

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY, AUGUST 13, 2001**

I. Call to order at the Community Hall on Chebeague Island at 7:00 p.m.

II. Approval of Minutes
a) August 6, 2001

III. Manager's Report

IV. Public Discussion

V. Legislation and Policy

01-57 To hear report of Sevee & Maher Engineers regarding Ground Water Testing
- Program on Chebeague Island

01-58 To authorize Town Manager to enter into public access easement and road
maintenance agreement with the Indian Island Company and the Cumberland
Mainland and Island Trust

01-59 To solicit public comment on Growth Management Ordinance as it pertains to
Chebeague Island

VI. Correspondence

VII. New Business

VIII. Adjourn

MEMBERS OF THE TOWN COUNCIL

Stephen Moriarty (Chair)	829-5095	Jeffrey Porter	829-4129
Mark Kuntz	829-6482	Harland Storey	829-3939
John Lambert, Jr.	781-5282	Peter Bingham	829-5713
Donna Damon	846-5140		

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY, AUGUST 6, 2001**

***** SPECIAL MEETING*****

Councilors Present: Stephen Moriarty, Jeffrey Porter, Peter Bingham, Harland Storey, Mark Kuntz, Donna Damon
Councilors Excused: John Lambert,

I. Call to order at the Cumberland Town Offices Council Chambers at 7:09 p.m.

II. Approval of Minutes
a) July 23, 2001

Councilor Bingham moved to adopt July 23, 2001 minutes as written.
Second by Councilor Porter
VOTE: UNANIMOUS (6)

III. Manager's Report
None

IV. Public Discussion
None

V. Legislation and Policy

01-52 To hold a Public Hearing to consider and act on application for a Mass Gathering Permit by the Cumberland Farmer's Club to hold the annual Cumberland County Fair at the Cumberland Fairgrounds September 23rd through September 30th, 2001.

Chairman Moriarty opened the Public Hearing at 7:09 pm

No questions or comments from the public were raised

Chairman Moriarty closed the Public Hearing at 7:10 pm

Councilor Storey moved to approve application for a Mass Gathering Permit by the Cumberland Farmer's Club to hold the annual Cumberland County Fair at the Cumberland Fairgrounds September 23rd through September 30th, 2001.
Second by Councilor Kuntz
VOTE: UNANIMOUS (6)

01-53 To hold a Public Hearing to consider and act on application for a Mass Gathering Permit by the Cumberland Soccer Club to hold the CSC Labor Day Soccer Tournament at Twin Brook Sunday, September 2nd.

Chairman Moriarty opened the Public Hearing at 7:11 pm.

Mike Andreasen, President of the Cumberland Soccer Club, briefed the Council regarding the tournament. He said that the amenities required will be in place (ie. Police, Explorer, Rescue presence, as well as restroom facilities). Parking arrangements were addressed.

Chairman Moriarty closed the Public Hearing at 7:20 pm

Councilor Bingham to approve application for a Mass Gathering Permit by the Cumberland Soccer Club to hold the CSC Labor Day Soccer Tournament at Twin Brook Sunday, September 2nd.

Second by Councilor Porter

VOTE: UNANIMOUS (6)

- 01-54 To set interest rate to be charged on delinquent 2001 real and personal property Taxes.

Councilor Storey moved to set interest rate of 11.5% to be charged on delinquent 2001 real and personal property taxes.

Second by Councilor Kuntz

VOTE: UNANIMOUS (6)

- 01-55 To authorize application of real estate tax payments to the oldest unpaid tax.
Councilor Bingham moved to authorize application of real estate tax payments to the oldest unpaid tax.

Councilor Bingham moved to authorize and direct the Tax Collector/Treasurer, pursuant to Title 36, M.R.S.A., section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Second by Councilor Kuntz

VOTE: UNANIMOUS (6)

- 01-56 To set rate at which interest will be paid on overpayment of real estate taxes.

Councilor Kuntz moved to set rate of 7.5% at which interest will be paid on overpayment of real estate taxes.

Second by Councilor Storey

VOTE: UNANIMOUS (6)

VI. Correspondence

- Mass Gathering Application – Cumberland Farmers Club
- Mass Gathering Application – Cumberland Soccer Club
- Letter to Cumberland Meadows Residents fm Assistant Town Manager dtd 7/26/01
- Memo to Town Manager fm Kathy Niziolek, Project Manager – Blackstrap Road MEDEP activity report.
- June 2001 Building Permit Report
- Sevee & Maher Engineers report on Chebeague Island Groundwater Study 2001
- Letter fm Schuyler Grant RE: CTC Board dtd 7/27/01
- SAD#51 Agenda for 8/7/01
- Island Institute Casco Bay Forum Meeting Minutes of 6/13/01
- Cumberland County Commissioners “Cumberland County’s Strategic Plan”

Town Council Meeting
Monday, August 6, 2001

- Cumberland County Commissioners Meeting Minutes of 7/9/01
- Solid Waste to R.W.S. Report – July '01

Councilor Damon – Volunteer Field Dedication Invitations

Councilor Kuntz – Inquired about MEDEP; Town Manager to procure the latest report.

VII. New Business

Town Manager recommended that the Nominating Committee meet to fill vacancies within the boards and committees.

Councilor Bingham brought up the issue regarding vegetation removal opposite Chandlers Cove. Councilor Damon mentioned this has been an ongoing problem through the years. The Town Manager was asked to research this issue and report on recent permits issued.

Councilor Porter asked about the schedule for the Chebeague Island Town Council Meeting on August 13th. Town Manager said that arrangements have been made and the itinerary will be delivered to the Councilors prior to the meeting.

Councilor Kuntz made a recommendation that if any townspeople have spare time, to consider helping to clean up the cemeteries. Councilor Bingham further suggested that local groups or clubs get involved.

VIII. Adjourn

Councilor Kuntz moved to adjourn meeting at 7:45 pm.

VOTE: UNANIMOUS (6)

Respectfully Submitted,



Lisa Brown
Administrative Assistant

8-13-01 - manager's Report

John Lambert - Blanchard Case

- Rept Head Reports by

Chief Joe Channon

PW Adams Ogden - HazMat collection

Chandler's Cove Trash Can ??

Floats \Rightarrow small boats taking up space - Water Taxi need

Place to moor.

ordinance who can tie up.

Road Conditions - Paving Study.

Ditching vs. Drainage / Surface

signage down at State pier. - MGMT

Re: Diving Issues

DEP/STATE SPECS - Gravel Pits

Sunset Landing \Rightarrow

Surveying Areas - Paper Streets

Septic Systems vs. ROW's (Paper Streets)

Harbormaster Ted Curtis

Committee - Stone Pier

Shellfish Warden

Assessor - all issue - waiting for information.

updated ReVal. - Vision App.

Market Conditions 86%

X \Rightarrow Advisory Committee - [to 100%]

Line Changes 5-7 members.

Fall - Run Ad

Fire Chief -

Rescue Chief -

Code Enforcement Officer

Recreation Director - Soccer & Summer Programs

Town Planner - conservation

Bob \Rightarrow ** Land Acquisition - Center of Is. donations

Assistant Town Manager


Brown Tail Moth

Cable TV - televising meetings

Public Discussion

Signage 15 MPH in School

Adam said signs are ready

 Donna moved to authorize PWD to post signs at Chev. Sch & Rec Center to minimize speed limit

Peter Seconds

Discussion-

Donna → educate children & drive slower Unanimous (6)

Peter notice no Speed Limit Signs.

30 MPH - state law

Joe Channon → Speeders must be advised.

Bob → xx Signs - Speed Limit

01-57 Pete Maher - 3rd Study

1988 - Comb wide

1992 Preliminary Chab.

limited study → Quality & Impacts of
30 samples Ground water
Sole Source Aquifer

Obtain understanding & Identify
issues.

Water Qty is not an issue

Concentration of wells, phell well
may be an issue.

2/3 Response on Questionnaire

need more response to get
into Database - received 150 back
so far.

Chebeague

Drilled Well vs Dig Well
85% (springs, Dig, etc)

Chlorophylls or Nitrates - mean
tailing peptics.

01-57 Cont.

Pete paid Cheb us using on 10%
of water →

Pete 1992 report to Cheb Library
wants to be done mid fall.

01-58 - make it a Rafe Road
tabled til tonight from Jul 23rd.
23 Acres in front of Sam Ballards
Bar

Brushing & Drainage → Adam
Properly Ditched - important
Sam Ballard has maintained for
years.

MEMORANDUM



TO: Bob Benson
FROM: Steve
DATE: August 17, 2001
RE: Follow-up to 8/13/01 Chebeague Meeting

Following up on our meeting of 8/13/01 held on Chebeague, I thought it would be useful if I were to itemize those issues that were raised during the course of our discussions and which require action on the part of the Town.

1. We were asked to re-configure the ramp and floats at the new Chandler's Pier. I understand that Adam has prepared for this and that this may be underway already.
2. A question was raised concerning the proper disposal of tires from junked cars. We need to find out whether it is appropriate to simply leave the tires at the transfer station as part of the normal waste stream, or whether some other method of disposition is preferred.
3. A schedule or outline for the re-surfacing of streets and roads on the island should be developed and made available to the Council and to the public.
4. Signs should be posted at Chandler's Pier prohibiting the jumping or diving from the pier at any time.



MEMO

Date: 8/9/01
To: Town Council Members
From: Robert Benson

We are all set for the Town Council Meeting on Chebeague on Monday, August 13th

You will find two passes in your packets – a pink 'parking' pass and a purple 'Boat' pass. Please bring these with you the night of the meeting along with your packets. Put the pink pass on the dashboard of your vehicle when you park at the Route 1 parking lot. Please be there at 4:15 pm, the bus leaves promptly at 4:30 pm. Carry the boat pass with you to show the crew so you don't get charged. Between the tour of the Island and the meeting, we will be stopping for a bite to eat at Doughty's Market.

If you have any questions or need additional information, please contact do not hesitate to call.

Thanks,
Bob

SME

Sevee & Maher Engineers, Inc.
Waste Management and Hydrogeologic Consultants
Cumberland Center, Maine

Council
NY
8-6-01

CHEBEAGUE ISLAND GROUNDWATER STUDY WATER SUPPLY SURVEY AND SAMPLING PROGRAM

All water users on Chebeague are dependent on individual wells for their water supply. Because there are no reasonable alternative water supplies, protection of the groundwater resources is essential to the future of the Island. In an effort to obtain more information on the Island groundwater, the Town has hired Sevee & Maher Engineers of Cumberland Center to update and expand the existing groundwater database for Chebeague. As part of this program we plan to conduct a water supply survey. These data will be used to expand on the previous well survey that was completed by Sevee & Maher in 1991. We also plan to conduct a well sampling program to determine the current water quality conditions and to evaluate the impact of development on the groundwater quality.

Water Supply Survey Form

A copy of your water supply survey form is attached. There is a separate form for each well on each property that you own. Property ownership and tax map information are printed in blue. (The address printed next to the "location" is the future 911 address - don't worry about that). Please review these data to make sure that they are accurate. If you receive more than one form please check to make sure that we have the wells located on the correct lots. It would be helpful if you included your Chebeague Island telephone number in the red box in case we need to call you with questions.

Information that we obtained in the 1992 study and from additional sources such as recent well driller records is printed in red. Please review these data for accuracy and make any necessary corrections. If there form is blank, please fill in any information that you have. Please fill out a separate form for each well on your property.

Please return your form(s) as soon as possible in the enclosed self-addressed stamped envelope. If want a copy of the your well information we will be happy to provide it, but *please* return this form so that our study can be as complete as possible. Extra blank forms are available at the Library, the store or on the boat, or by calling Sevee & Maher Engineers at 829-5016.

Water Sampling

Part of our study involves the collection of water samples from 80 to 100 wells on the Island to determine the current water quality on the Island and to evaluate the impact of development on the Island groundwater. Samples will be tested for a limited number of parameters including: pH, specific conductance, nitrate, iron, sodium and bacteria. The water test is free to Island residents. Carol White, Mike Maher, Jake Muzzy and Bill Dawson will be collect water samples from selected wells during the month of August. We will be contacting selected well owners in the next few weeks to schedule sampling.

If you have any questions about the well survey or the water sampling program please call Carol White at SME at 829-5016 or at 846-4769 on the Island.

CHEBEAGUE ISLAND WATER SUPPLY SURVEY 2001

OWNER:	MAHER, PETER M	MAP	LOT
LOCATION:	00018 ROSE POINT ROAD	102	51B
LOCAL PHONE:	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		

WELL INFORMATION

<p>Is this well used as the water source for a dwelling? <input type="checkbox"/></p> <p>When was your well constructed? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>What is the depth of your well from the ground surface (feet)? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>If the well is a drilled well how much steel casing was used (feet)? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>What is the yield of your well in gallons per minute? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>Has your well ever run dry? If yes what year(s) ? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>Is there an irrigation system drawing water from this well? <input type="checkbox"/></p>	<p>Water Supply Type</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Drilled Well</p> <p><input type="checkbox"/> Dug Well</p> <p><input type="checkbox"/> Spring</p> <p><input type="checkbox"/> Other</p>
<p>Comments <div style="border: 1px solid black; width: 100%; height: 40px;"></div></p>	

WATER QUALITY

Parameter Name	Check this column if your water quality is effected by any of these:	Check this column if you have a treatment system installed to treat any of these:
None	<input type="checkbox"/>	<input type="checkbox"/>
Iron	<input type="checkbox"/>	<input type="checkbox"/>
Sulfur (odor)	<input type="checkbox"/>	<input type="checkbox"/>
Salt	<input type="checkbox"/>	<input type="checkbox"/>
Bacteria	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

WASTE WATER SYSTEM

<p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Septic System</p> <p><input type="checkbox"/> Cesspool</p> <p><input type="checkbox"/> Holding Tank</p> <p><input type="checkbox"/> Overboard Discharge</p> <p><input type="checkbox"/> Outhouse</p> <p><input type="checkbox"/> Other</p>	<p>Check if you use a garbage disposal: <input type="checkbox"/></p> <p>Check if you have a seperate gray water system: <input type="checkbox"/></p> <p>What year was the system constructed? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>What size of tank (gallons)? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>When was your system last pumped? <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p> <p>Comments <div style="border: 1px solid black; width: 100%; height: 30px;"></div></p>
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PERMISSION

	YES	NO
Do we have permission to locate your well?	<input type="checkbox"/>	<input type="checkbox"/>
Do we have permission to collect a water sample	<input type="checkbox"/>	<input type="checkbox"/>

**CONSERVATION EASEMENT ON INDIAN POINT
CHEBEAGUE ISLAND, TOWN OF CUMBERLAND
CUMBERLAND COUNTY, STATE OF MAINE
TO CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**

INDIAN ISLAND COMPANY, a corporation organized and existing under the laws of the State of Maine, with an address of c/o Virginia Ballard, President, 40 North Road, Yarmouth, Maine 04096, (hereinafter referred to as "Grantor," which word is intended to include, unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns, any successors in interest to the Protected Property, or any part thereof, and their executors, administrators and legal representatives),

GRANTS as a gift to CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., a non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague, Maine 04017; (hereinafter referred to as the "HOLDER," which word shall, unless the context clearly indicates otherwise, include the Holder's successors and assigns);

with QUITCLAIM COVENANT, in perpetuity, a Conservation Easement pursuant to 33 M.R.S.A. Section 476 et seq., and Section 170(h), 2031(c), 2055 and 2522, of the Internal Revenue Code and under Treasury Regulations at Title 26 C.F.R. §1.170A-14 *et seq.*, as amended, on a parcel of land located on Chebeague Island, in the Town of Cumberland, Cumberland County, Maine, hereinafter referred to as the PROTECTED PROPERTY, being premises described in a deed from Ernest S. Ballard *et al.* to Indian Island Company, dated January 3, 1940, recorded at the Cumberland County Registry of Deeds at Book 1601, Page 70; and being Lot 16 on the Town of Cumberland, Maine Tax Map #I-5, dated April 1, 1991; and being more particularly described on Exhibit A, and depicted on Exhibit B, both attached hereto and made a part hereof by reference. The Conservation Easement on the Protected Property is granted exclusively for the following conservation purposes:

PURPOSE

It is the purpose of this easement to provide significant public benefit, in particular for the residents and property owners of Chebeague Island and the Town of Cumberland, by preserving forever in substantially its current form and usage:

- the undeveloped state of the Protected Property's shores and woodlands, for wildlife habitat and open space purposes;*
- the scenic views of and from the Protected Property to and from Casco Bay and the adjacent Little Chebeague Island, a state park;*
- the continued availability of pedestrian and vehicular access across and parking on a portion of the Protected Property to accommodate pedestrian access across the beach to the adjacent tidal sand bar to Little Chebeague Island;*
- the availability of a portion of the Protected Property, for low-impact outdoor recreational use and nature observation by residents and property owners of Chebeague Island and the Town of Cumberland, and their guests;*
- the education of the residents of Chebeague Island;*
- the utilization of the productive values of the Protected Property's open space; all as more particularly set forth hereinbelow:*

NOW, THEREFORE, the Grantors and Holder have established a Conservation Easement on,

over, and across the Protected Property consisting of the following terms, covenants, restrictions and affirmative rights granted to Holder, which shall run with and bind the Protected Property in perpetuity:

1. GENERAL LAND USE.

The Protected Property is divided into two areas for the purpose of land use in this Conservation Easement. The "Hook", hereinafter so called, is a peninsula on Indian Island Cove and Casco Bay, of approximately 3.6 acres with approximately thirteen hundred fifty (1,350) feet of shorefrontage on Indian Island Cove and Casco Bay, as depicted in Exhibit B and more particularly described in Exhibit C, attached hereto and made a part hereof by reference. The remainder of the Protected Property is hereinafter referred to as the "Old Meadow", a roughly rectangular parcel of approximately 12.0 acres and approximately two thousand three hundred fifty (2,350) feet of shore frontage on Indian Island Cove and Casco Bay, that extends to the tidal sandbar that connects Little Chebeague Island to Chebeague Island, as depicted in Exhibit B, to a line bisecting the Narrows more particularly described in Exhibit C.

The Protected Property may be used only for conservation, agriculture, silviculture, low-impact outdoor recreation, nature observation and study. No commercial, industrial, quarrying or mining activities are permitted on the Protected Property except for the rental of permitted structures, and the non-commercial storage of gear used for commercial fishing as limited herein; all in accordance with the terms hereof.

The Protected Property may not be divided, subdivided, partitioned or otherwise conveyed in parcels, except to convey any portion of the Indian Point Road, a private way on the Protected Property, along its existing road bed as depicted in Exhibit B, subject to the restrictions herein, to the Town of Cumberland or its successor municipal government with jurisdiction over the Protected Property. Under no circumstances may the Protected Property be used to determine the gross lot size or in any way to increase the permitted density of development on land not subject to this Conservation Easement.

No dumping or burial of waste materials of any nature is permitted on the Protected Property, except that compost and other vegetative waste resulting from permitted uses of the Protected Property may be left to remain thereon, and other waste from permitted uses shall be contained in appropriate receptacles for removal at reasonable intervals. Members of the public using the Protected Property will be encouraged to carry out their waste, unless Grantor provides receptacles for such waste, which shall be removed at reasonable intervals.

2. RESTRICTIONS AND RESERVED RIGHTS.

As of the date of this grant, the Protected Property is in a substantially unaltered natural state including scrub brush open areas on former meadows, marsh, occasional forest trees, sand flats and dunes, sand and pebble beach, a sand bar to Little Chebeague Island, and tidal mudflats. There are no surface alterations on the Protected Property except for an unpaved private way known as the Indian Point Road, that leads from North Road, across the Protected Property, to the Little Chebeague Island sand bar and becomes a driveway to the Hook, as depicted in Exhibit B. There are no structures on the Protected Property except for a boat house, a wharf, and a second smaller dock, a collapsed leach field, and a

geodetic survey benchmark, all located on the Hook, as well as boundary markers and the remains of fences and stone walls.

No additional structures, temporary or permanent, no cutting or removal of vegetation, and no additional alterations to the surface of the earth are permitted on the Protected Property except to accomplish the following rights, reserved by Grantor, for itself, its successors and assigns:

A. Structures:

(1) Grantor reserves the right, anywhere on the Protected Property, to locate minor structures that complement the natural features of the landscape and are intended to enhance opportunities for low-impact outdoor recreation, such as small unlighted signs, benches, boardwalks, railings, steps, gates, outhouses, fresh water facilities, waste receptacles, barriers or gates to discourage use by motor vehicle or to protect fragile areas, boundary markers, and temporary tents for non-commercial camping and events.

(2) Grantor reserves the right, on the Hook only, to maintain, but not to increase in size or height, the existing boathouse, septic waste disposal system, power and communication facilities, fresh water supply, and the wharf and dock; and the right to replace them with substantially similar structures in substantially the same location, or, subject to Holder's prior written approval, on any other location on the Hook where such structures will be less prominent when viewed from the public waters or viewsheds on public areas and roadways on Chebeague Island; provided that the existing wharf and seasonal dock may be increased in size to accommodate additional private craft for residents and guests of the Protected Property and other abutting land of Grantor;

(3) Grantor reserves the right, but only on east side of the cove that forms the Hook, to establish additional docks and to permit the seasonal storage of boats, docks and floats, and commercial lobster fishing gear, not as a commercial storage business, but as traditionally allowed with Grantor's consent.

B. Surface Alterations:

(1) Grantor reserves the right to alter the surface as necessary to accomplish any activity permitted hereinabove, provided that the disturbed surrounding area must be restored to a condition consistent with the scenic character and conservation values of the Protected Property.

(2) Grantors reserve the right to harvest shellfish and marine worms from the intertidal zone; the right to cultivate land for agriculture, including horticulture, tree farming, orchards, and crop use, and to graze animals in numbers that are sufficiently limited in number to prevent overgrazing and the risk of erosion.

(3) Grantor reserves the right to maintain and improve, but not to pave, the Indian Point Road; and the right, but not the obligation, to establish and maintain along that portion of Indian Point Road available for public use pursuant to Paragraph 3. herein, a turning area and an unpaved parking area for up to five conventional passenger vehicles. Notwithstanding that vehicular access and parking is permitted on that portion of the Protected Property specified in Paragraph 3, it shall be at the user's own risk, and neither Grantor nor Holder are under any obligation to maintain the roadway or any parking or turning areas for public use, and may enter into agreements between themselves or with the local municipality or

other governmental entity for the allocation of maintenance and repair costs. The prior written consent of Holder is required for the establishment, relocation or expansion of the aforementioned parking and turning areas, and for any relocation or expansion of Indian Point Road.

(4) Grantor reserves the right, anywhere on the Protected Property, to establish additional unpaved footpaths designed and located to prevent erosion and destruction to fragile resources; and the right, on the Hook only, to establish and maintain additional unpaved driveways, parking and turning areas to serve permitted uses therein.

(5) Grantor reserves the right, subject to prior written approval by Holder, to alter the surface to prevent or repair erosion, including the right to install erosion control devices to maintain the Indian Point Road and the narrows between the Hook and the Old Meadow, consistent with then-current recommendations for tidal erosion control for the site established by the U.S. Natural Resource Conservation Service or other qualified expert, provided that all such measures must be designed and limited to preserve, to the extent possible the scenic and natural character of the shore.

C. -Vegetation Management:

(1) Grantor reserves the right to maintain existing open areas, and the right, in the Old Meadow only, to reestablish its open character, in part or in its entirety, including the right to remove trees, shrubs and woody vegetation, and to brush hog or mow to restore it as an open field;

(2) Grantor reserves the right, anywhere on the Protected Property, to plant, and selectively cut and prune forest vegetation to establish and maintain the structures and surface alterations permitted in Paragraph 2.A. and 2.B., to enhance wildlife habitat, to provide forest products for use on the Protected Property, to prevent the spread of fire or disease, and to establish views; and to plant and harvest indigenous vegetation and household gardens for personal use, aesthetics and wildlife habitat improvement.

3. PUBLIC ACCESS:

It is the purpose of this grant to ensure that residents and property owners of Chebeague Island and the Town of Cumberland, and their accompanied guests, shall have access across the Protected Property to the sandbar to Little Chebeague Island, which abuts the Protected Property, via the Indian Point Road to within 50 feet beyond the "access point" (*which access point bears S.22°41'04"E., true north, and 549.18 feet, from the U.S. Interior Department Benchmark "SQAW" located at the end of the Indian Point, approximately 30 feet from the northeast end of the current boathouse on the Hook*), and over an access corridor to the Little Chebeague Island sand bar, 100 feet wide, extending from the Indian Point Road over the beach area located within fifty (50) feet of either side of a line running through the "access point", approximately perpendicular to the course of the beach, as depicted in Exhibit B and documented in Baseline Data. Access over the Indian Point Road does not extend to the Hook on the Protected Property. It is understood that this Conservation Easement does not give the public permission to enter any other areas of the Protected Property. Although lawful and reasonable pedestrian and vehicular access and parking along the Indian Point Road shall be permitted hereunder as aforesaid, this Conservation Easement does not give the public any guarantee of the condition or maintenance of Indian Point Road or any parking area established for public use pursuant to Paragraph 2.B.(3). Grantor has the

right to grant permission for additional public uses of the Protected Property, subject to limitations established to prevent interference with the low-impact outdoor recreation by the public contemplated herein. Specifically, Grantor intends to cooperate with local public schools for scheduled, supervised group nature walks.

In furtherance of this grant, Grantor, its successors and assigns, agree to refrain from taking any action to prohibit or discourage use and access on the above described access area by residents and property owners of Chebeague Island and the Town of Cumberland, and their accompanied guests, for low-impact daytime outdoor recreation uses, such as fishing, fowling, shellfish harvesting, swimming, walking, nature observation, and other such activities that have minimal impact on the natural and scenic character of the Protected Property. Grantor and/or Holder have the right, but not the obligation, to police or limit such public use for compliance with this grant or with any additional access permitted by Grantor, and to limit or control excessive or inappropriate vehicular use. Grantor may establish such procedures with the appropriate local law enforcement.

Grantor or Holder have the right to establish rules and regulations to assure that public use is conducted in a manner that does not unreasonably disturb plant or wildlife habitat, permitted use by the public, or the quiet use and enjoyment of other areas of the Protected Property by Grantor. It is acknowledged by the parties that licensed shellfish harvesting in the intertidal area is permitted under state law and has been a traditional use of the intertidal area on the aforementioned beach, and this use shall not be deemed to be more than a *de minimus* use of the Protected Property for commercial outdoor recreation, which is prohibited in accordance with Internal Revenue Code § 2031(c), and Treasury Regulations promulgated thereunder.

Grantor and Holder, and their respective heirs, successors, and assigns, claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and successor provision thereof (The Maine Recreational Use Statute), and under any other applicable provision of law and equity. The Town of Cumberland is protected from liability to the extent of the Maine Tort Claims Act at Title 14 M.R.S.A. Section 8101 et seq.

4. HOLDER'S AFFIRMATIVE RIGHTS:

A. Holder, its authorized representatives, successors and assigns, are granted the right to enter the Protected Property, at any reasonable time and in any reasonable manner that is consistent with the conservation purposes hereof, including the right to enter over any rights-of-way appurtenant to the Protected Property, for the following purposes:

1. to inspect the Protected Property for violations of the terms of this Conservation Easement, and
2. to enforce the terms of this grant by actions at law or in equity, including the right to require restoration to its condition prior to any breach hereof.

B. Holder is also granted the right, after providing Grantor with reasonable prior notice and an opportunity to comment, to assign this Conservation Easement, but only to an entity that as a condition of transfer agrees to uphold the conservation purposes of this grant, and satisfies the requirements of Section

170(h)(3) of the Internal Revenue, (or successor provisions thereof) and the requirements of Section 476(2) of Title 33 of the Maine Revised Statutes Annotated, as amended (or successor provisions thereof), and the right to its proportional share in the proceeds of the sale of the unrestricted Protected Property should this easement be extinguished, which may be accomplished only by court order, as required under the Internal Revenue Code Section 170(h) and regulations promulgated thereunder at 26 CRF Section 1.170A-14.

IN WITNESS WHEREOF, the said Grantor, Indian Island Company, has caused these presents to be signed and its corporate seal hereto affixed, by and through Virginia Ballard, its President, hereunto duly authorized, this day of *May 14*, 1999.

INDIAN ISLAND COMPANY

Virginia M Ballard
by Virginia Ballard
its President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

May 14, 1999

Personally appeared the above-named Virginia Ballard, President of the Indian Island Company, acknowledged the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of the Indian Island Company.

Before me;

Gerhild N. Paris
Notary Public/Attorney

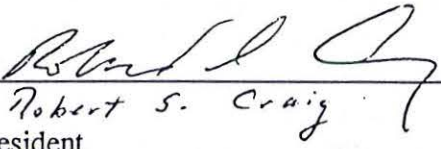
GERHILD N. PARIS
(Please type or print name of notary
My commission expires:

Gerhild N. Paris, Notary Public
State of Maine
My Commission Expires 8/1/2005

HOLDER'S ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement, by and through *Robert S. Craig* its President, hereunto duly authorized, this *14th* day of *May*, 1999.

CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.


By: *Robert S. Craig*
its President

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

May 14, 1999

Personally appeared *Robert S. Craig*, the President and authorized representative of the above-named Holder, CUMBERLAND MAINLAND AND ISLANDS TRUST, INC. and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.

Before me,



Notary Public/Attorney

Gerhild N. Paris

(Please type or print name of notary)

My commission expires:

Gerhild N. Paris, Notary Public
State of Maine
My Commission Expires 8/1/2005

**CONSERVATION EASEMENT ON INDIAN POINT
CHEBEAGUE ISLAND, TOWN OF CUMBERLAND
CUMBERLAND COUNTY, STATE OF MAINE
TO CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**

EXHIBIT A - Legal description of the Protected Property

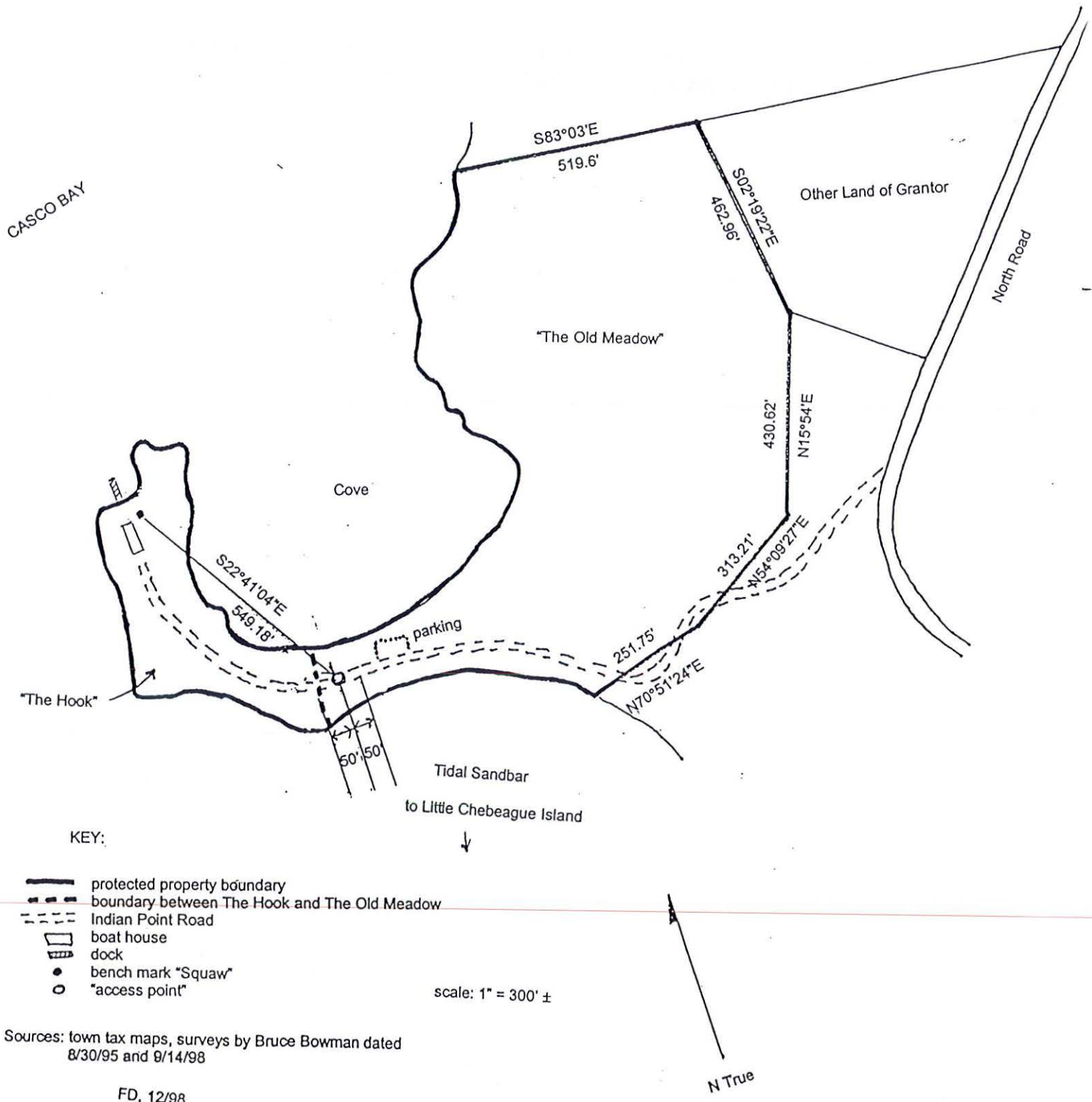
A certain lot or parcel of land situated on Chebeague Island, in the Town of Cumberland, County of Cumberland and State of Maine, on the shores of Casco Bay, bounded and described as follows:

Beginning at a drill hole located at the beach of Indian Island Cove at the most southwesterly corner of land now or formerly of Emma M. Worthen, being the same conveyed to her by deed recorded in Book 1876, Page 150 and shown in Plan Book 130, Page 76 in the Cumberland County Registry of Deeds; thence S 83° 3' E along the southerly boundary line of Emma M. Worthen 519.6 feet; thence S 2° 19' 22" E along other land of the Grantor herein 462.96 feet to a blazed birch, which marks the most westerly point of the lot of Samuel S. Ballard; thence S 15° 54' W 430.62 feet along land of said Ballard to an iron bar at the most northerly corner of land now or formerly of Augusta Stewart Breed; thence S 54° 9' 27" W 313.21 feet; thence S 70° 51' 24" W 251.75 feet, more or less, to the beach; thence westerly, northerly, easterly, southerly, easterly and northerly along the shore which forms Indian Island Hook to the drill hole at land of Emma M. Worthen and point of beginning.

Also hereby conveying all right, title and interest between the high and low tide mark.

CONSERVATION EASEMENT ON INDIAN POINT
CHEBEAGUE ISLAND, TOWN OF CUMBERLAND
CUMBERLAND COUNTY, STATE OF MAINE
TO CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.

EXHIBIT B



**CONSERVATION EASEMENT ON INDIAN POINT
CHEBEAGUE ISLAND, TOWN OF CUMBERLAND
CUMBERLAND COUNTY, STATE OF MAINE
TO CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**

EXHIBIT C - description of the boundary between the Hook and the Old Meadow

This will be a line through an imaginary point located 50' east of the "access point,
perpendicular to the beach and extending to both shores of the Narrows.

Council

Jensen Baird Gardner & Henry

WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER

DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
JEFFREY B. HERBERT
SUZANNE R. SCOTT

ATTORNEYS AT LAW
TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271

TELECOPIER (207) 775-7935

www.jbgh.com

RAYMOND E. JENSEN
M. DONALD GARDNER
MERTON G. HENRY
JAMES E. KAPLAN
OF COUNSEL

KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676

TELECOPIER (207) 985-4932

May 3, 2001

Adam Ogden, Town Engineer
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Adam:

- Enclosed herewith please find the revised Public Access Easement and Road Maintenance Agreement between the Town of Cumberland and Indian Island Company. You should forward it on to Cumberland Mainland and Islands Trust as well as letting Sam Ballard know that the revisions he suggested have been made. If the Trust has no objection, I would suggest having Bob Benson place this on the Council Agenda once the actual easement has been signed by the Ballard family.

Let me know if you have any questions in regard to the revisions or the process of acceptance by the Town.

Very truly yours,



Kenneth M. Cole III

KMC/ab

Enclosure

cc: Robert B. Benson, Town Manager

received
5-7-01

**PUBLIC ACCESS EASEMENT
and
ROAD MAINTENANCE AGREEMENT**

This Agreement made this ____ day of _____, 2001 by and between Indian Island Company, a Maine corporation of Yarmouth, County of Cumberland and State of Maine and Town of Cumberland, a municipal corporation of Cumberland, in said County and State.

WHEREAS, Indian Island Company owns land on Chebeague Island in said Town of Cumberland; and _

WHEREAS, said Indian Island Company's land is crossed by a private way, Indian Point Road, used for access from the North Road to the Little Chebeague Island sand bar; and

WHEREAS, the parties wish to clarify public use and maintenance responsibilities in regard to said way;

NOW THEREFORE, the parties hereto hereby agree as follows:

1. The parties agree that Indian Point Road shall continue to be privately owned but Indian Island Company, in consideration of the following promises, hereby grants to the Town a public easement over said Road as shown on a plan entitled "Right of Way, Indian Point Road" dated July 15, 1998, prepared by Bruce R. Bowman, Inc.

2. The Town shall maintain said road as a public easement in its current unpaved state, but only after first crowning it out to a width of eleven (11) feet, more or less. The right of way is 25 feet with the improved portion extending no further than 18 feet. Ditches will be maintained on both sides of the road out to a distance of eighteen

(18) feet (9 feet from the center) for the first 168 feet. The ditch on the south side of the road may be continued to the top of the next hill. There will be no ditch on the north side of the road in the vicinity of the building next to the road where there is currently a fence. Starting at the top of the next hill, ditches on both sides of the road may be maintained at the discretion of the town. Culverts may be installed and placement of culverts will be at the discretion of the Town.

3. An unpaved parking and turning area for up to five conventional passenger vehicles shall be constructed by the Town at the "access point". The "access point" is the termination of the public easement as maintained by the Town.

4. All maintenance of the public easement will be performed at no expense to the Indian Island Company. No maintenance will be performed beyond the entrance to the Little Chebeague Island sand bar, the point at which the public right of way terminates.

5. This Easement and Agreement shall be subject to approval by the Cumberland Town Council and shall continue for so long as the Town shall use and maintain said road according to the terms hereof.

6. The Cumberland Mainland and Islands Trust, Inc., holder of a Conservation Easement dated May 14, 1999 on said premises joins herein to consent to this Agreement.

7. Permitted uses by the public hereunder shall be those defined in the aforesaid Conservation Easement with the Cumberland Mainland and Islands Trust, Inc., which is incorporated herein by reference thereto.

8. This agreement shall be construed according to the Laws of the State of Maine and shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals all as of the day and year first above written.

Signed, sealed and delivered
in presence of:

INDIAN ISLAND COMPANY

By: _____
Print Name _____
Its _____

TOWN OF CUMBERLAND

By: _____
Print Name _____
Its _____

CUMBERLAND MAINLAND
AND ISLANDS TRUST, INC.

By: _____
Print Name _____
Its _____

GROWTH MANAGEMENT ORDINANCE

1. TITLE

This Ordinance shall be known as the "Growth Management Ordinance of the Town of Cumberland, Maine" and shall be referred herein as the "Ordinance".

2. LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

3. PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland through placing limitations on residential development and meeting the following:

- A. To provide for the immediate housing needs of the existing residents of Cumberland.
- B. To ensure fairness in allocation of Building Permits.
- C. To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.
- D. Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town's capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

4. APPLICABILITY

This Ordinance shall apply to all new dwelling units (including manufactured housing) within the Town of Cumberland. No new dwelling unit, which fails to meet the requirements of the Ordinance, shall be constructed or placed within the Town of Cumberland.

5. EXEMPTIONS

This Ordinance shall not apply to the following:

- A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.
- B. Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.
- C. Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.
- D. Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.
- E. Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance. [Amended, effective 3/26/01]

6. ADMINISTRATION

- A. Maximum Number of Dwelling Units
 - 1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued shall be forty-four (44), from July 1, 2000 to June 30, 2001, and annually thereafter from July 1 to June 30, plus 3 additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island, plus 2 additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization.
 - 2. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A.1.
 - 3. No more than 3 Growth Permits shall be issued on Chebeague Island in any fiscal year.

B. Application Procedure

1. All Growth Permit Applications shall be submitted in person to the Code Enforcement Officer or his/her assistant or agent (hereinafter the CEO) during normal office hours on the form designated Growth Permit Application. No Growth Permit Applications shall be accepted by mail.
2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt, when said Application is complete. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted.
3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200), and/or confirmation for eligibility of a sewer user unit.
4. A separate Application shall be required for each dwelling unit.

C. ISSUANCE PROCEDURE

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for in Section 6.C.3.
2. Growth Permits shall be available on a first-come, first-served basis.
3.
 - i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire.
 - ii. Expired Growth Permits shall be available for reissue.

- iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.
 - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.

- 4. With respect to Growth Permits sought for property located within a subdivision approved by the Planning Board of the Town, no more than 3 Growth Permits shall be issued during any year for the building of dwellings in a single subdivision. No person, partnership, or corporation shall be entitled in any single year to more than 2 of the three Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

- 5. That the unused subdivision growth permits for the year 2000-2001 be available to those on the waiting list maintained by the Code Enforcement Officer by the formula of one third of the unused permits available April 1, 2001, one half of the remaining unused growth permits be available May 1, 2001 and the balance of any unused growth permits be available June 1, 2001.
[Amended, effective 3/26/01]
- 6. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

D. Replacement with building permit and expiration

- 1. A Growth Permit shall be replaced by a building permit for a dwelling on the specific site for which the Growth Permit was

issued. A Growth Permit which has not been replaced with a building permit within 90 days of Growth Permit approval by CEO shall be considered expired and must be resubmitted for consideration. Resubmitted Growth Permit Applications will not have any priority over other Growth Permit Applications. The expiration of the building permit shall be in conformity with the Town of Cumberland Building Code.

2. Expired Permits shall be available for reissuance.

E. Transferability

Growth Permits are not transferable. They shall be valid for construction on the lot specified on the Application and by the Applicant; provided however, that such valid Permits shall be transferable to new owners of the lot should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

7. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

8. SEPARABILITY

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

9. EFFECTIVE DATE

The effective date of this Ordinance shall be July 1, 2000, but the total number of Growth Permits available through June 30, 2001 shall be limited by Section 6.A hereof.

10. REVIEW PROCEDURE

This Ordinance shall be reviewed by the Town Council in June 2001 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public

facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11.

11. AMENDMENTS

1. An amendment to this Ordinance may be initiated by one of the following:
 - (A) The Planning Board.
 - (B) The Town Council.
 - (C) The residents, pursuant to Article X, Section 2 of the Town Charter.

12. VIOLATIONS

- A. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.
- B. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

13. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

14. PENALTIES

- A. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be

fined not less than \$100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.

- B. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 14 A. of this Ordinance.

15. APPEALS

- A. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

16. DEFINITIONS

- A. **Building Permit:** A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.
- B. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.
- C. **Growth Permit:** A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.
- D. **Family:** A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.
- E. **Manufactured Housing:** A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-

family modular home is assembled on the building site on a permanent foundation.

- F. **Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision.
- H. **Person:** A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

Adopted June 28, 2000 [Amended 3/26/01]

[illegible]

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

July 23, 2001

The Board of Cumberland County Commissioners, Esther B. Clenott, Richard J. Feeney and Gary E. Plummer, convened a meeting in Courtroom 1 on the above date.

Chairperson Clenott called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the regular and special meetings of July 9, 2001 were approved as written.

Peter Crichton, County Manager, reported that he had just returned from attending the recent annual National Association of Counties conference, and would soon be updating the Board on the conference.

Robert Devlin, Deputy County Manager, reported that it had been a relatively quiet week while the Manager was away.

Commissioner Plummer reported that Barbara York of Casco had been re-elected to serve on the Budget Advisory Committee at his recent caucus.

Commissioner Feeney reported that no elected officials had attended his caucus, and subsequent calls to Standish, Cape Elizabeth and Scarborough elected officials have not been successful, but he will keep trying.

Chairperson Clenott also reported that no one had attended her caucus, but that she was working with a Portland Councilor to agree to serve on the BAC.

GRANT PRESENTATIONS:

Threshold to Maine: \$750 request for funding in FY2002 budget. Wayne Cobb reviewed the agency's request, and updated the Board on a new project, a "food cart" program.

Southern Maine Emergency Medical Services: \$10,000 request for funding in FY2002 budget. Donnell Carroll reviewed the request, and updated the Board on their new project, a regional EMS paramedic model.

Portland Public Library: \$30,000 request for funding in FY2002 budget. Sheldon Kaye reviewed the request, noting that use of the library by countywide residents has increased. He updated the Board on the recent \$100,000 upgrade of the electronic services.

Cumberland County Soil & Water Conservation District: \$25,000 request for funding in FY2002 budget. Betty McIness and Dick Wood reviewed the request, and the agency's operations. Discussion ensued on assisting landowners and municipalities in the current use and future preservation of soil and water resources in Cumberland County, and the aggressive search for and use of grant funding from state and federal sources.

Cumberland County Extension Association: \$112,760 request for funding in FY2002 budget. Bruce McFarland, Patricia Rich and Jack Donovan reviewed the request, which is a 3% increase over last year's request, to be used for salary increases of support staff. Discussion ensued on the large number of users in the Portland area as the agency is housed at USM; cell phones for personnel in the field; and handicapped accessible locations for meetings and classes.

The Commissioners thanked the agencies' representatives for presenting their grant requests for FY2002 funding.

01-61 Bid Report, Generator, Facilities

Bruce Tarbox, Facilities Manager, reviewed the staff report for a replacement generator to be used at the PSAP location at the EMA bunker in Windham. This will replace an older, smaller generator, and he noted that \$26,000 had been set aside in the CIP for this project. He noted that the current generator would be kept for emergency backup. The following bids had been received:

Southworth Milton Inc.	\$16,220
Power Products Inc.	17,395
Gowen Inc.	17,685
R.A. Mitchell Inc.	22,144
Northwood Power Co.	23,000

Mr. Tarbox recommended the low bidder, Southworth Milton. He reviewed the installation costs that would be incurred, with the work being done by in-house staff. As Acting County Manager, Mr. Devlin has reviewed the staff report, and concurred with the recommendation.

Commissioner Plummer initiated discussion on the large generator that had been sold to the Town of Windham when the old jail was demolished, and could have been used for this project.

Motion by Commissioner Feeney to award the bid for a Caterpillar generator to Southworth Milton, the low bidder, for \$16,220 with permission for the Facilities Manager to spend up to the balance of the \$26,000 set aside for this project in the CIP for installation costs. Second by Commissioner Plummer, so voted.

01-62 Bid Report, Phone System, Facilities

Mr. Devlin reported that \$83,000 had been set aside in the CIP for an upgrade to the phone system at the jail and PSAP/EMA locations.

Mr. Tarbox reviewed the staff report, noting that the old analog system at the jail will be traded in towards the upgrade, but the analog system at the EMA would be saved in case the PSAP operations are moved to a different location in the future. The analog system would be adequate for EMA to then use once again. The following bids were received:

Executel Communications Inc.	\$82,538.00
Wolf Communications Inc.	103,771.68
North Star Communications	104,705.00
New England Communications	214,873.69

Mr. Tarbox noted that the trade-in for the jail's old analog system was included in the bid amounts. He recommended the low bid, Executel. Mr. Devlin concurred with the recommendation. Discussion ensued with Ann Lano of Executel and Mr. Tarbox on the life expectancy of the upgraded systems, which was reported as 10 years.

Motion by Commissioner Plummer to award the bid to Executel Communications Inc. for \$82,538. Second by Commissioner Feeney, so voted.

01-63 Contract, Police Services, MSAD #6

Captain Bill Holmes reviewed the staff report on the MSAD#6 contract for police services. The contract was for one full time deputy at Bonny Eagle High School, from September 1, 2001 through June 30, 2002 in the amount of \$34,239.95 which included wages, benefits, uniforms, cleaning and insurance. Discussion ensued regarding the use of spare patrol vehicles by the school contract deputies, and the cost of gas and maintenance that falls upon the County to provide.

The Commissioners expressed their frustration upon learning that this had been the past practice with school contracts, and it was suggested that this cost be included in future contracts, as it is with municipal contracts for police services.

Motion by Commissioner Plummer to authorize the Chairperson to sign the contract with MSAD#6 in the amount of \$34,239.95 as presented. Second by Commissioner Feeney, so voted.

01-64 Approval, Upgrade of Patrol Vehicles, CCSO

Mr. Devlin reviewed the staff report on this issue, noting that the CCSO historically purchases six patrol cruisers each year, and retires six from the fleet to be auctioned. This past practice has allowed the CCSO to maintain three older "spare"

cruisers which are used as replacement cruisers when newer ones are being repaired, and also by the part-time deputies and summer contract deputies, as well as the school contract deputies.

The request is to upgrade two of the retired patrol vehicles with lights, sirens, and other necessary equipment, and only auction off four vehicles. The two upgraded cruisers will be used as additional vehicles for the summer contract and school contract deputies. The upgrade will be approximately \$4,000 with the amount to be taken from the savings in the CIP from recent vehicle purchases. Mr. Devlin recommended that the Board approve this one time occurrence and to return to the six-vehicle rotation schedule next year, and that all future contracts for school police services include the costs associated with vehicle maintenance.

Discussion ensued with Captain Holmes and Vic Labrecque, Director of Budget and Planning, on the issue of school contract deputies using County vehicles and the associated costs being incurred by County taxpayers. It was agreed to postpone this issue until the next regular meeting to allow further discussion, and allow time for a financial report on the associated costs to be prepared for their review.

01-65 Request for deputy sheriff commissions

The following requests for deputy sheriff commissions was received from Sheriff Dion: Scott Jordan, Scott Secord and Scott Gibbons, CCSO Corrections; Russell Wrede, Kenneth Bailey and Joel Bruce, Brunswick PD.

So approved on the motion of Commissioner Plummer and the second of Commissioner Feeney.

No further business conducted; motion to adjourn at 8:13 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting: Monday, August 13, 2001 at 7:00 PM.

PETITION

We, the undersigned, request the Cumberland, Maine Town Council to arrange for speed limit signs in the area of the Chebeague School/Ballfield/Recreation Center complex. Signage similar to that at the Mabel Wilson School is suggested (SPEED LIMIT 15 MPH WHEN CHILDREN ARE PRESENT).

Name (sign and print legibly)

Island Address

Date

<i>[Signature]</i> Virginia TATAKIS-CALDER	RR#1 Box 402 North Rd	7/26/01
<i>[Signature]</i> Pat Debusch	Box 51 South Rd	7/26/01
<i>[Signature]</i> JON CLANCY	CRC	7/28/01
<i>[Signature]</i> ST. JOE P.		7/28/01
<i>[Signature]</i> Dione Ash		8/4/01
<i>[Signature]</i> Elizabeth Winesfelder	RR1 Mailbox 35	8/4/01
<i>[Signature]</i> Elizabeth Howe	RR1 Box 634	8/4/01
<i>[Signature]</i> Sara Crisp	Box 119	8/4/01
<i>[Signature]</i> Lesley Ann Clark	20 Nubble Circle	8/4/01
<i>[Signature]</i> Haydn	351 Nubble Rd.	8/4/01
<i>[Signature]</i> T. South Rd		8/4/01
<i>[Signature]</i> South Rd		8/4/01
<i>[Signature]</i> Roberto Mccluskey	435 North Rd	8/5/01
<i>[Signature]</i> John Small Rd		8/5/01
<i>[Signature]</i> Matthew Farmasano	John Small Rd	8/5/01
<i>[Signature]</i> C. Ferrante	Box 58C Chebeague	8/5/01
<i>[Signature]</i> Betts Mayer	Box 58B Chebeague	8/5/01
<i>[Signature]</i> Christina HARRISON	Box 253	8/5/01
<i>[Signature]</i> TRACY HOWELL	Cottage Rd.	8/5/01
<i>[Signature]</i> MICHELE TAGLIANI	College Rd	8/5/01
<i>[Signature]</i> Eric Bass	North Rd	8/5/01
<i>[Signature]</i> Vickie Talento	North Rd	8/5/01
<i>[Signature]</i> SUSAN BURGESS	626 SOUTH RD	8/13/01

This petition proposed by the Community Health and Safety Forum.

PETITION

We, the undersigned, request the Cumberland, Maine Town Council to arrange for speed limit signs in the area of the Chebeague School/Ballfield/Recreation Center complex. Signage similar to that at the Mabel Wilson School is suggested (SPEED LIMIT 15 MPH WHEN CHILDREN ARE PRESENT).

Name (sign and print legibly)

Island Address

Date

Louise Fernandes 20 Pettycoat Lane Chebeague Island 7/28/01

Tom Fernandes 20 Pettycoat Lane Chebeague Island 7/28/01

Geoff Summa / ~~Jeffrey Summa~~ Roy Hill Rd, ~~Island~~ 8/2/01

Jess Stevens ~~Jessica Stevens~~ 8/8/01 8/8/01

Ben Reverell / Ben Reverell Chebeague Island

Karen Corson / 20 Hamilton Hill Rd Chebeague Island 8/8/01. written on street.

Sene Friggall / Box 469 8/8/01

Alexandra Swafford / Box 576 8/8/01

Joan Whitaker Box 541 Chebeague Island

George Birkett Box 127 Chebeague Island 8/8/01

Conrad Birkett / Box 127 Chebeague Island 8/8/01

John Birkett / RR1 Box 127 Chebeague Island, ME 8/8/01

John Summa / RR1 Box 49 Chebeague Vt F. 8/8/01

Dennis Johnson / 582 Saule Rd Chebeague Is ME 8/8/01

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Name (sign and print legibly)

Island Address

Date

Geoff Cornwell / RR#1 Box 58B / 7-26-01


Elton Mayer / ELTON MAYER Box 58B 7/26/01

M. Gustafson / Melanie Gustafson Box 58 A 7-27-01

David SCRASE Box 58A 7.27.01

Carol Lynn Davis Carol Lynn Davis Box 125 7-2601

LISA HADIN / Lisa Hadin / Mike RL / 8.02/01

Bob Halpern /  Ridge Road 8/2/01

1/1/2020

_____ / _____

_____ / _____

This petition proposed by the Community Health and Safety Forum.

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Name (sign and print legibly)

Island Address

Date _____

[illegible]

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Name (sign and print legibly)

Island Address

Date

Vicki Emery / 3A Bar Point Rd / 7/29/01

T Breed / Cottage Road / 7/29/01

M. O'Donnell / Firehouse Rd / 7/29/01

William Worthen / William Worthen 15 Worthen Ln / 7/29/01

Rae Worthen / Rae Worthen 15 Worthen Ln / 7/29/01

John Hinchman / E H Hinchman 5 Worthen Ln / 7/29/01

David Hinchman / David Hinchman 5 Worthen Ln / 7/29/01

John Bonbakker / VICTORIA BONBAKKER 40th Cordes Rd / 7/30/01

James Springer / 66 Rose Point Rd / 7/29/01

Erna Bonbakker / Erna Bonbakker 24 Cordes Rd / 7/29/01

Pamela Porell / PAMELA PORELL 8/4/01

Stephen Hamilton / Stephen Hamilton Saver Rd. Chebeague 8-4-01

Cora Bond / Roses Point Rd. Chebeague 8/5/01

Allan Bond / Roses Point Chebeague 8/5/01

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[illegible]

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Name (sign and print legibly)

Island Address

Date

Erin H. Erder	ERIN ERDER RR1	Box 103	7/26/2001
S Paul Bisharat	SUHAIL BISHARAT	Box 106	7/26/2001
Pat R. T.	CAROLINE PARLOW	Box 43	7.26.01
Laura Summa	LAURA SUMMA	Box 45	7.26.01
Ron Trowen	Ron Trowen	Box 115	7/26/01
David Miller	DAVID MILLER	Box 18	7/26/01
Melisa Erder	MELISA ERDER	Box 103	8/3/01
George Betos	George Betos	Box 107	8/3/01
Carolyn Schultz	Carolyn Schultz	Box 107	8/3/01
Kelly Wright	KELLY WRIGHT	Box 103	8/3/01

This petition proposed by the Community Health and Safety Forum.

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We, the undersigned, request the Cumberland, Maine Town Council to arrange for speed limit signs in the area of the Chebeague School/Ballfield/Recreation Center complex. Signage similar to that at the Mabel Wilson School is suggested (SPEED LIMIT 15 MPH WHEN CHILDREN ARE PRESENT).

Name (sign and print legibly)

Island Address

Date

Robert W Baskin Box 367 F Chebeague 1/7/26

Mont 101 34 SOUTH RD. CHESTER, VT. 7-26

8/19 - Peter J. Kimball 70 Box 270 RRI Chebeague Is. 7/20

Abby Julien / 5 South Rd

Debra Wilkin RR1 Box 171 Chet let me 7/26

Mark McGee Box 35 Chebeague ME. 7/26

Elizabeth Altan / South Road Chelmsbury Is. ME 7/27

John Magnien South Rd Chebeague ME 7/27

Andre a Mead Harbison Box 253 Cottage Rd. Chebeague 7/27

KAREN HAMILTON BOX 401 chebeague me 7/27

Uaif Trauma / Box 201 7/27

Louis Hough, / PO Box 2 Chebeague 7/27

492 West Elm St. Yarmouth, Me - 7/27

Year	Number of people (millions)
1970	60
1975	70
1980	68
1985	85
1990	90

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Journal compilation © 2006 Blackwell Publishing Ltd

This petition proposed by the Community Health and Safety Forum

This petition proposed by the Community Health and Safety Forum.

Name (sign and print legibly) Island Address Date

This petition proposed by the Community Health and Safety Forum.

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Name (sign and print legibly)

Island Address

Date

RR#1 Box 106
 Littlefield Rd. / July 26, 2007
 Alex Bates / Alex Bates Box 107 Littlefield road
 Gail B. Miller / Gail Miller RR1 Box 18 Chebeague 7/26/01
 Mike Megna / John Small Rd 8-2-01

[illegible]

This petition proposed by the Community Health and Safety Forum.

* I'm ziden, about the first signature I received I have been busy and my brother's help was not interested with me
 Sorry again

PETITION

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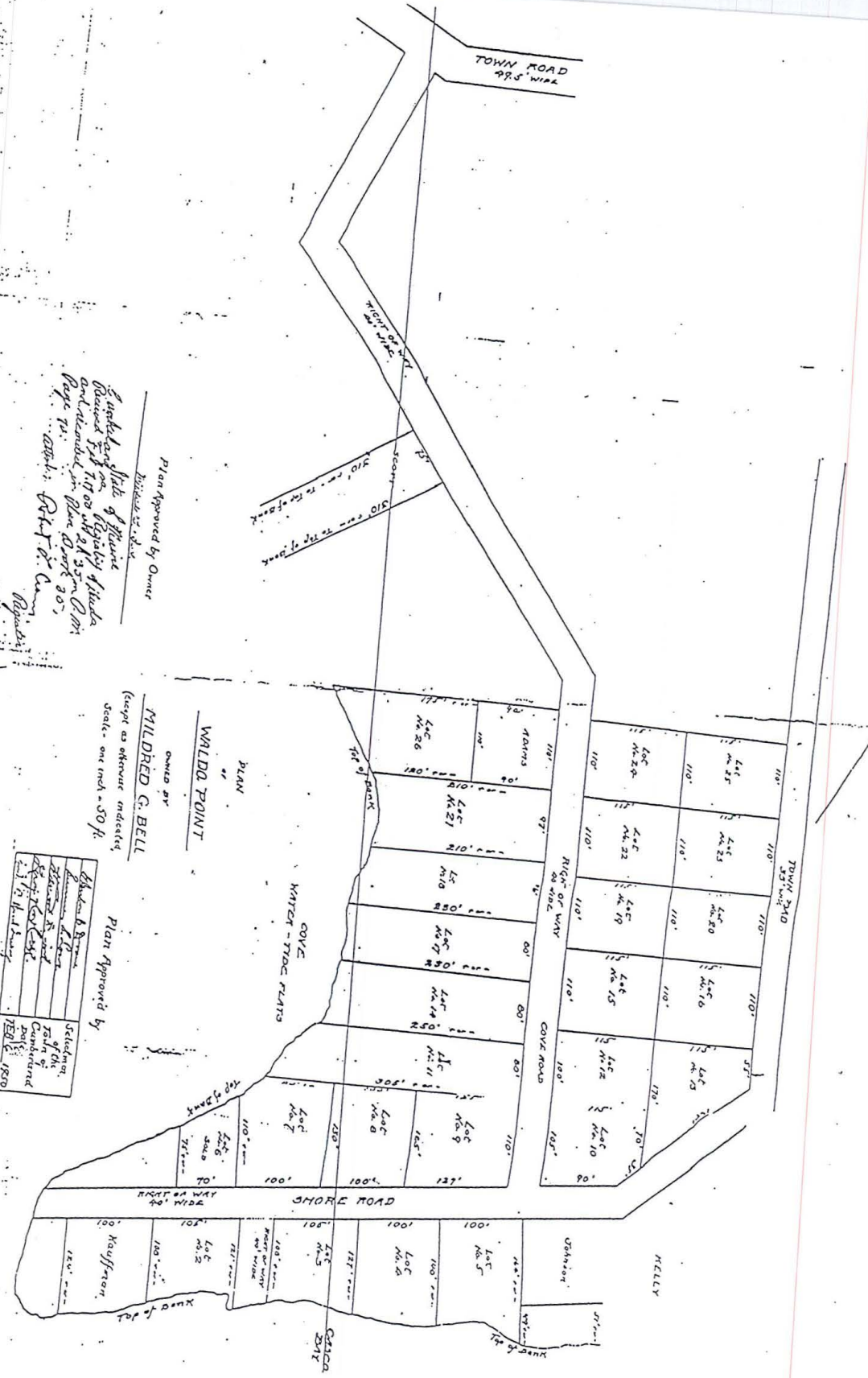
Name (sign and print legibly)

Island Address

Date _____

Ginger Hobart Box 262 Ginger Hobart 08/01/01
Buddy Pore 158 John Small Rd 08/01/01
Elmer Hill 4011/01

This petition proposed by the *Community Health and Safety Forum*.



Plan Approved by Owner
 Mildred G. Bell
 (except as otherwise indicated)
 Scale - one inch = 50 ft.

PLAN
 WALDO POINT
 OWNED BY
 MILDRED G. BELL

Plan Approved by

Block A & B	Selling Agent
Block C & D	John W. Bell
Block E & F	John W. Bell
Block G & H	John W. Bell
Block I & J	John W. Bell
Block K & L	John W. Bell
Block M & N	John W. Bell
Block O & P	John W. Bell
Block Q & R	John W. Bell
Block S & T	John W. Bell
Block U & V	John W. Bell
Block W & X	John W. Bell
Block Y & Z	John W. Bell

WALDO POINT

[illegible]

MAP/LOT	OWNER	LOCATION	DATE ISSUED	DESCRIPTION	CONTRACTOR	ESTIMATED COST	FEE	NOTES	BUILDING PERMIT ID
I01 / 11	Butters, Marilyn	245 Cottage Rd.	19-Jun-00	Renovation	Owner	\$6,000.00	\$66.30		00-150SZ
I01 / 21A	Dayton, Robert	646 South Rd.	24-Aug-00	House	Classic Lines	\$75,000.00	\$225.60	Guest House	00-239
I01 / 21D	Poell, Martha	37 Jenks Road	15-Jun-00	Addition	Poell, James	\$2,500.00	\$11.50		00-138
I01 / 40	Cushman, Tom	6 Huddum Circle	22-Aug-00	Addition	Doughty, Chris	\$28,000.00	\$61.20		00-235
I01 / 43	David Whiston	Cross Road	06-Nov-00	Alterations	Chris Doughty	\$18,000.00	\$46.00		00-292
I01 / 45	Webber, Harland	6 Ashley Lane	19-Jun-00	Addition	B.W. & Sons	\$3,000.00	\$10.00		00-153
I02 / 25	Chebeague Care	84 Littlefield Rd.	14-Nov-00	Renovation	Erik Weagle	\$1,800.00	\$0.00		00-303
I02 / 35A	Ross, Claire	460 South Road	24-Oct-00	Shed	Owner	\$600.00	\$10.00		00-281
I02 / 38	Bowman, Bruce &	John Small Rd.	12-Apr-00	Addition		\$70,000.00	\$244.80	Addition and	00-053
I02 / 51E	Jordan, Philip	40 Rose Point Rd	07-Jun-00	House	Thaxter Company	\$365,000.00	\$488.70		00-128SZ
I02 / 53	Caldwell, Nancy	70 Rose Point Rd.	11-Jul-00	Shed	Owner	\$1,000.00	\$20.00		00-196-SZ
I02 / 54	Murphy, David	63 Rose Point Rd.	14-Apr-00	Shed		\$8,300.00	\$30.00	Shed 20 x 16	00-055
I02 / 55	Johnson, Phil	10 Waldo Point	27-Jul-00	Shed	Owner	\$700.00	\$10.00		00-216SZ
I02 / 63	Mudgett, David	25 Waldo Point Rd.	19-Jun-00	Shed	Self	\$5,000.00	\$10.00		00-147
I02 / 68	Grant, Robert	John Small Rd.	25-Apr-00	House / Seasonal	Calendar Island	\$112,000.00	\$296.40		00-073
I02 / 79	Armstrong, William	40 John Small Road	08-May-00	Stairway		\$300.00	\$0.00	Stairway to	00-091SZ
I02 / 83	Megna, Kathleen	31 John Small Road	28-Jul-00	Shed	Owner	\$1,000.00	\$10.00		00-218
I03 / 106A	Marshall, William, F.	63 South Road	30-Oct-00	Boathouse	Erickson, Alan	\$30,000.00	\$64.80		00-284SZ
I03 / 106A	Marshall, William, F.	63 South Road	06-Nov-00	Addition	Geofrey Summa	\$65,000.00	\$100.00		00-294SZ
I03 / 112	Brown, Robert	58A South Rd.	17-Jul-00	Addition	Kuntz, Charles	\$6,000.00	\$30.00		201-00
I03 / 52	Hamilton, Kenneth	South Road -	14-Nov-00	Renovation	Owner	\$1,500.00	\$20.00		00-300
I03 / 67	Clark, Douglas	24 Secret Rd.	01-Jun-00	Foundation	M & M Industries	\$1,150.00	\$10.00	Foundation for	00-115
I03 / 67	Clark, Douglas	24 Secret Rd.	26-Sep-00	Miscellaneous	David Tary - Tree	\$300.00	\$0.00	Tree Removal -	00-256SZ
I03 / 97	Grant, Linda	11 Clugston Drive	10-Aug-00	Addition	Ye Old Firehouse	\$5,000.00	\$20.00		00-223SZ
I03 / 97	Grant, Linda	11 Clugston Drive	11-Jul-00	Renovation	Ye Old Firehouse	\$7,500.00	\$30.00		00-197SZ
I04 / 14	Willett, Anita	16 North Road	19-Jul-00	Addition	Owner	\$15,000.00	\$63.00	Amends permit	00-209
I04 / 25	Bonebakker, Erno	24 Cordes Rd.	27-Dec-00	Addition	Owner	\$15,000.00	\$40.00		00-318SZ
I04 / 43	Rice, Malcolm	47 Capps Road	30-Oct-00	Shed	owner	\$1,000.00	\$10.00		00-287
I04 / 69	Bowdoin, Kevin	South Road	01-Jun-00	Temp. Structure	Self	\$0.00	\$50.00		00-122
I04 / 7	Perkins, David &	65 Mansfield Rd.	26-Sep-00	Renovation	Chris Doughty	\$25,000.00	\$60.00		00-252
I05 / 11A	Belesca, Paul	62 Sawyer Road	15-Jun-00	House	Same	\$140,000.00	\$374.85		00-139
I05 / 16A	Ballard, Samuel	North Road	11-Oct-00	Addition	Calendar Island	\$35,000.00	\$35.70		00-272
I05 / 20	Raymond, Robert	16 Rickers Head Rd.	20-Jul-00	Addition	Parker, Bob	\$75,000.00	\$85.50	Kitchen	214-00SZ
I05 / 22	Hulburt, Edward	33 Cottage Road	14-Aug-00	Shed	Owner	\$500.00	\$10.00		00-227
I06 / 19A	Yenco, Richard & Irwin,	North Road -	28-Jun-00	House	Owner	\$100,000.00	\$129.60		00-183
I06 / 30A	Wilson, John	North Rd -	06-Jan-00	House	Dyer, Mark	\$350,000.00	\$766.36		00-006SZ
I06 / 30A	Wilson, John	North Rd -	07-Feb-00	Pier	Custom Float	\$100,000.00	\$0.00		00-017SZ
I06 / 30A	Wilson, John	North Rd -	27-Jun-00	Miscellaneous	Dyer, Mark	\$5,000.00	\$0.00	Ramp - Pier	00-167SZ
I07 / 54	Lombardo, James	4 Bluff Head Road,	14-Apr-00	House		\$30,000.00	\$182.55		00-057SZ
I07 / 55	Richards, Paul	Bluff Head Road	19-Oct-00	House		\$100,000.00	\$213.90		00-

2000 Building Permit Data
June 20, 2000

new housing permits January 1, 2000 - June 12, 2000

Total 41

subdivisions	19 (of those 10 were for condos)
non-subdivisions	22 (1 was re-issued from last year, 3 are on Chebeague Island, 1 is a seasonal unit on Chebeague Island, 1 is a duplex)

applications submitted but not yet approved

Total 4

subdivisions	2 (condos)
non-subdivisions	2

activity since May 22, 2000

Total (approved and submitted)

subdivisions	9 (4 condos)
non-subdivisions	6 (1 duplex)

vacant lots or units in subdivisions date approved

True Spring Farms (condos)	8 of 20 units	12/21/99
Flintlock Ridge (Tuttle Rd)	8 of 9	01/18/00
Rock Ridge Estates (Harris Rd)	7 of 16	03/03/98
Stonegate (Blanchard Rd. ext)	9 of 14	06/15/99
Idlewood (Range Road	4 of 20	11/18/97
Valley Rd.	3 of 13	06/03/97
Field Rd.	2 of 10	
Windy Knolls (Greely Rd.)	1 of 11	
Sunnyfield Farm (Blanchard Rd)	2 of 8	
Falmouth Country Club (Winn Rd)	4 of 33	
Cumberland Estates (Harris Rd.)	1 of 8	
Total	49	

*exempt for 1 year
1/1/98 - 5/22/00*

Building Permits for new dwelling units on Chebeague Island

1999	3 ✓
1998	2 1
1997	1 ✓
1996	3 ✓
1995	8 7
1994	2 ✓
1993	2 ✓
1992	3 ✓
1991	6 ✓
1990	4 ✓
Total	31 32

3-7-

Building permits for new dwelling units on Chebeague Island

1976	2
1977	3
1978	3
1979	4
1980	4
1981	3
1982	2
1983	2
1984	4
1985	6
1986	2
1987	3
1988	6
1989	3
1990	4
1991	6
1992	3
1993	3
1994	2
1995	7
1996	3
1997	1
1998	1
1999	3
2000	7 + 3

80's	35
90's	33

Agenda ^{show mts at RM, lot}
- mts
CE mts

① To hear report of
Service Mechanism on Ground
Water Testing Program

② Indian Council of

③ CMA Ordinances

④ Food Canteen

Ken Cole Committee CMA

CNixon

Bob FYI. Carla

From: Phipps, James E. [jhipps@preti.com]
Sent: Monday, July 23, 2001 11:36 AM
To: 'Deborah M. Mann'; 'Moriarty, Stephen W.'; 'Nixon, Carla'; 'Benson, Robert B.'
Cc: 'Lambert, John F.'; Murphy, Gail D.
Subject: RE:

Yes, I've completed 6 years (2 three-year terms).
Do you need any action from the Counsel or Bob to keep me in the loop?
I have had discussions with Steve Moriarty, Council Chairman, as well as John Lambert and Bob Benson, concerning the possibility of the Council appointing me to serve as a community member of the ad hoc committee to deal with the litigation and Yarmouth negotiations on a going forward basis after my term ended last month. I don't know if the Council has taken any formal action on this. I'm copying Steve, John and Bob (also Carla Nixon, Asst. Town Manager and Gail Murphy, my assistant) in order to get them in the loop if you need any thing done on this.

I DON'T WANT TO DESTROY ANY ATTORNEY-CLIENT PRIVILEGE!!!

- Jim

P.S., Gail, please fax to Bob Benson at 829-2224.

-----Original Message-----

From: Deborah M. Mann [mailto:DMann@JBGH.com]
Sent: Monday, July 23, 2001 10:08 AM
To: Phipps, James E.
Cc: Kenneth M. Cole, III
Subject: RE:

Thank you for your thoughts. I agree completely.

Are you truly out of the Council at this point? From my standpoint, that came about quickly. Your view may well be different.

-----Original Message-----

From: Phipps, James E. [mailto:jhipps@preti.com]
Sent: Friday, July 20, 2001 12:44 PM
To: Deborah M. Mann; Phipps, James E.; John Lambert

(E-mail)

Cc: Kenneth M. Cole, III
Subject: RE:

Debbie, in my view, our position should be that we win without any expansion or change in law or interpretation. If our interest differs from MDOT's on this score, then so be it. We can't have the court deny MDOT's view and then determine that the law isn't there to support the taking as it was done and under the current interpretation.

Of course, my view would be 180 degrees different if you were to tell me that we need the broader interpretation in order to win, but I don't think judge Warren had that view. therefore, our argument should be that judge Warren was right without any change in law or expanded interpretation. We

don't want the law court to tell us to go back to the legislature to get the law changed in order to accomplish this particular taking.

BTW, thank you for continuing to include me in the loop in my Town Councilor Emeritus status.

- Jim

-----Original Message-----

From: Deborah M. Mann [mailto:DMann@JBGH.com]
Sent: Thursday, July 19, 2001 6:49 PM
To: James Phipps (E-mail); John Lambert (E-mail)
Cc: Kenneth M. Cole, III
Subject:

Dear Jim, John and Bob (via fax) -

Not surprisingly, MDOT has slightly broader view of what it intends to say in its Law Court brief, in a more empire-building vein. In addition to arguing that we met Maine's traditional "public use" standard, MDOT wants to go on to argue that the time has come for Maine to join the majority of other jurisdictions by expanding the definition of public use to encompass public benefit and beyond. Becky will be meeting with Toni Kemmerlee next week to discuss how MDOT wants to approach this, but I wanted to let you know their thinking.

At present, we have agreed that MDOT will address the statutory authority question. We will address the public use question. My thought is that we leave up to MDOT the more ambitious argument concerning expanding the doctrine, but I am interested to hear what you think.

MDOT also wants to argue that the issue of public use can't be viewed in a vacuum, that public exigency also factors into the equation. This has been Becky's pet argument throughout and I suggest that we leave this one to MDOT as well.

Let me know if you have any strong feelings on any of these points. --
Debbie

OTHER AGENCY INCLUDING: STATE OF MAINE DEPT. OF ENVIRONMENTAL PROTECTION, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, UNITED STATES CORPS OF ENGINEERS. THE OBTAINING OF ALL PERMITS (INCLUDING PLUMBING AND ELECTRICAL) IS THE RESPONSIBILITY OF THE OWNER OR AUTHORIZED AGENT.

BUILDING PERMIT

DATE April 12, 2001 PERMIT NO. 35-01SZ

APPLICANT Art Tibbatts Marlon Contractor ADDRESS P.O. Box 247 Camden, ME 04843
(NO.) (STREET) (CONTR'S LICENSE)

PERMIT TO Retaining wall (TYPE OF IMPROVEMENT) () STORY NO. () (PROPOSED USE) NUMBER OF DWELLING UNITS ()

AT (LOCATION) 85 Cottage Rd, Chebeague Island ZONING DISTRICT IR
(NO.) (STREET)

BETWEEN () AND ()
(CROSS STREET) (CROSS STREET)

SUBDIVISION () LOT () BLOCK () LOT SIZE ()

BUILDING IS TO BE () FT. WIDE BY () FT. LONG BY () FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION TO TYPE () USE GROUP () BASEMENT WALLS OR FOUNDATION () (TYPE)

REMARKS: Additional tree planting may be required in order to comply with shoreland regulations.

AREA OR VOLUME () (CUBIC/SQUARE FEET) ESTIMATED COST \$ 148,000 PERMIT FEE \$ 75.00

OWNER Charles & Marilyn Butters
 ADDRESS 14 Forest Ave. #2 Norick, MA 01760

BUILDING DEPT BY [Signature]

PERMIT NO.: 35-0152
DATE REC : 8-1-00
FEE AMOUNT: 75⁰⁰

GENERAL INFORMATION

1. APPLICANT CHARLES and MARILYN BUTTERS		2. APPLICANT'S ADDRESS 14 FOREST AVE. #2 NATICK, MA 01760		3. APPLICANT'S TEL. # (508) 652-1962	
4. PROPERTY OWNER CHARLES and MARILYN BUTTERS		5. OWNER'S ADDRESS 14 FOREST AVE #2 NATICK, MA 01760		6. OWNER'S TEL. # (508) 652-1962	
7. CONTRACTOR ART TIBBETTS		8. CONTRACTOR'S ADDRESS P.O. BOX 247 CAMDEN, ME 04843		9. CONTRACTOR'S TEL. # (207) 236-3981	
10. LOCATION/ADDRESS OF PROPERTY 85 COTTAGE RD CHEBEAGUE ISL, ME 04017			11. TAX MAP/PAGE & LOT # MAP 48 / LOTS #11, #11A		12. ZONING DISTRICT ISLAND RESIDENTIAL
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3).					
PLEASE SEE ATTACHED					
14. PROPOSED USE OF PROJECT RETAINING WALL TO PREVENT FURTHER EROSION			15. ESTIMATED COST OF CONSTRUCTION \$ 148,000 approx.		

• PLANTING PLAN • 1" = 30'

X = ROSE BUSHES (84 TOTAL)

O = JUNIPER BUSHES (50 TOTAL)

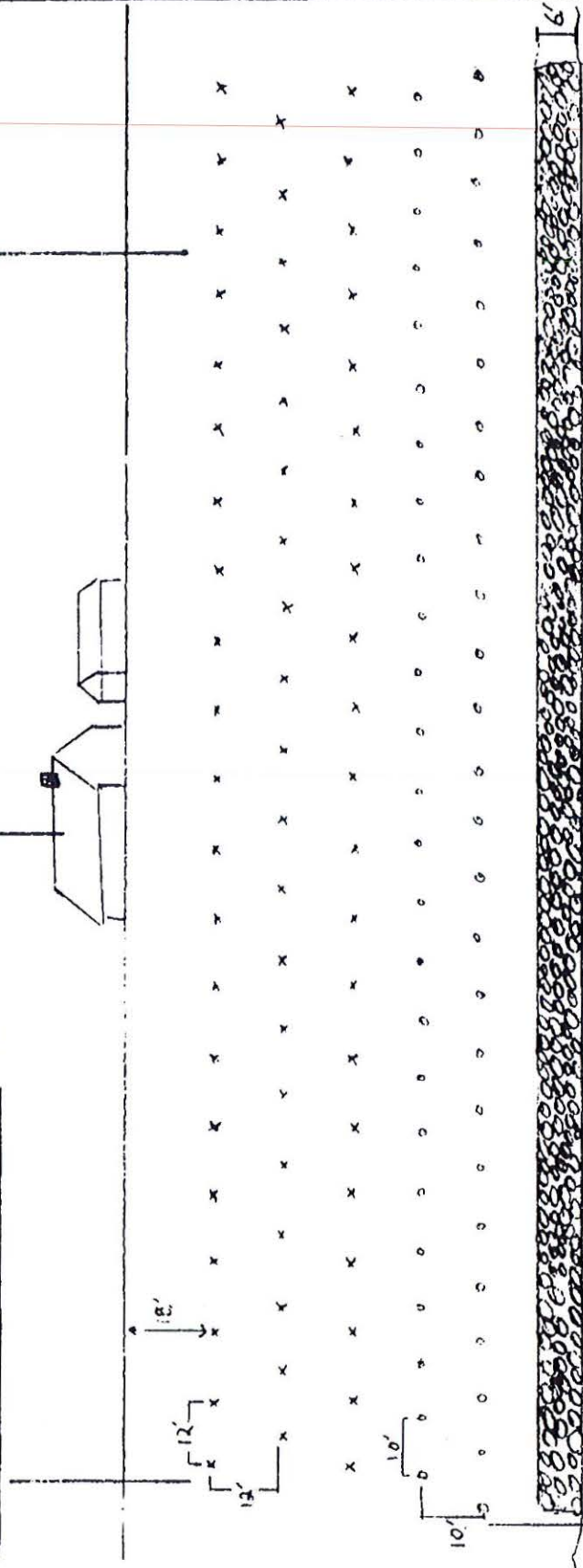
* NOTE:

ENTIRE AREA HYDRO SEEDED PRIOR TO SHRUB
INSTALLATION, WITH EROSION CONTROL MATS
IN PLACE TO ESTABLISH SEED.

EXISTING HOME + GARAGE

ROSE BUSHES SPACED APPROX. 12' IN BOTH DIRECTIONS

APPROX 18' TOP OF BANK WITH
GRASS LANY ONLY.



RIP-RAP WALL

JUNIPER BUSHES SPACED APPROX. 10' IN BOTH DIRECTIONS

PLANTING PLAN:

AFTER THE REMOVAL OF EXISTING COUNTERPRODUCTIVE VEGETATION, AND THE NEW GRADING OF THE BANK TO A LESS AGGRESSIVE SLOPE, A PLANTING SCHEDULE WILL BE IMPLEMENTED. ALL MEASURES TAKEN WILL BE IN CONFORMANCE WITH GUIDELINES AS STATED IN THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK: BEST MANAGEMENT PRACTICES. THE GRADED AREA (APPROX. 20,000 SQUARE FEET) WILL BE RAKED TO REMOVE SURFACE STONES, AND TO LOOSEN AND SMOOTH THE SOIL. THE SURFACE THEN TO BE HYDROSEEDING WITH A SLURRY OF SEED AND FERTILIZER. (NOTE: SEEDING TO TAKE PLACE AFTER APRIL 15.) SEEDING RATE TO BE INCREASED BY 10% AS REQUESTED IN B.M.P. GUIDELINES. ENTIRE SEEDED AREA TO THEN BE COVERED BY EROSION CONTROL MATS. MATS TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS, AND FIRMLY ANCHORED TO OBTAIN CONTINUOUS CONTACT BETWEEN THE MAT AND THE SOIL. MATS WILL DISOLVE IN TIME AFTER MATURITY OF SEED.

SEED TO BE USED: A MIXTURE OF HEARTY NATIVE GRASSES, INCLUDING: REED CANARY GRASS, RED TOP, BIRDSFOOT TREFOIL, AND CROWN VETCH.

NATIVE SHRUBS WILL ALSO BE REPLANTED ALONG ENTIRE SPAN OF GRADED SLOPE. RUGOSA ROSE (BEACH ROSE) WILL BE PLANTED APPROX. 12 FEET APART IN BOTH LATITUDINAL AND LONGITUDINAL DIRECTIONS, STARTING FROM THE UPPER BANK AREA, WITH A TOTAL OF 4 ROWS OF 21 BUSHES (84 ROSE BUSHES TOTAL). THE LOWER AREA OF BANK TO BE PLANTED WITH NATIVE BAR HARBOR JUNIPER, SPACED APPROX. 10' APART FOR 2 ROWS, TOTAL OF 50 JUNIPER BUSHES. PLANTING TO BE DONE IMMEDIATELY AFTER GRASS SEED IS ESTABLISHED. SEE ATTACHED SKETCH FOR MORE DETAILS.

3-28-01

Mike Clark 822-6350

DEP - Approved today

PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY (3 COPIES, PLEASE BEAR DOWN)

Name of Applicant:	ART Tibbets Marine Contractor		Name of Owner:	CHUCK + MARILYN BUTTERS	
Mailing Address:	P.O. BOX 247, CAMDEN		Town/City:	GREAT CHEBEAGUE ISLAND	
State:	ME.	Zip Code:	04843	Daytime Telephone No. (include area code):	(508)652-1962
Name of Wetland, Water Body or Stream:	CASCO BAY				
Detailed Directions to Site:	Take CASCO BAY LINES FROM PORTLAND TO GREAT CHEBEAGUE, Follow Road From FERRY PIER 9/10 mile, Take 1st Paved RD. on left for 1/4 mile, to BUTTERS PROP. (4th House on left, on Paved RD. LIGHT BROWN HOUSE + GARAGE)				
Town/City:	GREAT CHEBEAGUE ISL.	Map #:	48	Lot #:	11/11A
				County:	CUMBERLAND
Description of Project:	BUILD GRANITE RIP-RAP RETAINING WALL, APPROX. 250' Long, WITH SINGLE LAYER OF STONE ON EITHER END OF WALL, RUNNING APPROX. 82' EACH, FOR EROSION CONTROL. (SEE ADDITIONAL OVERSHEET)				
	Part of a larger project?		Yes	No	

(CHECK ONE) This project: does ☐ does not ☒ involve work below mean low water. *3/12/01 - see additional information - riprap, stone, etc. for telcom w/ Art Tibbets on 3/7/01*

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Regulation, Chapter 305. I have a copy of PBR Sections checked below. I have read and will comply with all of the standards.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Sec. (2) Soil Disturbance | <input checked="" type="checkbox"/> Sec. (8) Shoreline stabilization | <input type="checkbox"/> Sec. (14) Piers, Wharves & Pilings |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (9) Utility Crossing | <input type="checkbox"/> Sec. (15) Public Boat Ramps |
| <input type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (5) REPEALED | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension |
| <input checked="" type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | |

I authorize staff of the Departments of Environmental Protection and Natural Resources to access the project site for the purpose of determining compliance. This notice is not valid until approved by the Department or 14 days after filing.

I have attached all of the following required submittals.

NECESSARY ATTACHMENTS:

- ☐ Attach a check for \$50 (non-refundable) made by me
☐ Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer
☐ Attach photographs showing existing site conditions

Post-it® Fax Note	7671	Date	4/5/01	# of pages	1
To	Barbara McPherson	From	White Clark		
Co./Dept.	Cumberland	Co.	MD&E		
Phone #		Phone #	822-6350		
Fax #	829-2214	Fax #			

Signature of Applicant:	<i>Art Tibbets</i>	Date:	2/10/01
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Keep the bottom copy as a record of permit. Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

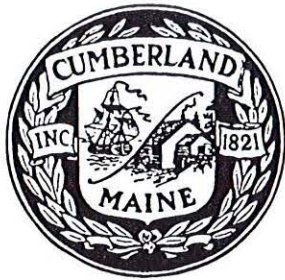
AUGUSTA DEP
STATE HOUSE STATION 17
AUGUSTA, ME 04333-0017
(207)287-2111

PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300

BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570

PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477

OFFICE USE ONLY	Ck.#	9324	Staff	MJL	Staff	
PBR #	26849	FP	50.00	Date	03/12/01	Acc. Date
						Def. Date
						After Photos



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

April 4, 2001

~~August 21, 2000~~

From: Ted Curtis, Cumberland Harbor Master
To: Barbara McPheters, Code Officer
Subject: Butters' Rip-Rap Erosion Control Wall

Dear Ms. Barbara McPheters,

After a review of the proposed rip-rap erosion control wall system to stop the existing erosion on the embankment at the Butters' Residence on Great Chebeague Island, I the have determined that the Butters' Proposal will not:

- Unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, or over the submerged lands;
- Unreasonably interfere with fishing or other existing marine uses of the area;

I would recommend this rip-rap erosion control wall proposal be accepted as proposed.

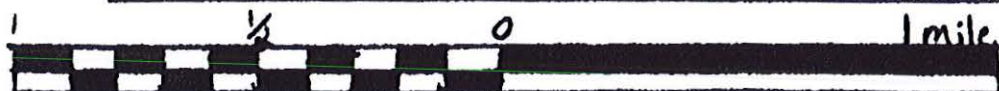
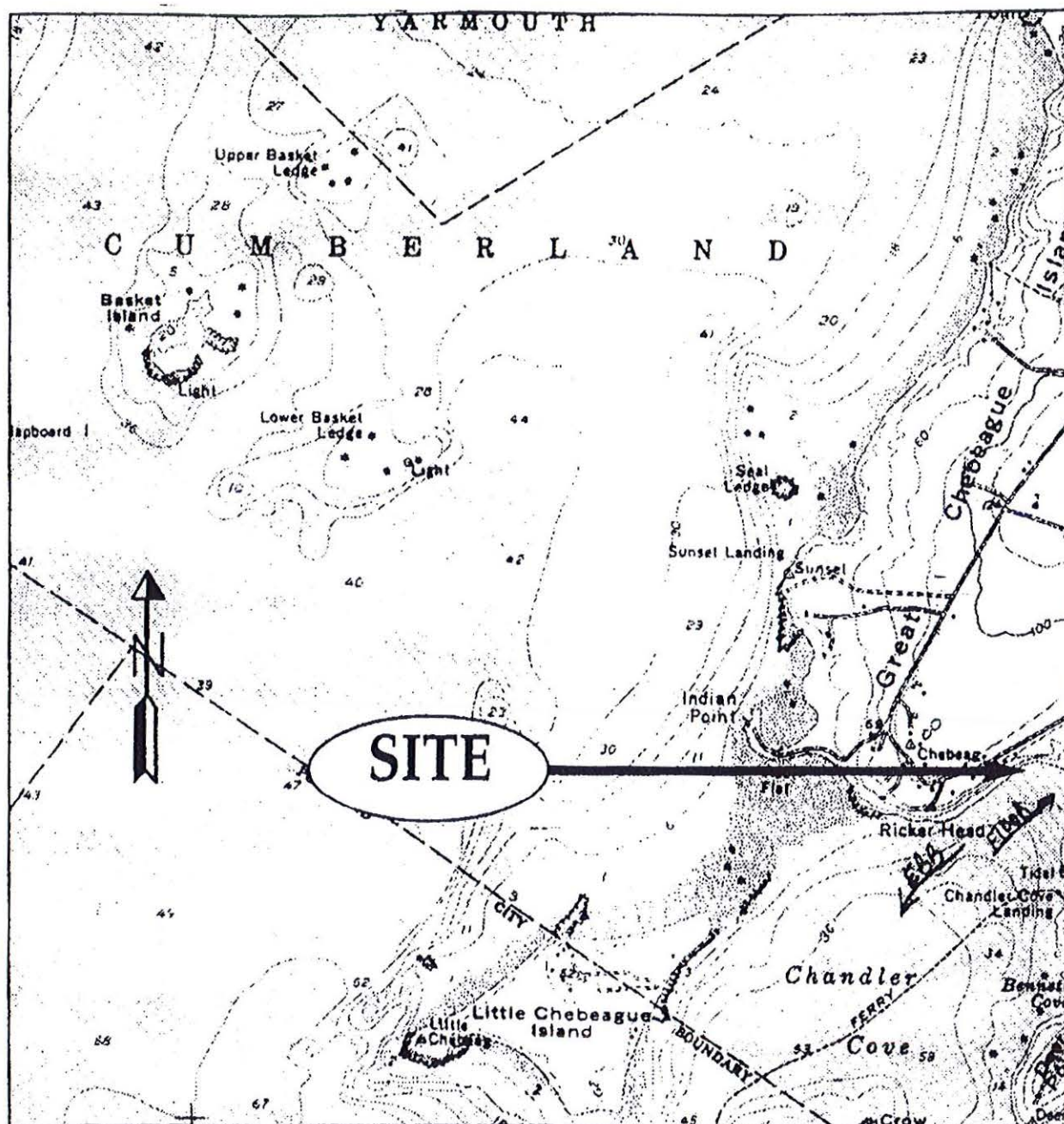
Sincerely,

Ted Curtis

Ted Curtis

Cumberland Harbor Master

• LOCATION PLAN •



SCALE: 1:24000

INDEX:

① LOCATION PLAN ② WALL PLAN ③ WALL PROFILE ④ WALL SECTION ⑤ TAX MAP

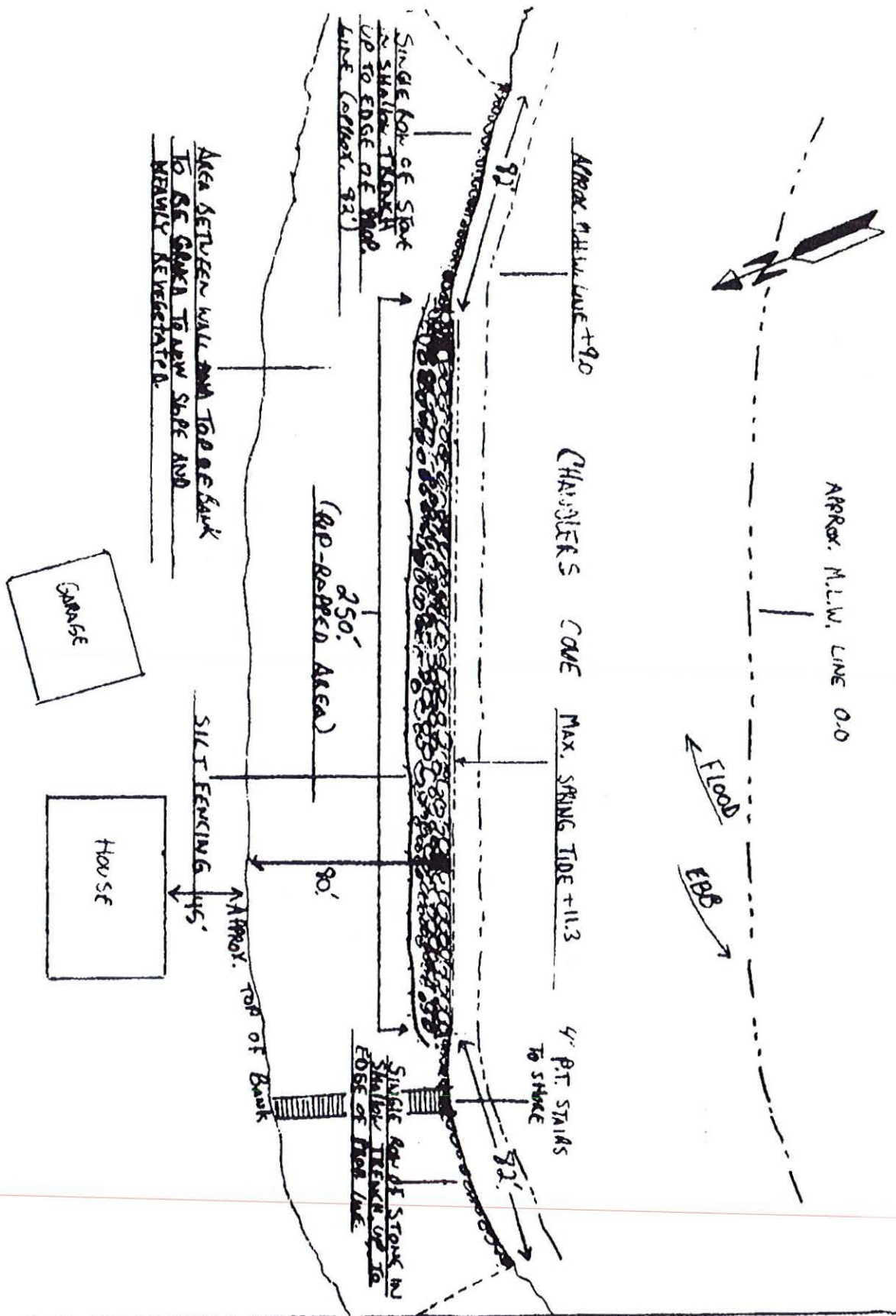
• LOCATION PLAN •

AGENT:
ART TIBBETTS
MARINE CONTRACTOR

RIP- RAP EROSION CONTROL
WALL FOR
CHUCK AND MARILYN BUTTERS

AT: ST. GEORGE
COUNTY: KNOX
STATE: MAINE
DATE: 2/10/01
SHEET: 1 OF 5

• WALL PLAN • 1 = 30



AGENT:
ART TIBBETTS
MARINE CONTRACTOR

RIP-RAP EROSION CONTROL
WALL FOR
CHUCK AND MARILYN BUTTERS

AT: GREAT CHEBEAGUE ISLA
COUNTY: CUMBERLAND
STATE: MAINE
DATE: 3/10/01
SHEET: 2 OF 5

Exhibit 1: PROJECT DESCRIPTION

Propose to build an embankment retaining wall at the high water area on Great Chebeague Island to prevent any further erosion. The proposed wall to be 6' high, X 250' long, and constructed of keystones and geogrid wall reinforcement netting. The keystones, measuring 8" high X 18" wide X 21 1/2 " deep, will be set one layer at a time, with geogrid placed between each layer, from the wall running 12 feet back. Geogrid will be fastened to blocks by fiberglass pins which also lock each layer of blocks to one another. Soil to be placed on and compacted over each layer of geogrid progressively as each layer of stone wall is constructed. Wall to be built on 3' X 4' base of granite stone, running entire length of 250' wall. Filter fabric will be installed under granite base. Two 4" drain pipes will also be installed behind wall running parallel to the entire length of it. The top (approx. 80 ft.) to have the existing alders and brush removed, soil graded smooth to incline, and new grass seeded.

Additional drainage pipes to also be installed on the subject property, running from area behind house and garage near driveway, down to existing drainage gully. Pipes to be buried 4-6 feet down with crushed stone, total length approx. 250'.

INDEX:

Exhibit 1: PROJECT DESCRIPTION
Exhibit 2: PROJECT NEED
Exhibit 3: (a) LOCATOR MAP
(b) TAX MAP
Exhibit 4: PHOTOGRAPHS
(a) VIEWS 1 & 2
(b) VIEWS 3 & 4
Exhibit 5: (a) FRONT VIEW
(b) SIDE VIEW
(c) TOP VIEW
Exhibit 7: CONSTRUCTION PLAN
Exhibit 8: EROSION CONTROL PLAN

AGENT:
ART TIBBETTS
MARINE CONTRACTOR

BANK STABILIZATION EROSION
CONTROL RETAINING WALL
FOR CHARLES AND
MARILYN BUTTERS

AT: GREAT CHEBEAGUE ISLAND
COUNTY: CUMBERLAND
STATE: MAINE
DATE: 08/01/00
SHEET: 1 OF 10

AGENT:
ART TIBBETTS
MARINE CONTRACTOR

BANK STABILIZATION EROSION CONTROL RETAINING WALL FOR CHARLES AND MARILYN BUTTERS

AT: GREAT CHEBEAGUE ISLAND
COUNTY: CUMBERLAND
STATE: MAINE
DATE: 08/01/00
SHEET: 9 OF 10

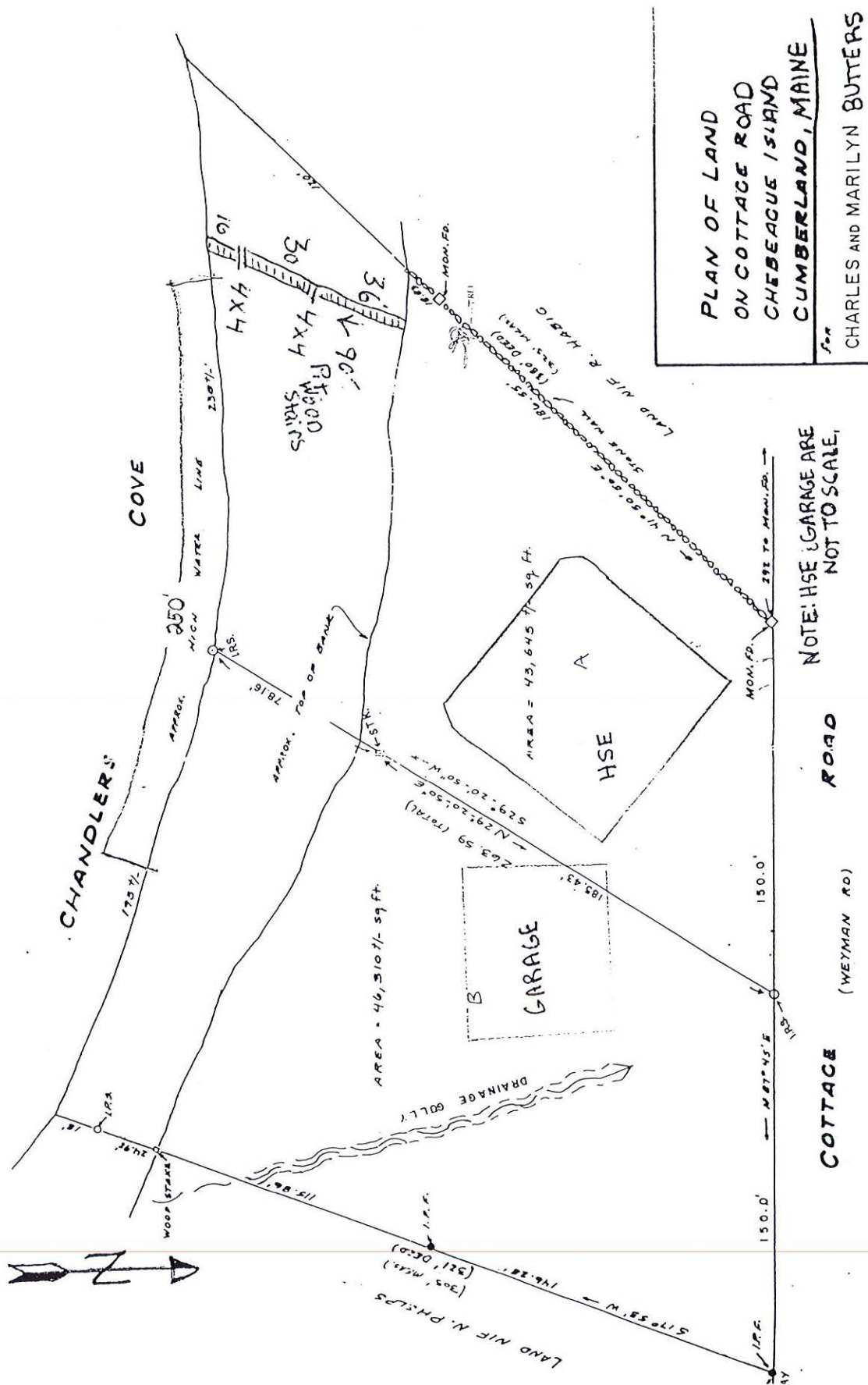


Exhibit 7: CONSTRUCTION PLAN

Site is to be accessed by a barge which will land at the west side of cove at the project site where the land meets the rocks at high tide. A 3' x 4' granite rip-rap base will be set into the ground, soils removed to be hauled away by truck and barge and disposed on mainland site. Crushed stone on top of Geotextile Filter Fabric will be used with drainage pipe behind wall, then pre-cast concrete blocks will be installed for the wall. Concrete will be air dried at least 28 days prior to installation.

Each layer of the wall blocks will be level and compact gravel, using the Geotextile Filter Fabric and Fiberglass pins to anchor each layer. Over-hanging Oak trees at the top of banking to be removed, along with alder bushes along the existing eroding slope.

The slope will be cut back at the top and re-graded down to the new wall. After grading the slope, a layer of loam will be installed, compacted and hearty grass seed applied. Four foot wide wooden stairs from the top of the bank down to the base will be built using pressure treated wood to be installed prior to grass installation. Total length of stairs will be 90 feet.

Exhibit 8: EROSION CONTROL PLAN

Silt fencing conforming to Maine Erosion and Sediment Control Handbook to be installed and maintained at the base of slope. Fencing to be installed 300 feet along the base of the slope seaward at project location.

AGENT:

ART TIBBETTS

MARINE CONTRACTOR

BANK STABILIZATION EROSION
CONTROL RETAINING WALL

FOR CHARLES AND

MARILYN BUTTERS

AT: GREAT CHEBEAGUE ISLAND

COUNTY: CUMBERLAND

STATE: MAINE

DATE: 08/01/00

SHEET: 10 OF 10

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

CHARLES AND MARILYN BUTTERS

14 FOREST AVE #2 (Name, Address and Phone of Applicant)

NATICK, MA 01760 (508)652-1962

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A through 480-Z on or about AUG. 1, 2000
(anticipated filing date)

The application is for

PERMISSION TO BUILD AN EMBANKMENT RETAINING

WALL 6 FT. HIGH X 250 FT. LONG ON GREAT (description of the project)

CHEBEAGUE ISLAND TO PREVENT ANY FURTHER EROSION.

at the following location:

85 COTTAGE RD

CHEBEAGUE ISLAND, ME 04017 (project location)

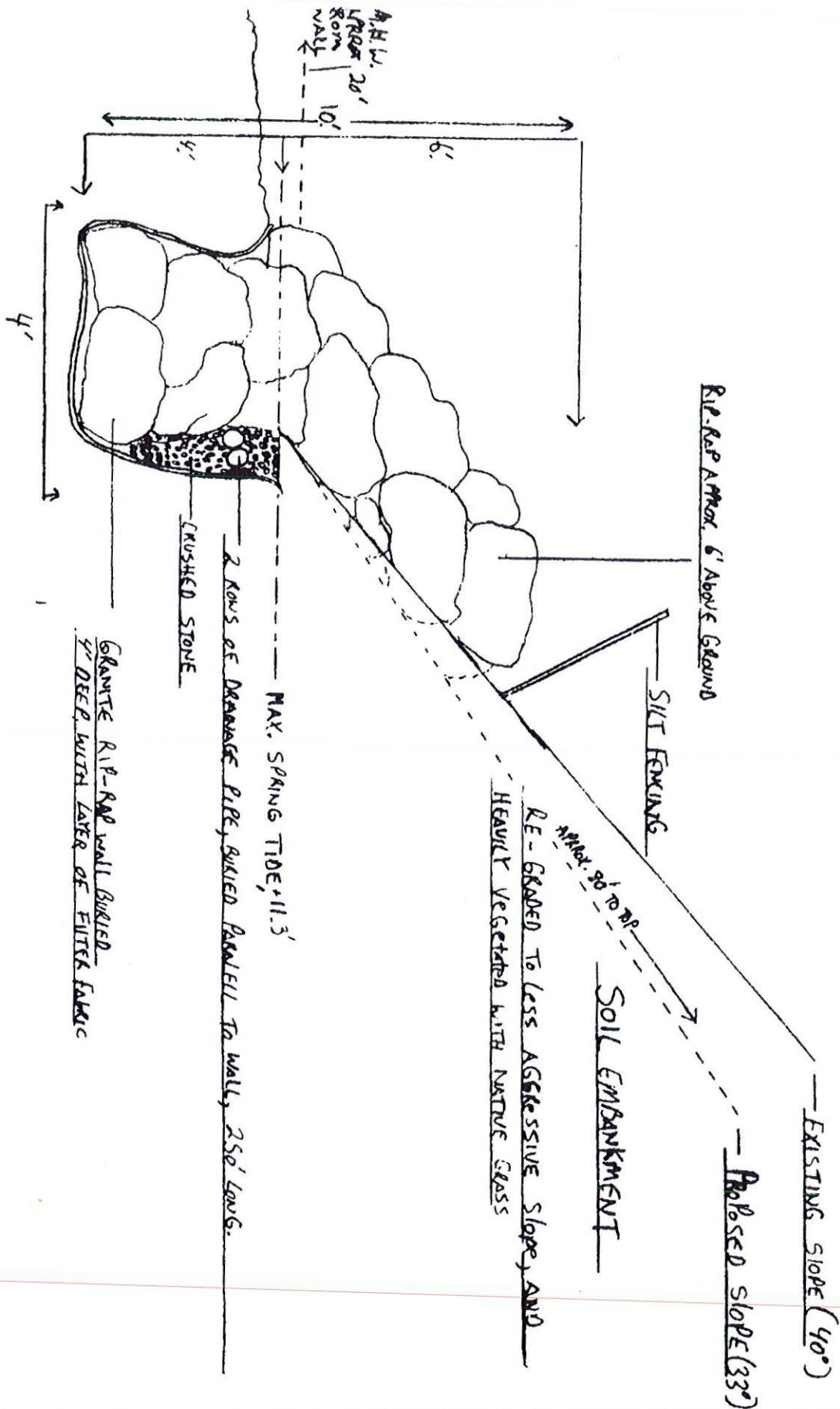
A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in

CUMBERLAND, Maine.
(town)

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

WALL SECTION - 1'-3'



AGENT:
ART TIBBETTS
MARINE CONTRACTOR

RIP-RAP EROSION CONTROL
WALL FOR
CHUCK AND MARILYN BUTTERS

AT: GREAT CHEBEAGUE ISLAND
COUNTY: CUMBERLAND
STATE: MAINE
DATE: 8/10/01
SHEET: 4 OF 5

Fax

8/8/01

For : Bob Benson

Fax Number: 829-2214

From: Sam Ballard - Indian Island Easement

This fax consists of 4 pages of which this is the first page.

Bob,

This fax contains the description of what public access is being provided in the Indian Island Easement (pages 4 and 5) along with the map of the road the town will be acquiring. The complete easement is in the mail to you. It should be there tomorrow. See you on Monday the 13th.

Sam