

# AGENDA

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, September 23, 2013**

**7:30 p.m. Call to Order**

## **I. CALL TO ORDER**

## **II. APPROVAL OF MINUTES**

September 9, 2013

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

## **IV. PUBLIC DISCUSSION**

## **V. LEGISLATION AND POLICY**

**13 – 144** To hold a Public Hearing to consider and act on a Wharfing Out Permit for 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, as recommended by the Coastal Waters Commission.

**13 – 145** To hold a Public Hearing to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

**13 – 146** To consider and act on setting a sewer connection fee of \$500 until December 31, 2016.

**13 – 147** To hold a Public Hearing to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.

**13 – 148** To hold a Public Hearing to consider and act on draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.

**13 – 149** To hold a Public Hearing to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

***TABLED***

**13 – 150** To consider and act on authorizing the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.

**13 – 151** To consider and act on authorizing a driveway license for Robert Poore across the un-built portion of Greely Road Extension.

**13 – 152** To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.

**13 – 153** To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.

## **VI. NEW BUSINESS**

## **VII. ADJOURNMENT**

# MOTIONS

# MOTIONS

- 13 – 144 I move to approve** the Wharfing Out Permit for Mereve Trust, 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, with the conditions proposed by the Coastal Waters Commission, identified in their September 16, 2013 meeting minutes.
- 13 – 145 I move to amend** Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.
- 13 – 146 I move to decrease** all sewer connection fees to \$500.00 effective September 24, 2013, and ending on December 31, 2016. On January 1, 2017, all sewer connection fees will be increased to \$4,000.00.
- 13 – 147 I move to amend** §315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.
- 13 – 148 I move to amend** §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.
- 13 – 149 I move to table** to October 14, 2014.
- 13 – 150 I move to authorize** the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.
- 13 – 151 I move to authorize** the Town Manager to execute a Road Use License with Robert and Darcy Poor at the intersection of Bruce Hill Road and Pleasant Valley Road for the purpose of a driveway. The terms and conditions of the license shall be in accordance with the document prepared by the Town Attorney. The Town Council further requires that a fee of \$500.00 be paid prior to issuance of the license in order to recover the Town's legal and recording fees for the license.
- 13 – 152 I move to set** a Public Hearing date of October 14<sup>th</sup> to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.
- 13 – 153 I move to set** a Public Hearing date of October 14<sup>th</sup> to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.

# MINUTES

## 09-09-13



# **MINUTES**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, September 9, 2013**

## **6:00 P.M. Tour of new ambulance**

**6:15 P.M. WORKSHOP** re: Hunting on Town owned property & discussion re: dedication of Town Report.

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

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

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

Motion by Councilor Bingham, seconded by Councilor Edes, to accept the August 26, 2013 minutes as presented.

VOTE: 7-0                      UNANIMOUS

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

Town paving has started. The area of Orchard and Whitney Roads are being paved now. Blanchard Road will not be paved until after the fair. The gas main work on Blanchard Road should be wrapping up in the next day or so.

### **III. PUBLIC DISCUSSION**

None

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

**13 – 138 To hold a Public Hearing to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.**

Chairman Stiles opened the Public Hearing.

Town Manager Shane said that the application is complete and staff is recommending approval. Mr. Guidi is present this evening to give an update on the construction of his new café.

Mr. Guidi said that the café should be opening October 15<sup>th</sup> – 30<sup>th</sup>. Construction has delayed the October 1<sup>st</sup> target opening date. Louie's Grille will be a burger and steak establishment. Brenda Pitcher will be doing the baking with coffee and pastry being served in the morning opening at 6:30, then lunch beginning at 10:30 a.m. and closing for dinner service by 9:00 p.m.

Councilor Edes asked Mr. Guidi for the seating and parking capacity of the café.

Mr. Guidi said that per the zoning requirements, the seating maximum is 48, which he plans to have. As far as parking spaces, the entire site can hold up to 32 spaces.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Bingham, to approve the Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.

VOTE: 7-0

UNANIMOUS

**13 – 139 Council discussion re: consideration of amending the Traffic Ordinance to consider alternative traffic calming measures for Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn.**

Town Manager Shane explained that this topic has been brought many times to Councilors by residents. Approximately 10 years ago, residents of the neighborhood came before the Council to request some traffic calming measures for the roads coming and going from Val Halla. The no left turn from Val Halla Road to Country Charm Road and Hedgerow Drive results in some vehicles making a U-turn on Val Halla Road, and turning right on Country Charm or Hedgerow to go through to Main Street. Manager Shane said that if the Council decides to amend the traffic ordinance, the neighborhood should be invited to the Public Hearing to give the Council their input.

Councilor Bingham said he would not have a problem eliminating the no left turn if seasonal speed bumps on Hedgerow and Country Charm can be installed.

Councilor Edes asked the Manager how much the speed tables cost.

Manager Shane said the two speed tables and signs would cost approximately \$6,000.

Chairman Stiles said that he would like the stop sign at Val Halla Road and Hedgerow Drive removed.

Jim Guidi of Hedgerow Drive said there are a lot of children at the end of Hedgerow Drive, and he hears a lot of complaints from his neighbors about vehicle driving too fast. Mr. Guidi agreed that seasonal speed bumps are a good solution and the no left turn seems a bit ridiculous.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of October 14<sup>th</sup> to consider and act on amending the traffic ordinance to eliminate the prohibition of left turn on to Hedgerow Drive and Country Charm Road, from Val Halla Road, and install a seasonal speed table, half way, on Hedgerow Drive and Country Charm Road.

VOTE: 7-0

UNANIMOUS

Councilor Turner suggested consideration of removal of the stop sign on Val Halla Road and adding a speed table there as well.

Councilor Edes said that the Ordinance Committee considered this and decided it would be best to leave the stop sign.

**13 – 140 To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.**

Motion by Councilor Copp, seconded by Councilor Edes, to set a Public Hearing date of September 23<sup>rd</sup> to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

VOTE: 7-0

UNANIMOUS

**13 – 141 To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.***

Motion by Councilor Storey-King, seconded by Councilor Edes, to set a Public Hearing date of September 23<sup>rd</sup> to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

VOTE: 7-0 UNANIMOUS

**13 – 142 To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.**

Town Manager Shane said that the Code Enforcement Officer will be present on September 23<sup>rd</sup> to answer questions. Roof additions such as cupola's can put a structure over the height restriction. This is becoming more problematic.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of September 23<sup>rd</sup> to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.

VOTE: 7-0 UNANIMOUS

**13 – 143 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually.**

Town Manager Shane said that the Code Enforcement Officer advised him that we are about to hit the annual maximum in growth permits (which is a very good problem to have). The Ordinance Committee has discussed this and Assistant Town Manager Tibbetts is here to explain more.

Assistant Manager Tibbetts explained that we will exceed the 50 growth permits allowed and anticipate the number to reach 70 by the end of the year. Over the past 10 years, the numbers have ranged from the lowest of 16 permits in 2010 and the highest of 68 in 2003. The proposal is to increase the maximum allowable growth permits to 65 plus an additional 7 for affordable housing units, as required by statute. The Ordinance Committee discussed allowing the carry forward of up to 10 permits from the prior year and borrowing up to 10 permits from a subsequent year, not to exceed 85 permits in any one calendar year.

Councilor Storey-King said that the Ordinance Committee intended to prevent any mass, sudden, thoughtless growth. We have done a good job of thoughtful growth in this community and we should expect that to continue.

Motion by Councilor Gruber, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118 of the Cumberland Code (Growth Management) to increase the maximum number of new growth permits issued annually.

VOTE: 7-0 UNANIMOUS

## **V. NEW BUSINESS**

**Councilor Turner** – Wishes his wife of 35 years a happy birthday today, and will address one of her pet peeves, which is pedestrians not walking against traffic and cyclists not riding with traffic. Recently, he encountered this on Route 88 where 3 cyclists stopped on the road to talk, causing oncoming traffic to veer out of the way to avoid them. This is very dangerous and inconsiderate.

**Councilor Bingham** – Acknowledged the passing of Bert Davis. Bert was a Pearl Harbor survivor, who spent a lot of time in our schools educating kids on WWII. Bert was usually present at our Memorial Day parade and speaking there. He was a key part of the life and acknowledgement of Veterans.

Thank you to the Veterans Monument Committee for their work. The committee consists of: Bill Shane, David Joyce, Linda Collins, Harland Storey and Bob Storey. The work that the committee did meant a lot to many, many people in this community. As his personal thanks to the Veterans Monument Committee, Councilor Bingham pledges to purchase three wreaths every Christmas season to place on the monuments.

**Councilor Storey-King** – On Veterans Day this year (November 11<sup>th</sup>) there will be a very special celebration to honor our Korean War Veterans. Donations are being accepted for advertising space in the celebration program. The money will provide a meal and a t-shirt for the Korean War Veterans participating in the event. To date, Atlantic Regional Credit Union has purchased a full page ad, and Charlie Sparrow purchased an ad for his painting/home repair business. She is getting a bit of reluctance from the high school and middle school band directors, because Veterans Day is a holiday and they are concerned that the students will be looking forward to a long weekend and may not want to participate. She reminded the community that the reason we have the day off from school or work, is to honor our Veterans. Giving up 30 minutes on that morning is not a lot to ask.

Cumberland was mentioned in the Maine Municipal Association publication (The Maine Townsman) in an article about towns that make the sharing of personnel work. Our shared Assessor and Code Enforcement Officer with Yarmouth was mentioned and the fact that support from the Manager's made it work. This was very nice press for the Town.

She wants to let everyone know that the Ordinance Committee is no longer working on the fire ordinance and they have left it as is.

**Councilor Gruber** – He cannot thank the community enough for the volunteer work they do at the Food Pantry. Councilor Storey-King's mother volunteers and Councilor Turner's wife will be joining the volunteers.

Thank you to the resident who made a donation for children's school supplies. We were able to help out a large number of families with school supplies.

Thank you to Town Manager Shane and his wife for all the work they do at the Food Pantry.

He has recently joined the Southern Maine Agency on Aging Board. He is a strong advocate for the aging residents in our community.

**Chairman Stiles** – The September 23<sup>rd</sup> Town Council meeting start time will be moved back to 7:30 to allow him to get his duties at the fair done and make it to the Council meeting.

He urged the Council to help him solicit funds for the 4-H auction to raise money for meat for the Food Pantry.

**Councilor Edes** – Asked the Manager the status of the Animal Control Officer position.

Manager Shane said that Chuck Burnie has retired from the Police Department, but is willing to help us out until an ACO is hired. We are currently working with the towns of Falmouth, North Yarmouth and Yarmouth to share 2 ACO's. We should know more in the next couple of weeks.

Councilor Edes said that he has heard good things from residents about how helpful the employees are in the Code Enforcement Office, and that Bill Longley in particular, is very good to work with.

**Councilor Copp** – Referenced a newsletter from the Historical Society that had a school picture from 1951 that had Brad Hilton in it. Carolyn Small has so many old, interesting pictures. Mrs. Small and the entire Historical Society do a great job.

**Town Manager Shane** – ICMA is now offering a Roth IRA plan that we can offer our employees if the Council authorizes him to enter into the agreement with ICMA.

Motion by Councilor Bingham, seconded by Councilor Turner. to authorize the Town Manager to enter into an agreement with ICMA to include a Roth IRA Plan.

VOTE: 7-0                      UNANIMOUS

The NCAA Division III Men's Cross Country National Championship has invited Cumberland to put our name in the running to hold their event at Twin Brook next year. It is an honor to be considered and the Manager will draft a letter on behalf of the Town Council to be reviewed at the next meeting.

Councilor Storey-King said that the Twin Brook Committee is meeting this week and she would like to advise them of this out of consideration.

The Cumberland/North Yarmouth Joint Standing Committee will meet on Thursday to discuss community updates and the possibility of combining Public Works facilities.

Town Hall will be closed on September 30<sup>th</sup> for employee training and employee appreciation luncheon.

We have received a Wharfing Out Permit for 15 Ledge Road for a pier replacement. The Coastal Waters Commission will be holding a site-walk and application review on September 16<sup>th</sup>, and then it will come before the Council on September 23<sup>rd</sup> with the commission's recommendation.

## **VI. ADJOURNMENT**

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

VOTE: 7-0                      UNANIMOUS

TIME: 8:05 P.M.

Respectfully submitted by,

Brenda L. Moore  
Executive Assistant

# ITEM 13-144

To hold a Public Hearing to consider and act on a Wharfing Out Permit for 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, as recommended by the Coastal Waters Commission





C O A S T A L   W A T E R S  
C O M M I S S I O N

T O W N   O F   C U M B E R L A N D ,   M A I N E  
2 9 0   T U T T L E   R O A D  
C U M B E R L A N D ,   M A I N E   0 4 0 2 1  
T E L :   2 0 7 - 8 2 9 - 2 2 0 5   F A X :   8 2 9 - 2 2 2 4

September 17, 2013

Mr. William Stiles, Chairman  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, Maine 04021

Re: Wharfing Out Permit Request- Mereve Trust – 15 Ledge Road

Dear Chairman Stiles:

On Monday, September 16, 2013, the Cumberland Coastal Waters Commission held a site walk and followed by a public hearing at Town Hall regarding the application for a replacement dock and ramp system located at 15 Ledge Road submitted by Eco-Analysts on behalf of the owner, Mereve Trust.

The Commission has requested and received, through the Town Manager, additional information related to the application including:

- a. Elevation data for the Pier
- b. Text to confirm no lighting is proposed with application
- c. Minor Corrections to originally submitted documents

A completed and corrected application is on file at Town Hall and the minutes to our meeting are attached to this recommendation along with the updated drawings. The Commission took testimony from the President of the Homeowners Association regarding specifically concerns for erosion and sedimentation as well as caution of nesting birds in the area.

The Commission has found the application to be complete and offers the following recommendations as conditions of approval to their request for a Wharfing Out Permit pursuant to the Town's Code *Chapter 226 Shoreland Zoning § 226-25 Piers, wharves, docks, bridges, floats and other structures:*

The **Commission recommends approval** of the Permit Application subject to the following conditions:

1. The Code Enforcement Officer shall visit the site during construction.
2. A final inspection shall be performed by the Code Enforcement Officer prior to departure of the general contractor, in this case Custom Float Services.
3. A marine contractor shall store the floats for the winter, using a stainless steel pin anchoring system embedded into the ledge for haul-out and for securing the float for winter.
4. The Code Enforcement Officer shall witness the initial haul out. The Town shall be notified when the floats are hauled out annually, so the Code Enforcement Officer may complete an inspection.
5. If there is further evidence of additional erosion damage during the hauling or storage of the floats, then the floats must be stored off-site.
6. Conservation mix plus coconut fiber matting will be pinned beneath the existing stairways from the top to the base of the bank.
7. Existing trees shall be trimmed along the stairways to promote sunshine and growth beneath the embankment. Trimming shall be conducted per the Shoreland Zoning Standards.
8. The homeowner is encouraged to minimize disturbance along the top of the embankment.
9. Hours of work shall be limited to 7:00 am to 7:00 pm. Monday through Friday. No holiday or weekend work shall be permitted.
10. No lighting shall be permitted with this application.

I will be your meeting on September 23, 2013 to answer any questions you may have related to the Commission's public hearing, site walk or deliberations on this application.

Sincerely,

Craig Kinney, Chairman  
Coastal Water's Commission

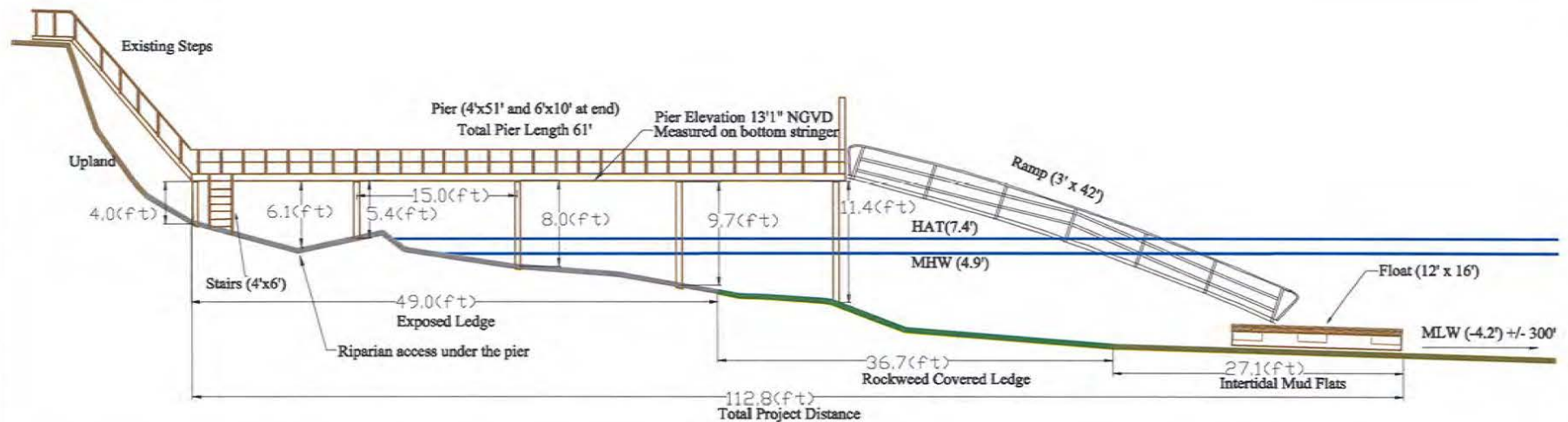
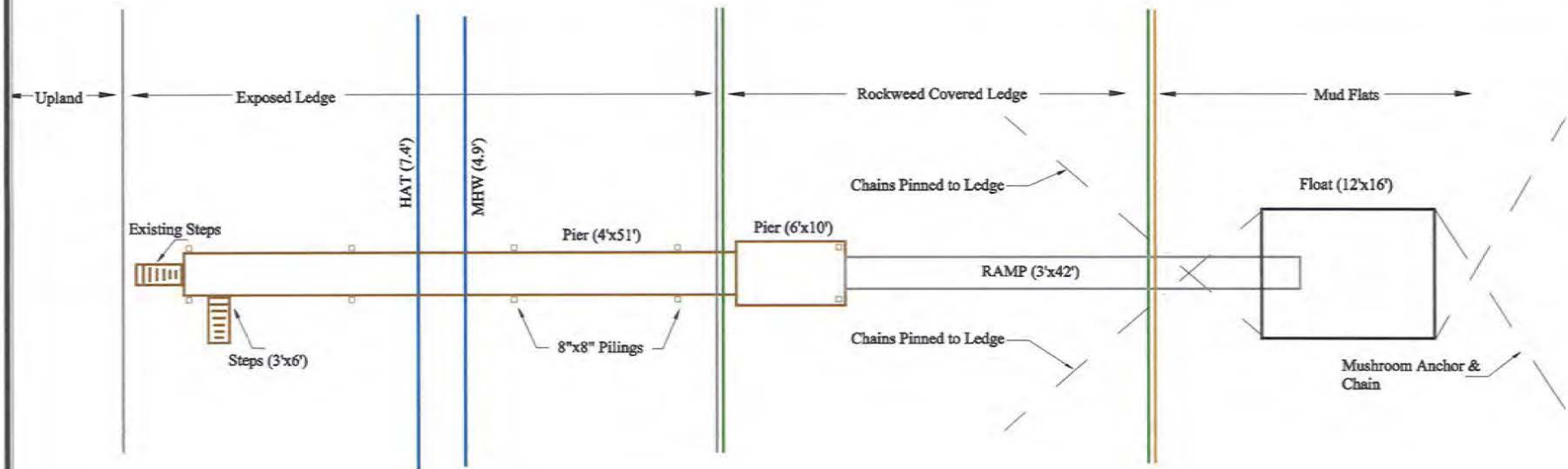
cc: William R. Shane, Town Manager





15 Ledge Road Wharfing Out Permit Request September 2013





**ECO-ANALYSTS, INC.**  
Environmental Consultants  
P.O. Box 224 Bath, Maine 04530  
(207) 837-2199  
Fax (207) 386-0451  
timforrester@comcast.net

**Date:** 4/30/2013  
**Revised:** 9/17/2013  
**Project:** MEREVE TRUST  
**Drafted By:** TAF

**Plan View and Cross Section of the Proposed Dock at 15  
Ledge Road in Cumberland, Maine.**

**Sheet**  
**3**  
**of**  
**3**

Cumberland Coastal Waters Commission  
Meeting Minutes  
September 16, 2013  
Council Chambers

Present: Chairman Craig Kinney, Lewis Incze, John Williams & David Fenderson

Staff: Town Manager William Shane & Secretary Debbie Flanigan

Absent: Paul Dugas & Kathleen Babeu

Other: Timothy Forrester & Matt Davis, representatives for Mereve Trust.

RE: Shoreland/Wharfing Out Permit Application  
Mereve Trust  
15 Ledge Road  
Cumberland, Maine 04079

Trustee: Charles Oestreicher

Trustee's contractor for permit applications: Eco-Analysts, Inc.

The Coastal Waters Commission commenced a site walk at 15 Ledge Road at 5PM.

- The Committee reviewed the site and queried the Mereve Trust representatives regarding details of the proposed structure.
- Resident Holly Thibodeau, of 13 Ledge Road, stated her support for the project, but had a concern regarding erosion on the steep bank. She made a suggestion to trim some of the brush and trees near the walkway to let in more sunlight, which should promote growth of the underlying vegetation and thus limit further erosion in the area of the stairway.

Following the site walk a Public Hearing was held at the Cumberland Town Hall. Chairman Kinney called the meeting to order at 6:07 pm. There were no public attendees at the Hearing. Tim Forester of Eco Analysts explained the project and fielded questions from the Committee.

Comments included:

- Lewis Incze stated that most of his concerns were addressed during the site walk. He suggested that care be taken to during the removal of the existing structure and construction of the new system to ensure that no damage to the banking is incurred during the process. He also suggested the area under the stairway be addressed to limit further erosion of the bank. This could include but not be limited to seeding, matting and trimming vegetation to allow increased light into the area, thus promoting growth of bank vegetation.
- David Fenderson stated that he felt the plan was very well put together. He noted that there are things in the permit information packet that referred to Falmouth Foreside that needed to be changed to Cumberland Foreside.
- John Williams stated a concern with winter storage of the float. He also stated he would like to see some sort of language indicating that any damage or degradation to the

“grandfathered” sections of the system, either through direct impact or vibration, during the proposed construction activities, be addressed. i.e. Any damage to the stairs, associated support system and the adjacent bank be properly addressed during the construction. He questioned that the side stairs would be going up on only one side, thus not allowing lateral access over the walkway. Tim Forrester stated that there would be enough clearance under the pier, thus allowing people to walk underneath it. The stairs would be limited to homeowner’s access.

- Chairman Kinney stated his concern about the winter storage of the float due to limited space above the mean high water mark and the steep bank. He indicated that astronomical tides, extreme storms and winter ice could move the float thus impacting the trees and adjacent vegetation. It was noted that in the past, the Commission recommended off-site storage and a number of places that have been utilized including Chebeague Island.
- Both John Williams & Lewis Incze agreed with Chairman Kinney regarding his concern with storage and the potential impact on the existing bank and vegetation. Most dock permits issued since the waterfront committee was formed have required offsite storage.
- Chairman Kinney referred to the updated version of the Shoreland Zoning Ordinance, Chapter 226-25, D. (13) referring to lighting on piers, wharves, etc. Mr. Williams stated the application and construction plan do not include lighting.
- Mr. Shane stated that the recommendation from the Coastal Waters Commission will be on the agenda for the September 23, 2013 Town Council meeting.
- Mr. Davis from Custom Float Services stated that his company would take steps to insure minimal movement of the stored float during winter storage, so that the float would not damage the bank or vegetation. He stated that, typically, there are two shoreline lines attached to substantial trees or other anchoring devices. The proposed float is smaller than other floats in the area. It has a lot less mass and is reasonably easy to hold in place with the standard Danforth anchoring outboard and trees that are over 5” in diameter on the shoreline. The float has skids built into it so it can rest on uneven ground. To get the float into place for winter storage, work would be done in the fall during the highest tide possible, using a hand held winch and come-along system to pull the float beyond the high tide, using the trees to anchor the winch. As concerns were raised regarding potential damage to the trees, he indicated they could utilize helix anchors in the bank.
- The Committee was not satisfied with either approach, expressing concerns with both the proposal to utilize trees for hauling and securing the float and the use of Helix anchors screwed into the bank for winching.
- Mr. Davis suggested an alternative method based on the existing ledge in the storage area. He suggested the use of permanent pins (Stainless steel pins epoxied into the ledge). The pins would be used for the float haul-out as well as for securing it during the winter.
- The Committee felt this option was a good option in this situation. The Committee noted that there are probably only a few places along the Cumberland mainland shore where this option can be used because there are few above-tide locations with relatively flat rocks where impacts on sediments (erosion) and marine life can be avoided.

- Lew Incze moved to authorize the Chairman Kinney to wordsmith the document in preparation for the Town Council meeting on September 23, 2013.
- Seconded by John Williams.

VOTE: 4

UNANIMOUS

The Commission will recommend the Town Council approve the Permit Application subject to the following conditions:

1. The Code Enforcement Officer shall visit the site during construction.
2. A final inspection shall be performed by the Code Enforcement Officer prior to departure of the general contractor, in this case Custom Float Services.
3. A marine contractor shall store the floats for the winter, using a stainless steel pin anchoring system embedded into the ledge for haul-out and for securing the float for winter.
4. The Code Enforcement Officer shall witness the initial haul out. The Town shall be notified when the floats are hauled out annually, so the Code Enforcement Officer may complete an inspection.
5. If there is further evidence of additional erosion damage during the hauling or storage of the floats, then the floats must be stored off-site.
6. Conservation mix plus coconut fiber matting will be pinned beneath the existing stairways from the top to the base of the bank.
7. Existing trees shall be trimmed along the stairways to promote sunshine and growth beneath the embankment. Trimming shall be conducted per the Shoreland Zoning Standards.
8. The homeowner is encouraged to minimize disturbance along the top of the embankment.
9. Hours of work shall be limited to 7:00 am to 7:00 pm. Monday through Friday. No holiday or weekend work shall be permitted.
10. No lighting shall be permitted with this application.

The Chairman or his designee shall present these findings at the Town Council meeting.

The Commission tabled discussion of the minutes of March 26, 2011 to November 12, 2013 to allow members additional time to review them in order to address amendments/changes to the Coastal Waters Ordinance.

Chairman Kinney moved to adjourn at 7:17 pm

Seconded by John Williams.

VOTE: UNANIMOUS

# ITEM 13-145

To hold a Public Hearing to consider and act on amendments to  
Section 216 (Sewers) of the Cumberland Code, as recommended by  
the Board of Sewer Appeals





B O A R D O F  
S E W E R A P P E A L S

Ralph Oulton, Chairman

Steve Sloan  
Eileen Wyatt  
Paul Chesley  
Doug Pride

Staff

Bill Shane  
Brenda Moore  
Mike Crosby

**September 3, 2013**

**To: Mr. William Stiles  
Chairman  
Cumberland Town Council**

**Re: Revised Town Sewer Use Ordinance**

For the past several months the Board of Sewer Appeals has been reviewing the current version of the Town Ordinances relative to Sewer Use within the Town of Cumberland. The current Town Ordinance for Sewers, Paragraph 216, was last revised in 1999. The object of the Board of Sewer Appeals was to bring the Sewer Ordinance up to date with the requirements of 2013.

The attached amendments to the Sewer Use Ordinance have been provided in the long form, which shows the proposed changes highlighted in yellow, as well as a condensed version, which shows only the sections having modifications.

The Board of Sewer Appeals would like to propose making the proposed changes final with the Town Council approval. The Board will be represented at the September 23<sup>rd</sup> Town Council meeting to present and discuss the proposed changes to the Sewer Use Ordinance.

Sincerely yours,

Ralph Oulton  
Chairman

# Revisions to the Sewer Ordinance

## Chapter 216. SEWERS

### § 216-3. Definitions

#### pg.2 **CODE ENFORCEMENT OFFICER**

A person certified under MSRA Title 30-A § 4451 employed by a municipality to enforce all applicable laws and ordinances to include Shoreland Zoning; Comprehensive Planning and Land Use; Internal Plumbing; Subsurface wastewater disposal; and building standards and more specifically defined under Section 2-A MSRA Title 30-A § 4451.

#### pg.2 **FOG FLOATABLE OIL**

FOG (fats, oils or grease) Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

#### pg.3 **HEALTH OFFICER**

A person certified under MSRA Title 22 § 451 employed by a municipality to enforce all applicable laws and ordinances and is qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule.

#### pg.3 **INFLOW**

Water entering sanitary sewers from inappropriate connections is called inflow. Typical sources include sump pumps, roof drains, cellar drains, and yard drains where urban features prevent surface runoff, and storm drains are not conveniently accessible or identifiable. Inflow tends to peak during precipitation events, and causes greater flow variation than infiltration.

#### pg.3 **INFILTRATION**

Groundwater entering sanitary sewers through defective pipe joints and broken pipes is called infiltration. Pipes may leak because of careless installation; or they may be damaged after installation by differential ground movement, heavy vehicle traffic on roadways above the sewer, careless construction practices in nearby trenches, or degradation of the sewer pipe materials



#### pg.5 SEWER USER UNIT

The measure of flow equal to that generated by the average single-family household, which is 310- 150 gallons per day.

#### pg.5 UNPOLLUTED WATER

Water of quality equal to or better than the effluent criteria in effect and in compliant with Maine Department of Environmental Protection rules and regulations or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided

#### pg.6 WASTEWATER

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and any other buildings, together with any groundwater, surface water, and stormwater that may be present unintentionally.

#### § 216-5. Private wastewater disposal.

pg.7 C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The final inspection shall be made by the end of the second succeeding business day after the date of actual receipt of notice by the Plumbing Inspector or the installation shall be considered approved, unless the Plumbing Inspector gives notice of a delay in the inspection within the two days, in which case the Plumbing Inspector shall schedule inspection within 48 hours of said notice.

#### § 216-6. Building sewers and connections.

##### F. Specifications.

pg.9 (1) All building sewers shall conform to the standards of the Portland Water District Water and Sewer Construction Specifications and Procedures, Section V. Work Associated with Sewer Construction and related sections per the May 17, 2013 revision.

(1) — meet one of the following specifications:

~~(a) Ring-Tite™ polyvinyl chloride (PVC) sewer, SDR35, American Society for Testing and Materials (ASTM) Specification D-3034, twelve and one-half foot or twenty-foot lengths, rubber ring lock-in, maximum allowable deflection 7 1/2%;~~

~~(b) Ring-Tite™ polyvinyl chloride (PVC) water pipe Class 160, SDR26, twenty-foot lengths, ASTM D-2241, rubber ring in belled groove, maximum allowable deflection 7 1/2%;~~

~~(c) Acrylonitrile butadiene styrene (ABS) sewer pipe ASTM D-2751 sewer grade; ??~~

~~(d) Extra-heavy cast iron soil pipe shall conform to ASTM Specification A-74 and American Standards Association (ASA) Specification 40.1; or ??~~

~~(e) Ductile iron push or joint sewer pipe of Class 50.~~

pg.9 (3) The depth of building sewers shall be sufficient to afford protection from frost. Any part of building sewer lines installed with less **than three four feet** ground cover shall be insulated as approved by the Superintendent.

pg.10 (4) The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means. The building sewer shall be laid on a firm bed and backfilled by hand with **3/4 " crushed stone.** ~~sand, gravel or clean fill with no stones larger than 1 1/2 inches. The hand fill shall be placed around the pipe and over it to a depth of at least six inches over the pipe.~~ The remainder of the trench may be backfilled **with existing materials. by machine.** ~~Backfill up to six inches over the pipe shall be hand tamped. Metallic tape or tracer wire shall be placed over the pipe bedding material per Portland Water District Standards listed in item (1).~~

p. 10 (5) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C-12, except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe **bedding** shall not exceed 36 inches.



pg. 10 (9) ~~Lead and oakum joints and solvent weld joints are allowed as an alternate, but only when installed by licensed master plumbers.~~

pg. 10 (9) Building sewer cleanouts shall be installed at intervals not to exceed ~~110- 90~~ feet in straight lines and at all ninety-degree turns. The cleanouts shall be installed vertically to within six inches of the surface. A stainless steel strap shall be installed around the cleanout. The Superintendent shall be provided building ties in writing with a sketch for all cleanout locations.

pg. 11 (10) Any replacing or relocating of building drain pipes inside the building shall require a separate permit to be taken out by either a master plumber or the owner.

pg. 10-11 ~~G. Whenever practical, the building sewer pipes shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.~~

~~(1) Low Pressure A septic tank in good condition as defined by the Superintendent may be used for a pumping tank. The outlet to the disposal area shall be disconnected and plugged.~~

~~(2) The sewage pump shall be capable of pumping solids and shall have at least a two-inch discharge line. If a grinder pump is installed, a one and one-half inch discharge line is permitted. Tanks shall be equipped with an alarm system wired to the building.~~

H. No person(s) shall make a connection of roof downspouts, floor drains, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent. If the trench is backfilled before being authorized by the Superintendent, the Superintendent shall require it to be re-excavated for inspection. The Superintendent shall make all inspections without undue delay.

J. Upon completion of the connection of the building sewer to the public sewer, the old septic tank shall be pumped out and filled with soil or removed.

**K.** All excavations for building sewer installation or maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**L.** No connection of a building sewer shall be made directly to a force main.

### **§ 216-7. Sewer extensions.**

**pg.13 E.** Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed **to the current by the** Portland Water District **standards and specifications**, with the developer or the property owners requiring the pump station paying all of its costs.

### **§ 216-8. Use of public sewers.**

**pg.15 (3)** Wastewater from industrial plants **or restaurants** containing **FOG floatable fats, oils or grease. oils, fat or grease.**

### **§ 216-8. Use of public sewers.**

**Pg. 16 (5) (a)**

#### **Avg. Daily Limits of Toxic Substances in Sewage at the Falmouth Treatment Plant**

Iron, as FE	<b>5.0 1.0 ppm</b>
Chromium, as CR (hexavalent)	<b>3.0 0.5 ppm</b>
Copper, as Cu	1.0 ppm
Phenol	10.0 ppm
Cyanide, as CN	<b>0.5 0.05 ppm</b>

Cadmium, as Cd

0.5 0.01 ppm

Zinc, as ZN

0.5 ppm

Nickel

1.5 0.75 ppm

(b) If concentrations listed above are exceeded at the Falmouth Wastewater Treatment Plant, individual establishments will be subject to control by the Superintendent in volume and concentration of wastes discharged as follows, and any waters or wastewater containing arsenic or fluorides is prohibited from discharge to the sanitary sewer system:

	Maximum for Any 1 Day	Monthly Average Shall Not Exceed
Metal	(mg/l)	(mg/l)
Cadmium	0.11	0.07
Chromium Total	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide	1.20	0.65



pg.19 H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be maintained by the owner so as to be safe and accessible **for Town Sampling** at all times.

**Pg. 20 § 216-9. Damaging facilities; insurance.**

- B. ~~A contractor must present a certificate of insurance showing minimum liability coverage of \$250,000/\$500,000 for bodily injury and a limit of \$100,000 for property damage, including collapse underground, and completed operations coverage with the Town listed as an additional insured before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.~~

**"A contractor must present a Certificate of Liability Insurance showing minimum limits of General Liability coverage of \$1,000,000 per Occurrence & \$2,000,000 Aggregate, including Collapse, Underground & Explosion, and Completed Operations coverage with the Town listed as an Additional Insured with respect to Ongoing & Completed Operations (via ISO Form's CG2010 & CG2037 or their equivalent) for one year from completion of the project before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer."**

## Chapter 216. SEWERS

**[HISTORY: Adopted by the Town of Cumberland 10-12-1983, as amended through 5-14-1990. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Stormwater management — See Ch. 242.

Subdivision of land — See Ch. 250.

#### **§ 216-1. Purpose.**

- A. It shall be the purpose of this chapter to reduce, to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal and to accomplish the necessary local legislation to meet the requirements of the Portland Regional Wastewater Plan established by the Portland Water District, the State of Maine and the federal government. All this is in furtherance of the health, welfare, comfort and convenience of the inhabitants of the Town of Cumberland.
- B. Whereas the Portland Water District has been designated as the regional agency responsible for wastewater treatment, none of the provisions of this chapter shall be construed to repeal or otherwise interfere with the rights, duties and/or powers granted to the Portland Water District pursuant to Chapter 433 of the Private and Special Laws of the State of Maine of 1907, as amended.

#### **§ 216-2. Scope.**

Hereafter any person owning a building or structure within the Town of Cumberland which is the source of sewage and/or industrial wastes or who proposes to erect such a building or structure shall conform to the requirements of the State Plumbing Code, this chapter and any regulations thereunder. Outside consulting fees shall be charged in accordance with Chapter 315, Zoning, § 315-81.

#### **§ 216-3. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

#### **ABUTTER**

A parcel of land whose boundary closest to the sewer line, if extended across the street right-of-way, would cross the public sewer.



**BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BOARD OF SEWER APPEALS**

That Board appointed according to the provisions of § 216-11.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight feet (2.5 meters) outside the inner face of the building wall.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

**CODE ENFORCEMENT OFFICER**

A person certified under MSRA Title 30-A § 4451 employed by a municipality to enforce all applicable laws and ordinances to include Shoreland Zoning; Comprehensive Planning and Land Use; Internal Plumbing; Subsurface wastewater disposal; and building standards and more specifically defined under Section 2-A MSRA Title 30-A § 4451.

**COMBINED SEWER**

A sewer intended to receive both wastewater and stormwater or surface water.

**EASEMENT**

An acquired legal right for specific use of land owned by others.

**FLOATABLE OIL**

Fats, oils or grease (FOG) Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

**FORCE MAIN**

A pressurized section of sewer that conveys the discharge from a pump station to a higher-level destination which may be a treatment plant or a manhole in the gravity portion of the sewerage system.



**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**HEALTH OFFICER**

A person certified under MSRA Title 22 § 451 employed by a municipality to enforce all applicable laws and ordinances and is qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule.

**INFLOW**

Water entering sanitary sewers from inappropriate connections is called inflow. Typical sources include sump pumps, roof drains, cellar drains, and yard drains where urban features prevent surface runoff, and storm drains are not conveniently accessible or identifiable. Inflow tends to peak during precipitation events, and causes greater flow variation than infiltration.

**INFILTRATION**

Groundwater entering sanitary sewers through defective pipe joints and broken pipes is called infiltration. Pipes may leak because of careless installation; or they may be damaged after installation by differential ground movement, heavy vehicle traffic on roadways above the sewer, careless construction practices in nearby trenches, or degradation of the sewer pipe materials

**INDUSTRIAL WASTES**

The wastewater from industrial process, trade or business as distinct from sanitary wastes.

**NATURAL OUTLET**

Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**PERSON**

Any individual, firm, association, society, corporation or group.

**pH**

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution; neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of  $10^{-7}$ .

**PLUMBING INSPECTOR**

The Plumbing Inspector of the Town of Cumberland appointed pursuant to 30-A M.R.S.A. § 4221.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER**

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and other buildings, together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

**SANITARY WASTES**

The liquid wastes and liquid-borne wastes discharged from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms and kitchens and essentially free of industrial wastes or toxic materials.

**SEWAGE**

The spent water of a community. The preferred term is "wastewater." See definition of "wastewater."

**SEWER**

A pipe or conduit that carries wastewater or drainage water.

**SEWER PERMIT**

A written permit obtained from the Town for disposal of sewage from a commercial or residential unit through appropriate building drains to the public sewer and finally to the Town's wastewater facilities.



**SEWER USER UNIT**

The measure of flow equal to that generated by the average single-family household, **which is 340- 150 gallons per day**

**SLUG**

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of wastewater treatment works.

**STORM DRAIN (sometimes termed "storm sewer")**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUPERINTENDENT**

The official directly in charge of the Cumberland sewer system as designated by the Town Council, or the Superintendent's authorized deputy, agent or representative.

**SUSPENDED SOLIDS**

The total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtrating, as prescribed in Standard Methods for the Examination of Water and Wastewater, and referred to as "nonfilterable residue."

**TOWN**

The Town of Cumberland, Maine.

**TOWN COUNCIL**

The duly elected Town Council of the Town of Cumberland.

**UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect **and in compliant with Maine Department of Environmental Protection rules and regulations** or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided

## **WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and any other buildings, together with any groundwater, surface water, and stormwater that may be present **unintentionally.**

## **WASTEWATER FACILITIES**

The structures, equipment and processes required to collect, carry away, and treat sanitary and industrial wastes and dispose of the effluent.

## **WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

## **WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

### **§ 216-4. Unlawful deposits and discharges; connection to public sewer required.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Cumberland or in any area under the jurisdiction of said Town any human or animal excrement, garbage or objectionable waste. The term "unsanitary manner" shall not include seasonal spreading of animal excrement or other fertilizer in farming or animal husbandry operations.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Cumberland, or any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of any house, building or other structure used for human occupancy, employment, recreation or other purposes requiring the disposal of wastewater, abutting and situated within 200 feet of any sanitary sewer, excluding any force main leading to a wastewater treatment plant, shall at the owner's own expense connect its wastewater facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter within 90 days after the date of notice by the Superintendent to do so. The two-hundred-foot measurement shall



be made by a straight line from the end of any stub provided by the Town, otherwise from any gravity portion of the public sewer, to a point on the building other than the foundation for any garage or other attached accessory building, unless it contains a toilet or sink or contains other facilities regularly generating sewage. If the owner can prove to the satisfaction of the Superintendent that suitable private wastewater disposal is currently in use, the owner shall be exempt from connecting to the public sewer but shall be assessed a readiness-to-serve fee equal to the minimum charge as established as if a connection were made.

- E. All owners of sewer user units shall be subject to a readiness-to-serve fee equal to the minimum charge as established as if a connection had actually been made to a single-family residence, whether such connection has actually been made or not, times the number of sewer user units owned, subject to the exceptions stated in § 216-7C.

#### **§ 216-5. Private wastewater disposal.**

- A. The owner of any house, building or other structure who is not required to connect its wastewater facilities to a public sanitary sewer in accordance with the provisions of § 216-4D hereof shall connect the building sewer to a private wastewater disposal system complying with the provisions of this section and the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241.
- B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the Division of Environmental Health, Maine Department of Health and Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee shall be paid to the Plumbing Inspector at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The final inspection shall be made by the end of the second succeeding business day after the date of actual receipt of notice by the Plumbing Inspector or the installation shall be considered approved, unless the **Plumbing** Inspector gives notice of a delay in the inspection within the two days, in which case the **Plumbing** Inspector shall schedule inspection within 48 hours of said notice.



- D. The type, capacities, location and layout of a private wastewater disposal system shall comply with the State of Maine Subsurface Disposal Rules, Chapter 241, and the Maine Uniform Building and Energy Code.
- E. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
- F. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town Health Officer.
- G. The contents from private wastewater disposal systems shall not be discharged to the public sewer system.

**§ 216-6. Building sewers and connections.**

- A. No person(s) shall commence construction of building sewers or uncover or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent, which permit shall be valid for six months. Any person proposing a new discharge of industrial waste into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection
- B. There shall be two classes of sewer permits: for service to establishments producing sanitary wastes and for service to establishments producing industrial wastes. In either case, the owner(s), or his agent, shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee in such amount as shall from time to time be established by the Town Council shall be paid to the Town at the time the application for a permit is filed. Any violation of Subsection A shall require the applicant to pay a double permit and inspection fee.
- C. All costs and expenses incidental to the installation, connection, repair and maintenance of the building sewer from the wall of the building to the point of entrance to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of the building sewer. If a public sewer connection is not presently available, the Town or its agents will install the tee connection to the public sewer at the applicant's expense.
- D. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building by arrangement of the owners and the whole

considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

F. Specifications.

(1) All building sewers shall conform to the standards of the Portland Water District Water and Sewer Construction Specifications and Procedures, Section V. Work Associated with Sewer Construction and related sections per the May 17, 2013 revision.

(1) — meet one of the following specifications:

(a) Ring-Tite™ polyvinyl chloride (PVC) sewer, SDR35, American Society for Testing and Materials (ASTM) Specification D-3034, twelve-and-one-half-foot or twenty-foot lengths, rubber ring lock-in, maximum allowable deflection 7 1/2%;

(b) Ring-Tite™ polyvinyl chloride (PVC) water pipe Class 160, SDR26, twenty-foot lengths, ASTM D-2241, rubber ring in belled groove, maximum allowable deflection 7 1/2%;

(c) Acrylonitrile butadiene styrene (ABS) sewer pipe ASTM D-2751 sewer grade; ??

(d) Extra-heavy cast iron soil pipe shall conform to ASTM Specification A-74 and American Standards Association (ASA) Specification 40.1; or ??

(e) Ductile iron push or joint sewer pipe of Class 50.

(2) The diameter of the building sewer shall not be less than four inches nor shall the slope of the pipe beginning eight feet outside any building be less than 1/4 inch per foot unless approved by the Superintendent.

(2) The depth of building sewers shall be sufficient to afford protection from frost. Any part of building sewer lines installed with less than three four feet ground cover shall be insulated as approved by the Superintendent.



- (3) The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means. The building sewer shall be laid on a firm bed and backfilled by hand with **3 /4 " crushed stone sand, gravel or clean fill with no stones larger than 1 1/2 inches.** ~~The hand fill shall be placed around the pipe and over it to a depth of at least six inches over the pipe.~~ The remainder of the trench may be backfilled **with existing materials.** ~~by machine. Backfill up to six inches over the pipe shall be hand tamped.~~ **Metallic tape or tracer wire shall be placed over the pipe bedding material per Portland Water District Standards listed in item (1) .**
- (5) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C-12, except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed **pipe bedding shall not exceed 36 inches.**
- (6) All joints and connections shall be made gastight and watertight. The transition joint between pipes of different materials shall be made with adaptors and joint materials approved by the Superintendent.
- (7) Pre-molded gasket joints shall be used and shall be neoprene compression-type gaskets which provide a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit designed for joining the pipe material used.
- (8) The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. Lubricant shall be a blend, flax base, nontoxic material and shall not chemically attack the gasket material.
- ~~(9) Lead and oakum joints and solvent weld joints are allowed as an alternate, but only when installed by licensed master plumbers.~~
- (9) Building sewer cleanouts shall be installed at intervals not to exceed 140 feet in straight lines and at all ninety-degree turns. The cleanouts shall be installed vertically to within six inches of the surface. A stainless steel strap shall be installed around the cleanout. The Superintendent shall be provided building ties in writing with a sketch for all cleanout locations.**



- (10)** Any replacing or relocating of building drain pipes inside the building shall require a separate permit to be taken out by either a master plumber or the owner.

~~G. Whenever practical, the building sewer pipes shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.~~

~~(1) Low Pressure A septic tank in good condition as defined by the Superintendent may be used for a pumping tank. The outlet to the disposal area shall be disconnected and plugged.~~

~~(2) The sewage pump shall be capable of pumping solids and shall have at least a two-inch discharge line. If a grinder pump is installed, a one-and-one-half-inch discharge line is permitted. Tanks shall be equipped with an alarm system wired to the building.~~

- H.** No person(s) shall make a connection of roof downspouts, floor drains, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent. If the trench is backfilled before being authorized by the Superintendent, the Superintendent shall require it to be re-excavated for inspection. The Superintendent shall make all inspections without undue delay.
- J.** Upon completion of the connection of the building sewer to the public sewer, the old septic tank shall be pumped out and filled with soil or removed.
- K.** All excavations for building sewer installation or maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- L.** No connection of a building sewer shall be made directly to a force main.

#### **§ 216-7. Sewer extensions.**

- A.** Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer or is so located that it can be



connected to such public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this chapter, at the subdivider's own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of sewage. Such sanitary sewer shall be designed by a registered engineer, its design shall be approved by the Town and its design, construction and acceptance shall be in accordance with the provisions of Subsections C, D and E of this section.

- B. Any one or more property owners, builders or developers may propose the extension of any sanitary sewer within the Town by presenting to the Town Council a petition signed by the owners of at least 2/3 of the buildings and properties which would be required to connect to such sewer or be assessed a readiness-to-serve charge under the provisions of § 216-4D or E. If the Council does not elect that the Town construct such an extension, it may permit the petitioners to construct the same for dedication to the Town upon a determination that such extension is consistent with Town plans for public sewers, is properly located and sized, and may lawfully be so constructed. Such sanitary sewer shall be designed by a registered engineer; its design and acceptance shall be in accordance with the provisions of Subsections C, D and E. Any sewer extension shall be of adequate size and depth to permit further extensions of sewer service.
- C. The Town Council may, on its own initiative, determine to extend the public sewer down any public way within the Town if it determines that such an extension would be in the best interest of the health and welfare of the abutting property owners along said way. When such extensions are made by Council order, the cost of the construction of the actual extension will be borne by the Town. However, all abutting landowners who are discharging septic waste shall be required to connect to said sewer at such time as their existing septic system fails or when any new or replacement system is proposed for existing dwellings or as part of the development of vacant land adjoining said sewer extension. The Town Council shall, by order, establish an access charge equal to a reasonable reimbursement to the Town for its cost in extending said sewer. Said order shall be specific to each new sewer extension and shall be attached to this chapter as a schedule of charges. No readiness-to-serve charge shall be made on said municipal sewer extensions constructed prior to October 31, 1999. A readiness-to-serve fee shall be made on all said municipal sewer extensions constructed after October 31, 1999. The only other costs to be assessed to all property owners served by a municipal sewer extension shall be the determined access charge, permit fees and installation costs, when the property becomes served by the sewer directly, and thereafter property owners shall pay all normal charges assessed to users within this chapter. Any such sewer extensions approved by the Town Council shall comply with the design standards adopted by the Town for all other sewer extensions and may be constructed of adequate size and depth to permit further extensions.



D. Any person constructing a sanitary sewer extension in accordance with Subsections A and B shall pay for the entire installation, including all expenses incidental thereto, including design review by the Town Engineer; the expense of design review by the Town Engineer shall be calculated on the basis of the number of hours spent by the Town Engineer in review of the design times the hourly rate established by order of the Town Council, and all expenses shall be paid to the Town prior to construction of the sanitary sewer extension. Each building sewer must be installed and inspected as required by § 216-4 and all connections shall be made as required under § 216-4; permit and inspection fees shall be paid for each building sewer connection to the sanitary sewer extension in accordance with § 216-6. The installation of the sewer extension must be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the testing required in the sewer design specification as adopted by the Town before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

- (1) Inspector services. The Town may require the developer to pay the cost of inspector services as may be required by the Town, up to and including a full-time inspector.
- (2) Outside review fee. The applicant shall be required to pay outside consulting fees under Chapter 315, Zoning, § 315-81, as may be amended.

E. Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed **to the current by the Portland Water District standards and specifications**, with the developer or the property owners requiring the pump station paying all of its costs.

F. The Town Engineer shall approve any sanitary sewer extension constructed under Subsections A and B, and he shall be given a complete plan and profile thereof as constructed, before acceptance thereof, and before final acceptance of the subdivision street in which it is located, by the Town. Any person constructing a sanitary sewer extension in accordance with Subsections A and B shall pay, prior to Town acceptance of the sanitary sewer extension, all expenses incidental to the Town Engineer's review and approval of the constructed sanitary sewer extension, which expense shall include but shall not be limited to the cost of the Town Engineer's review and approval, which cost shall be calculated on the basis of the number of hours spent by the Town Engineer on said review and approval times the hourly rate established by order of the Town Council. All sewer extensions, including pump stations, constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Superintendent, shall become the property of the Town and shall thereafter be



maintained by the Town within a time period of six months if accepted. Said sewers or pump stations, after their acceptance by the Town, shall be guaranteed by the property owner, builder or developer against defects in materials or workmanship for 12 months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 10% of the Engineer's estimate of the cost of the sewer extension or pump station.

- G. No builder or developer shall be issued a building permit for a new building or structure requiring sanitary facilities within the Town unless a suitable and approved method of sewage disposal is proposed and approved by the Town.

**§ 216-8. Use of public sewers.**

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. Combined sewers are expressly prohibited.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (2) Any waters containing toxic or poisonous solids, liquids, or gases.
  - (3) Any waters or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewer's wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb,

or public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in the Superintendent's opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150° F. (65° C.).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants **or restaurants** containing **FOG floatable fats, oils or grease. oils, fat or grease.**
- (4) Any garbage that has not been properly shredded (see the definition of "properly shredded garbage" in § 216-3). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder in a nonresidential establishment shall be subject to the review and approval of the Superintendent.
- (5) Any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of Falmouth's Wastewater Treatment Plant.
  - (a) Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant, and at no time shall the hourly concentration at the wastewater treatment plant exceed three times the average concentration.



**Avg. Daily Limits of Toxic Substances in Sewage at the Falmouth Treatment Plant**

Iron, as FE	5.0 1.0 ppm
Chromium, as CR (hexavalent)	3.0 0.5 ppm
Copper, as Cu	1.0 ppm
Phenol	10.0 ppm
Cyanide, as CN	0.5 0.05 ppm
Cadmium, as Cd	0.5 0.01 ppm
Zinc, as ZN	0.5 ppm
Nickel	1.5 0.75 ppm

~~(b) If concentrations listed above are exceeded at the Falmouth Wastewater Treatment Plant, individual establishments will be subject to control by the Superintendent in volume and concentration of wastes discharged as follows, and any waters or wastewater containing arsenic or fluorides is prohibited from discharge to the sanitary sewer system:~~

<b>Metal</b>	<b>Maximum for Any 1 Day (mg/l)</b>	<b>Monthly Average Shall Not Exceed (mg/l)</b>
<b>Cadmium</b>	<b>0.11</b>	<b>0.07</b>
<b>Chromium Total</b>	<b>2.77</b>	<b>1.71</b>
<b>Copper</b>	<b>3.38</b>	<b>2.07</b>
<b>Lead</b>	<b>0.69</b>	<b>0.43</b>
<b>Nickel</b>	<b>3.98</b>	<b>2.38</b>
<b>Silver</b>	<b>0.43</b>	<b>0.24</b>
<b>Zinc</b>	<b>2.61</b>	<b>1.48</b>
<b>Cyanide</b>	<b>1.20</b>	<b>0.65</b>

- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.

- (7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a slug as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(11) Sanitary wastewater which exceeds the following limits:

Constituent	Limit
BOD	300 ppm
Suspended solids	350 ppm
Chlorine demand	15 ppm

E. Authority of Superintendent.

(1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection **D** of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection **K** of this section.

(2) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, as specified in Subsection **D(3)**, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and the means of



disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed disposal firms.

- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be maintained by the owner so as to be safe and accessible **for Town Sampling** at all times.
- I. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
  - (1) Wastewater discharge peak rate and volume over a specified time period;
  - (2) Chemical analysis of wastewaters;
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - (5) A plot plan of the sewers on the user's property showing sewer and pretreatment facility location;
  - (6) Details of wastewater pretreatment facilities; and
  - (7) Details of systems to prevent and control the loss of materials through spills to the municipal sewer.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent. All industries discharging industrial waste into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized



employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

- K. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

#### **§ 216-9. Damaging facilities; insurance.**

- A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. ~~A contractor must present a certificate of insurance showing minimum liability coverage of \$250,000/\$500,000 for bodily injury and a limit of \$100,000 for property damage, including collapse underground, and completed operations coverage with the Town listed as an additional insured before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.~~

**"A contractor must present a Certificate of Liability Insurance showing minimum limits of General Liability coverage of \$1,000,000 per Occurrence & \$2,000,000 Aggregate, including Collapse, Underground & Explosion, and Completed Operations coverage with the Town listed as an Additional Insured with respect to Ongoing & Completed Operations (via ISO Form's CG2010 & CG2037 or their equivalent) for one year from completion of the project before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer."**

*From Clark Insurance - Heather Caston-Talbot 8/16/2013*

#### **§ 216-10. Powers and authority of inspectors.**

- A. The Superintendent and other duly authorized employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter, but only at reasonable times and upon reasonable notice.



- B. The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning industrial processes which has a direct bearing on the kind and source of discharge to the wastewater collection system. Any information so obtained and considered as proprietary shall be deemed as confidential and shall be held so by the Superintendent and Town.
- C. While performing the necessary work on private properties referred to in Subsections **A** and **B** above, the Superintendent or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.
- D. The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **§ 216-11. Board of Sewer Appeals.**

- A. Creation and appointment. The establishment of a Board of Sewer Appeals is hereby authorized. The members of the Board shall be appointed by the Town Council. They shall be residents of the Town and shall serve without compensation. In accordance with the laws of the State of Maine, the following provisions shall apply:
  - (1) The Board shall consist of five members. A quorum shall consist of three members.
  - (2) The term of office of members shall be three years, except that the initial appointment of members shall be one for one year, two for two years, and two for three years.
  - (3) No municipal officer shall be a member of the Board of Sewer Appeals.
  - (4) The Town Council may remove a member of the Board of Sewer Appeals. Unexcused absence of any member from three consecutive meetings of the Board shall be considered cause for such removal.



(5) When there is a permanent vacancy, whether caused by death, resignation, removal or loss of eligibility, the Town Council may appoint a person to serve for the unexpired term.

(6) The Board of Sewer Appeals shall elect a Chairman and a Secretary from its own membership annually.

B. Jurisdiction. The Board of Sewer Appeals shall have the following powers and duties, to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, Town Engineer, the Health Officer, and/or the Plumbing Inspector insofar as such decision arises from requirements of this chapter:

(1) To determine whether the decisions of said officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty.

(2) To grant variances from the terms of this chapter where there is no substantial departure from the intent of this chapter and/or, where necessary, to avoid undue hardship. A projected expenditure of an amount exceeding 15% of the assessed value of the buildings on the land to be served by the public sewer shall be considered as a prima facie evidence of undue hardship.

C. Hearings. The Board of Sewer Appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the Board, requiring a notice as prescribed herein, shall be filed with the Town Clerk at least 15 days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper of general circulation in the Town of Cumberland a notice of such appeal identifying the property involved and the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than 10 days after the date of such publication.

(1) The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause.

(2) Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned forthwith. Failure of the Board to issue such a notice within 30 days of the date of the hearing shall constitute a denial of said appeal.

D. Appeal procedure.

- (1) Any person and any municipal department aggrieved by the decision of the Superintendent, the Town Health Officer and/or the Plumbing Inspector, which decision arises from provisions of this chapter, may appeal such decision to the Board of Sewer Appeals.
- (2) Within 30 days of the date of the decision of the Superintendent, Health Officer, and/or Plumbing Inspector, the appeal shall be entered at the office of the Town Clerk upon forms to be approved by the Board of Sewer Appeals. The appellant shall set forth in said form the grounds of the appeal and shall refer to the specific provisions of this chapter involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the Chairman of the Board of Sewer Appeals. The appellant shall pay to the Town Treasurer a fee as set by the Town Council.
- (3) An aggrieved party may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

E. Successive appeals. After a decision has been made by the Board of Sewer Appeals, a new appeal of similar import shall not be entertained by the Board until one year shall have elapsed from the date of said decision, except that the Board may entertain a new appeal if the Chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the appeal.

**§ 216-12. Sewer service charges.**

- A. Sewer service charges totaling 100% of the revenues needed for retiring debt services, capital expenditures and operation and maintenance of the public sewerage works shall be collected from all users of the public sewer system and those required to pay a readiness-to-serve charge as defined in § 216-4D and E.
- B. Sewer service charge rates, including readiness-to-serve charges, shall be determined by the Town Council. This charge will be billed on a monthly or quarterly basis throughout each calendar year.
- C. The sewer service charge to any user shall be based on the amount of water estimated or measured as shown on the records of the Portland Water District, provided to the sewer user during the previous billing period; provided, however, that where water is obtained from a source or sources other than the Portland Water District, whether or not the Portland Water District also supplies water, the computation shall include the amount of water obtained from all such other sources, unless the user establishes to the satisfaction of the Superintendent that the water from such other sources is not entering the sewer system. The Superintendent may require additional metering, either of water sources or of the sewer outflow, to be installed and maintained at the owner's expense where, in



the Superintendent's opinion, such metering is required to accurately measure the volume of wastewater entering the sewer system. Any person who feels that recorded water records are not a reliable index of the discharge volume may install an additional water meter of a type approved by the Superintendent to measure the volume of water which can be shown not to enter the sewerage system. The person installing such a meter shall immediately notify the Superintendent of such installation and shall be responsible to the Superintendent for reporting meter readings not less often than every three months. Such person shall be credited with the volume charges for the volume shown by such meter, which meter shall be accessible for reading by the Town or its agents at all reasonable times.

- D. There shall be a readiness-to-serve charge equal to the minimum sewer service charge for those properties that can be served as defined in § 216-4D and E but that have not connected to the public sewer system. The payment of such charge in no way affects the obligation of the owner of such property to connect to the public sewer system in conformance with this chapter. These funds can be used only for payment of fixed costs that are not related to flow.
- E. Each owner of sewer user units shall pay a minimum sewer service charge for fixed costs, not related to flow, for each sewer user unit owned, regardless of whether the unit is in use or not, subject to the exceptions stated in § 216-7C.
- F. The Town Council reserves the right, from time to time, to change sewer service charges originally or previously assessed to any property owner.
- G. All sewer charges billed by the Portland Water District are due upon presentation and are payable to the District. All delinquent unpaid sewer charges will be turned over to the Treasurer of the Town. There shall be a lien on real estate served or benefited by a municipal sewage disposal system to secure the payment of service charges duly established hereunder which shall take precedence over all other claims on such real estate, excepting only claims for taxes. The Treasurer of the municipality shall have the same authority and power to collect such service charges as is granted by 38 M.R.S.A. § 1208 to treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged for the amount of said sewer charge in any court competent to try the same and in such action may recover the amount of such charge with legal interest on the same from the date of said charge and costs.
- H. An interest charge at the same rate as established by the Town Council for uncollected taxes will be made on all bills not paid within 60 days after date of billing.
- I. A special sewer service charge shall be established for any industrial firm or organization which, by virtue of the volume, strength or unusual characteristic of its waste alone, would overload or upset the capacity or efficiency of the sewage



works or any part thereof if such waste entered the public sewer or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town Council, after appropriate study and advice, shall establish a special agreement with said firm. The applicable portions of the preceding sections as well as the equitable rights shall be the basis for such an arrangement.

**§ 216-13. Violations and penalties.**

- A. Any person found to be violating any provision of this chapter except §§ 216-9 and 216-12 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated on such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not exceeding \$100 for each violation. Each day in which any such violation of any of the provisions of this chapter continues, the owner shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

**§ 216-14. Conflicting provisions.**

If Town ordinances or parts of Town ordinances are in conflict with this chapter, the more restrictive shall apply.

# ITEM 13-146

To consider and act on setting a sewer connection fee of \$500 until  
December 31, 2016



# MEMORANDUM

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** September 18, 2013  
**Re:** Sewer Connection Permits -\$500- Item 13-146

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Area	Connection Fee Prior to 12/07	Cost Until Dec. 2008	Cost 1/09 to 12/09	Cost Since Jan1, 2010	Proposed
Bea / Karole	\$4,200	\$0	\$1,050	\$4,200	\$500
Crestwood	\$4,925	\$0	\$1,231	\$4,925	\$500
Farwell	\$4,000	\$0	\$1,000	\$4,000	\$500
Pine Ridge	\$7,427	\$0	\$1,857	\$7,427	\$500
Pinewood Drive	\$4,452	\$0	\$1,113	\$4,452	\$500
Tuttle Rd- West	\$5,829	\$0	\$1,457	\$5,829	\$500
All Others	\$2,000	\$0	\$500	\$4,000	\$500

The Sewer Appeals Board, during their Ordinance review, discussed recommending to the Town Council a second Amnesty Program, similar to 2007, to encourage residents to connect to the sewer. Their hopes were that it would help stabilize or bring the costs of the system down and would be at a time when gas mains were schedule to be installed on roads throughout the town. The above chart reflects the present day costs of the connection permit.

A \$50 inspection fee is added to each permit as well.

**Motion:**

I move to decrease all Sewer Connection fees to \$500 effective September 24, 2013 and ending December 31, 2016. On January 1, 2017 all connection fees will be \$4,000.



# ITEM 13-147

To hold a Public Hearing to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board



# TOWN OF CUMBERLAND

## ADMINISTRATION DEPARTMENT

**To:** Planning Board

**From:** Alyssa Tibbetts, Assistant Town Manager

**Date:** September 12, 2013

**Re:** Height Regulations §315-52

**CC:** Carla Nixon, Town Planner

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The town's zoning ordinance includes a specific section that restricts all building height to 35 feet. Staff has come to realize that 35 feet is not necessarily a relevant height limit in some zones given the developments in public safety, namely ladder trucks. There is a provision in that section for a variance of height, however a variance may only be granted upon a finding of unnecessary and undue hardship, which is a standard established by state statute. The variance standard is difficult to meet (by design) and, as a result, many commercial development projects and residential homes will be unnecessarily restricted in their design and construction opportunities by our existing height regulations. Therefore, staff is proposing to increase the building height limit for all zones to 40 feet. The language below represents staff's recommended amendments to the existing ordinance section.

### ***§315-52. Height Regulations.***

*Height limitations for all districts shall be ~~35~~ 40 feet. ~~The Board of Adjustment and Appeals may allow a greater height as a variance~~ in any district upon a finding that a literal enforcement of this section would result in unnecessary and undue hardship as defined by state statute and this chapter. The proposed height ~~will~~ shall not adversely affect other property in the same district and neighborhood and ~~that~~ the granting of such ~~approval~~ variance by the Board ~~will~~ shall not substantially depart from the intent and purposes of this chapter, where it is consistent with the objectives of the Comprehensive Plan and is in a scale with its environs. These regulations shall not apply to silos for the storage of feed crops or to steeples.*





# MEMORANDUM CODE ENFORCEMENT OFFICE

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To: Planning Board  
From: William C. Longley Jr. CEO  
Subject: Proposed increase in Building Height  
Date: 09-12-13  
CC: Carla Nixon, Town Planner

Recently it was brought to my attention that the Town was looking at a possible increase in the allowed building height. Many builders, designers, architects and homeowners have sometimes struggled with the existing 35 foot maximum building height. The modest increase to 40 foot would allow greater flexibility to allow multi-story buildings, and in my opinion could benefit many Cumberland residents. I can think of three recent designs that were proposed and needed modification to meet the existing limitations. Many towns have increased the building height requirements with the new equipment used by our local fire departments building height is not an issue like it was before the purchase of ladder trucks. I can find no one who knows for sure why a building is limited to 35 feet currently. Many have suggested that it came from the old use of ground ladders but I'm not sure that is accurate. I plan to attend the meeting next Tuesday to answer any questions you might have in regards to this very important issue.

**§315-52. Height Regulations.**

Height limitations for all districts shall be ~~35~~ 40 feet. ~~The~~ The Board of Adjustment and Appeals may allow a greater height as a variance in any district upon a finding that a literal enforcement of this section would result in unnecessary and undue hardship as defined by state statute and this chapter. The proposed height ~~will~~ shall not adversely affect other property in the same district and neighborhood and ~~that~~ the granting of such ~~approval~~ variance by the Board ~~will~~ shall not substantially depart from the intent and purposes of this chapter, where it is consistent with the objectives of the Comprehensive Plan and is in a scale with its environs. These regulations shall not apply to silos for the storage of feed crops or to steeples.



# ITEM 13-148

To hold a Public Hearing to consider and act on draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board



## TOWN OF CUMBERLAND

ADMINISTRATION DEPARTMENT

**To:** Bill Shane, Town Manager  
**From:** Alyssa Tibbetts, Assistant Town Manager  
**Date:** September 5, 2013  
**Re:** Growth Permits  
**CC:** Town Council

---

Municipalities are not required to, but are permitted to adopt a rate of growth ordinance per state statute. (30-A § 4360) If enacted, the ordinance must be reviewed at least every three years and must be consistent with the Town's comprehensive plan. The ordinance may establish a limit of new building permits for residential dwellings at no less than 105% of the mean number of permits issued during the previous 10 years, excluding permits issued for affordable housing. Additionally, the ordinance may set the number of building permits for affordable housing at no less than 10% of the total number of permits allowed.

Over the past decade, the average number of new residential development permits was 41. Accordingly, the Town's growth ordinance may not limit new permits to a number below 43. The Growth Ordinance was amended in 2012 to increase the maximum allowable growth permits to 45 per year plus 5 for affordable housing units. At this time, the Town has already issued 45 growth permits for the 2013 calendar year and expects to reach at least 70 by the end of the year. This does not include the development in Village Green per its contract zoning agreement, but does include the development at Castlerock and Morrison's Hill.

The Planning Board and Council may increase the number of growth permits to meet current development conditions or eliminate the ordinance entirely. The highest number of permits over the past decade was 68 in 2003 and the lowest was 16 in 2010. The Ordinance Committee reviewed this information and proposed an increase in the maximum allowable growth permits to 65 plus an additional 7 permits for affordable housing units, as required by statute. Further, the committee discussed amending the ordinance to allow for the carry forward of up to ten permits from a prior year and the borrowing of up to ten permits from a subsequent year, not to exceed 85 permits total in any one calendar year.

It is worth noting that the Impact Fee Ordinance was also amended in 2012 and the revised impact fee calculation is directly tied to the current growth permit maximum of 50. Any change to the maximum allowable growth permits would likely result in another review of the impact fee calculation.

290 Tuttle Road, Cumberland, Maine 04021  
Tel: (207)829.2205 Fax: (207)829.2224



## **GROWTH MANAGEMENT ORDINANCE**

### **101. 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".

### **102. 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.

### **103. PURPOSE**

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland by placing limitations on residential development and meeting the following: (Amended 09/08/03, Effective 09/23/03)

103.1. To provide for the immediate housing needs of the existing residents of Cumberland.

103.2. To ensure fairness in the allocation of Building Permits. (Amended 09/08/03, Effective 09/23/03)

103.3. 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.

103.4. 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.

### **104. DEFINITIONS**

**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.

**Calendar Year:** The period of time comprised of fifty-two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]

**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.

**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.

**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.

**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.

**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.

#### 105. **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.

#### 106. **EXEMPTIONS**

This Ordinance shall not apply to the following:

106.1 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.

106.2 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.



106.3 Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.

106.4 Dwelling units constructed pursuant to a Contract Zoning Agreement in which the Council authorizes the units to be exempt from the requirements of this Chapter.

## 107. ADMINISTRATION

### 107.1. Maximum Number of Dwelling Units

107.1.1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued annually shall be sixty five (65) ~~forty five (45)~~ plus seven (7) ~~five (5)~~ additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization. [Amended, 12/17/01, effective 01/01/02]

107.1.2 All Growth Permits shall be issued in accordance with the issuance procedure described in Section 107.3 of this Ordinance. [Amended 12/17/01, 01/01/02]

### 107.2. Application Procedure

107.2.1. 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.

107.2.2. 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. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted. (Amended 09/08/03, Effective 09/23/03)

107.2.3. 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 or equivalent), and/or confirmation for eligibility of a sewer user unit. [Amended 12/17/01, effective 01/01/02]

107.2.4. A separate Application shall be required for each dwelling unit.

### 107.3. Issuance Procedure

107.3.1. 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 the time of the adoption of this Ordinance onward, Applications will be accepted, and Growth Permits issued, as provided for in this Section. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)

107.3.2. Growth Permits shall be available on a first-come, first-served basis.

107.3.3.1. 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, and the CEO shall notify the applicant in writing of the date of the expiration of said thirty (30) days. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire. [Amended 12/17/01, effective 01/01/02]

107.3.3.2. Expired Growth Permits shall be available for reissue during the same calendar year. (Amended 09/08/03, Effective 09/23/03)

107.3.3.3. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.

107.3.3.3.1. 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. Up to ten (10) Growth Permits may be issued in excess of the supply for the current calendar year, provided that they are subtracted from the maximum allowable Growth Permits in the subsequent calendar year. Those on the list who do not get a Permit for ~~that~~ the calendar year in which they submitted a complete application shall have first priority to get a Permit in the next calendar year. (Amended 09/08/03, Effective 09/23/03)

107.3.3.4. Commencing January 1, 2012, and annually thereafter, all Growth Permits shall be issued on the basis of the calendar year (January 1 through December 31) [Amended 12/17/01, effective 01/01/02]

107.3.3.5. If, at the end of any calendar year, there are any unissued Growth Permits still available, a maximum of ten (10) Growth Permits may be



carried over to the next calendar year. ~~they shall not be carried over to the next year, except as permitted in Section 107.5.~~ [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)

#### **107.4. Replacement with building permit and expiration**

107.4.1. 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.

Re-issuance of an expired Growth permit from a previous calendar year shall not be counted toward the annual allocation in any category. A \$50 administrative re-instatement fee shall be assessed to the applicant. . (Amended 09/08/03, Effective 09/23/03)

#### **107.5. 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.

### **108. 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.

### **109. 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.

### **110. EFFECTIVE DATE**

The effective date of this Ordinance shall be March 26, 2012.

**111. REVIEW PROCEDURE**

This Ordinance 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 112. [Amended 12/17/01, effective 01/01/02]

**112. AMENDMENTS**

112.1. An amendment to this Ordinance may be initiated by one of the following:

112.1.1 The Planning Board.

112.1.2 The Town Council.

112.1.3 The residents, pursuant to Article X, Section 2 of the Town Charter.

**113. VIOLATIONS**

113.1. 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.

113.2. 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.

**114. 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.



**115. PENALTIES**

- 115.1. 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.
- 115.2. 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 115.1 of this Ordinance.

**116. APPEALS**

- 116.1. 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.

# ITEM 13-149

To hold a Public Hearing to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

***TABLED***



**TOWN OF CUMBERLAND**  
ADMINISTRATION DEPARTMENT

**To:** William Shane, Town Manager  
**From:** Alyssa Tibbetts, Assistant Town Manager  
**Date:** August 1, 2013  
**Re:** Business and professional office uses  
**CC:** Town Council

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Given the recent changes in state law regarding medical marijuana and the overall changing regulatory landscape regarding drug abuse treatment, staff recommends the following amendment to the zoning ordinance to strictly prohibit marijuana dispensaries and treatment facilities as professional office uses in the town's commercial zones.

***Chapter 315: Zoning***

***Section 4. Word usage and definitions.***

***BUSINESS AND PROFESSIONAL OFFICE***

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



**Chapter 315: Zoning**

**Section 4. Word usage and definitions.**

**BUSINESS AND PROFESSIONAL OFFICE**

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

# ITEM 13-150

To consider and act on authorizing the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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September 24, 2013

Jeff Jamecke  
Associate Director of Championships and Alliances  
National Collegiate Athletic Association  
P.O. Box 6222  
Indianapolis, IN 46206

Dear Mr. Jamecke:

It is an honor to submit this letter of support for the Town of Cumberland's bid in conjunction with St. Joseph's College & the Maine Sports Commission to host the 2014 NCAA Division III Men's Cross Country National Championship.

Our Twin Brook Cross Country facility has hosted numerous High School State Championships, New England High School Championships, Regional NCAA Cross Country Championship and is well positioned to host the most prestigious race the NCAA National Championship. Cumberland is a rural community just 8 miles north of Portland and 6 miles south of Freeport. Participants, their teams and family members will enjoy the vast amount of lodging eating, shopping and site seeing opportunities within our local area. I feel confident working with St. Joseph's College we will exceed your expectations and host a memorable race for your participants in 2014.

I urge you to consider Cumberland and welcome the opportunity to share our town with your competitors.

Sincerely,

William C. Stiles, Chairman  
Cumberland Town Council

Cc: Town Council



# ITEM 13-151

To consider and act on authorizing a license for Robert Poore for a driveway across the un-built portion of Greely Road Extension



# MEMORANDUM

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** September 18, 2013  
**Re:** License for Driveway Access – Item 13-151

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Ten years ago Bob Poore met with Adam Ogden, our Public Works Director, to discuss this same issue. Adam informed him he needed to build a road to Town Standards to access his driveway or move it over 20' and he could access Bruce Hill Road / Pleasant Valley Road. Mr. Poor decided to move the driveway. The current location is difficult to traverse due to the grade and he now wishes to move the driveway over. The existing driveway is in the right of way and should have required a license, but the issue will be rectified with this license.

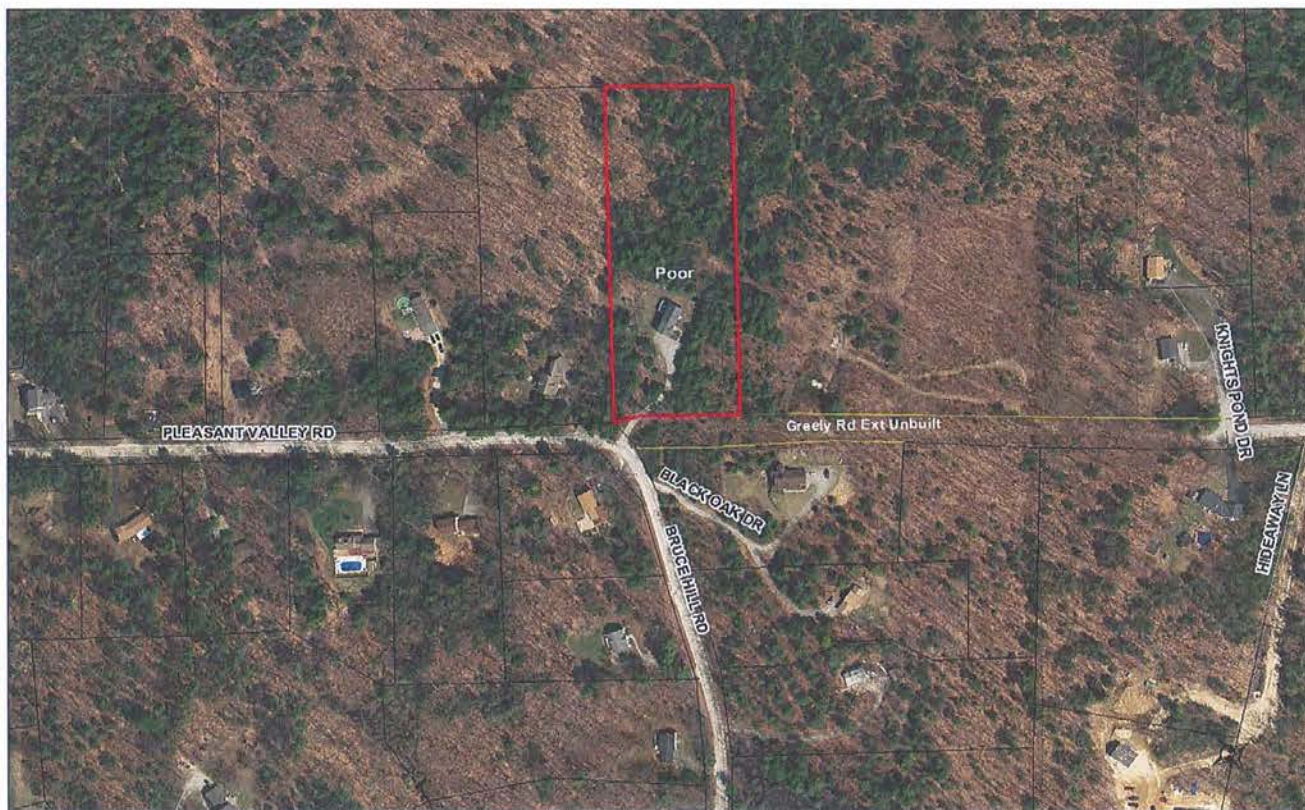
The license is to allow the Poor family over a un-built section of Town owned Right of Way (Greely Road Extension) one of the original range roads of the Town.

I am recommending a \$500 fee be assessed to cover our legal and recording expenses.

**Motion:**

I move to authorize the Town Manager to **execute a Road Use License with Robert and Darcy Poor** at the intersection of Bruce Hill Road and Pleasant Valley Road for the purposes of a driveway. The terms and conditions of the license shall be in accordance with document prepared by the Town Attorney. The Town Council further requires that a fee of \$500 be paid prior to issuance of the license to recover the Town's legal and recoding costs for this license.







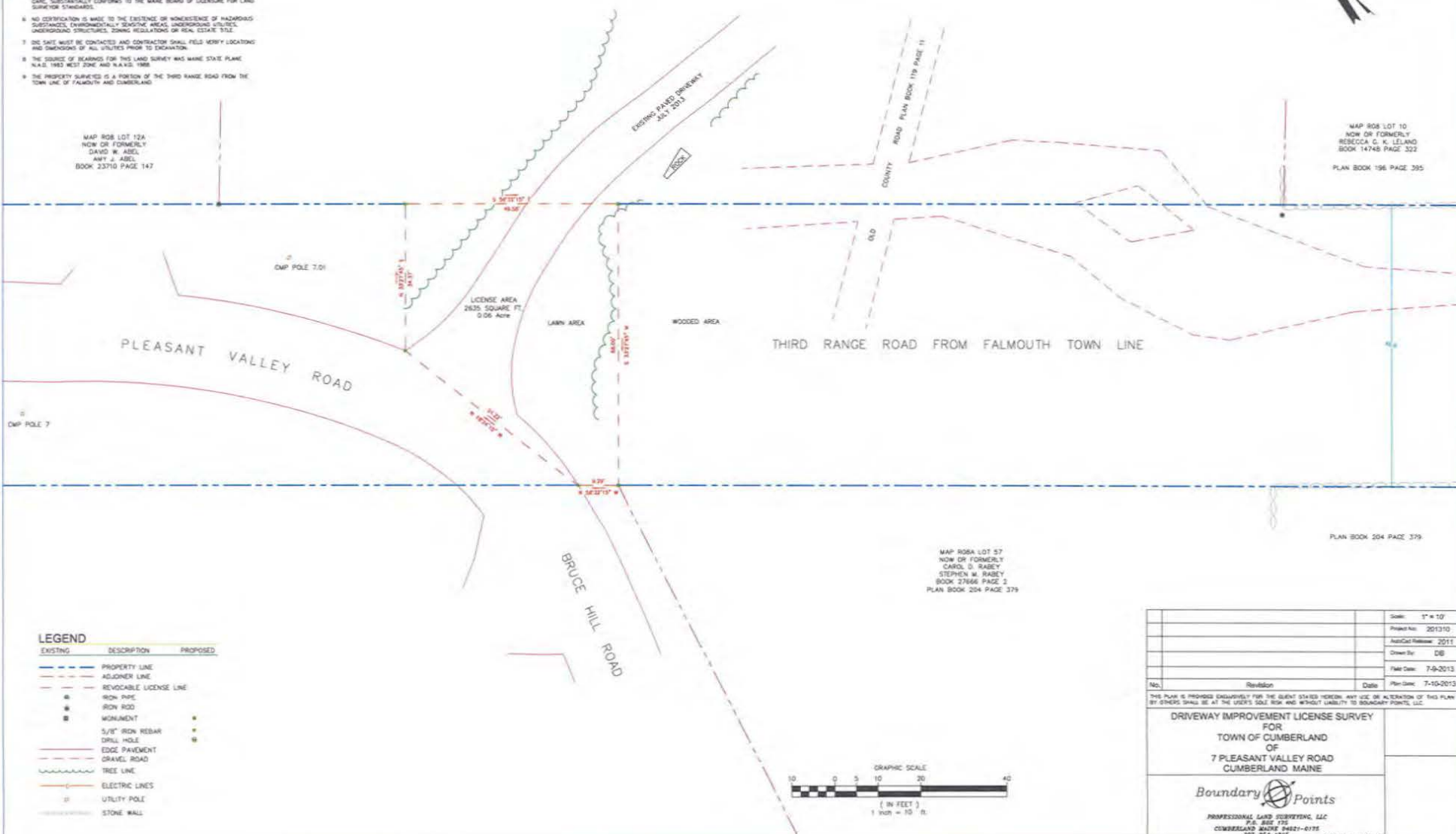
# **SURVEYOR'S NOTES**

1. THIS SURVEY PLAN IS COPYRIGHT PROTECTED. THIS PLAN IS THE PROPERTY OF BOUNDARY POINTS, AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF BOUNDARY POINTS. ALL RIGHTS RESERVED.
2. THIS SURVEY PLAN IS ONLY VALID IF AUTHENTIC DUBOIS SEAL AND SIGNATURE OF CERTIFYING PROFESSIONAL APPEAR ON THE FACE OF THIS SURVEY PLAN.
3. REFERENCE IS MADE TO THE CONTRACTUAL AGREEMENT BETWEEN THE PROFESSIONAL LAND SURVEYOR AND THE CLIENT.
4. THIS SURVEY PLAN IS SUBJECT TO POSSIBLE REVISION UPON RECEIPT OF A CERTIFIED TITLE OPINION.
5. ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE CLIENT THAT THIS SURVEY PLAN WASH TO THE NORMAL STANDARDS OF DATE, SUBSTANTIALLY CONFORMING TO THE MAINE BOARD OF LICENSES FOR LAND SURVEYOR STANDARDS.
6. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, UNDERGROUND STRUCTURES, DRAINAGE REGULATIONS OR FLOOD ESTATE TITLE.
7. NO SATE MUST BE CONTACTED AND CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND DIMENSIONS OF ALL UTILITIES PRIOR TO EXCAVATION.
8. THE SUBJECT OF BEARINGS FOR THIS LAND SURVEY WAS MAINE STATE PLANE NAD83 WEST ZONE AND NAD83 1983.
9. THE PROPERTY SURVEYED IS A PORTION OF THE THIRD RANGE ROAD FROM THE TOWN LINE OF FALMOUTH AND CUMBERLAND.

MAP 808 LOT 12  
NOW OR FORMERLY  
ROBERT J. POON  
DARCEY L. MCINTY  
BOOK 15083 PAGE 221

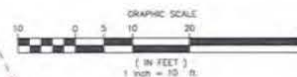
MAP 808 LOT 12A  
NOW OR FORMERLY  
DAVID W. ABEL  
AMY J. ABEL  
BOOK 23710 PAGE 147

MAP 808 LOT 10  
NOW OR FORMERLY  
REBECCA G. K. LELAND  
BOOK 14748 PAGE 322  
PLAN BOOK 196 PAGE 355



## **LEGEND**

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE	---
---	ADJACENT LINE	---
---	REVOCABLE LICENSE LINE	---
●	IRON PIPE	●
●	IRON ROD	●
■	MONUMENT	■
■	5/8" IRON REBAR	■
○	DRILL HOLE	○
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	TREE LINE	---
---	ELECTRIC LINES	---
○	UTILITY POLE	○
---	STONE WALL	---



No.	Revision	Date	Plan Date
			7-10-2013
<p>DRIVEWAY IMPROVEMENT LICENSE SURVEY FOR TOWN OF CUMBERLAND OF 7 PLEASANT VALLEY ROAD CUMBERLAND MAINE</p> <p><i>Boundary Points</i> PROFESSIONAL LAND SURVEYING, LLC P.O. BOX 175 CUMBERLAND MAINE 04021-0175 207-854-1875</p>			

**JENSEN BAIRD  
GARDNER HENRY**

*Attorneys at Law*

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
(207) 775-7271 (Phone)  
(207) 775-7935 (Fax)

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MERTON G. HENRY  
FRANK H. FRYE  
BRIAN C. BROWNE  
OF COUNSEL

RAYMOND E. JENSEN  
(1908-2002)  
KENNETH BAIRD  
(1914-1987)  
M. DONALD GARDNER  
(1918-2003)

YORK COUNTY  
OFFICE

11 MAIN STREET, SUITE 3  
KENNEBUNK, MAINE 04043  
(207) 985-4676 (Phone)  
(207) 985-4937 (Fax)

KENNETH M. COLE III  
NICHOLAS S. NADZO  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
LAWRENCE R. CLOUGH  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN  
LESLIE E. LOWRY III  
PATRICIA M. DUNN

MICHAEL J. QUINLAN  
R. LEE IVY  
ROGER P. ASCH  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
NICHOLAS J. MORRILL  
MARCIA G. CORRADINI  
KATHLEEN T. KONKOLY  
MARK A. BOWER  
JENNIFER W. PETERS  
J. CASEY MCCORMACK

September 11, 2013

**VIA E-MAIL**

William R. Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Re: Road Use License

Dear Bill:

Enclosed herewith please find the proposed Road Use License with the Poors. We did run the title forward and Darcy McGinty is now Darcy Poor, therefore, I have included her in the Agreement under that name.

If you have any question in regard to the enclosed, please let me know.

Very truly yours,



Kenneth M. Cole III

KMC/lts  
Enclosure

~ Over 60 Years of Service ~

## ROAD USE LICENSE

This Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the TOWN OF CUMBERLAND, a municipal corporation, of Cumberland in the County of Cumberland and State of Maine (hereinafter "Town"), and ROBERT J. POOR and DARCY M. POOR, of Cumberland, Maine (hereinafter "Poors");

### WITNESSETH:

WHEREAS, Poors wish to use an unimproved portion of Greeley Road Extension in Cumberland, Maine, for access to their home off the intersection of Bruce Hill Road and Pleasant Valley Road, as more particularly described in Exhibit A attached hereto; and

WHEREAS, Town, as the owner of said unimproved road is willing to facilitate said use; and

WHEREAS, Town requires that Poors be responsible for all maintenance and repair thereof occasioned by its use.

NOW THEREFORE, the parties hereto hereby agree as follows:

1. Town grants to Poors a certain license to use said portion of the road for access to the Poors' property; said road and connection are shown on Exhibit B attached hereto. The cost of any repair thereto and the cost of restoration to the condition prior to said use shall be borne solely by Poors as licensees.

2. Poors agree to defend, hold harmless and indemnify Town of any cost, damages or liabilities incurred by virtue of their and/or their agents, guests and invitees use of said road.

3. Poors acknowledge that said unimproved road is owned by the Town. Poors agree that they will be responsible for any damage to that road caused by vehicular use thereof and shall indemnify Town for any cost, damages or liabilities incurred.

4. This license shall be revocable if the Town improves the road as a Town way or in the event, Poors violate the terms hereof.

5. In the event the Poors fail to restore said road or fail to indemnify Town for any damage or liability incurred, the Poors agree that Town shall be entitled to restore said road and bill Poors for the cost thereof and/or bring suit against licensees for Town's costs and/or liabilities incurred and/or terminate this license.



6. This agreement shall be construed according to the laws of the State of Maine and shall further be binding upon the heirs, successors and assigns of the parties hereto. Further, said license shall not be extendable to any additional property other than that of the licensee herein.

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

WITNESS:

TOWN OF CUMBERLAND

\_\_\_\_\_

By: \_\_\_\_\_

William R. Shane  
Town Manager

Owner

\_\_\_\_\_

Robert J. Poor \_\_\_\_\_

\_\_\_\_\_

Darcy M. Poor \_\_\_\_\_

Licensees



PROFESSIONAL LAND SURVEYING, LLC  
P.O. BOX 175  
CUMBERLAND, MAINE 04021-0175  
207-854-1015

August 26, 2013

Proposed License Description For  
Town of Cumberland  
290 Tuttle Road  
Cumberland, Maine 04021

#### EXHIBIT A

A certain License located on the northeasterly side of Bruce Hill Road and at the intersection of Pleasant Valley Road and Greely Road Extension (also known as the Third Range Road from the Falmouth Town Line) in the Town of Cumberland, County of Cumberland, State of Maine and more particularly described as follows:

Beginning at a set granite monument on the northeasterly side of Bruce Hill Road at the intersection of Pleasant Valley Road and Greely Road Extension (also known as the Third Range Road from the Falmouth Town Line) at the land now or formerly of Carol D. and Stephen M. Rabey as described in Deed Book 27666, Page 2 recorded in the Cumberland County Registry of Deeds, said Rabey Land also depicted on the Plan recorded in the said Registry in Plan Book 204, Page 379;

Thence N 56°32'15" W, along Bruce Hill Road a distance of 9.29' to a set iron rebar;

Thence N 18°24'15" W, over Pleasant Valley Road a distance of 51.22' to a set iron rebar;

Thence N 33°27'45" E, over Pleasant Valley Road a distance of 34.37' to a set iron rebar at the land of Robert J. Poor and Darcey L. McGinty as described in Book 15883, Page 221;

Thence S 56°32'15" E, along land of said Poor and McGinty a distance of 49.58' to a set granite monument;

Thence S 33°27'45" W, over Greely Road Extension a distance of 66.00' to the point of beginning.

Above said License has an area of 2,635 square feet or 0.06 Acre.

The above License is Subject to the Rights of Others regarding Bruce Hill Road, Pleasant Valley Road, and Greely Road Extension.

Basis of Bearing for this License is the Maine State Plane Grid, N.A.D. of 1983 West Zone.

1. THE SUPPLY OF LAND IS FINITELY LIMITED. THAT IS, THE QUANTITY OF AVAILABLE LAND IS CONSTANT AND THE COST OF LAND IS ALWAYS POSITIVE BUT NOT INFINITE.
2. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.
3. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.
4. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.
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8. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.
9. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.
10. THE SUPPLY OF LAND IS NOT PERFECTLY ELASTIC. THAT IS, THE QUANTITY OF AVAILABLE LAND IS NOT INFINITE AND THE COST OF LAND IS NOT ZERO.

MAP 908 LOT 17  
ACR OR FORMERLY  
ROBERT L. MOORE  
CAROL L. MOORE  
BOOK 15895 PAGE 221

MAX PER LOT 10  
NOW ON TOMBAC  
REBECCA G. K. LELAND  
BOOK 14745 PAGE 322

MAP 808 LOT 12A  
NW 1/4 OF TOWNSHIP 4  
CANDY W. ADD.  
S1/4 - 4800  
BOOK 23710 PAGE 147

THRD RANGE ROAD FROM PALMOUTH TOWN LINE

98.44% 99.00% 99.56% 99.88% 99.99%

WHT 8084 LOT 27  
SON -D. THOMAS  
CAROL D. RABEY  
STEPHEN W. RABEY  
BOOK 17665 PAGE 2  
PLAN ROOM 204 PAGE 279

Category	Item	Quantity	Unit	Price	Total
Materials	Concrete	100	cubic yards	120.00	12000.00
	Rebar	50	tons	80.00	4000.00
	Gravel	200	cubic yards	40.00	8000.00
	Sand	150	cubic yards	30.00	4500.00
Labor	Excavation	100	hours	20.00	2000.00
	Formwork	50	hours	15.00	750.00
	Finishing	30	hours	10.00	300.00
Equipment	Excavator	10	hours	100.00	1000.00
	Concrete Pump	5	hours	200.00	1000.00
Subcontractors	Foundation	1	unit	5000.00	5000.00
	Roofing	1	unit	3000.00	3000.00
Permits	Building Permit	1	unit	1000.00	1000.00
	Environmental Impact	1	unit	500.00	500.00
Contingency	Contingency	10	percent	10000.00	1000.00
	Contingency	5	percent	5000.00	250.00
Total	Total				30000.00
	Total				30000.00



No.	Revision	Date	Revised By
1		11/15/2011	

THIS PLAN IS PREPARED FOR THE USE OF THE CLIENT'S EXISTING RECORDS AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ENGINEER. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT.

**DRIVEWAY IMPROVEMENT LICENSE SURVEY**  
**FOR**  
**TOWN OF CLAMBERLAND**  
**OF**  
**7 PLEASANT VALLEY ROAD**  
**CLAMBERLAND, MAINE**

*Boundary*  *Points*

PROFESSIONAL LAND SURVEYING AND  
 PLANNING  
 1000 BROAD STREET, SUITE 100  
 PORTLAND, ME 04101  
 TEL: 603.761.1111  
 FAX: 603.761.1112  
 WWW.PLSURVEYING.COM

EXHIBIT B



# ITEM 13-152

To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on  
junkyard/recycler permit renewal for Cumberland Salvage

# Town of Cumberland Maine

## APPLICATION FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

### MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing October 14, 2013

Application Received September 17, 2013

Time of Hearing 7:00 p.m. Permit No. \_\_\_\_\_

Place of Hearing Cumberland Town Hall Fee Paid \$ 50.00

Notifications sent by mail Date 9/12/13

To the City/Town of Cumberland County of Cumberland Maine

I/We Cumberland Salvage Inc & Jerald Copp Jr hereby make application (in quadruplicate) for a permit to establish, operate, maintain an Automobile Graveyard, Automobile Recycling Business and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751 to 3760, Chapter 183.

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard  
40 Blackstrap Rd., Cumberland, ME 04021
2. Is this application made by or for a company, partnership, corporation, individual?  
Corporation
3. Is this property leased? No Property owned by  
Jerald & Copp Jr.  
Address: 38 Blackstrap Rd., Cumberland, ME 04021
4. How is "yard" screened? - Fence? (Type) wood Height 7'  
stockade  
Trees? (Type) \_\_\_\_\_ Embankment? \_\_\_\_\_ Gully? \_\_\_\_\_ Hill? \_\_\_\_\_  
Other? Buildings
5. How far is edge of "yard" from center of highway? 130 Feet.
6. Can Junk be seen from any part of highway? Yes \_\_\_\_\_ No ✓
7. Were Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_\_\_


8. Is any portion of this "yard" on public property? Yes \_\_\_ No ✓

9. Is "yard" within 300 feet of a public park, public playground, public bathing beach, school, church or cemetery? Yes \_\_\_ No ✓

10. When was "yard" established? <sup>Lot 61 1971</sup> 62 1934 By whom? Jerald Copp & Clifton Copp

11. When was the last permit issued? 2012 To whom? Jerald E Copp Jr

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or the he/she has been duly authorized by the owner to make this application and the receive the permit under the law.

Signed by: 

For: Cumberland Salvage Inc  
Name of Company, Corporation,  
Partnership, Individual

Address 40 Blackstrap Rd., Cumberland, ME 04021

Tax Map No. R7 Lot No. <sup>Parts of</sup> Lot 60 & 61 Zone \_\_\_\_\_

1 copy of Application to City/Town

1 copy of Application to Applicant

1 copy of Application to Department of Transportation, Augusta

1 copy of Application to Bureau of Motor Vehicles mailed





# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

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Jerald E. Copp, Jr., President

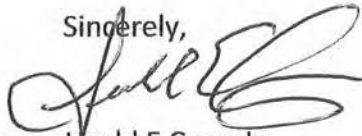
September 12, 2013

Christopher Copp  
17 Browning Way  
Cumberland, ME 04021

Dear Chris:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

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Jerald E. Copp, Jr., President

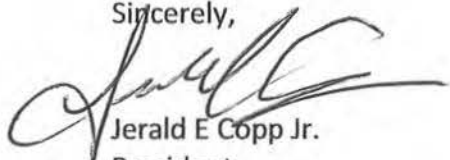
September 12, 2013

Clayton Copp Jr.  
27 Upper Methodist Road  
Cumberland, ME 04021

Dear Clayton:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures



# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

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Jerald E. Copp, Jr., President

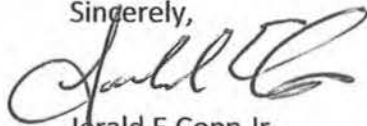
September 12, 2013

Peter Hendrickson  
28 Blackstrap Road  
Cumberland, ME 04021

Dear Peter:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President


September 12, 2013

Goose Pond Development LLC  
501 County Road  
Westbrook, ME 04092

Dear Sirs:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President


September 12, 2013

Graiver Homes LLC  
324 Gray Road  
Falmouth, ME 04105

Dear Sirs:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E. Copp Jr.  
President

Enclosures



# ITEM

## 13-153

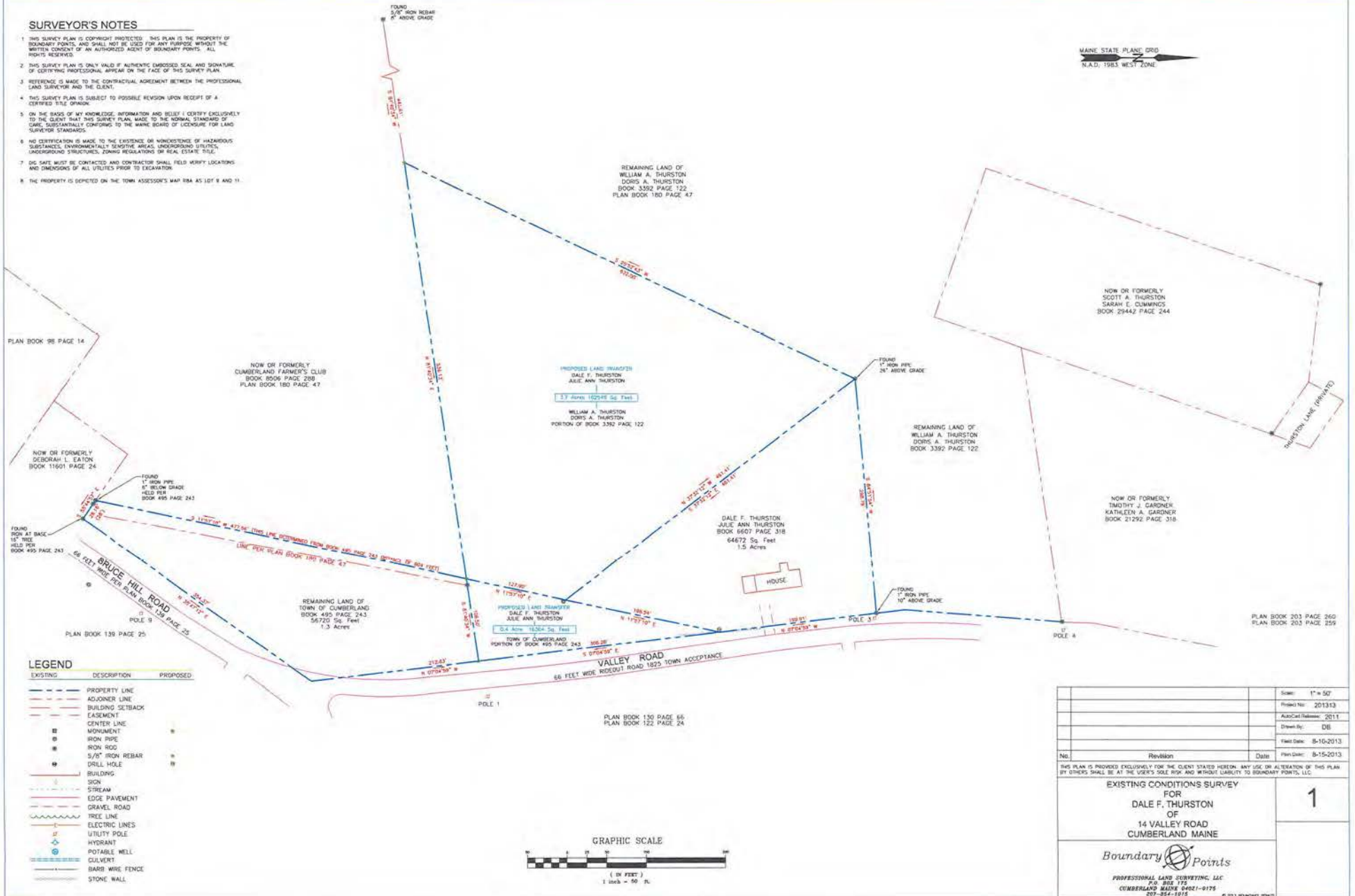
To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road

**Manager to provide a verbal update at meeting and written recommendation for Public Hearing**

# **SURVEYOR'S NOTES**

1. THIS SURVEY PLAN IS COPYRIGHT PROTECTED. THIS PLAN IS THE PROPERTY OF BOUNDARY POINTS AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF BOUNDARY POINTS. ALL RIGHTS RESERVED.
2. THIS SURVEY PLAN IS ONLY VALID IF AUTHENTIC EMBOSSED SEAL AND SIGNATURE OF CERTIFYING PROFESSIONAL APPEAR ON THE FACE OF THIS SURVEY PLAN.
3. REFERENCE IS MADE TO THE CONTRACTUAL AGREEMENT BETWEEN THE PROFESSIONAL LAND SURVEYOR AND THE CLIENT.
4. THIS SURVEY PLAN IS SUBJECT TO POSSIBLE REVISION UPON RECEIPT OF A CERTIFIED TITLE OPINION.
5. ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE CLIENT THAT THIS SURVEY PLAN MADE TO THE NORMAL STANDARD OF CARE SUBSTANTIALLY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR LAND SURVEYOR STANDARDS.
6. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, UNDERGROUND STRUCTURES, ZONING REGULATIONS OR REAL ESTATE TITLE.
7. DIG SAFE MUST BE CONTACTED AND CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND DIMENSIONS OF ALL UTILITIES PRIOR TO EXCAVATION.
8. THE PROPERTY IS DEPICTED ON THE TOWN ASSESSOR'S MAP 88A AS LOT 8 AND 11.

MAINE STATE PLANT ORG  
N.A.D. 1983 WEST ZONE



# NEW BUSINESS



Sept 10, 2013

Dear Bill,

Upon reading that we may be getting an exit to the highway in West Cumberland I just wanted to inform you we are EXCITED ! If you look at the poll that was done 5 or more years ago you will find ALL my neighbors are excited. We want this - WE NEED THIS.

We could get to work faster, get on the road faster, it would reduce traffic on Rt 100, maybe someone would buy Allen's farm and build something useful !!

Please do not stop this project because some retired couple is upset their lake will be ruined. One that is false, and Cumberland suffers more than any place that I have resided from "NOT IN MY BACKYARD"

Bill I understand people move here because it's looks like 1950....but it's 2013.

A handwritten signature in black ink, appearing to read 'Ted Rasch', with a long, sweeping horizontal line extending to the right.

Ted Rasch  
46 Stonewall Dr  
Cumberland Maine 04021  
207-450-1146

# the Opportunity Alliance

September 6, 2013

William Shane  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Dear Mr. Shane,

I would like to thank you for your recent contribution of \$2,500 to The Opportunity Alliance, representing the allocation for fiscal year 2013.

With the support of engaged community members like you, we provide early education and child care, nutrition programming, advocacy, information and referral, mental health and substance abuse treatment, as well as basic needs for people living in poverty.

As we move toward a strategic vision of collective impact and seek ways of integrating our programs into a seamless continuum of care, your gift will have more impact than ever.

Thank you for joining us as we contribute meaningfully to a community in which families and individuals are thriving and supported as they pursue their aspirations for a better life. We look forward to our continued partnership with the Town of Cumberland.

Sincerely,

  
Michael J. Tarpinian  
CEO

*No goods or services were provided in exchange for this donation.*



# Cumberland, Maine

## *The Natural Gas Update*

*September 2013*

Dear Cumberland Residents,

It is with great excitement and anticipation I write to you on behalf of the Cumberland Town Council. We are less than one year away from the start of natural gas service to our community. Our town manager and staff have been working diligently with our neighbors in Yarmouth and Falmouth to bring this alternative fuel source to nearly all our homes, businesses, and municipal facilities. There will be more public information sessions beginning in January 2014.



The Town Council wanted to keep you updated on our progress and give you some things to consider as we await Summit's arrival to Cumberland. We all hope that you strongly consider this alternative heating source for your home. There are a lot of questions that still need to be answered, but until Summit Natural Gas arrives in Cumberland with their customer service team, the Town Council hopes this will serve as just a quick update.

**William Stiles, Chairman  
Cumberland Town Council**

## **The Energy Advisory Committee**

"The Cumberland Energy Advisory Committee supports the prospect of natural gas service for the Town of Cumberland as an alternative fossil-fuel source. For those residents that are able to and choose to connect to this new distribution line, the committee believes this will be a more economical and viable heat and energy source for many homeowners in Cumberland. However, the committee remains dedicated to supporting the efforts of all residents in our community in the realization of environmentally conscious energy choices for their homes. To that end, the committee will continue to advocate for energy initiatives that benefit residents that choose to connect to natural gas service as well as those that do not."

**Energy Advisory Committee Members:** Adam Pitcher (Chairman), Matt Mecray (Vice Chairman), Ron Copp (Council Liaison), Billy Kenny, Robert Vail, Kate Baldacci, Dave Kaplan, and Chessell McGee



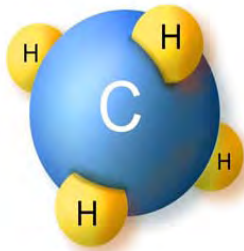
# Cumberland Switches to Natural Gas



## Who?

The towns of Cumberland, Falmouth, and Yarmouth are working on a joint project with Summit Natural Gas of Maine to give homeowners and businesses the option of switching their primary fuel source to natural gas. Summit Natural Gas of Maine is a subsidiary of Summit Utilities, Inc., started in a garage in 1997 by two entrepreneurs who wanted to provide cheaper fuel and energy options to underserved communities. They are headquartered in Augusta and specialize in bringing natural gas to small towns and rural areas.

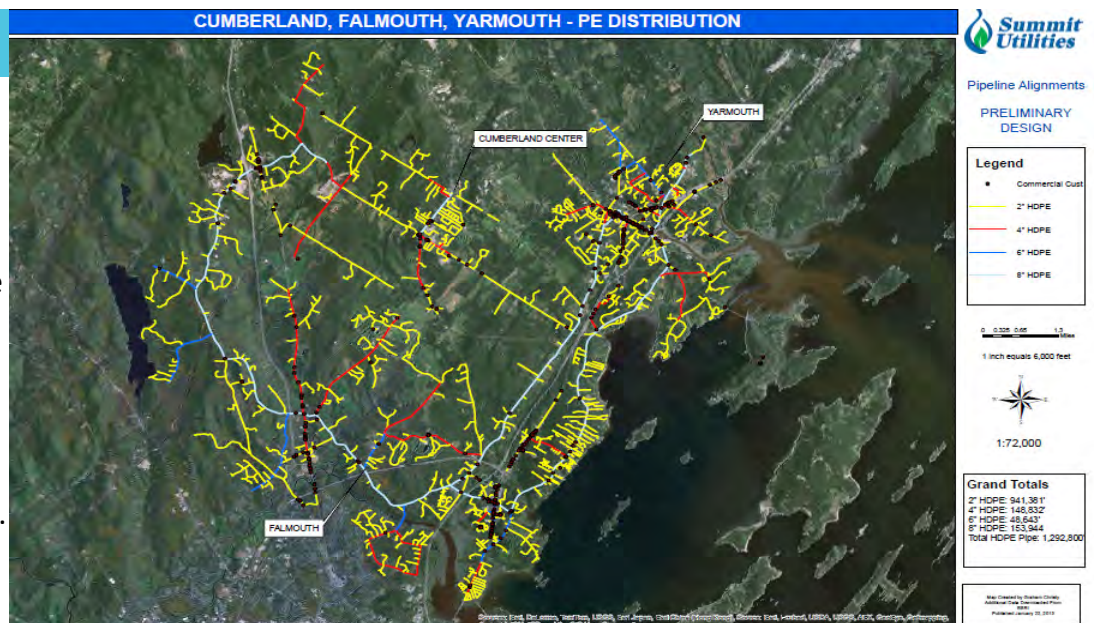
## What?



Natural gas is a mixture of carbon and hydrogen that develops from the fossil remains of ancient plants and animals buried deep in the earth's crust. The main ingredient in natural gas is methane (byproducts are butane and propane) It is used to create electricity, heat commercial buildings and homes, cook food, dry clothes, and power manufacturing operations.

## Where?

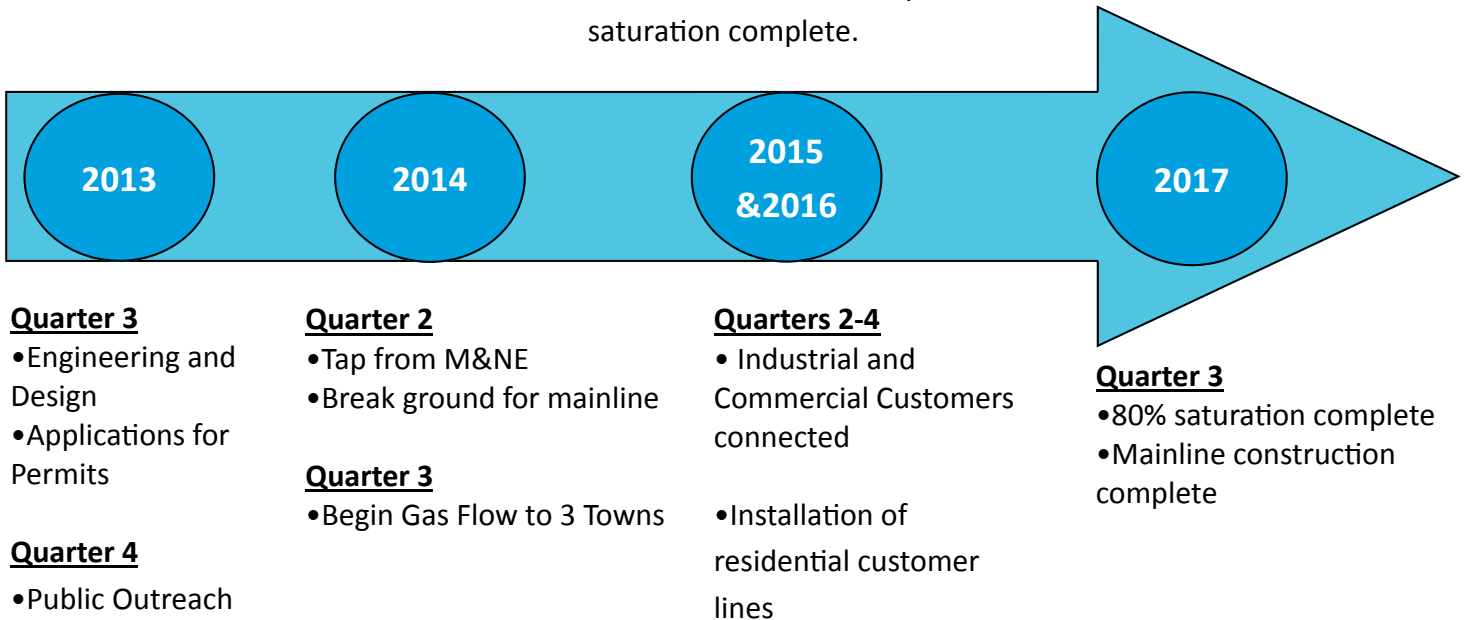
The substation will be located on Blanchard Road near the fairgrounds. There will be 32 miles of primary pipeline and 213 miles of distribution lines throughout Cumberland, Falmouth, and Yarmouth.



This is a very preliminary projection for the distribution systems. Final locations are to be determined.

## When?

In 2013, the engineering and designing will be done, along with completing applications for permits. In 2014 Summit will tap from Maritime and Northeast's gas line, break ground for mainline, and begin gas flow to the 3 towns. In 2017 mainline construction will be complete and there will be 80% saturation complete.



## Why?

Natural gas is one of the most affordable, convenient, reliable, clean, and safe sources of energy available to the residential consumer. Historically, it has been a better value than electricity as a source of energy in the home. According to the DOE, natural gas costs approximately 68% less than the cost of electricity and can reduce heating costs by 50%. It is also more affordable than heating oil, your tank never needs to be refilled—you are always full on natural gas! Gas stoves and lights continue to work when the power is out. Natural gas produces 45% less carbon dioxide than coal, 30% less than oil, 15% less than wood, and can save you about \$1,500 in year round energy costs!

## Summit came to town in August!



The Town of Cumberland was excited to welcome Summit Natural Gas of Maine to town this August to lay 6,000ft of gas line in preparation for their upcoming project. The laying of the gas lines was in conjunction with the Blanchard Road reconstruction project; Summit came to lay part of the mainline in order to avoid ripping up the road again next year when they return to town. It is important for residents to know that the pipelines will not be flowing with gas until the end of next year at the earliest (2014).

## How much?

Construction Costs will be approximately \$72.5 million over 30 years. Rebates\* will be provided for residential customer conversion up to \$1,500 and most LIHEAP residents will be eligible for a maximum rebate of 100% or receive up to \$4,000 to convert to natural gas.

The cost of conversions can vary from house to house. Typical conversion costs range between \$3,000-\$7,000. Additional charges may include upgrades to meet code compliance

*\*The eligibility for rebates will begin when Summit comes to town.*

Gallons of Oil Used Annually <sup>2</sup>	Dth (MMBtu) Equivalent Used Annually <sup>1</sup>	Annual Cost of Oil <sup>2</sup>	Annual Cost of Gas <sup>3</sup>	\$ Annual Savings <sup>4</sup>	% Annual Savings <sup>5</sup>
500	70	\$ 1,750.00	\$ 1,155.00	\$ 595.00	34%
700	98	\$ 2,450.00	\$ 1,617.00	\$ 833.00	34%
900	126	\$ 3,150.00	\$ 2,079.00	\$ 1,071.00	34%
1100	154	\$ 3,850.00	\$ 2,541.00	\$ 1,309.00	34%
1300	182	\$ 4,550.00	\$ 3,003.00	\$ 1,547.00	34%

<sup>1</sup> (Gallons x 0.14) or (Dth x 7.1429) <sup>2</sup> \$3.50/Gallon <sup>3</sup> \$16.50/Dth <sup>4</sup> Cost of Oil-Cost of Gas <sup>5</sup> Savings/Cost of Oil

Loan Amount	Annual Savings <sup>7</sup>	Payback Period (in years)
\$ 3,000.00	\$ 1,087.72	2.8
\$ 5,000.00	\$ 1,087.72	4.6
\$ 7,000.00	\$ 1,087.72	6.4

<sup>7</sup> Based on 125 Dth annual usage

## Atlantic Regional Federal Credit Union Involvement



Atlantic Regional Federal Credit Union offers **the No Equity Home Equity Loan** to help Cumberland homeowners finance the conversion to natural gas. This loan offers a simple and convenient way to borrow with easy terms and fixed rates. Rates are currently fixed at 6.00% APR (rate as of June 19, 2013; subject to change). Ask Atlantic Regional how to qualify for a \$100 rebate with a Kasasa account.

To learn more and find out if you qualify, please contact a Cumberland branch representative at 489-3039 x171 or visit <http://www.atlanticregional.com/personal/loans-credit/no-equity-home-equity-loan.html>. Or contact the main office in Brunswick at (800) 834-0432.

APR: Annual Percentage Rate. A loan amount of \$5,000 for 3 years would have a note rate of 6.00% and a monthly payment of \$152.11. Rates effective 3/1/2013. Qualified borrowers only. Rates and terms subject to change.



NMLS#402778. Atlantic Regional is an Equal Housing Lender.

For any additional information or questions, please contact:  
Eliza Porter at [eporter@cumberlandmaine.com](mailto:eporter@cumberlandmaine.com) or  
Bill Shane at [wshane@cumberlandmaine.com](mailto:wshane@cumberlandmaine.com)

