

Please contact me with any questions, concerns, or requests for additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W.R. Shane', with a long horizontal flourish extending to the right.

William R. Shane

Town Manager

wshane@cumberlandmaine.com

cc: Bateman Partners
Carla Nixon, Town Planner

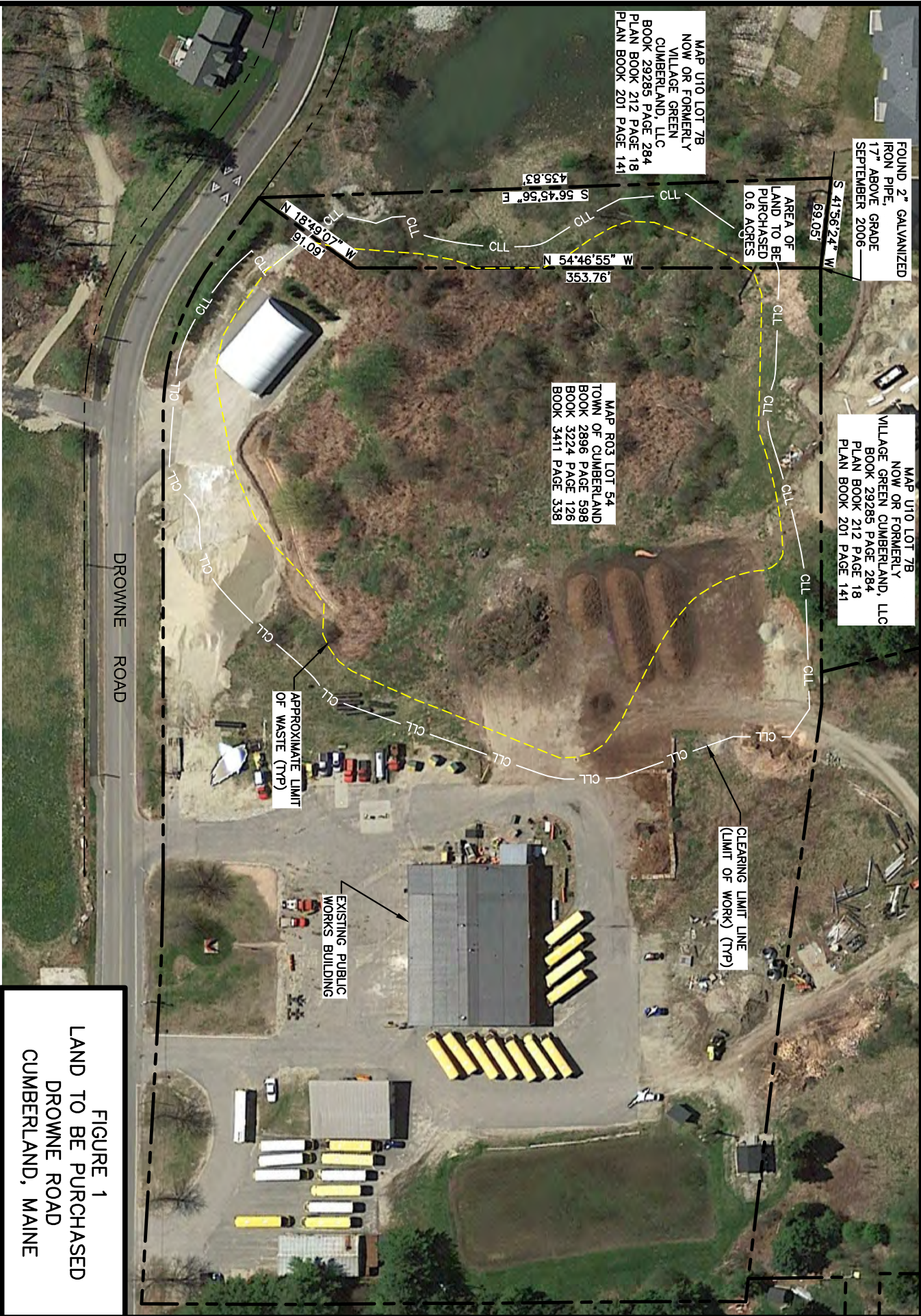


FIGURE 1
LAND TO BE PURCHASED
DROWNE ROAD
CUMBERLAND, MAINE

EXHIBIT A

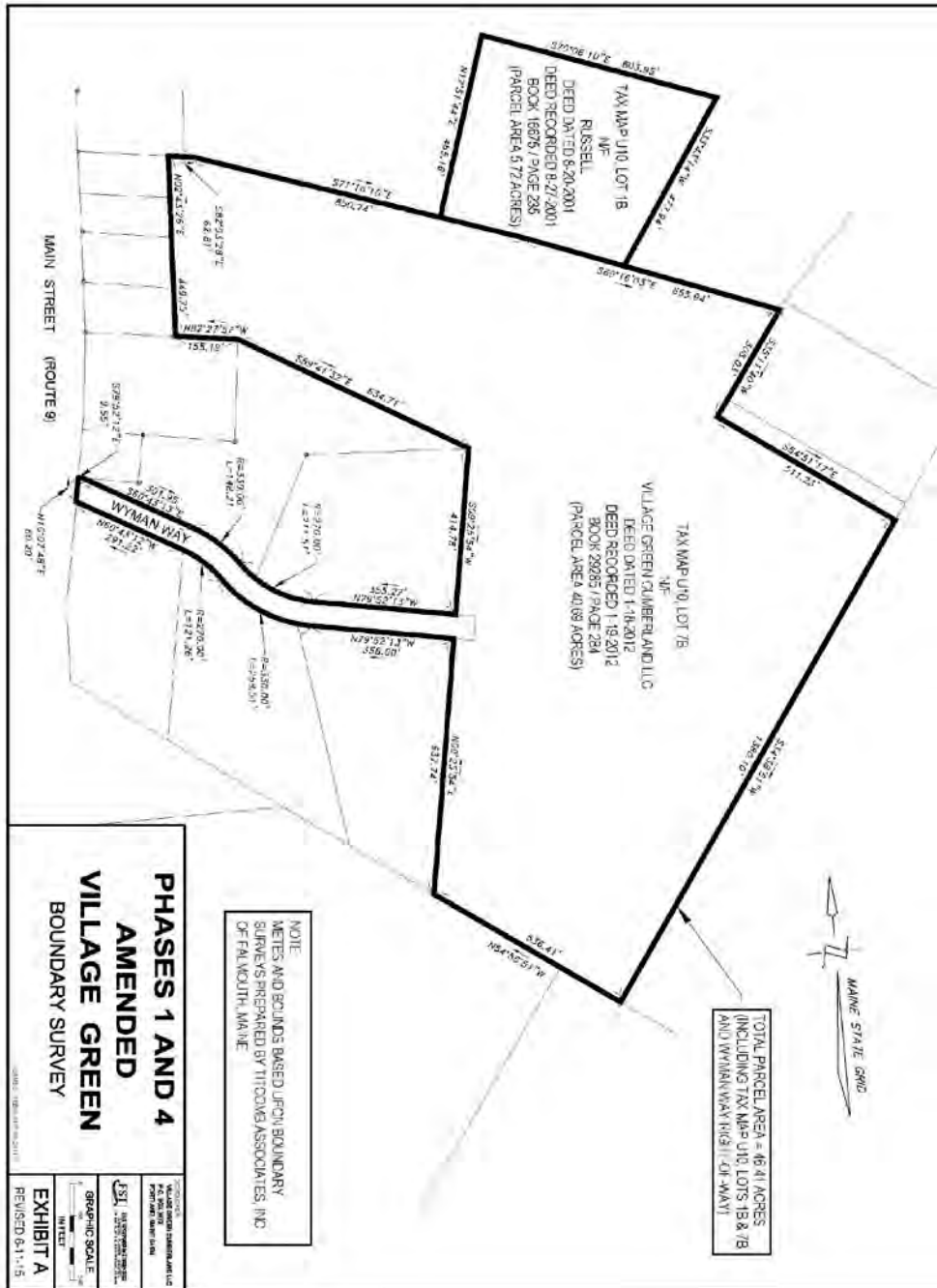


EXHIBIT B

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AMENDED AND RESTATED
CONTRACT ZONING AGREEMENT
BY AND BETWEEN THE TOWN OF CUMBERLAND
AND
VILLAGE GREEN CUMBERLAND, LLC

RELATING TO PHASE 1 and PHASE 4 OF THE
VILLAGE GREEN REVITALIZATION MASTER PLAN

This Amended and Restated Contract Zoning Agreement is entered into this ____ day of _____, 2017 by and between the **Town of Cumberland**, a Municipal Corporation (the “**Town**”), and **Village Green Cumberland, LLC**, a Maine Limited Liability Company with a business address of PO Box 3572, Portland, ME 04104-3571, its nominee or assigns (the “**Developer**”), pursuant to the Conditional and Contract rezoning provisions set forth in 30-A M.R.S.A. Section 4352 (the “**Act**”) and Section 315-79 of the Cumberland Code, as amended (the “**Code**”).

WHEREAS, the Town and Developer entered into a Contract Zoning Agreement dated April 11, 2011, which is recorded at the Cumberland County Registry of Deeds in Book 28735, Page 158 (the “**Original Agreement**”); and

WHEREAS, the Town conveyed to the Developer the property subject to the Original Agreement, a 40.7 +/- acre parcel of unimproved real estate located between Drowne Road and Wyman Way, identified on the Town of Cumberland Tax Assessor map as Map U10, Lot 7B (the “**Original Property**”), by virtue of a Deed dated January 18, 2012, recorded in the Cumberland County Registry of Deeds in Book 29285, Page 284; and

WHEREAS, the Developer has begun developing the Original Property into a 59 lot residential subdivision, subject to the terms and conditions set forth in the Original Agreement and a subdivision plan as approved by the Cumberland Planning Board on January 17, 2012, recorded in the Cumberland County Registry of Deeds in Plan Book 212, Page 18; and

WHEREAS, the Developer intends to expand the residential subdivision of the Original Property, subject to the terms and conditions set forth herein, to include additional residential lots on a 5.66 +/- parcel of real estate adjoining the Original Property, identified on the Town of Cumberland Tax Assessor map as Map U10, Lot 1B (the “**Phase 4 Property**”), which property is currently owned by George and Constance Russell by virtue of a Deed dated August 20, 2001, recorded in the Cumberland County Registry of Deeds in Book 16675, Page 235; and

WHEREAS, the Town and the Developer desire to amend and restate the Original Agreement in its entirety;

NOW THEREFORE, the Original Agreement is hereby amended and restated in its entirety, as follows, it being understood that this Amended and Restated Contract Zoning

Agreement supersedes and replaces the Original Agreement, which shall be of no further force and effect:

WHEREAS, the property subject to this Amended and Restated Contract Zoning Agreement consists of two separate parcels, the Original Property, a 40.7 +/- acre parcel of real estate located between Drowne Road and Wyman Way, identified on the Town's Tax Assessor map as MAP U10, Lot 7B, and the Phase 4 Property, a 5.66 +/- acre parcel of real estate located adjacent to the northern boundary of the Original Property, identified on the Town's Tax Assessor map as Map U10, Lot 1B, both properties consisting of 46.36 +/- acres total as more particularly shown on Exhibit A attached hereto (together hereinafter referred to as the "**Property**"); and

WHEREAS, the Original Property is located in the Village Mixed-Use Zone (VMUZ) District (the "**V-MUZ District**") located in Section 315-18 of the Cumberland Code; and

WHEREAS, the Phase 4 Property is located in the Rural Residential 1 (RR1) Zoning District (the "**RR1 Zoning District**") located in Section 315-6 of the Cumberland Code; and

WHEREAS, the Town desires to sell the property to generate tax revenue and stimulate further economic development in the town center as recommended by the 2009 Comprehensive Plan.

WHEREAS, the Developer has submitted an application for subdivision approval to the Cumberland Planning Board, in accordance with the subdivision plan attached hereto as Exhibit E; and

WHEREAS, in order for the Project to be financially feasible for the construction and sale of residential dwelling units while meeting all applicable codes, certain Amendments with respect to dimensional, design and certain other performance standards of the Cumberland Zoning Ordinance are required; and

WHEREAS, on May 23, 2016, the Cumberland Town Council approved the execution of this Amended and Restated Contract Zoning Agreement, subject to later compliance with the Subdivision and Site Plan Standards as set forth in Chapter 250 and Chapter 229, respectively, of the Cumberland Code, provided such provisions are not in conflict with the Act;

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

- A) is consistent with the Comprehensive Plan duly adopted by the Town of Cumberland on November 9, 2009; and
- B) establishes a contract zone area consistent with the existing and permitted uses in the original zone of the area involved; and

- C) only includes conditions and restrictions which relate to the physical development and future operation of the proposed development; and
- D) imposes those conditions and restrictions which are necessary and appropriate for the protection of the public health, safety and general welfare of the Town.

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

I. **Establishment of the Contract Zone:**

The Town hereby agrees that the Property as described herein shall be a contract zone (the “**Contract Zone**”) pursuant to the provisions of 30-A.M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code. This Agreement shall create an overlay zone. Except as expressly modified or otherwise stated herein, the Property shall be subject to the requirements of the V-MUZ District, as the same may be amended from time to time, together with all applicable lot requirements and general requirements, not modified herein.

II. **Permitted Uses Within the Contract Zone:**

The development permitted within the Contract Zone established herein shall be as follows:

A. All uses currently authorized either as permitted uses or special exceptions in the V-MUZ District, or as specifically authorized herein.

B. Up to four additional residential dwelling units may be constructed on the Phase 4 Property, not including the existing residential dwelling unit that currently exists on the Phase 4 Property and is currently occupied by the property owners George and Constance Russell.

III. **Restrictions and Certain Design Standards Within the Contract Zone:**

All restrictions as currently set forth in Section 315-79 of the Cumberland Code, except as modified herein and as appears on Exhibit C, attached hereto and made a part hereof.

IV. **Performance Standards Within the Contract Zone:**

The following performance standards shall apply to the Contract Zone (Phase 1 and Phase 4 of the VGRMP) as follows:

- A. The Recreation Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland shall be waived in accordance with Article Section 137-10, Waiver of Impact Fee subject to the following provisions:
 - 137-6 Payment of Fees shall be modified as follows: the Developer shall submit to the Town a list of specific public

improvements with corresponding values for said improvements to be provided by each Phase of the approved Village Green Revitalization Master Plan (VGRMP). The public improvements shall include construction of a roadway from the existing terminus of Wyman Way, crossing the Property and connecting with Drowne Road. All public improvements provided in lieu of the impact fee for each Phase of the approved VGRMP shall be completed prior to the final release of bonds or letter of credit(s) required to secure all public improvements for each Development Phase. Performance guarantees, including Letters of Credit and bonds, shall include the value of the in lieu payments attributed to Public Improvements, even where the Public Improvements are to be located upon future Phases which may or may not be constructed.

- The public improvements provided for each Phase of the approved VGRMP will, at a minimum, equal the value of the impact fee(s) otherwise due as provided in 137-11 Calculation of Fee.
- All public improvements to be located within the adjacent “Civic Lot” (Map U10-A, Lot 13) provided by the Developer as part of this Agreement shall be in accordance with a Site Plan approved in advance by the Town.
- Certain areas within the parcel purchased from the Town (Map U10, Lot 7B) by the Developer shall be subject to an easement which allows for public use and recreation (see Exhibit D Plan of Open Space/Recreational Easements). The value of these easements for the purposes of 137-11 Calculation of Fees (Land for Public Use) shall be based on the total purchase price paid for said parcel, divided by the total acreage of the parcel multiplied by the acreage finally included within the easement area(s). Provided, however, that the Developer shall not be credited for any easements or improvements that are required by law or ordinance of residential subdivisions approved by the Town. The financial guarantees, including Letters of Credit, posted by the Developer to assure the construction of qualifying public improvements in phases future to Phase 1, may be required to be maintained in applicable portion by the Town until the Town and Developer have mutually determined an agreed plan for the future phases.

- B. The Town of Cumberland’s Growth Management Ordinance is hereby amended to include the following additional exemption within Section 118-6 of this ordinance:

118-6(E) Lots included within the Phase 1 and Phase 4 subdivision of the approved Village Green Revitalization Plan.

- C. The improvements to be constructed within Phase 1 and Phase 4 of the development shall be constructed in a manner to take advantage of emerging energy conservation techniques and technologies, consistent with the standards set forth in Exhibit F hereto.

Subject to the terms herein, the Cumberland Planning Board shall have review authority under the applicable provisions of the Cumberland Subdivision, Site Plan and Zoning Ordinances to impose conditions of approval pursuant to said Ordinances relating to the development and construction.

V. **Miscellaneous Provisions:**

- A. **Survival Clause:** The terms and conditions of this Agreement shall run with the land and be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. 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.

VI. **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.

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

VIII. **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 said property or any part thereof, and shall inure to the benefit of and be enforceable by the Town, by and through its duly authorized representatives. This Agreement may not be amended except by mutual written agreement by the parties.

IX. **Severability:** In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and

the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.

X. **Enforcement:** The Town shall also 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.A § 4452.

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
Its Town Manager

WITNESS:

Village Green Cumberland, LLC

By:

David H. Bateman
Its Manager

State of Maine

County of Cumberland, ss.

_____, 2017

Personally appeared the above-named William R. Shane, Town Manager of the Town of Cumberland and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Cumberland and subscribed and swore to the same.

Notary Public/Attorney-at-Law
Print Name: _____

State of Maine

County of Cumberland, ss.

_____, 2017

Personally appeared the above-named David H. Bateman, Manager of Village Green Cumberland, LLC and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of Village Green Cumberland, LLC.

Notary Public/Attorney-at-Law
Print Name: _____

EXHIBITS

<u>Exhibit A</u>	Survey of the Property
<u>Exhibit B</u>	Approved Village Green Revitalization Master Plan (VGRMP) Phase 1 and Phase 4
<u>Exhibit C</u>	Summary of Zoning Amendments
<u>Exhibit D</u>	Plan of Open Space/Recreational Easement(s)
<u>Exhibit E</u>	Proposed Subdivision Plan
<u>Exhibit F</u>	Energy Conservation Standards
<u>Exhibit F-1</u>	Street Lighting

EXHIBIT A

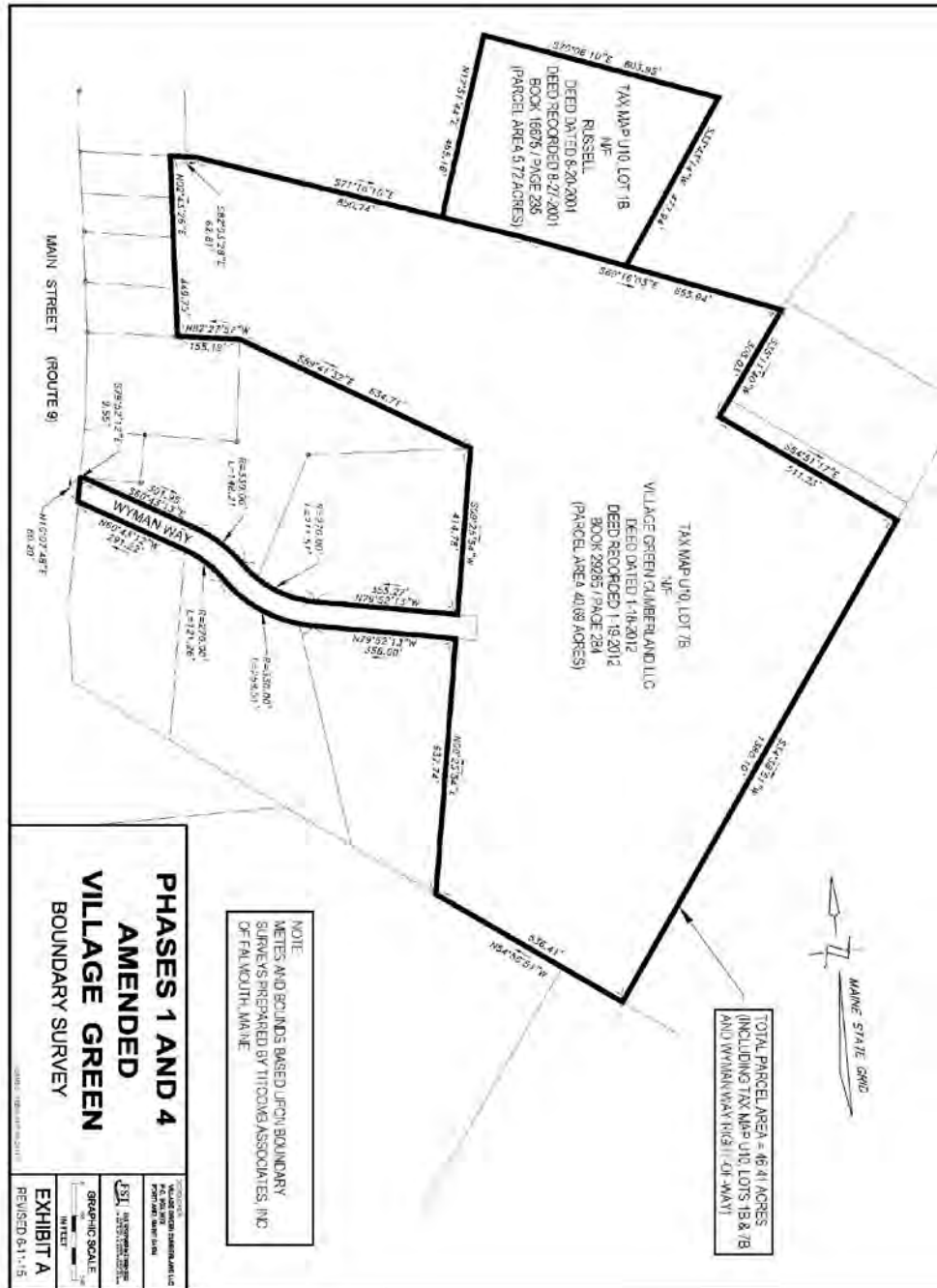


EXHIBIT B



EXHIBIT C
Summary of Zoning Amendments

A) The following minimum lot frontages shall be required on a Private Drive within the Contract Zone (Phase I and Phase 4 of the Village Green Revitalization Master Plan, VGRMP) as follows:

Use	Min. Lot Frontage
Detached Single Family Residential Structure	15'
Attached Single Family Residential Structure	15'
Duplex Residential Structure	50'

Maximum Number of Residential Units Accessed from Private Drive = 6

B) The following minimum setbacks within the V-MUZ District shall be modified for all structures within the Contract Zone (Phase I and Phase 4 of the VGRMP) as follows:

Structure Type	Front	Side
Detached Single Family Residential Structure and Garage	15' *	
Attached Single Family Residential Structure and Garage	15' *	10' **
Duplex Residential Structure and Garage	15' *	
Driveways	0'	8' **
Note: See additional buffer and setback requirements in Section F below		

* Setback between face of garage and sidewalk shall be minimum distance of 20'

** Side setback reduced to 0' along common sideline between attached residential structures and garages

C) All public roads within the Contract Zone (Phase I and Phase 4 of the VGRMP), including the full extent of Wyman Way connecting to Main Street, shall be designed in accordance with the residential sub-collector roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code, as modified by Section 315-18, the V-MUZ District, of the Cumberland Code, and as further modified below:

Standard	Public Road
Grass Esplanade	6' * (one side)
Paved Sidewalk	6' (one side)
Min. Tangent Length Between Curves of Reverse Alignment	0'
Min. Distance Between Street Intersections on Same Side	100'
Min. Distance Between Street Intersections on	200'

Opposite Side	
Min. Pavement Radii at Intersections	25'
Min. K Factor, Crest Vertical Curve	15
Min. K Factor, Sag Vertical Curve	20
MPH Design Speed	25
Min. Property Line Radius at Intersection	15'
Dead End Turn Around	Cul-de-Sac Per 8.2.D.3
Right-of-Way Width	50'
Minimum Centerline Radius	100'
Minimum Angle of Street Intersection	71 degrees
Minimum Pavement Radii at Intersection	25'
Aggregate Subbase Course: Sand	0"

* Reduce esplanade width to 0' along portion of Wyman Way extending between Parcel 1 (Tax Map U10, Lot 7B) – Former Doane Parcel and Main Street (Route 9).

D) All private roads within the Contract Zone (Phase 1 and Phase 4 of the VGRMP) shall be designed in accordance with the private roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code, as modified by Section 315-18, the V-MUZ District, of the Cumberland Code, and as further modified below:

Standard	Private Road
Grass Esplanade	4' (one side)
Paved Sidewalk	5' (one side)
Min. Tangent Length Between Curves of Reverse Alignment	0'
Min. Distance Between Street Intersections on Same Side	100'
Dead End Turn Around	Tee Turn Around 25' Length

E) The following roadway standards shall apply to private drives within the Contract Zone (Phase 1 and Phase 4 of the VGRMP):

Standard	Private Drive
Right-of-Way Width	30'
Roadway Pavement Width	18'
Grass Esplanade	N/A
Paved Sidewalk	N/A
Max. Dead End Road Length	675'
Min. Roadway Centerline Grade (1.0% preferred)	1.0%
Max. Roadway Centerline Grade	10%
Min. Centerline Radius (100' Preferred)	100'

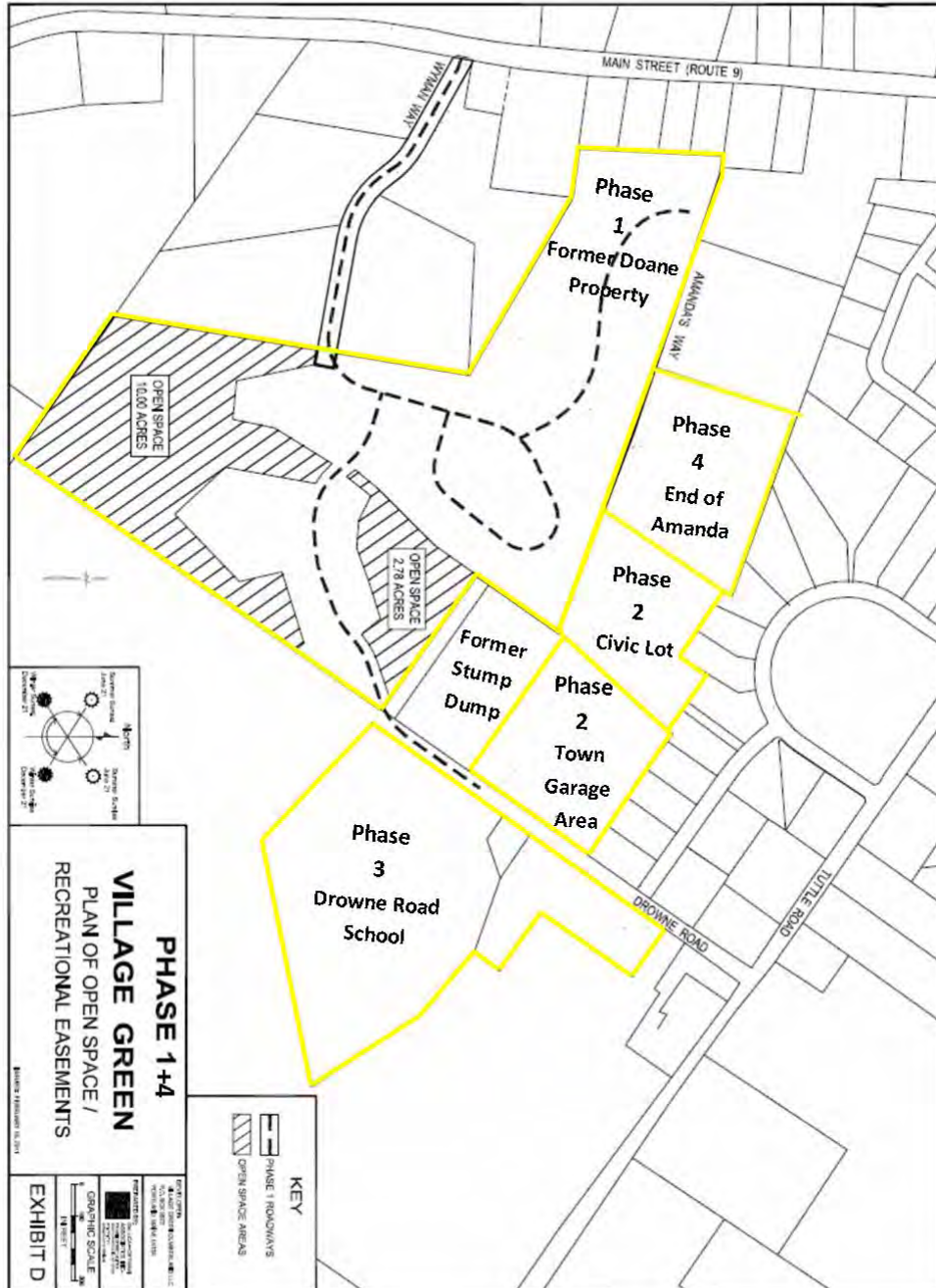
Min. Tangent Length Between Curves of Reverse Alignment	0'
Min. Angle of Street Intersections (90° Preferred)	75°
Min. Distance Between Street Intersections on Same Side	100'
Min. Distance Between Street Intersections on Opposite Side	100'
Min. Pavement Radii at Intersections	10'
Min. Pavement Crown	1/4" per foot
Min. Slope of Gravel Shoulder	1/2" per foot
Min. K Factor, Crest Vertical Curve	15
Min. K Factor, Sag Vertical Curve	20
MPH Design Speed	25
Max. Grade within 75' of Intersection	3%
Min. Property Line Radius at Intersection	0'
Dead End Turn Around	N/A

F) The following design standards shall apply to the Contract Zone (Phase I and Phase 4 of the VGRMP) as follows:

1. The portion of public roadway along the existing Wyman Way right-of-way shall conform to the existing right-of-way dimensions and geometry, which shall include the ability of the roadway not to be centered within the existing right-of-way.
2. The drainage system for public and private roadways shall consist of closed drainage to the extent practicable; however, shallow under-drained swales may be used alongside roadways where no sidewalk is proposed. Where sidewalks are proposed, they shall be constructed with curb and access to the closed drain system through catch basin inlets, for example.
3. Parking and garage doors facing towards the public right-of-way are permissible provided the garages are architecturally designed to not be the principal element of the structure. Parking and garage doors facing towards private roads and private drives are permissible.
4. No minimum wooded buffer strip is required to be maintained along existing public streets as referenced in Section 7.9 of the Subdivision Ordinance.
5. Curbing at roadways to be either bituminous or slip form concrete.
6. A minimum 50' buffer shall be maintained along the exterior of the VGRMP parcel (excluding Wyman Way right-of-way and the Phase 4 Property) and abutting residential development. The 50' buffer shall not be required to adjacent land owned by the Town.

7. For the residential lots proposed to be built on the Phase 4 Property (Lots 2, 3, 4 and 5 as shown on Exhibit E) the following buffers shall be maintained:
 - a. A 75 foot wide buffer between the project boundary line that abuts the Cumberland Common residential lots and the proposed new residential Lots 3 and 4 as shown on Exhibit E. Of the 75 foot wide buffer, 50 feet shall remain natural and undisturbed, and 25 feet shall be vegetated.
 - b. A 40 foot wide setback along the boundary line of the Phase 4 Property that abuts the Town Civic Lot, behind proposed residential Lots 2 and 3, as shown on Exhibit E.
8. Upon completion of construction providing access to Phase 4 via Bradbury Way as shown on Exhibit E, no access to the VGRMP Property, including, but not limited to, the Phase 1 and Phase 4 Property, shall be permitted from Amanda's Way. Current access from Amanda's Way shall be discontinued and landscaping shall be installed along the Phase 4 property boundary to prevent future access to and from Amanda's Way. The Developer shall add proposed landscaping features to the subdivision plan and submit to the Planning Board for review and approval.

EXHIBIT D



16

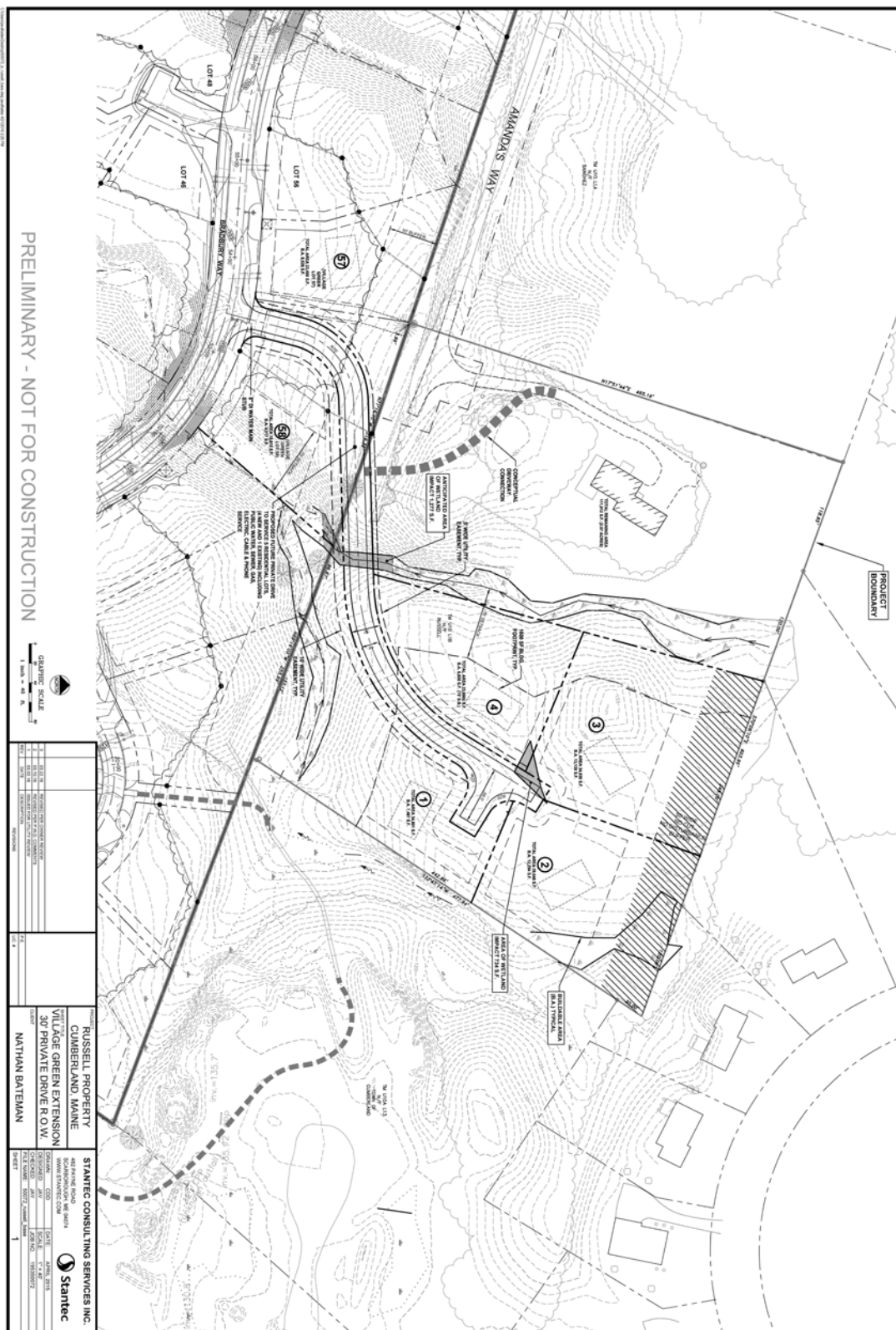


EXHIBIT F

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficien-

cies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table 402.1.1 based on the climate zone specified in Chapter 3.

402.1.2 *R*-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

TABLE 402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT*

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b, c}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT ^e WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	1.2	0.75	0.30	30	13	3/4	13	0	0	0
2	0.65 ^j	0.75	0.30	30	13	4/6	13	0	0	0
3	0.50 ^j	0.65	0.30	30	13	5/8	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^h	13/17	30 ^g	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^h	15/19	30 ^g	15/19	10, 4 ft	10/13
7 and 8	0.35	0.60	NR	49	21	19/21	38 ^g	15/19	10, 4 ft	10/13

For SI: 1 foot = 304.8 mm.

- a. *R*-values are minimums. *U*-factors and SHGC are maximums. R-19 batts compressed into a nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- i. The second *R*-value applies when more than half the insulation is on the interior of the mass wall.
- j. For impact rated fenestration complying with Section R301.2.1.2 of the *International Residential Code* or Section 1608.1.2 of the *International Building Code*, the maximum *U*-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.

TABLE 402.1.3
EQUIVALENT U-FACTORS^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR ^b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR ^c
1	1.20	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.65	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.50	0.65	0.035	0.082	0.141	0.047	0.091 ^c	0.136
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.028	0.050	0.065

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

b. When more than half the insulation is on the interior, the mass wall U-factors shall be a maximum of 0.17 in Zone 1, 0.14 in Zone 2, 0.12 in Zone 3, 0.10 in Zone 4 except Marine, and the same as the frame wall U-factor in Marine Zone 4 and Zones 5 through 8.

c. Basement wall U-factor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.1.

402.1.3 U-factor alternative. An assembly with a U-factor equal to or less than that specified in Table 402.1.3 shall be permitted as an alternative to the R-value in Table 402.1.1.

402.1.4 Total UA alternative. If the total building thermal envelope UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. When Section 402.1.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly, R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.2.2 Ceilings without attic spaces. Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Sec-

tion 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.2.3 Access hatches and doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment that prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

402.2.4 Mass walls. Mass walls for the purposes of this chapter shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

402.2.5 Steel-frame ceilings, walls, and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table 402.2.5 or shall meet the U-factor requirements in Table 402.1.3. The calculation of the U-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In Climate Zones 1 and 2, the continuous insulation requirements in Table 402.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

TABLE 402.2.5
STEEL-FRAME CEILING, WALL AND FLOOR INSULATION
(R-VALUE)

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a
Steel Truss Ceilings^b	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10
Steel-Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + 6 in 2 × 8 or 2 × 10
R-19	R-19 + 6 in 2 × 6 R-19 + 12 in 2 × 8 or 2 × 10

a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.

b. Insulation exceeding the height of the framing shall cover the framing.

402.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

402.2.7 Basement walls. Walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections 402.1.1 and 402.2.6.

402.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches (305 mm) below grade shall be insulated in accordance with Table 402.1.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table 402.1.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the *code official* as having a very heavy termite infestation.

402.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished grade level and then vertically and/or horizon-

tally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the *International Building Code*. All joints of the vapor retarder shall overlap by 6 inches (153 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (153 mm) up the stem wall and shall be attached to the stem wall.

402.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

402.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation R-values shall be R-19 in Zones 1 through 4 and R-24 in Zones 5 through 8. The minimum wall R-value shall be R-13 in all zones. New wall(s) separating a sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

402.3 Fenestration. (Prescriptive).

402.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the U-factor requirements.

402.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

402.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per dwelling unit shall be permitted to be exempt from U-factor and SHGC requirements in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the Total UA alternative in Section 402.1.4.

402.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m²) in area is exempted from the U-factor requirement in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.3.5 Thermally isolated sunroom U-factor. For Zones 4 through 8, the maximum fenestration U-factor shall be 0.50 and the maximum skylight U-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

402.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table 402.1.1.

402.4 Air leakage (Mandatory).

402.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material:

1. All joints, seams and penetrations.

2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating a garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Attic access openings.
11. Rim joist junction.
12. Other sources of infiltration.

402.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section 402.4.2.1 or 402.4.2.2:

402.4.2.1 Testing option. Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven air changes per hour (ACH) when tested with a blower door at a pressure of 50 pascals (1 psf). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

402.4.2.2 Visual inspection option. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.2, applicable to the method of construction, are field verified. Where required by the *code official*, an *approved* party independent from the installer of the insulation shall inspect the air barrier and insulation.

402.4.3 Fireplaces. New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.

402.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no

more than 0.3 cfm per square foot (1.5 L/s/m²), and swinging doors no more than 0.5 cfm per square foot (2.6 L/s/m²), when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and *listed* and *labeled* by the manufacturer.

Exceptions: Site-built windows, skylights and doors.

402.4.5 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

402.5 Maximum fenestration U-factor and SHGC (Mandatory). The area-weighted average maximum fenestration U-factor permitted using trade-offs from Section 402.1.4 or 405 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through 8 for vertical fenestration, and 0.75 in Zones 4 through 8 for skylights. The area-weighted average maximum fenestration SHGC permitted using trade-offs from Section 405 in Zones 1 through 3 shall be 0.50.

SECTION 403 SYSTEMS

403.1 Controls (Mandatory). At least one thermostat shall be provided for each separate heating and cooling system.

403.1.1 Programmable thermostat. Where the primary heating system is a forced-air furnace, at least one thermostat per dwelling unit shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

403.1.2 Heat pump supplementary heat (Mandatory). Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

403.2 Ducts.

403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

403.2.2 Sealing (Mandatory). All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed.

Joints and seams shall comply with Section M1601.4.1 of the *International Residential Code*.

Duct tightness shall be verified by either of the following:

1. Postconstruction test: Leakage to outdoors shall be less than or equal to 8 cfm (226.5 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* or a total leakage less than or equal to 12 cfm (12 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-In test: Total leakage shall be less than or equal to 6 cfm (169.9 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 ft² (9.29 m²) of *conditioned floor area*.

Exceptions: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

TABLE 402.4.2
AIR BARRIER AND INSULATION INSPECTION COMPONENT CRITERIA

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material. Air-permeable insulation is inside of an air barrier.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed. Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated. Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jams and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above-garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of insulation.
Crawl space walls	Insulation is permanently attached to walls. Exposed earth in unvented crawl spaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are air tight, IC rated, and sealed to drywall. Exception—fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior walls	Air barrier extends behind boxes or air sealed-type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts.

403.3 Mechanical system piping insulation (Mandatory). Mechanical system piping capable of carrying fluids above 105°F (41°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

403.4 Circulating hot water systems (Mandatory). All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily *accessible* manual switch that can turn off the hot-water circulating pump when the system is not in use.

403.5 Mechanical ventilation (Mandatory). Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

403.6 Equipment sizing (Mandatory). Heating and cooling equipment shall be sized in accordance with Section M1401.3 of the *International Residential Code*.

403.7 Systems serving multiple dwelling units (Mandatory). Systems serving multiple dwelling units shall comply with Sections 503 and 504 in lieu of Section 403.

403.8 Snow melt system controls (Mandatory). Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F, and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F.

403.9 Pools (Mandatory). Pools shall be provided with energy-conserving measures in accordance with Sections 403.9.1 through 403.9.3.

403.9.1 Pool heaters. All pool heaters shall be equipped with a readily *accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

403.9.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.

403.9.3 Pool covers. Heated pools shall be equipped with a vapor-retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.

SECTION 404 ELECTRICAL POWER AND LIGHTING SYSTEMS

404.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.

SECTION 405 SIMULATED PERFORMANCE ALTERNATIVE (Performance)

405.1 Scope. This section establishes criteria for compliance using simulated energy performance analysis. Such analysis shall include heating, cooling, and service water heating energy only.

405.2 Mandatory requirements. Compliance with this section requires that the mandatory provisions identified in Section 401.2 be met. All supply and return ducts not completely inside the *building thermal envelope* shall be insulated to a minimum of R-6.

405.3 Performance-based compliance. Compliance based on simulated energy performance requires that a proposed residence (*proposed design*) be shown to have an annual energy cost that is less than or equal to the annual energy cost of the *standard reference design*. Energy prices shall be taken from a source *approved* by the *code official*, such as the Department of Energy, Energy Information Administration's *State Energy Price and Expenditure Report*. *Code officials* shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of *conditioned floor area* shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

405.4 Documentation.

405.4.1 Compliance software tools. Documentation verifying that the methods and accuracy of the compliance software tools conform to the provisions of this section shall be provided to the *code official*.

405.4.2 Compliance report. Compliance software tools shall generate a report that documents that the *proposed design* complies with Section 405.3. The compliance documentation shall include the following information:

1. Address or other identification of the residence;
2. An inspection checklist documenting the building component characteristics of the *proposed design* as listed in Table 405.5.2(1). The inspection checklist shall show results for both the *standard reference design* and the *proposed design*, and shall document all inputs entered by the user necessary to reproduce the results;
3. Name of individual completing the compliance report; and

4. Name and version of the compliance software tool.

Exception: Multiple orientations. When an otherwise identical building model is offered in multiple orientations, compliance for any orientation shall be permitted by documenting that the building meets the performance requirements in each of the four cardinal (north, east, south and west) orientations.

405.4.3 Additional documentation. The *code official* shall be permitted to require the following documents:

1. Documentation of the building component characteristics of the *standard reference design*.
2. A certification signed by the builder providing the building component characteristics of the *proposed design* as given in Table 405.5.2(1).
3. Documentation of the actual values used in the software calculations for the *proposed design*.

405.5 Calculation procedure.

405.5.1 General. Except as specified by this section, the *standard reference design* and *proposed design* shall be configured and analyzed using identical methods and techniques.

405.5.2 Residence specifications. The *standard reference design* and *proposed design* shall be configured and analyzed as specified by Table 405.5.2(1). Table 405.5.2(1) shall include by reference all notes contained in Table 402.1.1.

405.6 Calculation software tools.

405.6.1 Minimum capabilities. Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the *standard reference design* and the *proposed design* and shall include the following capabilities:

1. Computer generation of the *standard reference design* using only the input for the *proposed design*. The calculation procedure shall not allow the user to directly modify the building component characteristics of the *standard reference design*.
2. Calculation of whole-building (as a single zone) sizing for the heating and cooling equipment in the *standard reference design* residence in accordance with Section M1401.3 of the *International Residential Code*.
3. Calculations that account for the effects of indoor and outdoor temperatures and part-load ratios on the performance of heating, ventilating and air-conditioning equipment based on climate and equipment sizing.
4. Printed *code official* inspection checklist listing each of the *proposed design* component characteristics from Table 405.5.2(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g., *R*-value, *U*-factor, SHGC, HSPF, AFUE, SEER, EF, etc.).

405.6.2 Specific approval. Performance analysis tools meeting the applicable sections of Section 405 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.

405.6.3 Input values. When calculations require input values not specified by Sections 402, 403, 404 and 405, those input values shall be taken from an *approved* source.

RESIDENTIAL ENERGY EFFICIENCY

TABLE 405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Above-grade walls	Type: mass wall if proposed wall is mass; otherwise wood frame. Gross area: same as proposed U-factor: from Table 402.1.3 Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed As proposed
Basement and crawl space walls	Type: same as proposed Gross area: same as proposed U-factor: from Table 402.1.3, with insulation layer on interior side of walls.	As proposed As proposed As proposed
Above-grade floors	Type: wood frame Gross area: same as proposed U-factor: from Table 402.1.3	As proposed As proposed As proposed
Ceilings	Type: wood frame Gross area: same as proposed U-factor: from Table 402.1.3	As proposed As proposed As proposed
Roofs	Type: composition shingle on wood sheathing Gross area: same as proposed Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed
Attics	Type: vented with aperture = 1 ft ² per 300 ft ² ceiling area	As proposed
Foundations	Type: same as proposed foundation wall area above and below grade and soil characteristics: same as proposed.	As proposed As proposed
Doors	Area: 40 ft ² Orientation: North U-factor: same as fenestration from Table 402.1.3.	As proposed As proposed As proposed
Glazing*	Total area ^b = (a) The proposed glazing area; where proposed glazing area is less than 15% of the conditioned floor area. (b) 15% of the conditioned floor area; where the proposed glazing area is 15% or more of the conditioned floor area. Orientation: equally distributed to four cardinal compass orientations (N, E, S & W). U-factor: from Table 402.1.3 SHGC: From Table 402.1.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used. Interior shade fraction: Summer (all hours when cooling is required) = 0.70 Winter (all hours when heating is required) = 0.85 ^c External shading: none	As proposed As proposed As proposed Same as standard reference design As proposed
Skylights	None	As proposed
Thermally isolated sunrooms	None	As proposed

(continued)

TABLE 405.5.2(1)—continued
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Air exchange rate	Specific leakage area (SLA)* = 0.00036 assuming no energy recovery	For residences that are not tested, the same as the standard reference design. For residences without mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate ^f but not less than 0.35 ACH For residences with mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate ^g combined with the mechanical ventilation rate, f which shall not be less than $0.01 \times CFA + 7.5 \times (N_{br} + 1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms
Mechanical ventilation	None, except where mechanical ventilation is specified by the proposed design, in which case: Annual vent fan energy use: $kWh/yr = 0.03942 \times CFA + 29.565 \times (N_{br} + 1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms	As proposed
Internal gains	$IGain = 17,900 + 23.8 \times CFA + 4104 \times N_{br}$ (Btu/day per dwelling unit)	Same as standard reference design
Internal mass	An internal mass for furniture and contents of 8 pounds per square foot of floor area.	Same as standard reference design, plus any additional mass specifically designed as a thermal storage element ^g but not integral to the building envelope or structure
Structural mass	For masonry floor slabs, 80% of floor area covered by R-2 carpet and pad, and 20% of floor directly exposed to room air. For masonry basement walls, as proposed, but with insulation required by Table 402.1.3 located on the interior side of the walls For other walls, for ceilings, floors, and interior walls, wood frame construction	As proposed As proposed As proposed
Heating systems ^h	As proposed Capacity: sized in accordance with Section M1401.3 of the <i>International Residential Code</i>	As proposed
Cooling systems ^{h,j}	As proposed Capacity: sized in accordance with Section M1401.3 of the <i>International Residential Code</i>	As proposed
Service H ₂ O heating ^{h,k,l}	As proposed Use: same as proposed design	As proposed $gal/day = 30 + (10 \times N_{br})$
Thermal distribution systems	A thermal distribution system efficiency (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies for all systems other than tested duct systems. Duct insulation: From Section 403.2.1. For tested duct systems, the leakage rate shall be the applicable maximum rate from Section 403.2.2.	As tested or as specified in Table 405.5.2(2) if not tested
Thermostat	Type: Manual, cooling temperature setpoint = 75°F; Heating temperature setpoint = 72°F	Same as standard reference

(continued)

RESIDENTIAL ENERGY EFFICIENCY

TABLE 405.5.2(1)—continued

For SI: 1 square foot = 0.93 m²; 1 British thermal unit = 1055 J; 1 pound per square foot = 4.88 kg/m²; 1 gallon (U.S.) = 3.785 L; °C = (°F-3)/1.8; 1 degree = 0.79 rad.

- a. Glazing shall be defined as sunlight-transmitting fenestration, including the area of sash, curbing or other framing elements, that enclose conditioned space. Glazing includes the area of sunlight-transmitting fenestration assemblies in walls bounding conditioned basements. For doors where the sunlight-transmitting opening is less than 50 percent of the door area, the glazing area is the sunlight transmitting opening area. For all other doors, the glazing area is the rough frame opening area for the door including the door and the frame.

- b. For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine glazing area:

$$AF = A_g \times FA \times F$$

where:

AF = Total glazing area.

A_g = Standard reference design total glazing area.

FA = (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 × below-grade boundary wall area).

F = (Above-grade thermal boundary wall area)/(above-grade thermal boundary wall area + common wall area) or 0.56, whichever is greater.

and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.

Below-grade boundary wall is any thermal boundary wall in soil contact.

Common wall area is the area of walls shared with an adjoining dwelling unit.

- c. For fenestrations facing within 15 degrees (0.26 rad) of true south that are directly coupled to thermal storage mass, the winter interior shade fraction shall be permitted to be increased to 0.95 in the proposed design.

- d. Where leakage area (L) is defined in accordance with Section 5.1 of ASHRAE 119 and where:

$$SLA = L/CFA$$

where L and CFA are in the same units.

- e. Tested envelope leakage shall be determined and documented by an independent party approved by the code official. Hourly calculations as specified in the 2001 ASHRAE Handbook of Fundamentals, Chapter 26, page 26.21, Equation 40 (Sherman-Grimsrud model) or the equivalent shall be used to determine the energy loads resulting from infiltration.

- f. The combined air exchange rate for infiltration and mechanical ventilation shall be determined in accordance with Equation 43 of 2001 ASHRAE Handbook of Fundamentals, page 26.24 and the "Whole-house Ventilation" provisions of 2001 ASHRAE Handbook of Fundamentals, page 26.19 for intermittent mechanical ventilation.

- g. Thermal storage element shall mean a component not part of the floors, walls or ceilings that is part of a passive solar system, and that provides thermal storage such as enclosed water columns, rock beds, or phase-change containers. A thermal storage element must be in the same room as fenestration that faces within 15 degrees (0.26 rad) of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.

- h. For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loads as calculated by accepted engineering practice for each equipment and fuel type present.

- i. For a proposed design without a proposed heating system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design. For electric heating systems, the prevailing federal minimum efficiency air-source heat pump shall be used for the standard reference design.

- j. For a proposed design home without a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and the proposed design.

- k. For a proposed design with a nonstorage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum energy factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.

TABLE 405.5.2(2)
DEFAULT DISTRIBUTION SYSTEM EFFICIENCIES FOR PROPOSED DESIGNS^a

DISTRIBUTION SYSTEM CONFIGURATION AND CONDITION:	FORCED AIR SYSTEMS	HYDRONIC SYSTEMS ^b
Distribution system components located in unconditioned space	—	0.95
Untested distribution systems entirely located in conditioned space ^c	0.88	1
"Ductless" systems ^d	1	—

For SI: 1 cubic foot per minute = 0.47 L/s; 1 square foot = 0.093 m²; 1 pound per square inch = 6895 Pa; 1 inch water gauge = 1250 Pa.

- a. Default values given by this table are for untested distribution systems, which must still meet minimum requirements for duct system insulation.

- b. Hydronic systems shall mean those systems that distribute heating and cooling energy directly to individual spaces using liquids pumped through closed loop piping and that do not depend on ducted, forced airflow to maintain space temperatures.

- c. Entire system in conditioned space shall mean that no component of the distribution system, including the air handler unit, is located outside of the conditioned space.

- d. Ductless systems shall be allowed to have forced airflow across a coil but shall not have any ducted airflow external to the manufacturer's air handler enclosure.

EXHIBIT F-1

Street lighting in Phase 1 shall utilize current energy-saving lighting equipment and technologies for street lighting, including LED cut-offs on all Town roads, private roads and common parking areas.

ITEM 17-054

To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: April 6, 2017
Re: Retail Recreational Marijuana – Ordinance Draft

The Ordinance Committee is recommending the Town Council consider the prohibition of Retail Marijuana. The Ordinance Committee met with the Town Attorney to discuss the impacts of the Referendum passed in November of 2016 under the “Marijuana Legalization Act”.

To prohibit the retail sales the Committee recommends changes to the following sections of the Ordinance:

315-4 Definitions and adding a new section *315-59.1.2 Retail Marijuana* that expressly prohibits the retail uses associated with the pending new legislation.

As you know, since this is part of our land use codes, the Planning Board will need to hold a public hearing on the proposed changes. The Ordinance Committee believed it would be helpful to use both April meetings to allow for public input at the Council level before forwarding to the Planning Board for a Public Hearing and their recommendation.

Proposed Ordinance Changes

§ 315-4. Word usage and definitions.

ACCESSORY BUILDING OR USE

A subordinate building or use customarily incidental to, and located on the same lot with, the main building or use, including farm markets for the sale of agricultural and similar products where at least 60% of the gross receipts is derived from the sale of products produced or grown, or where some ingredients of products are grown or produced, on the lot. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ADDICTION TREATMENT FACILITY

A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

AGRICULTURE

The use of a tract of land for commercial purposes for cultivation and the production of crops, truck gardening, nurseries or greenhouses, or any allied industry, but exclusive of animal husbandry and exclusive of private gardens less than 1/2 acre. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

ASSOCIATED RETAIL

A subordinate use customarily incidental to, and located on the same lot with, the main building or use. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

BUSINESS AND PROFESSIONAL OFFICE

The place of business of individuals or groups providing professional services, including but not limited to doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, and counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services, excluding freestanding automated teller machines (ATMs). This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

CAFE

A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold for consumption on or off the premises. Cafes shall be no larger than 2,500 square feet, with no drive-through and in accordance with § 315-18F(3).

CATERING SERVICE

An establishment in which the principal use is the preparation of food and meals on the premises and where such food and meals are delivered to another location for consumption.

CLINIC

An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments. This shall not include registered dispensaries of medical marijuana or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

CLUB, PRIVATE

A building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

COMMERCIAL KITCHEN

A licensed kitchen facility providing food entrepreneurs the space and equipment to prepare and process for sale on or off premises.

FARM-BASED RETAIL

The selling of agricultural produce or products, the majority of which is grown or raised by the landowner on property owned by the landowner within the Rural Residential 1 (RR1) and Rural Residential 2 (RR2) Districts.

GROCERY STORE

A business establishment engaged in the sale of groceries.

HOME-BASED OCCUPATION

An occupation based or located within a dwelling or an accessory structure which is performed or conducted at a location or locations remote from the dwelling and which:

- A. Is accessory to a residential use;
- B. Is clearly incidental and secondary to the residential use of the dwelling unit; and
- C. Does not change the character of the dwelling.

HOME-BASED RETAIL

A retail establishment owned and operated by the owner and resident of the dwelling unit that is located on the same lot. The size of the retail space shall be no larger than 2,000 square feet.

HOME OCCUPATION

A. An occupation performed or conducted within a dwelling or accessory structure by the residents thereof which:

- (1) Is accessory to a residential use;
- (2) Is clearly incidental and secondary to the residential use of the dwelling unit; and
- (3) Does not change the character of the dwelling.

B. Home occupations may include, but are not necessarily limited to, arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a dwelling as a bed-and-breakfast, a day-care home, a professional office such as that of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, or accountant, or similar uses.

INDUSTRIAL

The assembling, fabrication, finishing, manufacturing, packing or processing of goods or the extraction of minerals.

LIGHT MANUFACTURING

An establishment which is engaged in the mechanical transformation of materials into new products, including the assembling of component parts, and which has the following characteristics:

- A. Does not create any offensive smoke, dust, odor, or other unhealthy or offensive airborne discharge;
- B. Does not create any offensive noise or vibration;
- C. Does not include any outdoor storage of equipment or material; and
- D. Is designed so that the external appearance of any building is compatible with the neighborhood in which it is located.

MARKET

A retail store selling primarily food products that does not exceed 5,000 square feet.

PERMITTED USE

A use specifically allowed in a zoning district, excluding nonconforming uses and special exceptions.

REGISTERED DISPENSARY

A not-for-profit entity registered by the State of Maine in accordance with state statute that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Registered dispensaries include the physical location of the dispensary and any other facility under common management and operating under the same state registration that cultivates marijuana for patients of the dispensary.

RESTAURANT

An establishment where food and drink are prepared and served to the public for consumption on or off the premises.

RETAIL MARIJUANA

"Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

RETAIL MARIJUANA CULTIVATION FACILITY

"Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

RETAIL MARIJUANA ESTABLISHMENT

"Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

RETAIL MARIJUANA PRODUCT

Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY

"Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

RETAIL MARIJUANA SOCIAL CLUB

"Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

RETAIL MARIJUANA STORE

"Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

RETAIL MARIJUANA TESTING FACILITY

"Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

RETAIL STORE

Any shop or store for the retail sale of goods or personal services, excluding any drive-up service, freestanding retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service. This shall not include registered dispensaries of **medical marijuana** or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

**Signs – Need to amend per sign ordinance amendments*

WAREHOUSE AND STORAGE

A use in which materials, goods, or equipment is stored for compensation or in connection with a business operation. Not to include distribution.

WHOLESALE DISTRIBUTION FACILITIES

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business uses, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to, such individuals or companies. This shall not include registered dispensaries of **medical marijuana** or any other addiction treatment facility as defined in this chapter and by applicable state statutes.

§ 315-59.1. Registered dispensaries.

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, these performance standards, when enacted, shall govern any proposed registered dispensary for which an application has not been submitted and acted on by the Planning Board prior to February 10, 2014. The following standards apply to all registered dispensaries:

A. Location criteria.

(1) No medical marijuana dispensary shall be sited within 500 feet of the lot lines of any of the following:

- (a) Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center;
- (b) A State of Maine licensed child-care facility; or
- (c) A State of Maine licensed family home child-care facility.

(2) The distance cited in this subsection shall be measured between the lot line of the proposed site for the registered dispensary and the lot line of the site of the use listed in Subsection A(1)(a) through (c) above at their closest points.

B. Hours of operation. Registered dispensaries may be open for business only between the hours of 8:00 a.m. and 5:00 p.m., locally prevailing time.

C. Signage and advertising. All signage and advertising for a registered dispensary shall comply with all applicable provisions of this Code. In addition, no signage or advertising shall use the word "marijuana" or "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

D. Security requirements. Security measures at a medical marijuana dispensary and any associated cultivation facility shall include, at a minimum, the following:

(1) Security surveillance cameras installed, recording and operating 24 hours a day, seven days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;

(a) All security recordings shall be preserved for at least 30 days by the medical marijuana dispensary. The medical marijuana dispensary shall provide the Police Chief or his designee with the name and functioning telephone number of a twenty-four-hour on-call staff person to whom the Town may provide notice of any operating problems associated with the medical marijuana dispensary.

(b) Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition;

- (c) Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Code; and
- (d) Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).

E. Cultivation. If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana.

F. On-site consumption of medical marijuana. The consumption, ingestion or inhalation of medical marijuana on or within the premises of a medical marijuana dispensary or cultivation facility is prohibited; provided, however, that a medical marijuana dispensary employee who is a registered patient, as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended, may consume medical marijuana within the enclosed building area of the premises if such consumption occurs via oral consumption (i.e., eating only). For purposes of this subsection, the term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the medical marijuana dispensary's entrance.

G. Visibility of activities; control of emissions; disposal plan.

(1) All activities of registered dispensaries, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.

(2) No marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.

(3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(4) All medical marijuana dispensaries shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Sale of edible products. No food products shall be sold, prepared, produced or assembled by a medical marijuana dispensary except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

I. Other laws remain applicable. A medical marijuana dispensary shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.

J. Maximum number. The maximum number of medical marijuana dispensaries in the Town shall be capped at one.

K. Application submission requirements. The applicant shall provide the Planning Board with documentation of any required state approvals for the operation of a registered dispensary.

§ 315-59.1. 2 Retail Marijuana.

A. The following uses as defined by this Chapter and under the "Marijuana Legalization Act" (7 M.R.S.A. §§ 2441 – 2454 as may be amended and successor provisions thereof) are hereby expressly prohibited in all Districts within the Town of Cumberland:

- (1) Retail Marijuana Cultivation Facility
- (2) Retail Marijuana Establishment
- (3) Retail Marijuana Products Manufacturing Facility
- (4) Retail Marijuana Social Club
- (5) Retail Marijuana Store
- (6) Retail Marijuana Testing Facility

(7) Farm based retail ? may have to research further.

**Maine Citizen's Guide to the
Referendum Election**

Tuesday, November 8, 2016



**In Accordance with
the May 9, 2016 Proclamations of the Governor and with
the Act Passed by the 127th Legislature
at the Second Regular Session**

**Matthew Dunlap
Secretary of State**

Appropriation 010-29A-4213-012

Question 1: Citizen's Initiative

Do you want to allow the possession and use of marijuana under state law by persons who are at least 21 years of age, and allow the cultivation, manufacture, distribution, testing, and sale of marijuana and marijuana products subject to state regulation, taxation and local ordinance?

STATE OF MAINE

"An Act To Legalize Marijuana"

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA c. 417 is enacted to read:

CHAPTER 417

MARIJUANA LEGALIZATION ACT

§2441. Short title

This chapter may be known and cited as "the Marijuana Legalization Act."

§2442. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advertising. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation or circulation, visual, oral or written, to induce directly or indirectly any person to patronize a particular retail marijuana establishment or retail marijuana social club or to purchase particular retail marijuana or a retail marijuana product. "Advertising" includes marketing, but does not include packaging and labeling. "Advertising" proposes a commercial transaction or otherwise constitutes commercial speech.

2. Applicant. "Applicant" means a person that has submitted an application for licensure as a retail marijuana establishment or retail marijuana social club pursuant to this chapter that was accepted by the state licensing authority for review but has not been approved or denied by the state licensing authority.

3. Batch. "Batch" means a specific quantity of cannabis harvested during a specified time period from a specified cultivation area.

4. Batch number. "Batch number" means any distinct group of numbers, letters or symbols, or any combination thereof, assigned by a retail marijuana cultivation facility or retail marijuana products manufacturing facility to a specific harvest batch or production batch of retail marijuana.

5. Cannabis. "Cannabis" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Cannabis" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. "Cannabis" also means marijuana.

6. Child-resistant. "Child-resistant" means special packaging that is:

A. Designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly;

B. Opaque so that the product cannot be seen from outside the packaging; and

C. Closable, for any product intended for more than a single use or containing multiple servings.

7. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

8. Container. "Container" means the sealed package in which retail marijuana or a retail marijuana product is placed for sale to a consumer and that has been labeled according to the requirements set forth in section 2446, subsection 1.

9. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

10. Edible retail marijuana product. "Edible retail marijuana product" means any retail marijuana product that is intended to be consumed orally, including, but not limited to, any type of food, drink or pill.

11. Final agency order. "Final agency order" means an order of the state licensing authority issued in accordance with this chapter and the Maine Administrative Procedure Act following review of the initial decision and any exceptions filed thereto or at the conclusion of the declaratory order process.

12. Flowering marijuana plant. "Flowering marijuana plant" means the gametophytic or reproductive state of cannabis in which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of marijuana.

13. Good cause. "Good cause," for purposes of denial of an initial license application or denial of a renewal or reinstatement of a license application, means:

A. The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this chapter, any rules adopted pursuant to it or any supplemental relevant state or local law, rule or regulation; or

B. The licensee or applicant has failed to comply with any special terms, consent decree or conditions that were placed upon the license pursuant to an order of the state licensing authority or the relevant municipality.

14. Harvest batch. "Harvest batch" means a batch of processed retail marijuana that is uniform in strain, cultivated using the same herbicides, pesticides and fungicides and harvested at the same time.

15. Identity statement. "Identity statement" means the name of the business as it is commonly known and used in any advertising.

16. Immature plant. "Immature plant" means a nonflowering retail marijuana plant that is taller than 24 inches and is wider than 18 inches.

17. Initial decision. "Initial decision" means a decision of a hearing officer in the department following a licensing, disciplinary or other administrative hearing.

18. Law enforcement agency. "Law enforcement agency" means any federal, state or municipal agency or any governmental agency or subunit of such agency or any state or federal court that administers criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.

19. Licensed premises. "Licensed premises" means the premises specified in an application for a license pursuant to this chapter that are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, consume or test retail marijuana in accordance with the provisions of this chapter and rules adopted pursuant to this chapter.

20. Licensee. "Licensee" means a person licensed pursuant to this chapter or, in the case of a holder of an occupational license, a natural person licensed pursuant to this chapter.

21. Limited access area. "Limited access area" means a building, room or other contiguous area upon the licensed premises where retail marijuana is grown, cultivated, stored, weighed, packaged, sold or processed for sale under control of the licensee.

22. Marijuana. "Marijuana" means cannabis.

23. Marijuana extraction. "Marijuana extraction" means the process of extracting marijuana with solvents or gases.

24. Mother plant. "Mother plant" means a plant that is used solely by a cultivator for the taking of seedling cuttings.

25. Natural person. "Natural person" means a citizen of this State who has a verifiable social security number.

26. Occupational license. "Occupational license" means a license granted to a natural person by the state licensing authority.

27. Owner. "Owner" means a person whose beneficial interest in a retail marijuana establishment or retail marijuana social club is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a retail marijuana establishment or retail marijuana social club and has a controlling interest in a retail marijuana establishment or retail marijuana social club.

28. Person. "Person" means a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

29. Plant canopy. "Plant canopy" means the area upon the licensed premises dedicated to live plant cultivation, such as maintaining mother plants, propagating plants from seed to plant tissue, cloning and a maintaining a vegetative or flowering area. "Plant canopy" does not include areas such as space for storage of fertilizers, pesticides or other products, quarantine areas, office space, walkways, work areas and other similar areas.

30. Production batch. "Production batch" means a group of retail marijuana products created from a production run of retail marijuana products.

31. Propagation. "Propagation" means the reproduction of retail marijuana plants by seeds, cuttings or grafting.

32. Registered dispensary. "Registered dispensary" means a dispensary that is a nonprofit corporation organized under Title 13-B and registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act and holds one or more dispensary registrations.

33. Restricted access area. "Restricted access area" means a designated and secure area within the licensed premises in a retail marijuana store or retail marijuana social club where retail marijuana and retail marijuana products are sold, possessed for sale and displayed for sale and where no one under 21 years of age is permitted.

34. Retail marijuana. "Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

35. Retail marijuana cultivation facility. "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

36. Retail marijuana establishment. "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

37. Retail marijuana product. "Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

38. Retail marijuana products manufacturing facility. "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

39. Retail marijuana social club. "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

40. Retail marijuana store. "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

41. Retail marijuana testing facility. "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

42. Sample. "Sample" means any retail marijuana or retail marijuana product provided for testing or research purposes to a retail marijuana testing facility by a retail marijuana establishment or retail marijuana social club.

43. Seedling. "Seedling" means a nonflowering retail marijuana plant that is no taller than 24 inches and no wider than 18 inches.

44. State licensing authority. "State licensing authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products in this State pursuant to this chapter.

45. THC. "THC" means tetrahydrocannabinol.

46. Universal symbol. "Universal symbol" means the image established by the state licensing authority and made available to licensees through the state licensing authority's website for indicating that retail marijuana or a retail marijuana product is within a container.

47. Unreasonably impracticable. "Unreasonably impracticable" means that the measures necessary to comply with the rules require such a high investment of risk, money, time or any other resource or asset that the operation of a retail marijuana establishment or retail marijuana social club is not worth being carried out in practice by a reasonably prudent business person.

§2443. Exemption from criminal and civil penalties, seizure and forfeiture

Notwithstanding Title 17-A, chapter 45 or any other provision of law to the contrary and except as provided in this chapter, the actions specified in this chapter are legal under the laws of this State and do not constitute a civil or criminal offense under the laws of this State or the law of any political subdivision within this State or serve as a basis for seizure or forfeiture of assets under state law. This chapter may not be construed to shield any individual, partnership, corporation, firm, association or other legal entity from federal prosecution.

§2444. State licensing authority

For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products in this State, the state licensing authority is the Department of Agriculture, Conservation and Forestry.

1. Commissioner is chief administrative officer. The Commissioner of Agriculture, Conservation and Forestry is the chief administrative officer of the state licensing authority and may employ such officers and employees as may be determined to be necessary. The state licensing authority has the authority to:

A. Grant or refuse licenses for the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products as provided by this chapter;

B. Suspend, fine, restrict or revoke licenses under paragraph A upon a violation of this chapter or any rule adopted pursuant to this chapter; and

C. Impose any penalty authorized by this chapter or any rule adopted pursuant to this chapter.

2. Adoption of rules. The state licensing authority shall adopt rules for the proper regulation and control of the cultivation, manufacture, distribution, sale and testing of retail marijuana and

retail marijuana products and for the enforcement of this chapter, not later than 9 months after the effective date of this Act, and shall adopt amended rules and such special rules and make findings as necessary. These rules are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. Rules must address but are not limited to the following issues:

A. The hearing of contested state license denials at a public hearing, employing full due process, including the subpoena power, the taking of oaths, the calling of witnesses and the maintaining of the confidentiality of customer records. Provision must be made for the conduct of appeal hearings following license actions, including, but not limited to, the denial of a license renewal or of an initial license and license revocation and suspension, and hearings contesting the imposition of a fine;

B. The development of such forms, licenses, identification cards and applications as necessary for the administration of this chapter or of any of the rules adopted under this chapter;

C. The preparation and transmission annually, in the form and manner prescribed by this chapter, of a report to the Legislature accounting for the efficient discharge of all responsibilities assigned by law or rules to the state licensing authority;

D. Procedures consistent with this chapter for the issuance, renewal, suspension and revocation of licenses to operate retail marijuana establishments;

E. Limits on the concentration of THC and other cannabinoids per serving in any retail marijuana product;

F. Qualifications for licensure including, but not limited to, the requirement for a fingerprint-based criminal history record check for all owners, officers, managers, employees and other support staff of entities licensed pursuant to this chapter;

G. Security requirements for any licensed premises under this chapter including, at a minimum, lighting, physical security, alarm requirements and other minimum procedures for internal control as determined necessary by the state licensing authority to properly administer and enforce the provisions of this chapter, including reporting requirements for changes, alterations or modifications to the licensed premises. Security requirements may not be unreasonably impracticable; and

H. Securing and recording permission for a local fire department or the State Fire Marshal to conduct an annual fire inspection of a retail marijuana cultivation facility.

§2445. Independent testing and certification program

The state licensing authority shall establish, within a specific time frame, a retail marijuana and retail marijuana products independent testing and certification program. This program must require licensees to test retail marijuana and retail marijuana products to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling.

1. Content of testing. Testing must include, but is not limited to, analysis for residual solvents, poisons and toxins; harmful chemicals; dangerous molds and mildew; harmful microbes, such as Escherichia coli and salmonella; and pesticides.

2. Presence of injurious substance. In the event that test results indicate the presence of quantities of any substance determined to be injurious to health in any product, these products must be immediately quarantined and immediate notification to the persons responsible for enforcing the marijuana laws must be made. These products must be documented and properly destroyed.

3. THC potency. Testing must verify THC potency representations for correct labeling.

The establishment of an independent testing and certification program does not affect the adoption of rules in section 2444 or affect the implementation of cultivation, production and sale of retail marijuana and retail marijuana products.

§2446. Labeling; health and safety requirements; training; identification cards

1. Labeling requirements for sales of retail marijuana and retail marijuana products. Labeling requirements for sales of retail marijuana and retail marijuana products include when applicable:

- A. The license number of the retail marijuana cultivation facility license;
- B. The license number of the retail marijuana store license;
- C. An identity statement and a universal symbol;
- D. The batch number;
- E. A net weight statement;
- F. THC potency and the potency of such other cannabinoids or other chemicals, including, but not limited to, cannabidiol, as determined relevant by the state licensing authority;
- G. Warning labels;
- H. Solvents used in marijuana extraction;
- I. Amount of THC per serving and the number of servings per package for retail marijuana products;
- J. A list of ingredients and possible allergens for retail marijuana products;
- K. A recommended use date or expiration date for retail marijuana products; and
- L. A nutritional fact panel for edible retail marijuana products.

2. Health and safety rules. The state licensing authority shall adopt health and safety rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, and standards for the manufacture of retail marijuana products and the cultivation of retail marijuana, which must include:

- A. Limitations on the display of retail marijuana and retail marijuana products;
- B. Regulation of the storage of, warehouses for and transportation of retail marijuana and retail marijuana products; and
- C. Sanitary requirements for retail marijuana establishments, including but not limited to sanitary requirements for the preparation of retail marijuana products.

3. Training for local jurisdictions and law enforcement officers. The state licensing authority shall adopt rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, and processes for training local jurisdictions and law enforcement officers in the law, including the requirements for inspections, investigations, searches, seizures, forfeitures and such additional activities as may become necessary from time to time.

4. Identification cards. The following provisions govern identification cards.

- A. The state licensing authority shall adopt rules detailing the format of, and inclusion of information on, individual identification cards for owners, officers, managers, contractors, employees and other support staff of entities licensed pursuant to this chapter, including a fingerprint-based criminal history record check as may be required by the state licensing authority prior to issuing an identification card.
- B. The state licensing authority shall specify those forms of photo identification that a retail marijuana store may accept when verifying a sale, including but not limited to government-issued identification cards.
- C. The state licensing authority shall develop procedures for license renewals, reinstatements, initial licenses and the payment of licensing fees, as well as other matters that are necessary for the fair, impartial and comprehensive administration of this chapter.
- D. Rules adopted pursuant to this subsection are routine technical rules, pursuant to Title 5, chapter 375, subchapter 2-A.

§2447. License application and issuance

An application for a license under the provisions of this chapter must be made to the state licensing authority on forms prepared and furnished by the state licensing authority and must set forth such information as the state licensing authority may require to enable the state licensing authority to determine whether a license should be granted. The information must include the name and address of the applicant and the names and addresses of the applicant's officers, directors or managers. Each application must be verified by the oath or affirmation of such person or persons as the state licensing authority may prescribe. The state licensing authority may issue a license to an applicant pursuant to this section upon completion of the applicable criminal history record check associated with the application. The license is conditioned upon municipal approval. An applicant is prohibited from operating a retail marijuana establishment or retail marijuana social club without state licensing authority and municipal approval. If the applicant does not receive municipal approval within one year from the date of state licensing authority approval, the license expires and may not be renewed. If an application is not approved by the municipality, the state licensing authority shall revoke the license.

1. Qualifications. The following provisions govern the qualifications for licensure as a retail marijuana establishment or retail marijuana social club. A person is not qualified to conduct licensed activities until the required annual fee has been paid.

A. An applicant who is a natural person must be at least 21 years of age. If an applicant is a corporation, all members of the board must comply with this paragraph.

B. A person who has been convicted of a disqualifying drug offense may not be a licensee. For purposes of this paragraph, "disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for 5 years or more. "Disqualifying drug offense" does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years prior to application for licensure or an offense that consisted of conduct that is permitted under this chapter.

C. A person who has had a license for a retail marijuana establishment or retail marijuana social club revoked may not be a licensee.

D. A sheriff, deputy sheriff, police officer, prosecuting officer or an officer or employee of the state licensing authority or a municipality is ineligible to become a licensee.

E. The state licensing authority shall investigate all applicants for compliance with this chapter prior to issuing a license.

F. First priority for licensure must be given to registered caregivers who have been continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act or who have experience serving as a principal officer or board member of a nonprofit medical dispensary registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act. If an applicant, either a business entity or an individual, owns, has a financial interest in or controls the management of more than one dispensary in this State, that applicant may receive preference for only one license in each license class. As long as there are other preferred applicants for any or all license classes an applicant who owns, has a financial interest in or controls the management of more than one dispensary in this State is not eligible for multiple licenses in any class. Preference must be given to an applicant who has at least 3 medical marijuana caregiver registrations when determining which applicants receive licenses.

G. The state licensing authority shall accept applications from registered caregivers and principal officers or board members of registered dispensaries who have continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act.

H. The state licensing authority shall adopt rules, which are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A, for a streamlined application process for registered caregivers and principal officers or board members of dispensaries registered with the

Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act, which must include an initial site inspection confirming compliance with this chapter.

2. Investigation of qualifications. In investigating the qualifications of an applicant or a licensee, the state licensing authority and municipality may have access to criminal history record information furnished by a law enforcement agency subject to any restrictions imposed by that agency. In the event the state licensing authority or municipality considers the applicant's criminal history record, the state licensing authority or municipality shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the time between the applicant's last criminal conviction and the consideration of the application for a license.

At the time of filing an application for issuance of a retail marijuana establishment or retail marijuana social club license, an applicant shall submit a set of the applicant's fingerprints and personal history information concerning the applicant's qualifications for a license on forms prepared by the state licensing authority. The state licensing authority shall submit the fingerprints and the municipality may forward fingerprints to the State Bureau of Investigation for criminal history background information. The state licensing authority shall also forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a federal fingerprint-based criminal history record check. The state licensing authority may acquire a name-based criminal history record check for an applicant or a licensee who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. An applicant who has previously submitted fingerprints for state licensing purposes may request that the fingerprints on file be used. The state licensing authority shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this chapter. The state licensing authority or municipality may verify any of the information an applicant is required to submit.

3. Applications; issuance. The following provisions govern applications for and issuance of a retail marijuana establishment or retail marijuana social club license.

A. An applicant shall file an application in the form required by the state licensing authority for the type of license sought, along with the application fee as set by the state licensing authority.

B. An applicant may apply for and be granted more than one type of license except that a person licensed as a retail marijuana testing facility may not hold any other retail marijuana establishment license. Registered caregivers and registered dispensaries who have held a registration in good standing for 2 years by the date of the application must be given priority in the granting of licenses for a retail marijuana cultivation facility, retail marijuana products manufacturing facility or retail marijuana store license. The state licensing authority shall begin accepting and processing applications by 30 days after the adoption of rules under section 2444, subsection 2. If after 90 days those applications do not meet the maximum square footage allotment set by this chapter, the state licensing authority may begin accepting and processing applications by all other qualified applicants.

C. The state licensing authority shall issue or renew a license to operate a retail marijuana establishment or retail marijuana social club to an applicant who meets the requirements of the state licensing authority, which must include a review of the site plan, operating plan and relevant experience in the marijuana industry in this State, as set forth in rule, within 90 days of the date of receipt of the application unless:

(1) The state licensing authority finds the applicant is not in compliance with this section or rules adopted by the state licensing authority;

(2) The state licensing authority is notified by the relevant municipality that the applicant is not in compliance with an ordinance, rule or regulation in effect at the time of application;
or

(3) The number of retail marijuana establishments or retail marijuana social clubs allowed in the municipality has been limited pursuant to local ordinance or is limited by subsection 7 and the state licensing authority has already licensed the maximum number of retail

marijuana establishments or retail marijuana social clubs allowed in the municipality for the class of license that is sought.

D. The following provisions govern the situation when more than one application is received by the state licensing authority for establishment of a retail marijuana establishment or retail marijuana social club in the same municipality.

(1) If a greater number of applications are received from qualified applicants to operate a retail marijuana store in a municipality than are allowed under the limits enacted by that municipality pursuant to subsection 4, the state licensing authority shall solicit and consider input from the municipality as to the municipality's preferences for licensure. Within 180 days of the date the first application is received, the state licensing authority shall issue the maximum number of applicable licenses.

(2) In any competitive application process to determine which applicants receive licenses for any class of license, the state licensing authority shall give first preference to an applicant who has at least 2 years of previous experience cultivating marijuana in compliance with Title 22, section 2423 and who has been continuously registered with the Department of Health and Human Services pursuant to the Maine Medical Use of Marijuana Act. Preference must be given to an applicant who has 3 medical marijuana caregiver registrations when determining which applicants receive licenses.

E. The state licensing authority may not grant a license for a retail marijuana establishment to a licensee who has already received a license to operate the same type of retail marijuana establishment if doing so would prevent another qualified applicant from receiving a license. The state licensing authority may not grant a license for a retail marijuana social club to a licensee who has already received a license to operate a retail marijuana social club if doing so would prevent another qualified applicant from receiving a license.

4. Limitation on number of retail marijuana stores. The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.

5. Limitations on retail marijuana cultivation. The state licensing authority may establish limitations upon retail marijuana cultivation through one or more of the following methods:

A. Placing or modifying a limit on the number of licenses that it issues, by class or overall, but in placing or modifying the limits, the state licensing authority shall consider the reasonable availability of new licenses after a limit is placed or modified; and

B. Placing or modifying a limit on the amount of production permitted by a retail marijuana cultivation facility license or class of licenses based upon some reasonable metric or set of metrics, including, but not limited to, previous months' sales, pending sales or other reasonable metric as determined by the state licensing authority.

6. Limitation on retail marijuana cultivation facility size. The amount of space approved for marijuana cultivation at retail marijuana cultivation facilities is limited to 800,000 square feet of plant canopy, unless the state licensing authority determines that a greater amount may be needed to ensure an adequate supply to meet demand for various strains of marijuana throughout the State. An applicant must designate on the applicant's operating plan the size category of the licensed premises and the amount of actual square footage in the applicant's licensed premises that will be designated as plant canopy.

The state licensing authority shall license 2 types of retail marijuana cultivation facilities, those with 3,000 square feet or less of plant canopy and those with more than 3,000 square feet of plant canopy. The state licensing authority shall license marijuana cultivation at retail marijuana cultivation facilities by unit blocks of 10 feet by 10 feet, or 100 square feet, of plant canopy, with 40% of all licenses issued going to licensees of 30 unit blocks or less. The maximum amount of unit blocks allowed to a single licensee is 300.

An applicant who applies for a retail marijuana cultivation facility license for a facility with more than 3,000 square feet of plant canopy but is not licensed by the state licensing authority may be considered for a license for a facility with 3,000 square feet or less of plant canopy.

No more than 6 retail marijuana cultivation facilities or more than 300 unit blocks of plant canopy may be located on the same parcel of property.

The state licensing authority may reduce the number of unit blocks a retail marijuana cultivation facility is authorized to cultivate if 50% or fewer of the unit blocks a facility is authorized to cultivate are not used by the end of the first year of operation.

7. Restrictions on applications for licenses. The state licensing authority may not approve an application for the issuance of a license pursuant to this chapter:

A. If the application for the license concerns a location that is the same as or within 1,000 feet of a location for which, within the 2 years immediately preceding the date of the application, the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location; or

B. Until it is established that the applicant is in or will be entitled to possession of the licensed premises for which application is made under a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

§2448. Classes of licenses; license provisions

1. State licensing authority may issue license. For the purpose of regulating the cultivation, manufacture, distribution, sale and testing of retail marijuana and retail marijuana products, the state licensing authority, in its discretion, upon receipt of an application in the prescribed form, may issue and grant to the applicant a license from one or more of the following classes, subject to the provisions and restrictions provided by this chapter:

A. Retail marijuana store license;

B. Retail marijuana cultivation facility license;

C. Retail marijuana products manufacturing facility license;

D. Retail marijuana testing facility license;

E. Retail marijuana social club license; and

F. Occupational licenses and registrations for owners, managers, operators, employees, contractors and other support staff employed at, working in or having access to restricted access areas of the licensed premises, as determined by the state licensing authority.

2. Licensee to collect tax. A retail marijuana store licensee or retail marijuana social club licensee shall collect sales tax on all retail sales made at a retail marijuana store or retail marijuana social club, respectively.

3. Retail marijuana store license. The following provisions govern a retail marijuana store.

A. A licensed retail marijuana store may sell only retail marijuana, retail marijuana products, marijuana accessories, nonconsumable products such as apparel and marijuana-related products such as child-resistant containers, but is prohibited from selling or giving away any consumable product, including but not limited to cigarettes, alcohol and edible products that do not contain marijuana, including but not limited to sodas, candies and baked goods. Automatic dispensing machines that contain retail marijuana and retail marijuana products are prohibited.

B. A retail marijuana store licensee shall track all of its retail marijuana and retail marijuana products from the point at which they are transferred from a retail marijuana cultivation facility or retail marijuana products manufacturing facility to the point of sale.

All retail marijuana and retail marijuana products sold at a licensed retail marijuana store must be packaged and labeled as required by rules of the state licensing authority and pursuant to section 2446, subsection 1. Notwithstanding the provisions of this section, a retail marijuana store licensee may also sell retail marijuana products that are prepackaged and labeled as required by rules of the state licensing authority and pursuant to section 2446, subsection 1.

C. A person must be 21 years of age or older to make a purchase in a retail marijuana store.

(1) Prior to initiating a sale, the employee of the retail marijuana store making the sale shall verify that the purchaser has a valid government-issued identification card, or other acceptable identification, showing that the purchaser is 21 years of age or older. If a person under 21 years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age may not be grounds for the revocation or suspension of any license issued under this chapter.

(2) The state licensing authority shall adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, to prohibit certain signs, marketing and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching persons under 21 years of age.

These rules may include:

(a) A prohibition on health or physical benefit claims in advertising, merchandising and packaging;

(b) A prohibition on unsolicited advertising on the Internet;

(c) A prohibition on opt-in marketing that does not permit an easy and permanent opt-out feature; and

(d) A prohibition on marketing directed toward location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

(3) A magazine whose primary focus is marijuana or marijuana businesses may be sold only in a retail marijuana store or behind the counter in an establishment where persons under 21 years of age are present.

(4) A retail marijuana product may not contain an additive designed to make the product more appealing to children.

(5) Notwithstanding any other provision of state law, sales of retail marijuana and retail marijuana products are not exempt from state sales tax.

(6) Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment or retail marijuana social club. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

D. Retail marijuana and retail marijuana products may be transported between a licensed retail marijuana store and retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

4. Retail marijuana cultivation facility license. The state licensing authority shall create a statewide licensure class system for retail marijuana cultivation facilities.

A. The following provisions govern retail marijuana cultivation facilities.

(1) A retail marijuana cultivation facility licensee is permitted to cultivate retail marijuana for sale and distribution only to licensed retail marijuana stores, retail marijuana products manufacturing facilities, other retail marijuana cultivation facilities or retail marijuana social clubs.

(2) A retail marijuana cultivation facility may have a retail marijuana store if it is located on the same licensed premises as the retail marijuana cultivation facility. If the retail marijuana cultivation facility chooses the option to have a retail marijuana store it must meet all requirements set by the state licensing authority and municipality in which it is located. A retail marijuana store located on the licensed premises of a retail marijuana cultivation facility does not count against any municipal limits on the number of retail marijuana stores.

(3) A retail marijuana cultivation facility shall track the marijuana it cultivates from seed or immature plant to wholesale purchase. The state licensing authority may not make rules

that are unreasonably impracticable concerning the tracking of marijuana from seed or immature plant to wholesale purchase.

(4) A retail marijuana cultivation facility may provide, except as required by subsection 6, a sample of its products to a retail marijuana testing facility for testing and research purposes. A retail marijuana cultivation facility shall maintain a record of what was provided to the retail marijuana testing facility, the identity of the retail marijuana testing facility and the testing results.

B. Retail marijuana may be transported between a licensed retail marijuana cultivation facility and retail marijuana stores, other retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

5. Retail marijuana products manufacturing facility license. The following provisions govern retail marijuana products manufacturing facilities and the preparation of retail marijuana products.

A. The following provisions govern retail marijuana products manufacturing facilities.

(1) A retail marijuana products manufacturing facility licensee is permitted to manufacture retail marijuana products pursuant to the terms and conditions of this chapter.

(2) A retail marijuana products manufacturing facility may cultivate its own retail marijuana if it obtains a retail marijuana cultivation facility license, or it may purchase retail marijuana from a licensed retail marijuana cultivation facility. A retail marijuana products manufacturing facility licensee shall track all of its retail marijuana from the point it is either transferred from its retail marijuana cultivation facility or the point when it is delivered to the retail marijuana products manufacturing facility from a licensed retail marijuana cultivation facility to the point of transfer to a licensed retail marijuana store, retail marijuana social club or retail marijuana testing facility.

B. A retail marijuana products manufacturing facility licensee may not:

(1) Add any marijuana to a food product if the manufacturer of the food product holds a trademark to the food product's name, except that a retail marijuana products manufacturing facility licensee may use a trademarked food product if the licensee uses the product as a component or as part of a recipe and if the licensee does not state or advertise to the consumer that the final retail marijuana product contains a trademarked food product;

(2) Intentionally or knowingly label or package a retail marijuana product in a manner that would cause a reasonable consumer confusion as to whether the retail marijuana product was a trademarked food product;

(3) Label or package a product in a manner that violates any federal trademark law or regulation; or

(4) Include harmful additives in any retail marijuana product, including, but not limited to, those that are toxic, designed to make the product more addictive and designed to make the product more appealing to children or misleading to consumers, but not including common baking and cooking items.

C. The following provisions govern the preparation of retail marijuana products.

(1) Retail marijuana products must be prepared on licensed premises that are used exclusively for the manufacture and preparation of retail marijuana or retail marijuana products and prepared using equipment that is used exclusively for the manufacture and preparation of retail marijuana and retail marijuana products.

(2) All licensed premises in which retail marijuana products are manufactured must meet the sanitary standards for retail marijuana product preparation adopted pursuant to section 2446, subsection 2 and must be licensed as commercial kitchens by the Department of Health and Human Services.

(3) Retail marijuana products must be packaged, sealed and conspicuously labeled in compliance with this chapter and any rules adopted pursuant to this chapter.

(4) A retail marijuana products manufacturing facility licensee may provide a sample of the licensee's products to a licensed retail marijuana testing facility pursuant to subsection 6 for testing and research purposes. A retail marijuana products manufacturing facility licensee shall maintain a record of what was provided to the retail marijuana testing facility, the identity of the testing facility and the results of the testing.

(5) A retail marijuana products manufacturing facility licensee may list ingredients and compatibility with dietary practices on an edible retail marijuana product.

(6) All retail marijuana products that require refrigeration to prevent spoilage must be stored and transported in a refrigerated environment.

D. Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

E. Retail marijuana products may be transported between a licensed retail marijuana products manufacturing facility and retail marijuana stores, other retail marijuana products manufacturing facilities, retail marijuana social clubs and retail marijuana testing facilities.

6. Retail marijuana testing facility license. A retail marijuana testing facility license may be issued to a person who performs testing and research on retail marijuana. The facility may develop and test retail marijuana products.

The state licensing authority shall adopt rules pursuant to its authority in section 2445 related to acceptable testing and research practices, including but not limited to testing, standards, quality control analysis, equipment certification and calibration, chemical identification and other practices used in bona fide research methods.

A. A person that has an interest in a retail marijuana testing facility license from the state licensing authority for testing purposes may not have any interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility. A person that has an interest in a registered dispensary, a registered caregiver, a licensed retail marijuana store, a licensed retail marijuana social club, a licensed retail marijuana cultivation facility or a licensed retail marijuana products manufacturing facility may not have an interest in a facility that has a retail marijuana testing facility license. For purposes of this paragraph, "interest" includes an ownership interest or partial ownership interest or any other type of financial interest, such as being an investor or serving in a management position.

B. Retail marijuana and retail marijuana products may be transported between the licensed retail marijuana testing facility and retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

7. Retail marijuana social club license. The following provisions govern retail marijuana social clubs.

A. A licensed retail marijuana social club may sell only retail marijuana, retail marijuana products, marijuana accessories, nonconsumable products such as apparel, marijuana-related products and edible products that do not contain marijuana, including but not limited to sodas, candies and baked goods, but may not sell or give away cigarettes or alcohol. All retail marijuana and retail marijuana products purchased at a licensed retail marijuana social club must be consumed or disposed of on and may not be taken off the licensed premises.

B. A retail marijuana social club shall track all of its retail marijuana and retail marijuana products from the point at which they are transferred from a retail marijuana cultivation facility, retail marijuana store or retail marijuana products manufacturing facility to the point of sale.

C. The following provisions govern procedures for preventing sales to persons under 21 years of age.

(1) Prior to allowing a person onto the retail marijuana social club's licensed premises, an employee of the retail marijuana social club shall verify that the person has a valid government-issued identification card, or other acceptable identification, showing that the person is 21 years of age or older. If a person under 21 years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age may not be grounds for the revocation or suspension of any license issued under this chapter.

(2) The state licensing authority shall adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, to prohibit certain signs, marketing and advertising, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching persons under 21 years of age.

These rules may include:

(a) A prohibition on health or physical benefit claims in advertising, merchandising and packaging;

(b) A prohibition on unsolicited advertising on the Internet;

(c) A prohibition on opt-in marketing that does not permit an easy and permanent opt-out feature; and

(d) A prohibition on marketing directed toward location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

(3) Notwithstanding any other provision of state law, sales of retail marijuana and retail marijuana products are not exempt from state sales tax.

(4) Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a retail marijuana establishment. A law enforcement agency may run a Maine criminal history record check of a licensee, or employee of a licensee, during an investigation of unlawful activity related to retail marijuana and retail marijuana products.

D. Retail marijuana and retail marijuana products may be transported between a licensed retail marijuana social club and other retail marijuana social clubs or retail marijuana testing facilities.

8. Inspection of books and records. Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which must be open at all times during business hours for the inspection and examination by the state licensing authority or its duly authorized representatives. The state licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter and may require an audit to be made of the books of account and records on such occasions as it may consider necessary by an auditor to be selected by the state licensing authority. The auditor must have access to all books and records of the licensee, and the cost of the audit must be paid by the licensee.

The licensed premises, including any places of storage, where retail marijuana or retail marijuana products are stored, cultivated, sold, dispensed or tested are subject to inspection by the State or the municipality in which the licensed premises are located and by the investigators of the State or municipality during all business hours and other times of apparent activity for the purpose of inspection or investigation. Access must be granted during business hours for examination of any inventory or books and records required to be kept by a licensee. When any part of the licensed premises consists of a locked area, upon demand to the licensee this area must be made available for inspection, and, upon request by authorized representatives of the State or municipality, the licensee shall open the area for inspection.

Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period comprising the current tax year and the 2 immediately preceding tax years.

9. Product pricing. Nothing in this chapter may be construed as granting to the state licensing authority the power to fix prices for retail marijuana or retail marijuana products.

10. License fees. The state licensing authority shall determine the revenue needed to set up the licensing and enforcement operations of the department and set the fees applicable to the categories as outlined in subsection 1 within the ranges specified in the following schedule:

A. Retail marijuana store license, \$250 to \$2,500, with a \$10 to \$250 nonrefundable application fee;

B. Retail marijuana cultivation facility license, \$10 to \$100 per unit block, with a \$10 to \$250 nonrefundable application fee;

C. Retail marijuana products manufacturing facility license, \$100 to \$1,000, with a \$10 to \$250 nonrefundable application fee;

D. Retail marijuana testing facility license, \$500, with a \$10 to \$250 nonrefundable application fee;

E. Retail marijuana social club license, \$250 to \$2,500, with a \$10 to \$250 nonrefundable application fee; and

F. Occupational licenses and registrations for owners, managers, operators, employees, contractors and other support staff employed at, working in or having access to restricted access areas of the licensed premises, as determined by the state licensing authority.

11. License terms. All licenses under this chapter are effective for one year from the date of issuance.

12. License renewal. The following provisions govern license renewals.

A. Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first class mail at the licensee's address of record with the state licensing authority. A licensee may apply for the renewal of an existing license to the state licensing authority not less than 30 days prior to the date of expiration. Upon receipt of an application for renewal of an existing license and any applicable fees, the state licensing authority shall, within 7 days, submit a copy of the application to the appropriate municipality to determine whether the application complies with all local restrictions on renewal of licenses.

B. The state licensing authority may not accept an application for renewal of a license after the date of expiration, except that the state licensing authority may extend the expiration date of the license and accept a late application for renewal of a license as long as the applicant has filed a timely renewal application with the municipality. The state licensing authority or the municipality, in its discretion, subject to the requirements of section 2447 and based upon reasonable grounds, may waive the 30-day time requirements set forth in this subsection.

C. Notwithstanding the provisions of paragraph A, a licensee whose license has been expired for not more than 90 days may file a late renewal application upon the payment of a nonrefundable late application fee of \$250 to the state licensing authority. A licensee who files a late renewal application and pays the requisite fees may continue to operate until the state licensing authority takes final action to approve or deny the licensee's late renewal application unless the state licensing authority summarily suspends the license pursuant to subsection 16, this chapter and rules adopted pursuant to this chapter.

D. The state licensing authority may administratively extend the expiration date of a license and accept a later application for renewal of a license at the discretion of the state licensing authority.

E. The state licensing authority may, for good cause, elect to not renew a license.

13. Inactive licenses. The state licensing authority, in its discretion, may revoke or elect not to renew any license if it determines that the licensed premises have been inactive, without good cause, for at least one year.

14. Unlawful financial assistance. The state licensing authority shall require a complete disclosure of all persons having a direct or indirect financial interest, and the extent of such

interest, in each license issued under this chapter. This subsection is intended to prohibit and prevent the control of a retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturing facility or retail marijuana social club by a person or party other than the persons licensed pursuant to the provisions of this chapter.

15. Denial of license. The state licensing authority may, for good cause, deny approval of a license application. Upon denial of a license application, the state licensing authority shall inform the applicant of the basis for denial and the right to appeal the denial in a hearing.

16. Disciplinary actions. In addition to any other sanctions prescribed by this chapter, or rules adopted pursuant to this chapter, the state licensing authority has the power, on its own motion or on complaint, after investigation and opportunity for a public hearing at which the licensee must be afforded an opportunity to be heard, to fine a licensee or to suspend or revoke a license issued by the state licensing authority for a violation by the licensee, or by any of the agents or employees of the licensee, of the provisions of this chapter or any of the rules adopted pursuant to this chapter or of any of the terms, conditions or provisions of the license issued by the state licensing authority. The state licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary for a hearing that the state licensing authority is authorized to conduct.

The state licensing authority shall provide notice of suspension, revocation, fine or other sanction, as well as the required notice of the hearing required by this subsection, by mailing the same in writing to the licensee at the address contained in the license and, if different, at the last address furnished to the state licensing authority by the licensee. Except in the case of a summary suspension, a suspension may not be for a period longer than 6 months. If a license is suspended or revoked, a part of the fees paid must be retained by the state licensing authority.

Whenever a decision of the state licensing authority suspending a license for 14 days or less becomes final, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon the receipt of the petition, the state licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made that it considers desirable and may, in its sole discretion, grant the petition if the state licensing authority is satisfied that:

A. The public welfare would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and

B. The books and records of the licensee are kept in such a manner that the loss of sales that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy.

The fine imposed may not be less than \$500 nor more than \$10,000. Payment of a fine pursuant to the provisions of this subsection must be in the form of cash or in the form of a certified check or cashier's check made payable to the state licensing authority.

Upon payment of the fine pursuant to this subsection, the state licensing authority shall enter its order permanently staying the imposition of the suspension. Fines paid to the state licensing authority pursuant to this subsection must be transmitted to the Treasurer of State.

In connection with a petition pursuant to this subsection, the authority of the state licensing authority is limited to the granting of such stays as are necessary for the state licensing authority to complete its investigation and make its findings and, if the state licensing authority makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

If the state licensing authority does not make the findings required in this subsection and does not order the suspension permanently stayed, the suspension goes into effect on the operative date finally set by the state licensing authority.

No later than January 15th of each year, the state licensing authority shall compile a report of the preceding year's actions in which fines, suspensions or revocations were imposed by the state licensing authority. The state licensing authority shall include this information in its annual report to the Legislature.

17. Disposition of unauthorized retail marijuana or retail marijuana products and related materials. The following provisions apply to the disposition of unauthorized retail marijuana or retail marijuana products and related materials.

A. The provisions of this subsection apply in addition to any criminal, civil or administrative penalties and in addition to any other penalties prescribed by this chapter or any rules adopted pursuant to this chapter. Every licensee is deemed, by virtue of applying for, holding or renewing that licensee's license, to have expressly consented to the procedures set forth in this subsection.

B. If the state licensing authority issues a final agency order imposing a disciplinary action against a licensee pursuant to subsection 16, then, in addition to any other remedies, the state licensing authority's final agency order may specify that some or all of the licensee's marijuana or marijuana products is not retail marijuana or a retail marijuana product and is an illegal controlled substance. The order may further specify that the licensee loses any ownership interest in any of the marijuana or marijuana products even if the marijuana or marijuana products previously qualified as retail marijuana or a retail marijuana product. The final agency order may direct the destruction of any such marijuana and marijuana products. The authorized destruction may include the incidental destruction of any containers, equipment, supplies and other property associated with the marijuana or marijuana products.

C. A district attorney, or an assistant attorney general, shall notify the state licensing authority if an investigation of a retail marijuana establishment or retail marijuana social club is commenced. If the state licensing authority has received notification from a district attorney, or an assistant attorney general, that an investigation is being conducted, the state licensing authority may not destroy any marijuana or marijuana products from the retail marijuana establishment or retail marijuana social club until the destruction is approved by the district attorney or assistant attorney general.

D. A state or local agency may not be required to cultivate or care for any retail marijuana or retail marijuana products belonging to or seized from a licensee. A state or local agency is not authorized to sell marijuana, retail or otherwise.

18. Judicial review. Final agency actions by the state licensing authority are subject to judicial review pursuant to Title 5, section 11001, et seq.

§2449. Local licensing

1. Municipality may regulate retail marijuana establishments and retail marijuana social clubs. A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. A municipality may adopt and enforce regulations for retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter. Nothing in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.

2. Municipal approval required. A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority pursuant to this chapter and approved by the municipality in which it is located. If an application is denied by the municipality, the licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked.

3. Notice and portion of fee must be given to municipality. When the state licensing authority receives an application for original licensing, or renewal of an existing license, for any retail marijuana establishment or retail marijuana social club, the state licensing authority shall, within 7 business days, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located. The municipality shall determine whether the application complies with the local land use ordinance and any other restrictions on time, place, manner and the number of marijuana businesses within the municipality. The municipality shall inform the state licensing authority whether the application complies with the local land use ordinance and other local restrictions.

4. Municipality may impose licensing requirement. A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses. A municipality may decline to impose any local licensing requirements, but a municipality shall notify the state licensing authority that it either approves or denies each application forwarded to it within 14 business days.

5. Public hearing notice. The following provisions govern local public hearings and notice.

A. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing. The municipality shall give public notice by posting a sign in a conspicuous place on the premises identified in a local license application and by publication in a newspaper of general circulation in the county in which the premises are located.

B. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a newspaper of general circulation in the county in which the premises are located.

§2450. Transfer of ownership

A license granted under the provisions of this chapter is not transferable except as provided in this section, but this section does not prevent a change of location as provided in section 2451, subsection 7.

For a transfer of ownership, a licensee shall apply to the state licensing authority on forms prepared and furnished by the state licensing authority. Upon receipt of an application for transfer of ownership, the state licensing authority shall, within 7 days, submit a copy of the application to the appropriate municipality to determine whether the transfer complies with any local restriction on transfer of ownership. In determining whether to permit a transfer of ownership, the state licensing authority shall consider only the requirements of this chapter, any rules adopted by the state licensing authority and any other local restrictions. The municipality may hold a hearing on the application for transfer of ownership. The municipality may not hold a hearing pursuant to this section until the municipality has posted a notice of hearing in the manner described in section 2449, subsection 5 on the licensed premises for a period of 10 days and has provided notice of the hearing to the applicant at least 10 days prior to the hearing. Any transfer of ownership hearing by the state licensing authority must be held in compliance with the requirements specified for a municipality in this section.

§2451. Licensing in general

The following provisions govern licensing in general.

1. Notice of new owner, officer, manager or employee. A retail marijuana establishment or retail marijuana social club shall notify the state licensing authority in writing of the name, address and date of birth of an owner, officer, manager or employee before the new owner, officer, manager or employee begins managing, owning or associating with the establishment or club. The owner, officer, manager or employee must pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification card prior to being associated with, managing, owning or working at the establishment or club.

2. Each license separate. Each license issued under this chapter is separate and distinct. A person may not exercise any of the privileges granted under a license other than the license that the person holds and a licensee may not allow any other person to exercise the privileges granted under the licensee's license. A separate license is required for each specific business or business entity and each geographical location.

3. Licensee to maintain possession of premises. At all times, a licensee shall possess and maintain possession of the licensed premises identified in the license by ownership, lease, rental or other arrangement for possession of the premises.

4. License specifics; display. A license issued pursuant to this chapter must specify the date of issuance, the period of licensure, the name of the licensee and the premises licensed. A licensee shall conspicuously place the license at all times on the licensed premises.

5. Computation of time. In computing any time prescribed by this chapter, the day of the act, event or default from which the designated time begins to run is not included. Saturdays, Sundays and legal holidays are counted as any other day except that any documents due to be submitted to state or local government on a date that falls on a Saturday, Sunday or legal holiday are due on the next business day.

6. Licensee to report transfer of interest. A licensee shall report each transfer or change of financial interest in the license to the state licensing authority and appropriate municipality and receive approval prior to any transfer or change pursuant to section 2450.

7. Relocation of licensed premises. A licensee may move the permanent location of licensed premises to any other place in this State once permission to do so is granted by the state licensing authority and municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate. Upon receipt of an application for change of location, the state licensing authority shall, within 7 days, submit a copy of the application to the municipality to determine whether the transfer complies with all local restrictions on change of location. In permitting a change of location, the municipality where the retail marijuana establishment or retail marijuana social club proposes to relocate shall consider all reasonable restrictions that are or may be placed upon the new location by the governing board of the municipality. Any such change in location must be in accordance with all requirements of this chapter and rules adopted pursuant to this chapter.

§2452. Personal use of marijuana

1. Person 21 years of age or older. A person 21 years of age or older may:

A. Use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana;

B. Transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older;

C. Possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and unlimited seedlings, and possess all the marijuana produced by the plants at the adult's residence;

D. Purchase up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store; and

E. Purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.

2. Home cultivation. The following provisions apply to the home cultivation of marijuana for personal use by a person who is 21 years of age or older.

A. A person may cultivate up to 6 flowering marijuana plants at that person's place of residence, on property owned by that person or on another person's property with written permission of the owner of the property.

B. A person who elects to cultivate marijuana shall ensure the marijuana is not visible from a public way without the use of binoculars, aircraft or other optical aids and shall take reasonable precautions to prevent unauthorized access by a person under 21 years of age.

3. Legible tag on each marijuana plant. A person 21 years of age or older must have a legible tag on each marijuana plant. The tag must include at least the person's name and Maine driver's license number or Maine identification number.

4. Exemptions. The following exemptions apply.

A. Marijuana cultivation for medical use is not considered cultivation for personal use under this chapter and is governed by Title 22, section 2423-A.

B. This section does not apply to cultivation by a registered dispensary licensed pursuant to Title 22, section 2428.

- 5. Use.** A person may consume marijuana in a nonpublic place including a private residence.
- A. The prohibitions and limitations on smoking tobacco products in specified areas in Title 22, chapters 262 and 263 apply to smoking marijuana.
 - B. A person who smokes marijuana in a public place other than as governed by Title 22, chapters 262 and 263 commits a civil violation for which a fine of not more than \$100 may be adjudged.
 - C. This subsection may not be construed to shield any adult from federal prosecution.
 - D. This subsection may not be construed to allow any adult to possess or consume marijuana on federal property.

§2453. Unlawful acts and exceptions

- 1. Consumption; transfer.** Except as otherwise provided in this chapter, a person may not:
- A. Consume retail marijuana or retail marijuana products in a retail marijuana establishment. A retail marijuana establishment may not allow retail marijuana or retail marijuana products to be consumed upon its licensed premises; or
 - B. Buy, sell, transfer, give away or acquire retail marijuana or retail marijuana products.
- 2. Limited access area; transfer of ownership.** Except as otherwise provided in this chapter, a person licensed pursuant to this chapter may not:
- A. Be within a limited access area unless the person's identification card is displayed as required by this chapter;
 - B. Fail to designate areas of ingress and egress for limited access areas and post signs in conspicuous locations as required by this chapter; or
 - C. Fail to report a transfer as required by section 2450.
- 3. Person licensed to sell retail marijuana or retail marijuana products.** A person licensed to sell retail marijuana or retail marijuana products pursuant to this chapter may not:
- A. Display any signs that are inconsistent with local laws or regulations;
 - B. Use advertising material that is misleading, deceptive or false, or that is designed to appeal to a person under 21 years of age;
 - C. Have in that person's possession or upon the licensed premises any marijuana the sale of which is not permitted by the license;
 - D. Sell retail marijuana or retail marijuana products to a person under 21 years of age without checking the person's identification;
 - E. Except for a retail marijuana social club licensee, have on the licensed premises any retail marijuana, retail marijuana products or marijuana paraphernalia that shows evidence of the retail marijuana having been consumed or partially consumed; or
 - F. Violate the provisions of section 2450 or abandon the licensed premises or otherwise cease operation without notifying the state licensing authority and appropriate municipality at least 48 hours in advance and without accounting for and forfeiting to the state licensing authority for destruction all marijuana and products containing marijuana.

§2454. Construction

- 1. Relation to the Maine Medical Use of Marijuana Act.** This chapter may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.
- 2. Employment policies.** This chapter may not be construed to require an employer to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or growing of cannabis in the workplace. This chapter does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace.

3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person's consuming marijuana outside of the school's, employer's or landlord's property.

4. Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interest of the minor child as set out in Title 19-A, section 1653, subsection 3.

Sec. 2. 22 MRSA §2383, sub-§1, as repealed and replaced by PL 2009, c. 652, Pt. B, §6, is repealed.

Sec. 3. 36 MRSA §1817 is enacted to read:

§1817. Taxes on retail marijuana and retail marijuana products

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Retail marijuana" has the same meaning as in Title 7, section 2442, subsection 34.

B. "Retail marijuana product" has the same meaning as in Title 7, section 2442, subsection 37.

C. "Retail marijuana social club" has the same meaning as in Title 7, section 2442, subsection 39.

D. "Retail marijuana store" has the same meaning as in Title 7, section 2442, subsection 40.

E. "State licensing authority" has the same meaning as in Title 7, section 2442, subsection 44.

2. Sales tax on retail marijuana and retail marijuana products. The sales tax on retail marijuana and retail marijuana products is 10% and is the only tax charged on the sale of retail marijuana and retail marijuana products at the point of final sale at a retail marijuana store or retail marijuana social club.

3. Returns; payment of tax; penalty. A retail marijuana store or retail marijuana social club shall file, on or before the last day of each month, a return on a form prescribed and furnished by the state licensing authority together with payment of the sales tax due under this section. The return must report all sales of retail marijuana and retail marijuana products within the State during the preceding calendar month. A retail marijuana store or retail marijuana social club shall keep a complete and accurate record at its principal place of business to substantiate all receipts and sales of retail marijuana and retail marijuana products.

4. Failure to make payments. The state licensing authority shall adopt rules to address the case in which a retail marijuana store or retail marijuana social club fails to make tax payments as required by this section, including fines and other penalties up to permanently revoking the retail marijuana store's or retail marijuana social club's license. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

5. Exemption. The tax on marijuana imposed pursuant to this section may not be levied on marijuana sold by a registered nonprofit dispensary or registered caregiver to a qualifying patient or primary caregiver pursuant to Title 22, chapter 558-C.

6. Records. The following records must be kept by a licensee and those records must be available for inspection by an agent of the state licensing authority:

A. The reports and transmittal of monthly sales tax payments by retail marijuana stores and retail marijuana social clubs; and

B. Authorization for the Bureau of Revenue Services to have access to licensing information to ensure sales, excise and income tax payment.

7. Application of tax revenues. All sales tax revenue collected pursuant to this section must be deposited in the General Fund. Sales tax revenue derived from the sale of retail marijuana and retail marijuana products may not be used to directly fund any new state programs except that this

revenue may be appropriated to the Maine Criminal Justice Academy for the purpose of training law enforcement personnel on retail marijuana and retail marijuana products laws and rules. Funds appropriated to the Maine Criminal Justice Academy pursuant to this subsection may be used only for the actual costs incurred to provide the necessary education and training of law enforcement personnel.

SUMMARY

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.

The initiated bill allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2 1/2 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

The initiated bill allows a person to consume marijuana in a nonpublic place including a private residence. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as governed by law commits a civil violation for which a fine of not more than \$100 may be adjudged.

The initiated bill places a sales tax of 10% on retail marijuana and retail marijuana products.

Intent and Content
Prepared by the Office of the Attorney General

This citizen-initiated legislation would repeal the existing state law that makes it a civil violation to possess up to 2 ½ ounces of marijuana (broadly defined to include all parts of the Cannabis plant, as well as any resin, compounds, or derivatives), other than for medical use by a qualifying patient. It would make it permissible under state law for a person 21 years of age or older to possess, grow, cultivate, process, transfer or purchase up to certain specified amounts of marijuana. (These activities would still be prohibited by federal law.) The initiative would establish a system of state regulation and licensing of the cultivation, manufacture, distribution, testing and retail sale of marijuana and marijuana products, and would authorize municipal regulation as described below. It would impose a 10% sales tax on sales by retail marijuana stores and social clubs, with revenues to be deposited in the General Fund.

Personal use of marijuana: The initiative would allow any person 21 years of age or older to:

- use, possess, or transport up to 2½ ounces of prepared marijuana;
- transfer or furnish to another person who is 21 years of age or older, without payment of any kind, up to 2½ ounces of marijuana and up to 6 immature marijuana plants or seedlings;
- possess, grow, cultivate, process or transport up to 6 flowering marijuana plants, 12 immature plants and an unlimited number of seedlings, and possess all the marijuana produced by these plants at the person's residence;
- purchase up to 2½ ounces of retail marijuana from a retail marijuana store;
- purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility;
- cultivate up to 6 flowering plants at the person's residence, or on property the person owns or has written permission to use for this purpose; and
- consume marijuana in a nonpublic place, including a private residence.

The term "nonpublic place" is not defined in the bill. The initiated bill does not repeal state criminal laws relating to marijuana but provides that personal use and other activities specifically authorized in the bill are nevertheless legal. Cultivation of marijuana for medical use would continue to be regulated under the existing medical marijuana law. Existing laws that restrict where people may smoke tobacco would also apply to smoking marijuana, though not to ingestion of marijuana and marijuana products by other means.

State licensing and regulation: The Department of Agriculture, Conservation and Forestry (the "Department") would become the state licensing authority and would be required to adopt rules within nine months. A state license would be required for any entity to locate or operate a "retail marijuana establishment" or "retail marijuana social club." A *retail marijuana social club* means a facility that sells retail marijuana to consumers for consumption on the premises. A *retail marijuana establishment* includes the following facilities, all of which are prohibited from allowing consumption of retail marijuana or retail marijuana products on the premises:

- a *retail marijuana store*, which sells retail marijuana and/or retail marijuana products to consumers;
- a *retail marijuana testing facility*, which analyzes and certifies the potency of retail marijuana and retail marijuana products;

- a *retail marijuana cultivation facility*, where retail marijuana is grown, prepared and packaged; and
- a *retail marijuana manufacturing facility*, where retail marijuana products are manufactured, prepared and packaged.

The Department would be required to regulate the labeling and advertising of retail marijuana and retail marijuana products, including a prohibition on mass market advertising campaigns that would "have a high likelihood of reaching persons under 21 years of age."

Municipal authority: Local approval by the municipality where the applicant proposes to locate the facility would be required before the issuance of any state license. In addition, this initiative would authorize municipalities, within their jurisdictions, to:

- prohibit the operation of retail marijuana establishments and retail marijuana social clubs;
- restrict the number of retail marijuana stores in the municipality;
- regulate the location and operation of retail marijuana establishments and social clubs; and
- adopt and enforce regulations for retail marijuana establishments and social clubs, which are at least as restrictive as the state law and regulations and may include local licensing requirements.

Employment policies: The proposed law specifies that employers would not be required to allow or to accommodate the consumption, use, possession, sale, trade, display or growing of marijuana in the workplace. Employers also could adopt and enforce policies restricting use of marijuana by employees and could discipline employees who were under the influence of marijuana in the workplace.

If approved, this citizen initiated legislation would take effect 30 days after the Governor proclaims the official results of the election.

A "YES" vote is to enact the initiated legislation.

A "NO" vote opposes the initiated legislation.

Fiscal Impact Statement
Prepared by the Office of Fiscal and Program Review

This citizen initiative legalizes recreational marijuana and assesses a sales tax of 10%. Assuming a January 1, 2018 effective date, State sales tax collections would increase by an estimated \$2,800,000 in fiscal year 2017-18 and by an estimated \$10,700,000 in subsequent years. Under current statute 98% of any sales tax collected is credited to the General Fund and 2% is transferred to the Local Government Fund for distribution to cities and towns.

The initiative designates the Department of Agriculture, Conservation and Forestry (ACF) as the state licensing authority for retail marijuana. ACF may collect fees of \$250 to \$2,500 from each retail marijuana store license, \$10 to \$100 per unit block from each retail marijuana cultivation facility license, \$100 to \$1,000 from each retail marijuana products manufacturing facility license, \$500 from each retail marijuana testing facility license, \$250 to \$2,500 from each retail marijuana social club license and other fees determined by ACF for certain other occupational licenses. Half of the revenue from these fees will go to the State and half will go to the municipality in which the establishment or club is located. Although there is no way to predict how many municipalities will allow marijuana establishments within their borders, this fiscal note assumes ACF will set license fees to generate enough revenue to cover ACF costs. ACF will require funding of approximately \$132,633 in fiscal year 2016-17 and \$2,379,534 in fiscal year 2017-18 for 3 permanent positions in fiscal year 2016-17 and an additional 15 permanent positions (18 total) in fiscal year 2017-18, related costs and certain one-time costs to regulate and control the licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana and retail marijuana products. As these funding requirements will begin prior to receipt of revenues from licensing fees, General Fund appropriations will be required until other fee revenue becomes available.

The Department of the Attorney General, the Judicial Department, the Maine Commission on Indigent Legal Services and the Department of Corrections will experience a decrease in the number of marijuana-related offenses. The amount of savings generated from the reduction in the number of civil and criminal cases is expected to be significant. Some of these savings may be offset by increased legal costs related to the licensing process and the regulation of the legalized marijuana industry.

ITEM

17-055

To set a Public Hearing date of April 24th to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board

No Materials see 17-053

ITEM 17-056

To set a Public Hearing date of April 24th to consider and act on
adoption of the FY2018 Municipal Budget

No Materials

BUDGET REPORT

REVENUES



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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT
REVENUES
FOR PERIOD 10 OF 2017

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0011 Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,304,258.25	-1,396,155.53	-1,481,664.33	-1,410,894.58	-1,480,000.00
0011 0304 Boat Excise Tax	-5,024.00	-5,550.30	-7,851.20	-3,175.10	-10,000.00
0011 0325 Supplemental Taxes	.00	.00	-12,507.10	-14,130.35	.00
0011 0328 Outer Islands Property Tax	-41,566.42	-20,933.44	-39,889.25	-43,352.06	-40,000.00
0011 0329 Payment in Lieu of Taxes	-11,556.00	-16,828.00	-29,608.00	-14,902.00	-28,000.00
TOTAL Tax Revenues	-1,362,404.67	-1,439,467.27	-1,571,519.88	-1,486,454.09	-1,558,000.00
0012 License & Permit Revenues					
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0012 0311 Hunting & Fishing License	-437.41	-483.75	-397.00	-305.25	-600.00
0012 0312 Marriage Lic & Vital Records	-1,437.20	-2,189.80	-1,766.00	-1,632.06	-1,900.00
0012 0313 Birth Certificates	-1,394.80	-1,224.80	-1,012.20	-1,214.60	-365.00
0012 0314 Death Certificates	-660.20	-1,561.00	-1,277.80	-1,512.53	-1,000.00
0012 0315 Clerk Licenses	-3,500.00	-3,675.00	-4,150.00	-1,785.00	-4,500.00
0012 0316 Shellfish Licenses	-1,839.47	-1,664.28	-509.41	-515.43	-3,000.00
0012 0317 Conservation Fees	-516.53	-400.72	-105.59	-94.57	-500.00
0012 0334 Snowmobile Reg	-201.00	-217.00	-183.00	-241.00	-200.00
0012 0361 Auto Reg. Fees	-16,593.00	-16,684.00	-17,030.00	-14,735.00	-21,000.00
0012 0362 Boat Reg. Fees	-681.60	-1,177.80	-353.00	-151.00	-500.00
0012 0366 Building Permits	-62,741.89	-62,867.25	-63,390.77	-100,458.40	-70,000.00
0012 0367 Electrical Permits	-15,195.70	-15,408.45	-15,333.40	-19,911.38	-18,000.00
0012 0368 Plumbing Permits	-16,912.80	-17,666.75	-11,477.98	-15,415.00	-18,000.00
0012 0369 Other Permits	-1,425.00	-1,550.00	-650.00	-1,525.00	-2,500.00
0012 0383 Agent Fees-Moses	-17.84	-14.00	-14.00	.00	.00
0012 0398 Application Fee	-1,233.33	-1,311.12	-855.56	-600.00	-1,000.00
0012 0401 Dog Licenses	-3,187.00	-2,590.00	-2,275.00	-2,163.00	-3,000.00
0012 0404 Commercial Haulers License	.00	.00	-200.00	-100.00	-300.00
TOTAL License & Permit Revenue	-127,974.77	-130,685.72	-120,980.71	-162,359.22	-146,365.00
0013 Intergovernmental Revenues					
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0013 0327 Homestead State Reimb	-128,546.00	-104,217.00	-151,273.00	-215,222.88	-274,530.00
0013 0331 State Revenue Sharing	-318,329.47	-316,737.25	-329,518.70	-296,759.20	-395,850.00
0013 0332 Park Fee Sharing	-7,311.82	.00	-8,133.33	-10,624.80	-7,080.00

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TOWN OF CUMBERLAND
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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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0013 0335 DOT Block Grant	-68,440.00	-62,592.00	-63,232.00	-68,012.00	-63,000.00
0013 0337 State Grant revenue	.00	-4,508.74	.00	.00	.00
0013 0341 North Yarmouth Recreation Shar	-12,747.00	-26,928.00	-5,466.00	-21,851.00	-43,667.00
0013 0342 North Yarmouth Library Share	-99,713.00	-106,035.00	-109,464.00	-72,183.00	-144,333.00
0013 0347 North Yarmouth Channel 2	-1,820.00	-1,909.00	-1,911.00	-1,370.00	-2,808.00
0013 0348 ACO Sharing Payments	-2,475.00	-6,322.00	-6,322.00	.00	-12,644.00
0013 0397 Windham-Fire & Rescue	.00	-3,900.00	.00	.00	.00
0013 0545 North Yarm Sidewalk Plowing	-2,200.00	.00	.00	.00	.00
TOTAL Intergovernmental Revenue	-641,582.29	-633,148.99	-675,320.03	-686,022.88	-943,912.00
 0015 Other Revenues					
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0015 0305 Interest & Penalties	-33,090.40	-29,325.99	-24,788.28	-15,081.44	-40,000.00
0015 0306 Over/Short	313.81	3,050.97	-207.38	-33.33	-100.00
0015 0364 Growth Permits	-3,900.00	-3,200.00	-3,600.00	-12,900.00	-2,000.00
0015 0365 Board of Appeals	-100.00	.00	-500.00	.00	-100.00
0015 0379 Investment Earnings	-191.90	-233.14	783.86	-349.64	.00
0015 0382 Sale of Assets	-17,393.56	-8,300.00	-7,599.00	.00	-5,000.00
0015 0390 Misc. Revenue	-35,788.80	-40,861.82	-40,629.13	-38,758.40	-35,000.00
0015 0399 Staff Review Fee	-2,716.67	-15,347.88	-4,319.44	-9,725.00	-10,000.00
0015 0402 Cable TV Revenue	-112,749.93	-114,620.19	-111,418.32	-116,809.64	-107,000.00
0015 0403 Mooring Fees	-295.00	-215.00	-685.00	-1,450.00	-1,000.00
0015 0410 Private Ways	-600.00	-600.00	-1,000.00	-200.00	-400.00
0015 0432 Workers Compensation Dividend	-15,122.30	-26,586.80	-10,803.37	-13,558.82	.00
0015 0508 Impact Fees	-80,262.75	-61,134.05	-98,834.50	-167,860.00	-50,000.00
0015 0513 Assessing Records	.00	-30.00	.00	.00	.00
TOTAL Other Revenues	-301,897.50	-297,403.90	-303,600.56	-376,726.27	-250,600.00
 0021 Police Related Revenues					
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0021 0351 Police Issued Permits	-958.28	-748.00	-3,287.00	-2,027.00	-3,500.00
0021 0353 Police Insurance Reports	-464.00	-450.00	-457.00	-368.00	-500.00
0021 0390 Miscellaneous Police Revenue	-5,383.05	-860.40	-533.00	-92.00	-500.00
0021 0427 Parking Tickets	-10.00	.00	.00	-111.00	-100.00
0021 0431 Outside Detail	-26,000.26	-16,868.29	-25,017.14	-27,582.89	-30,000.00
0021 0536 Animal Control Officer Revenue	-2,018.00	-1,810.00	-1,665.00	-1,601.00	-2,500.00
0021 0546 Court Reimbursements	-1,613.37	-1,019.80	-989.76	-953.72	-2,000.00
0021 0620 Federal Grant revenue	-35,000.00	-20,206.00	-25,000.00	.00	.00

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
TOTAL Police Related Revenues	-71,446.96	-41,962.49	-56,948.90	-32,735.61	-39,100.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-7,835.00	-785.00	-55.00	-2.50	-1,000.00
0022 0431 Outside Details	-19,234.00	-19,019.57	-17,921.35	-19,726.54	-15,000.00
0022 0504 Rescue Billing	-47,978.49	-112,359.20	-120,161.80	-114,132.67	-155,000.00
0022 0505 Non Emergency Transports	-11,315.45	-48,955.79	-57,485.90	-50,389.61	-31,200.00
0022 0507 Paramedic Intercepts	-1,800.00	-300.00	-900.00	-600.00	-500.00
TOTAL Fire Related Revenues	-88,162.94	-181,419.56	-196,524.05	-184,851.32	-202,700.00
0031 Public Works Related Revenues					
0031 0355 Recycling Income	-20.00	.00	.00	.00	.00
0031 0390 Misc. Revenue	-312.00	-31,921.00	-351.00	-156.00	-500.00
0031 0517 Bags/Universal Waste	-196,562.00	-194,186.00	-196,310.00	-197,486.00	-260,000.00
0031 0539 Brush Passes	-4,346.00	-5,398.00	-5,282.00	-3,116.00	-7,500.00
TOTAL Public Works Related Rev	-201,240.00	-231,505.00	-201,943.00	-200,758.00	-268,000.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	.00	-2,000.00	.00	-2,000.00
0035 0378 Soda Sales	.00	.00	-1,844.87	-1,724.94	-2,823.00
0035 0560 Rental Income	.00	.00	-10,863.18	-16,029.39	-21,600.00
0035 0565 Cell Tower Land Lease	.00	.00	-10,800.00	-18,000.00	-20,000.00
TOTAL VH Other Revenues	.00	.00	-25,508.05	-35,754.33	-46,423.00
0037 VH Golf Revenues					
0037 0306 Over/Short	.00	.00	-9.64	-11.20	.00
0037 0357 Golf Memberships	.00	.00	-180,827.85	-106,430.88	-223,938.00
0037 0358 Greens Fees	.00	.00	-92,101.45	-73,726.70	-125,311.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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0037 0359 Golf Cart Rentals	.00	.00	-59,279.58	-55,022.77	-87,853.00
0037 0416 Practice Range	.00	.00	-7,269.00	-5,451.75	-11,545.00
0037 0417 VH Program Revenues	.00	.00	-33,236.00	-19,655.00	-56,253.00
0037 0419 Advertising Sales	.00	.00	-6,050.00	3,325.00	-26,237.00
0037 0522 Outing Golf	.00	.00	-72,102.08	-56,391.43	-72,310.00
TOTAL VH Golf Revenues	.00	.00	-450,875.60	-313,364.73	-603,447.00
 0041 Recreation Related Revenues					
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0041 0371 41000 Fall Recreation Revenue	-42,842.48	-33,432.50	-44,877.45	.00	.00
0041 0372 41000 Winter Recreation Revenue	-97,303.25	-105,890.26	-97,131.00	.00	.00
0041 0373 41000 Spring Recreation Revenue	-27,073.78	-23,219.10	-35,139.00	.00	.00
0041 0374 41000 Summer Recreation Revenue	-57,403.79	-98,811.67	-103,512.50	.00	.00
0041 0440 41100 After School Programs	-125,525.00	-163,477.90	-176,129.13	-204,174.50	-195,152.00
0041 0441 41110 Youth Enrichment Programs	.00	.00	.00	-60,323.63	-108,608.00
0041 0442 41120 Youth Sports Programs	.00	.00	.00	-62,183.00	-86,171.00
0041 0443 41130 Skiing Programs	.00	.00	.00	-47,545.00	-46,620.00
0041 0444 41140 Day Camps	.00	.00	.00	-44,899.55	-141,822.00
0041 0445 41150 Swimming Programs	.00	.00	.00	-18,722.00	-25,531.00
0041 0446 41160 Adult Enrichment Revenue	.00	.00	-35,834.85	-37,950.25	-35,849.00
0041 0447 41170 Adult Fitness Revenue	.00	.00	-49,838.75	-48,675.10	-63,216.00
0041 0448 41190 Special Events/Trips Reven	.00	.00	-285.00	-4,934.00	.00
0041 0449 41190 Recreation Programs	-24,470.80	-7,711.66	-7,964.00	-918.75	-8,939.00
0041 0570 41190 Rec Soccer Revenue	-10,320.00	-7,456.00	-6,815.00	-11,760.00	-14,235.00
0041 0571 41190 Rec Ultimate Frisbee Reven	.00	.00	-15,171.00	-11,090.00	.00
0041 0606 41190 CPR/First Aid Revenues	.00	-150.00	1,401.20	-810.00	.00
TOTAL Recreation Related Reven	-384,939.10	-440,149.09	-571,296.48	-553,985.78	-726,143.00
 0043 Park Revenues					
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0043 0391 Field Usage Fees	-13,397.04	-8,372.08	-10,847.56	-5,274.00	-10,000.00
0043 0431 Outside Details	.00	.00	-1,909.49	-1,043.80	.00
0043 0617 Twin Brooks Donations	.00	-177.00	-47.00	-23.00	.00
TOTAL Park Revenues	-13,397.04	-8,549.08	-12,804.05	-6,340.80	-10,000.00
 0045 Library Related Revenues					
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0045 0379 Library Interest Income	-159.60	-60.48	-227.17	.00	-200.00

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
0045 0392 Library Fines	-3,529.14	-4,855.87	-3,589.41	-2,586.28	-3,500.00
0045 0394 Misc. Library Revenue	-965.00	-1,297.00	-1,030.45	-1,341.16	.00
TOTAL Library Related Revenues	-4,653.74	-6,213.35	-4,847.03	-3,927.44	-3,700.00
TOTAL General Fund	-3,197,699.01	-3,410,504.45	-4,192,168.34	-4,043,280.47	-4,798,390.00
TOTAL REVENUES	-3,197,699.01	-3,410,504.45	-4,192,168.34	-4,043,280.47	-4,798,390.00
GRAND TOTAL	-3,197,699.01	-3,410,504.45	-4,192,168.34	-4,043,280.47	-4,798,390.00

EXPENSES



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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
10 General Government					
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130 Administration	388,282.30	422,225.33	439,430.36	460,731.09	539,990.00
140 Assessor	80,587.49	67,077.85	70,807.58	61,486.53	84,392.00
150 Town Clerk	131,164.09	150,079.03	164,758.29	156,017.20	204,682.00
160 Technology	149,080.60	134,144.16	134,413.35	159,468.83	179,227.00
165 Elections	2,725.55	10,149.48	3,044.43	7,699.62	14,103.00
170 Planning	42,597.17	45,112.85	51,875.35	47,998.57	60,521.00
190 Legal	16,823.33	44,260.92	34,958.26	41,812.30	42,500.00
999 Finance/GAAP entries	.00	.00	-69.04	.00	.00
TOTAL General Government	811,260.53	873,049.62	899,218.58	935,214.14	1,125,415.00
20 Public Safety					
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210 Police	839,372.92	917,913.32	1,043,599.58	1,021,616.62	1,251,821.00
220 Fire	571,876.10	664,037.39	663,257.85	726,569.16	892,066.00
240 Code Enforcement	50,077.93	71,238.86	83,351.14	68,364.94	78,681.00
250 Harbor Master	.00	.00	.00	105.49	.00
260 Animal Control	27,379.28	21,812.67	25,021.33	23,979.31	31,048.00
TOTAL Public Safety	1,488,706.23	1,675,002.24	1,815,229.90	1,840,635.52	2,253,616.00
30 Public Services					
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310 Public Works	780,104.93	818,766.65	798,878.81	938,221.41	1,079,901.00
320 Waste Disposal	366,718.25	329,208.47	348,543.48	354,203.54	507,051.00
430 Parks	125,966.96	168,726.63	170,841.89	160,726.68	241,284.00
440 West Cumberland Rec	4,764.67	4,070.10	2,975.01	4,172.57	7,775.00
470 Historical Society Building	.00	.00	1,980.50	3,009.54	3,952.00
TOTAL Public Services	1,277,554.81	1,320,771.85	1,323,219.69	1,460,333.74	1,839,963.00
37 Val Halla Golf Club					
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350 Valhalla-Club	.00	.00	25,758.38	27,647.21	34,450.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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360 Valhalla-Course	.00	.00	326,223.72	327,799.10	459,857.00
370 Valhalla-Pro Shop	.00	.00	168,461.57	173,061.57	201,158.00
TOTAL Val Halla Golf Club	.00	.00	520,443.67	528,507.88	695,465.00
 40 Recreation <hr/>					
370 Valhalla-Pro Shop	.00	.00	.00	1,290.00	.00
410 Recreation	498,369.09	575,939.30	617,206.70	687,109.28	839,396.00
TOTAL Recreation	498,369.09	575,939.30	617,206.70	688,399.28	839,396.00
 45 Library <hr/>					
450 Library	296,217.05	295,557.56	297,471.48	311,639.66	417,655.00
TOTAL Library	296,217.05	295,557.56	297,471.48	311,639.66	417,655.00
 50 Health & Welfare <hr/>					
580 General Assistance	30,982.14	25,130.41	21,225.54	31,009.08	35,000.00
590 Health Services	7,981.00	9,481.00	12,481.00	12,831.95	13,375.00
TOTAL Health & Welfare	38,963.14	34,611.41	33,706.54	43,841.03	48,375.00
 90 Other <hr/>					
620 Cemetery Association	25,700.00	22,500.00	38,100.00	27,925.00	26,700.00
630 Conservation	3,410.00	2,902.51	6,046.68	3,579.23	6,000.00
800 Fire Hydrants	43,254.07	40,782.82	41,343.32	42,726.69	67,425.00
810 Street Lighting	25,140.56	28,455.46	29,443.25	29,807.38	38,850.00
830 Contingent	11,275.08	.00	3,908.70	18,174.41	10,000.00
840 Municipal Building	136,743.61	124,534.56	58,333.22	61,047.13	73,254.00
850 Abatements	20,527.70	72,683.24	80,472.57	42,276.19	20,000.00
TOTAL Other	266,051.02	291,858.59	257,647.74	225,536.03	242,229.00
 98 Fixed Expenses <hr/>					

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
650 Debt Service	715,607.82	721,098.74	773,245.01	812,895.80	958,471.00
750 Insurance	275,010.53	172,019.81	187,028.53	182,248.54	276,607.00
860 MSAD #51	10,274,418.31	10,734,979.50	11,667,788.19	12,045,355.56	16,060,474.00
890 County Tax	665,675.00	696,073.00	747,431.00	775,374.00	775,374.00
910 Capital Imp. Plan	1,133,693.00	1,323,868.00	1,181,500.00	1,038,598.00	1,038,598.00
TOTAL Fixed Expenses	13,064,404.66	13,648,039.05	14,556,992.73	14,854,471.90	19,109,524.00
TOTAL General Fund	17,741,526.53	18,714,829.62	20,321,137.03	20,888,579.18	26,571,638.00
TOTAL EXPENSES	17,741,526.53	18,714,829.62	20,321,137.03	20,888,579.18	26,571,638.00
GRAND TOTAL	17,741,526.53	18,714,829.62	20,321,137.03	20,888,579.18	26,571,638.00