

TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
July 10, 2000

- I. Call to order at the Cumberland Town Hall at 7:00 p.m.
- II. Approval of Minutes: June 26, 2000
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
 - 00-58 To hold a Public Hearing to consider an amendment to the Zoning Ordinance regarding set back requirements and the standards for reviewing requests for variances.
 - 00-59 To hold a Public Hearing to consider purchase of Doane Property.
 - 00-60 To hear request of Teen Center for contract zoning (310 Main Street).
 - 00-61 To hear request regarding nuclear disarmament.
 - 00-62 To authorize appropriation for Blanchard Road/Skillins Road reconstruction.
 - 00-63 To receive proposal for Use of Town Recreational Facilities and to set date for workshop.
 - 00-64 To set date for second meeting in July.
 - 00-65 To set date for workshop on Impact Fees, Acquisition of Development Rights, etc.
- VI. Correspondence
- VII. New Business
- VIII. Executive Session: Hardship Abatements (2)
- VII. Adjourn

MEMBERS OF THE TOWN COUNCIL

Stephen Moriarty (Chair)	829-5095	James Phipps	846-6274
Mark Kuntz	829-6482	Harland Storey	829-3939
John Lambert, Jr.	781-5282	Peter Bingham	829-5713
Jeffrey Porter	829-4129		

TOWN OF CUMBERLAND
MEETING MINUTES OF THE TOWN COUNCIL
MONDAY, JUNE 26, 2000

Present: Stephen Moriarty, Mark Kuntz, John Lambert, Jeff Porter, Harland Storey, Peter Bingham.

Late: James Phipps.

I. The meeting was called to order by Chairman Moriarty at the Chebeague Island Hall Community Center at 7:07 p.m.

II. APPROVAL OF MINUTES

- a. June 12, 2000
- b. June 19, 2000

Councilor Lambert moved to approve the minutes of June 12, 2000 as written.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (6)**

Councilor Lambert moved to approve the minutes of June 19, 2000 as written.

Seconded by Councilor Kuntz.

Councilor Moriarty added to the section of Town Council Appointments:
Prince Memorial Library Advisory Board, appointed: Stephen Moriarty.

VOTE: UNANIMOUS (6)

Councilor Phipps arrived.

III. EXECUTIVE SESSION – To discuss pending litigation.

This item was deferred until the end of the meeting.

IV. MANAGER'S REPORT

None.

V. PUBLIC DISCUSSION

None.

VI. LEGISLATION AND POLICY

00 - 050. To consider and act on annual applications for Chebeague Island Victualer's licenses.

Councilor Bingham moved to approve the annual Victualer's license for the Chebeague Island Inn conditioned upon receiving the proper State Food licenses.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

Councilor Bingham moved to approve the annual Victualer's licenses for the following:

- Chebeague Island Bakery
- Chebeague Orchard Inn
- Doughty's Island Market
- Sunset House Bed & Breakfast Inn

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

00 - 051. To hear report of Chebeague Island Comprehensive Plan Committee.

In the summer of 1999, The Cumberland Town Council authorized and established a budget for the preparation of a long term comprehensive plan for Chebeague Island for presentation to the Island and the Council in the spring of 2000. Jim Phipps and Sam Ballard were appointed co-chairs of the committee. Additional island residents volunteered to prepare the plan. Mark Eyerman of Planning Decisions, Inc. participated in this effort.

Councilor Phipps introduced the Chebeague Island Long Term Plan.

The following presenters reported on their findings and recommendations in the following areas:

- Beth Howe Land and Resources
- Martha Hamilton Island Economy
- Ernie Burgess Fishing
- Ann Thaxter Affordable Housing
- Pommy Hatfield Health, Welfare
- Phil Jordan and Al Traina Schools

- Jim Phipps Transportation

Sam Ballard presented closing remarks.

Councilor Lambert moved to go into Executive Session – To discuss pending litigation at 9:20 p.m.

Seconded by Councilor Kuntz. **VOTE: UNANIMOUS (7)**

Councilor Lambert moved to come out of Executive Session at 9:27 p.m.

Seconded by Councilor Bingham. **VOTE: UNANIMOUS (7)**

VII. CORRESPONDENCE

1. MMA Nomination Recommendation Form.
2. Patricia Berg, Chamber of Commerce — Policy Soundings.
3. State of Maine, Dept. of Transportation, Nat Tupper.
4. Joe Taylor, Town Manager, Cumberland-York Aggregation Coalition.
5. MSAD #51 Board of Directors Minutes 6/5/00.
6. MSAD #51 Board of Directors Agenda 6/19/00.
7. County of Cumberland Commissioners Meeting 5/22/00.

VIII. NEW BUSINESS

None.

IX. ADJOURN

No further business conducted. Motion to adjourn at 9:28 p.m.

Respectfully submitted,

Kathleen Babeu
Administrative Assistant

00-58

- 1) 1 woman
 2) Jeff Wilson
 3) Tom Larson
 4) Chris Bigham
 5) George Turner
 6) Peter DeBianco
 7) Sally Roe
 8) Craig Brink

- 9) Gail Howe
 10) Jim Higgins
 11) Janet Spurgin

V. Legislation and Policy

00-58 To hold a Public Hearing to consider an amendment to the Zoning Ordinance regarding set back requirements and the standards for reviewing requests for variances.

Kuntz
Vice Chairman Moriarty opened the Public Hearing.

Kuntz much discussion
Vice Chairman Moriarty closed the Public Hearing.

Town Planner Donna Larson explained this item. Passed out a couple of letters rec'd today. 1 - In favor, 1 (Lantern Lane) opposed proposal.

Orange setback 1
Blue setback 2 > setback overlay districts
Explained what is proposed for setback overlay district
see handout from Planning

(177) - 2 things being proposed tonight.

00-59 To hold a Public Hearing to consider purchase of Doane Property.

Chairman Moriarty opened the Public Hearing.

Chairman Moriarty closed the Public Hearing.

(3) C. Lamb. 2 Blue + 2 Red - (Red)
Side 2
(707) prop. 2 move DS, 1 SetB. overlay as prop. be A subject to the following modification: beg. paragraph 2 read -
2nd Bingham: see Donna. votes Unanimous

(440) (2) - Reflect in minutes
35 foot - will not effect variance for
- continual thruout town

(565) (1) Lamb to approve
move that the town adopt as proposed the practical standards.
2nd - Bingham Unan.

add document into minutes

Took out of order
00-60 To hear request of Teen Center for contract zoning (310 Main Street).

Terry Snow, member of Cumberland Teen Center - see
handout

Walking distance important

1/2 dozen teens to speak

≠ teen parking, ≠ asking for \$.

Lou Hartman: lawyer in Yarmouth.

Sue Leindausky: adult teen board member

Kelly Joyce: Morgan Weston: seeking approval for temp Site
Ali: Thad Bunkby - 'Mission Statement' - put in.

Mike Maher

Chris Donaghy & variety of activities

room:
1) homework & reading
\$4

Kelly Joyce, Matt Smith, John Maganelo

00-61 To hear request regarding nuclear disarmament. ✓

Out of order - 3rd item
name from Jan

1. move 4 matter to
be referred to Plan Board
for further
2. Bingham Vote ^{consideration} Unan. (6)

abortion
would like support of
resolution. Sue Hartman spoke

C Lamb - we cannot legislate on anything concerning
nuclear weapons

Steve Mor. arrived

≠ in job description of Town Council
Bingham move we take no action on the request
2nd story vote In Favor (6) Opposed (1)
(5)

00-62 To authorize appropriation for Blanchard Road/Skillins Road reconstruction.

528 State approved for 300,000 reconstruction
project. 150,000 on part of Cumberland - is
their appropriation

- 1) advise State we have app. \$.
- 2) Public meeting
- 3) Engineering

Public Works Director: Adam Ogden spoke to the Council
C. Lam moved to appropriate 150,000 from under. surplus
to participate in the State
program to reconstruct
Vore's

00-63

To receive proposal for Use of Town Recreational Facilities and to set date for Black Rd
workshop.

June 1st @ 9:35

workshop in Town Council - 17th
then hearing 24th?

Unan.
C. Lam
will set
up meeting
to get this
moving

00-64

To set date for second meeting in July

C. Lam move

17th - workshop on
prop-use of Town
Rec. Fac. & related
matters

Kuntz

Unan.

00-65 To set date for workshop on Impact Fees, Acquisition of Development Rights, etc.

7/31st

Kuntz move 7:00
Bing. 2nd vote IF 5
Opp (1)

Kuntz Amendment motion
Bing 2nd vote Unan (6)

VI. Correspondence

1. Holman, Howard & Mahoney: Town Manager: Property located at 310 Main Street, Cumberland, ME.
2. State of Maine Executive Dept., workshops Land for Maine's Future Board.
3. MMA Executive committee and MMA Advisory committee nominations.
4. Bill Lyford, Town, commend Cumberland.
5. Building Permit Limitation Ordinances – a Professional Development workshop
6. Cumberland County Government Brochure

VII. New Business

- ② mpor 17,000? approve contract
- ① Library: ALC + Roof Repairs this year
next year: Paint exterior

Bing. to approve the - Look @ what
J. Lam. IF (6) agreement

Kuntz Basketball hoop is up in W. Cumb.

VIII. Executive Session: Hardship Abatements (2)

Councilor *Al Bing* moved to go into Executive Session at *9:* p.m. for the purpose of discussing Hardship Abatements.

VOTE: UNANIMOUS (7)

Councilor *John* moved to come out of Executive Session at *9:* p.m.

Um
VOTE: UNANIMOUS (7)

VII. Adjourn

No further business discussed. Motion to adjourn at *9:59* p.m.

Respectfully submitted,

*Bing. grant abat
Lam 2nd Uh.*

Kathleen Babeu
Administrative Assistant



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

September 22, 2000

Richard Grass
302 Main Street
Cumberland, ME 04021

Dear Dick:

Thank you for your letter of September 11, 2000 which I received yesterday. We welcome and encourage citizen participation at all our Town Council meetings, and at the beginning of each meeting we provide time for public discussion to enable residents to raise questions or issues about any topic that will not otherwise be covered on that night's agenda.

You would be welcome to address the Council during public discussion, or if you prefer, a separate agenda item for a future Council meeting could be listed to address concerns regarding Main Street.

I should mention to you that I met recently with parents and teens involved with the development of a possible teen center, and at this point the organization is in the process of re-grouping and is considering a number of other alternative locations for the proposed center. That being the case, I will leave it to you to determine the most appropriate time to meet with the Council to voice your concerns.

Thanks once again for your letter, and if you have any questions please feel free to give me a call.

Sincerely,

Stephen W. Moriarty
Chairman, Cumberland Town Council

SWM/dgp

September 11, 2000

Stephen Moriarity, Chairman of Town Council
Cumberland Town Office
290 Tuttle Road
Cumberland, Maine 04021

Dear Mr. Moriarity,

A group of concerned neighbors have organized to address the issue of the proposed teen center at 310 Main St. Cumberland, as well as other potential Main St. concerns. The group is named Cumberland Citizens For Responsible Growth (CCRG).

As you know, the most recent proposal is to convert a single family home into a teen center. The merit of the proposal is not an issue. However, this group is in emphatic opposition to the site of this teen center. Our opposition stems from our interest in maintaining the character of Main Street and the center of town. The long-range plan was adopted by the Town Council years ago to preserve Main Street as a residential district.

We want to see this plan upheld. Allowing the teen center on Main Street would not only destroy another private home but would allow conversion of the home into a commercial property, which is contrary to the plan.

In addition to our core group we have many signatures on a petition, attached, from residents who also oppose this site. Once again, we are not opposed to a teen center, but rather to the specific site.

We are requesting an opportunity to address the Town Council with our concerns. We will contact the clerk to be placed on the agenda.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dick Grass', with a stylized, flowing script.

Dick Grass, Chairman

Cumberland Citizens For Responsible Growth
302 Main Street
Cumberland, Maine 04021

NAME (PRINT)	ADDRESS	SIGNATURE
DR. SHANNON M. MEREDITH	10 MAPLE ST.	Shannon M. Meredith
J B Pickett J B Pickett	10 Maple St.	J B Pickett
MARION E. HANCOCK	8 MAPLE ST.	Marion E. Hancock
JAMES B. HANCOCK	8 MAPLE ST.	James B. Hancock
Doris Jean McPherson Doris Jean McPherson	10 Lawn Ave	Doris Jean McPherson
Julie Rice	9 Lawn Ave	Julie Rice

NAME	ADDRESS	SIGNATURE
MARIA P. MAC VANE	7 PINWOOD DR.	Maria P. MacVane
DONALD R. MAC VANE	7 PINWOOD DR.	Donald R. MacVane
BILL LYFORD	8 PINWOOD DR	William S. (Bill) Lyford
JAMES P. MACVANE	300 MAIN ST	James P. MacVane

NAME	ADDRESS	SIGNATURE
Beth Bolduc	299 Main St. Cumberland	Beth Bolduc
Jim Bolduc	299 Main St. Cumberland	Jim E. Bolduc
MARILYN A Brown	67 Hawthorne Ct. Cumberland	Marilyn A. Brown
George Ballard	5 Hedgerow Dr	GEORGE BALLARD
FAY BOLDUC	5 Hedgerow Dr	Fay Bolduc
Joy Brown	55 Hawthorne Ln.	Joy S. Brown
Kathleen Spence	321 Main Street	Kathleen Spence
SYLVIA L. BOLDUC	12 LAWN AVE	Sylvia L. Bolduc
Elizabeth G. Ellis	15 LAWN AVE	Elizabeth G. Ellis
HAROLD D. ELLIS	15 LAWN AVE	Harold D. Ellis
Stacy Bolduc	12 Lawn Ave	Stacy Bolduc

[illegible]

NAME	ADDRESS	SIGNATURE
Christopher Ryer	6 Hedgerow Dr., Cumberland	Cyril J. Ryer
Heather Powers	306 MAIN ST, CUMBERLAND	H. Powers
Linda Hicks	321 Main St - Cumberland	Linda Hicks
Patricia M. Powers	306 Main St, Cumberland	Patricia M. Powers
Mary Geyer	6 Hedgerow Dr.	Cumberland, Me
Martha Morrison	1 Cottage Farms Rd.	Martha Morrison
FRANK MORRISON	1 COTTAGE FARMS RD	Frank Morrison
Richard L. Campbell	5 Spar Hawk Lane	Ruth L. Campbell
Jean K. Atchinson	6 SPARHAWK LN.	Jean K. Atchinson
Susan M. Campbell	5 Sparhawk Lane	Susan M. Campbell
Brian K. Atchinson	6 SPARHAWK Lane	B. Atchinson

MEMORANDUM

To: Town Council

From: Robert B. Benson, Town Manager

Date: July 6, 2000

Re: Council Meeting Agenda Items

Item #1:

Please refer to the material in your packet regarding this item. Town Planner Donna Larson will be present for this agenda item.

Item #2

Is self-explanatory. I will be reviewing any updates on the negotiations with the Doanes at this time.

Item #3

Please refer to the letter re: the Teen Center request. As I understand it, representatives of the Teen Center will be present to further explain this program to the Council.

Item #5

I have reviewed this item briefly with the Council earlier. Adam Ogden will be present to discuss this with the Town Council. It is my intention to recommend to you that we do appropriate the money to provide the State with the necessary commitment on our part, and after that proceed to have a meeting with abutters on the Blanchard Road and explain the process to them and get input on what they want to see done.

Item #6

Please review the proposed facilities use policy. It would be my suggestion that we refer this to a Council workshop.

The remainder of the items are self-explanatory, and as usual if you have any questions, please don't hesitate to call.

**TOWN OF CUMBERLAND
Planning Department**

July 5, 2000

TO: Robert B. Benson, Town Manager
FROM: Donna Larson, Town Planner
RE: Variances and setback requirements

Based on the discussions at the 6/12/00 workshop, the Planning Board recommends the following changes:

1. To adopt the 'practical difficulty' standards for all other variances;
2. To delete the undue hardship standards except for shoreland areas, signs, and height as required by state law; and
3. To adopt setback overlay districts that would reduce the setback requirements in certain areas.

The following amendments are proposed to the Zoning Ordinance and Official Zoning Map.

1. ADOPT 'PRACTICAL DIFFICULTY' STANDARDS

A. Add "practical difficulty" standards to the definitions section.

State law doesn't allow the practical difficulty standards to be applied to requests for signs, height variances, or structures on a lot that is in whole or in part in a shoreland area. Therefore, undue hardship remains only for signs, height, and structures on a lot in a shoreland area.

.97 Practical Difficulty: practical difficulty shall mean that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner. An applicant for a practical difficulty variance must show compliance with the following standards:

- A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- C. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- D. No other feasible alternative to a variance is available to the petitioner;

- E. The granting of a variance will not unreasonably adversely affect the natural environment; and
- F. The property is not located in whole or in part within the shoreland areas as described in Title 38, Section 435.

For the purposes of this section, "dimensional standards" means and is limited to ordinance provisions relating to lot coverage, frontage and setback requirements.

~~.97.98~~ **Principal Structure:** The structure in which the primary use of the lot is conducted.

2. DELETE A PORTION OF THE UNDUE HARDSHIP STANDARD

~~.137~~ **Undue Hardship** for a single-family dwelling that is the primary year-round residence of the applicant, the term "undue hardship" shall mean:

- ~~1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;~~
- ~~2. The granting of a variance will not alter the essential character of the locality;~~
- ~~3. The hardship is not the result of action taken by the applicant or a prior owner;~~
- ~~4. The granting of a variance will not substantially reduce or impair the use of abutting property; and~~
- ~~5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.~~

~~A variance for such single-family dwellings may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area to exceed the maximum permissible lot coverage; provided, however, that the variance may exceed 20% of the setback requirement, except for minimum setback from wetlands or water bodies in Shoreland Areas, if the applicant has obtained the consent of affected abutting landowners.~~

For all other structures, "undue hardship" shall mean:

~~.137.~~ **138Undue Hardship** – for any sign or height variance or for any structure that is located on a lot that is in whole or in part in a shoreland area, undue hardship shall mean:

- 1. The land in question cannot yield a reasonable return unless a variance is granted;

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality;
4. The hardship is not the result of action taken by the applicant or a prior owner. [Amended - effective 10/17/94]

C. Amend Section 603.2.2, substituting “undue hardship” for “practical difficulty”

603.2 The Board shall have the following powers and duties:

- .1 Interpretation. Upon appeal from a decision of the Code Enforcement Officer, the Board shall determine whether the decisions of the Code Enforcement Officer are in conformity with the provisions of this Ordinance, and interpret the meaning of the Ordinance in cases of uncertainty.
- .2 Variances. Upon appeal from a decision of the Code Enforcement Officer, the Board shall have the power to vary the dimensional requirements of this Ordinance that relate to size and height of structures, setback distances, and size of signs. A variance shall only be granted where such variance will not be contrary to public health, safety or general welfare, ~~and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.~~ The Board may only grant those variances related to lot coverage, lot frontage or setback requirements for lots that are not located in a shoreland or resource protection overlay district if the Board finds that strict application of the ordinance to the petitioner would cause practical difficulty. For any sign or height variance or any dimensional variance sought for a lot located in a shoreland or resource protection overlay district, the Board must find that a literal enforcement of this Ordinance would result in unnecessary and undue hardship, and that such hardship arises out of conditions peculiar to the property and is not the result of any action of the applicant or a prior owner. A variance shall not be granted for the establishment or expansion of a use otherwise prohibited. The presence of other non-conformities in the neighborhood or zoning district shall not constitute grounds for a variance.

3. ADD SETBACK OVERLAY DISTRICTS

A. Add setback overlay district regulations as Sec. 204.12 to read as follows:

204.13 Setback Overlay Districts Adopted, effective

204.13.1 Setback Overlay District 1

The following minimum setbacks are required for all structures in the Setback Overlay District 1:

side
742

The setbacks shall be the lesser of . . .

- .1 Front: no new construction shall extend closer to the property line than the existing house, or the front setback requirement of the ~~existing house~~, whichever is less.
- .2 Side: 10'; *underlynd district*
- .3 Rear: 25' main building (including decks and porches); 10' all other buildings

204.13.2 Setback Overlay District 2

The following minimum setbacks are required for all structures in the Setback Overlay District 2:

- .1 Front: 25' provided that no front setback need be greater than the average depth of the front setbacks on the adjoining lots on either side adjacent lots. A vacant lot shall be considered as having a front setback requirement of 25'.
- .2 Side: 10' for the main building (including decks and porches); 8' all other buildings;
- .3 Rear: 30' main building (including decks and porches); except that lots with an average depth of 100' or less the setback requirement shall be no less that 25% of the average depth of the lot; 10' all other buildings.

- B. **ADOPT A MAP AS AN ATTACHMENT TO THE OFFICIAL ZONING MAP SHOWING THE EXACT LOCATIONS OF THE OVERLAY DISTRICTS.**
- C. **AMEND SECTION 201 ZONING MAP AND DISTRICTS TO INCLUDE THE SETBACK OVERLAY DISTRICTS**

SECTION 200 ZONING DISTRICTS

Sec. 201 Zoning Map and Districts

The zoning map officially entitled "Cumberland Zoning Map" dated June 13, 1984, and amended on June 12, 1985, February 9, 1987, May 15, 1989, December 28, 1989, March 11, 1991, and December 10, 1991, January 25, 1999, and _____ and on file in the office of the Town Clerk and filed with the Cumberland County Registry of Deeds is hereby adopted as part of this ordinance. Regardless of the existence of other printed copies of the zoning map, the said zoning map on file and as officially adopted by the Cumberland Town Council shall be the final authority as to the location of zoning districts in the Town; provided, however, that notwithstanding said zoning map, the entire surface area of the following islands is contained within the Resource Protection district: Bangs Island, Basket Island, Little Chebeague Island, Stockman Island, Jewel Island, Little Jewel Island, West Brown Cow Island, Crow Island, Broken Cove Island, Goosenest Island, Rogues Island, Upper Green Islands, and Sand Island. The Town of

Cumberland Zoning Map divides the Town into the following districts: [Amended, Effective 12/10/91]

Rural Residential	(RR)
Low Density Residential	(LDR)
Medium Density Residential	(MDR)
Island Residential	(IR)
Local Business	(LB)
Highway Commercial	(HC)
Office Commercial	(OC)
Industrial	(I)
Rural Industrial	(RI) [Effective 3/11/91]
Island Business	(IB)
Mobile Home Park Overlay	(MHP) [Effective 12/28/89]
*Shoreland Zoning Overlay Districts:	
Resource Protection Overlay	(RP) [Effective 12/10/91]
Resource Protection/Floodplain Overlay	(RP/FP)[Effective 10/17/94]
Limited Residential Overlay	(LR) [Effective 12/10/91]
Limited Commercial Overlay	(LC) [Effective 12/10/91]
General Development Overlay	(GD) Effective 12/10/91]
Commercial Fisheries/Maritime Activities Overlay	(CFMA)[Effective 12/10/91]
Stream Protection Overlay	(SP) [Effective 12/10/91]
Setback Overlay District 1	(SO1) [Effective]
Setback Overlay District 2	(SO2) [Effective]

Sec. 202 District Boundaries

Where uncertainty exists with respect to the boundaries of the various zones as shown on the official zoning map, the following rules shall apply:

1. Unless otherwise indicated, district boundaries shown within the lines of roads, streams and transportation rights of way shall be deemed to follow center lines; except that district lines in the setback overlay districts shall follow property lines. The abandonment or non-use of roads shall not affect the location of such district boundaries. Development of property which is in more than one zoning district shall be controlled by the classification of the area to be used. [amended, effective]

2. The depictions of the shoreland zoning districts on the official zoning map are illustrative of the general location of such zones. The actual boundaries of these zones may be determined by an on-site evaluation done by an appropriate professional using the criteria established in Section 204.5 of this Ordinance, provided the on-site evaluation is reviewed and approved by the Code Enforcement Officer. Where such measurement is not the same as the location of the boundary on the official zoning map, the on-site measurement shall control, unless the official zoning map indicates that the zone boundary shall follow an existing property line. [amended, effective 9/28/98].

Kathy Babeu**From:** Donna Larson [dlarson@town.cumberland.me.us]**Sent:** Thursday, July 13, 2000 11:23 AM**To:** Kathy Babeu**Subject:** Setback and Variance memo for PB.doc

1. ADOPT 'PRACTICAL DIFFICULTY' STANDARDS

A. Add "practical difficulty" standards to the definitions section.

State law doesn't allow the practical difficulty standards to be applied to requests for signs, height variances, or structures on a lot that is in whole or in part in a shoreland area. Therefore, undue hardship remains only for signs, height, and structures on a lot in a shoreland area.

.97 **Practical Difficulty:** practical difficulty shall mean that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner. An applicant for a practical difficulty variance must show compliance with the following standards:

- A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- C. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- D. No other feasible alternative to a variance is available to the petitioner;
- E. The granting of a variance will not unreasonably adversely affect the natural environment; and
- F. The property is not located in whole or in part within the shoreland areas as described in Title 38, Section 435.

For the purposes of this section, "dimensional standards" means and is limited to ordinance provisions relating to lot coverage, frontage and setback requirements.

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- ~~3. The hardship is not the result of action taken by the applicant or a prior owner;~~
- ~~4. The granting of a variance will not substantially reduce or impair the use of abutting property; and~~
- ~~5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.~~
- ~~A variance for such single family dwellings may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area to exceed the maximum permissible lot coverage; provided, however, that the variance may exceed 20% of the setback requirement, except for minimum setback from wetlands or water bodies in Shoreland Areas, if the applicant has obtained the consent of affected abutting landowners.~~
- ~~For all other structures, "undue hardship" shall mean:~~
- ~~137.138 **Undue Hardship** – for any sign or height variance or for any structure that is located on a lot that is in whole or in part in a shoreland area, undue hardship shall mean:~~
 - 1. The land in question cannot yield a reasonable return unless a variance is granted;
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 - 4. The hardship is not the result of action taken by the applicant or a prior owner. [Amended - effective 10/17/94]

C. Amend Section 603.2.2, substituting “undue hardship” for “practical difficulty”

603.2 The Board shall have the following powers and duties:

- .1 Interpretation. Upon appeal from a decision of the Code Enforcement Officer, the Board shall determine whether the decisions of the Code Enforcement Officer are in conformity with the provisions of this Ordinance, and interpret the meaning of the Ordinance in cases of uncertainty.
- .2 Variances. Upon appeal from a decision of the Code Enforcement Officer, the Board shall have the power to vary the dimensional requirements of this Ordinance that relate to size and height of structures, setback distances, and size of signs. A variance shall only be granted where such variance will not be contrary to public health, safety or general welfare, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance

~~would result in unnecessary and undue hardship.~~ The Board may only grant those variances related to lot coverage, lot frontage or setback requirements for lots that are not located in a shoreland or resource protection overlay district if the Board finds that strict application of the ordinance to the petitioner would cause practical difficulty. For any sign or height variance or any dimensional variance sought for a lot located in a shoreland or resource protection overlay district, the Board must find that a literal enforcement of this Ordinance would result in unnecessary and undue hardship, and that such hardship arises out of conditions peculiar to the property and is not the result of any action of the applicant or a prior owner. A variance shall not be granted for the establishment or expansion of a use otherwise prohibited. The presence of other non-conformities in the neighborhood or zoning district shall not constitute grounds for a variance.

3. ADD SETBACK OVERLAY DISTRICTS

A. Add setback overlay district regulations as Sec. 204.12 to read as follows:

204.13 Setback Overlay Districts [adopted 7/10/00]

204.13.1 Setback Overlay District 1

The following minimum setbacks are required for all structures in the Setback Overlay District 1:

The setbacks shall be the lesser of the distance from the existing building to the nearest property line or the stated limit below:

1. Front: the setback for the underlying district;
2. Side: 10'
3. Rear: 25' principal structure (including decks and porches); 10' all other buildings

204.13.2 Setback Overlay District 2.

The following minimum setbacks are required for all structures in the Setback Overlay District 2:

The setbacks shall be the lesser of the distance from the existing building to the nearest property line or the stated limit below:

- A. For the LDR District;
 1. Front: 50' provided that no front setback need be greater than the average depth of the existing front setbacks on the adjoining lots on either side lots. A vacant lot shall be considered as having an existing front setback requirement of 50'.
 2. Side: 15' and a combined setback of 35' for the principal structure (including decks and porches); 8' all other buildings.
 3. Rear: 40' for the principal structure (including decks and porches);

except that for lots with an average depth of 100' or less, the setback requirement for the principal structure shall be no less than 25% of the average depth of the lot; 10' all other buildings.

B. For the MDR District;

1. Front: 35' provided that no existing front setback need be greater than the average depth of the front setbacks on the adjoining lots on either side lots. A vacant lot shall be considered as having an existing front setback requirement of 35'.
2. Side: 15' and a combined setback of 35' for the principal structure (including decks and porches); 8' all other buildings.
3. Rear: 40' for the principal structure (including decks and porches); except that lots with an average depth of 100' or less, the setback requirement for the principal structure shall be no less than 25% of the average depth of the lot; 10' all other buildings.

B. **ADOPT A MAP AS AN ATTACHMENT TO THE OFFICIAL ZONING MAP SHOWING THE EXACT LOCATIONS OF THE OVERLAY DISTRICTS.**

C. **AMEND SECTION 201 ZONING MAP AND DISTRICTS TO INCLUDE THE SETBACK OVERLAY DISTRICTS**

SECTION 200 ZONING DISTRICTS

Sec. 201 Zoning Map and Districts

The zoning map officially entitled "Cumberland Zoning Map" dated June 13, 1984, and amended on June 12, 1985, February 9, 1987, May 15, 1989, December 28, 1989, March 11, 1991, and December 10, 1991, January 25, 1999, and _____ and on file in the office of the Town Clerk and filed with the Cumberland County Registry of Deeds is hereby adopted as part of this ordinance. Regardless of the existence of other printed copies of the zoning map, the said zoning map on file and as officially adopted by the Cumberland Town Council shall be the final authority as to the location of zoning districts in the Town; provided, however, that notwithstanding said zoning map, the entire surface area of the following islands is contained within the Resource Protection district: Bangs Island, Basket Island, Little Chebeague Island, Stockman Island, Jewel Island, Little Jewel Island, West Brown Cow Island, Crow Island, Broken Cove Island, Goosenest Island, Rogues Island, Upper Green Islands, and Sand Island. The Town of Cumberland Zoning Map divides the Town into the following districts: [Amended, Effective 12/10/91]

Rural Residential	(RR)	
Low Density Residential	(LDR)	
Medium Density Residential	(MDR)	
Island Residential	(IR)	
Local Business	(LB)	
Highway Commercial	(HC)	
Office Commercial	(OC)	
Industrial	(I)	
Rural Industrial	(RI)	[Effective 3/11/91]
Island Business	(IB)	
Mobile Home Park Overlay	(MHP)	[Effective 12/28/89]

***Shoreland Zoning Overlay Districts:**

Resource Protection Overlay	(RP)	[Effective 12/10/91]
Resource Protection/Floodplain Overlay	(RP/FP)	[Effective 10/17/94]
Limited Residential Overlay	(LR)	[Effective 12/10/91]
Limited Commercial Overlay	(LC)	[Effective 12/10/91]
General Development Overlay	(GD)	Effective 12/10/91]
Commercial Fisheries/Maritime Activities Overlay	(CFMA)	[Effective 12/10/91]
Stream Protection Overlay	(SP)	[Effective 12/10/91]
Setback Overlay District 1	(SO1)	[Effective]
Setback Overlay District 2	(SO2)	[Effective]

Sec. 202 District Boundaries

Where uncertainty exists with respect to the boundaries of the various zones as shown on the official zoning map, the following rules shall apply:

1. Unless otherwise indicated, district boundaries shown within the lines of roads, streams and transportation rights of way shall be deemed to follow center lines; except that district lines in the setback overlay districts shall follow property lines. The abandonment or non-use of roads shall not affect the location of such district boundaries. Development of property which is in more than one zoning district shall be controlled by the classification of the area to be used. [amended, effective]
2. The depictions of the shoreland zoning districts on the official zoning map are illustrative of the general location of such zones. The actual boundaries of these zones may be determined by an on-site evaluation done by an appropriate professional using the criteria established in Section 204.5 of this Ordinance, provided the on-site evaluation is reviewed and approved by the Code Enforcement Officer. Where such measurement is not the same as the location of the boundary on the official zoning map, the on-site measurement shall control, unless the official zoning map indicates that the zone boundary shall follow an existing property line. [amended, effective 9/28/98].

July 17, 2000

TO: Robert B. Benson, Town Manager

FROM: Donna Larson, Town Planner

RE: Setback requirements

At the last meeting the setback requirements for Setback Overlay District 2 were amended based on the underlying zoning district; MDR and LDR. The Setback Overlay District in West Cumberland is in the RR2 district, and by not including reduced setbacks for the RR2 district, this section was omitted. On the attached map, this area is circled in yellow.

It seemed to me that the Council was under the impression that this area was in the MDR district. If so, the minutes can be amended to reflect the error, and that Setback Overlay District 2 in the RR2 district will have the same setbacks as the Setback Overlay District 2 in the MDR district (see the underlined section at the end).

204.13.2 Setback Overlay District 2.

The following minimum setbacks are required for all structures in the Setback Overlay District 2:

The setbacks shall be the lesser of the distance from the existing building to the nearest property line or the stated limit below:

A. For the LDR District;

1. Front: 50' provided that no front setback need be greater than the average depth of the existing front setbacks on the adjoining lots on either side lots. A vacant lot shall be considered as having an existing front setback requirement of 50'.
2. Side: 15' and a combined setback of 35' for the principal structure (including decks and porches); 8' all other buildings.
3. Rear: 40' for the principal structure (including decks and porches); except that for lots with an average depth of 100' or less, the setback requirement for the principal structure shall be no less than 25% of the average depth of the lot; 10' all other buildings.

B. For the MDR District;

1. Front: 35' provided that no existing front setback need be greater than the average depth of the front setbacks on the adjoining lots

on either side lots. A vacant lot shall be considered as having an existing front setback requirement of 35'.

2. Side: 15' and a combined setback of 35' for the principal structure (including decks and porches); 8' all other buildings.
3. Rear: 40' for the principal structure (including decks and porches); except that lots with an average depth of 100' or less, the setback requirement for the principal structure shall be no less than 25% of the average depth of the lot; 10' all other buildings.

C. For the RR 2 district;

- 1. Front: 35' provided that no existing front setback need be greater than the average depth of the front setbacks on the adjoining lots on either side lots. A vacant lot shall be considered as having an existing front setback requirement of 35'.**
- 2. Side: 15' and a combined setback of 35' for the principal structure (including decks and porches); 8' all other buildings.**
- 3. Rear: 40' for the principal structure (including decks and porches); except that lots with an average depth of 100' or less, the setback requirement for the principal structure shall be no less than 25% of the average depth of the lot; 10' all other buildings.**

amend the minutes to reflect
C.

Do not have a setback D For RR district

TOWN OF CUMBERLAND Proposed Setback Overlay Districts

Setback Overlay Districts
 setback overlay district 1
 setback overlay district 2

Proposed Setback Overlay District 1

Front - no new construction shall extend closer to the property line than the existing house, or the front setback requirement of the underlying district, whichever is less;
Side - 10';
Rear - 25' main building (including decks and porches); 10' all other buildings.

Proposed Setback Overlay District 2

Front - 25' provided that no front setback need be greater than the average depth of the front setbacks on the adjoining lots on either side. A vacant lot shall be considered as having a front setback of 25';
Side - 10' for the main building (including decks and porches); 8' all other buildings;
Rear - 30' main building (including decks and porches), except that lots with an average depth of 100' or less the setback requirement shall be no less than 25% of the average depth of the lot; 10' all other buildings.

History of setbacks

1949 - Zoning adopted
front - 20', but no greater than the houses on adjacent lots
side - 8', one side can be reduced if the other side is increased (5' limit)
rear - 25', or 25% of the depth of the lot whichever is less

1959
front - 20', but no greater than the houses on adjacent lots;
side/rear - 10' main building, 5' all other buildings;

1969
front - 20', but no greater than the houses on adjacent lots;
side/rear - 20' main building, 15' all other buildings;

1975
LDR
Front - 50'
Side - 30', combined 65'
Rear - 65'

MDR
Front - 35'
Side - 20', combined 50'
Rear - 50'



prepared by the Cumberland Planning Department
 June 2000

Teen Agenda for Presentation to CumberlandTown Council

7/10/00

1. Introduction:

Freshman Kellie Joyce
Freshman Morgan Weston
Junior Ally Wolfenden

2. Mission/Values Statement/Rules:

Junior Thad Quimby

3. Activities:

Sophomore Mike Mahar
Sophomore Chris Lonegan

4. Supervision and Hours:

Freshman Kellie Joyce

5. Noise/Parking Concerns:

Freshman Matt Smith

6. Potential Impact of Community Center on Cumberland Teens:

Sophomore John Manganello

7. Conclusion:

Junior Ally Wolfenden

EXPECTATIONS

Sample Rules Proposed By Teens for Teen Center

(to be reviewed and detailed by future Director & Adult and Teen Boards)

1. Teens required to commit agreement to Teen Center rules to obtain membership.
2. Teens sign in and out of Teen Center each visit.
3. Teen Center Director or staff resource person on premises during hours of operation.
4. Teen monitor on premises to assist staff member on duty during hours of operation.
5. Drug, alcohol, smoke-free environment.
6. No tolerance for exclusionary actions or activities.
7. Maintenance of respectfully low sound level at all times.
8. Provision of support and help to other teens.
9. Each teen responsible for cleanliness of premises.
10. Respect for building, grounds, others' property.
11. Adherence to guidelines on usage of rooms and equipment.
12. Adherence to guidelines on numbers allowed in Teen Center.
13. Adherence to guidelines and rules on bringing a guest to the Teen Center.
14. Adherence to guidelines on property maintenance and shared, revolving duties and chores.
15. Attendance is limited to Teen Center hours of operation.
16. Parking is prohibited on Teen Center premises.

Teen Presentation to Community

1. INTRODUCTION

Kellie Joyce- Freshman. First of all we would like to thank you for letting us present this to you tonight. We have been working very hard this past year to create the Teen Center, and this is a huge step for us. We are seeking your approval for a temporary site for the Teen Center, the red house across from the Junior High School, 310 Main Street.

Morgan Weston- Freshman. Tonight, we are going to give a ten minute presentation on why Cumberland needs a teen center. We will begin with our mission and value statements, followed by general information about activities, rules, supervision and hours, then move on to cover noise and parking. After we are done, please feel free to ask any questions you may have, and we will do our best to answer them.

Kellie Teens these days face a lot of choices. Many of these choices have huge impacts on our lives...whether or not to do drugs, smoke, and who to hang out with for friends. Cumberland teen center will give kids a better environment to make these decisions in, which could change their outlook, hopefully for the better.

Morgan There have been two boards formed so far that have had huge roles in the progress we have made: the Teen Board and the Adult Board. The Teen Board was selected by their peers to represent all the teens in the community who have been working weekly since January to make the Teen Center a reality. They are: Juniors Thad Quimby, Ally Wolfendon, and David Holman. Sophmores Tricia Olds, and John Manganello, Freshmen Kellie Joyce and myself. College Bound Buck Kenne will be missed next fall as will Massachusetts bound Taylor Wiles. New members will take their place.

Kellie The Adult Board has been a very important part of this operation. They were meeting and brainstorming the idea of a teen center long before the teens were even involved with the exception of Senior Brad Lawrason who was recruited by John Kenney. The idea grew out of initiatives like Kieve and CHAT, and increasing concern for the health and well being of teens in this country. Currently Adult board members include: Melissa Skahan, Peggy Wiles, Terry Snow, Patty Parker, Sue Levandoski, Pete Mahar, and Phoebe Whipple. And, although Cali Williamson is no longer on the adult board, she has chosen to devote a lot time and energy to the teen board by acting as inspiration and motivation to us all.

Ally Wolfenden- Junior. I will discuss the issue of why the teens of the Cumberland/North Yarmouth area need a teen center. There are many gaps of time within the schedule of the average teenager who attends Greely Junior High and High Schools such as before sports, drama, music, and other practices. These times are mostly considered to be a catalyst for the negative choices that are made by the teens in the community. If we can get approval for the Red House on Main Street, we believe that these times will be reduced to a minimum.

2. MISSION/VALUES/RULES **Thad Quimby-** Junior As a group of 75 teens we decided that it was important for the development of Cumberland's teen center to create a mission.... and values. The mission and values would be the principles by which our work, our progress, and our effort were based upon. I, and 3 others worked nearly 3 weeks on finding and developing the base for which the teen center stood. We came up with the mission statement which is: To provide a safe

Teen Presentation to Community

and healthy environment for teen-developed and supported programs and recreation which enhance the physical, social, and emotional development of community youth through meaningful activities. The group decided to create 3 value statements which would describe what the teens wanted out of the teen center: 1. To provide an environment where ALL teens feel welcome and have a sense of belonging. 2. To provide teens with needed resources as requested by teens to make the above a reality. 3. To show the community that teens care and can have positive effects in the community.

3. ACTIVITIES Mike Mahar -Sophomore. We plan to have a variety of activities offered at the teen center. A little over a year ago a survey was conducted at Greely Junior High and Greely High School asking teens what kinds of activities they would use or participate in. It became obvious to us that if the teen center offered different types of activities then it would draw kids with different interests. If they have fun at the teen center then they'll return.

Chris Lonegan-Sophomore. Here are some of the activities that would attract teens: Music, games, art. There will be a quiet room for homework and reading and an opportunity to plan for classes, and trips. If we can provide the teens with a variety of activities, we hope to keep them entertained and safe. In addition teens have volunteered to donate time, energy, and concern toward community service projects.

4. SUPERVISION and HOURS Kellie Joyce Some people think that teens don't have a lot of time after school what with, sports and jobs. However, there are teens with more free time than others. This time is either spent alone or with friends. Also many practices don't start until 3:00 or even 3:30. That leaves over an hour between school sports practice and other extracurricular activities. We plan to have the teen center open from after school to 7:00pm Monday through Friday. This would give teens a place to go to between school and practice. Or, if parents aren't home, there would be a safe place to go with friends. Supervision will consist of a paid director--- with an assistant and adult volunteers as needed.

5. NOISE and PARKING Matt Smith- Freshman Although it is highly unlikely that it will be a problem, this teen center would be very strict about the amount of noise pollution it generates. It is proposed that each day, before opening, a responsible adult could be chosen to mediate the sound level of the building. This does not necessarily have to be the same person every day. This "Noise Officer" would have the power to eject any person or persons on the premises that he or she deemed to be generating an inappropriate amount of sound. They would also have exclusive control over the volume of any electronic devices such as TVs or stereos that may be located within the premises. We must take into account that noise is not a very large issue during daylight hours, and that is the time in which the teen center will most likely be open. Any noise that comes from the teen center during the day would be drowned out by all the other noises that already occupy Main Street. Also, dances will not be held on teen center ground, although the teen center staff may sponsor dances at other nearby locations. Parking is another major concern. Students and all other visitors are expected to park their vehicles outside of teen center grounds. The main reason for this is to provide easy access for emergency vehicles and to limit traffic.

Teen Presentation to Community

6. IMPACT of CENTER on COMMUNITY TEENS **John Manganello-** Sophomore

We are young community members excited about our futures. We hope you and the other adults of this community will take seriously our need to have a safe place to get together. Yes, it is true, sometimes teenagers make bad decisions but does that mean we should not care about them? Or try and help them? There are no bad kids, only kids who make bad choices. If this community provides SAFE choices, good decisions are easier to make. As Kellie suggested, all across the country teens are gathering after school hours in houses left empty by working parents. Many parents assume their teen does not need to be supervised after school. However, without supervision, unhealthy and unsafe decisions are sometimes made. This is a critical time in our lives. Making the wrong choices can, in some cases, be life threatening or life changing. But making our own decisions is part of becoming an adult. We want to make a SAFE and fun place, where all teens feel welcome and accepted. Our teen center will be inclusive, substance free, and well supervised. Ladies and gentlemen there are more good teenagers in this community than bad, and we need a place to go. And with your help, it can happen.

7. CONCLUSION **Ally Wolfenden** Thank you for attending this meeting. I would like to summarize the information to which you have just been exposed. We need the red house across from the schools so that our peers have a safe environment at which they can partake in a variety of activities including homework. We feel that this site would be ideal for the Teen Center for the Cumberland/North Yarmouth area. Thank you for your time and anticipated cooperation. Now, we will attempt to entertain your questions and comments. Thank you again.

OUR

TEENS

Our resource for the future

*We are young in years
But STRONG in spirit!*

•Following a comprehensive study in the Spring of 1999,

•Greely Jr. High and High School students have been gathering in the Greely High School cafeteria since December 1999.

•Many students

•Weekly Meetings

•We are organized into a

Teen Center

Why A Teen Center?

Mission Statement

To provide a safe and healthy environment for teen-developed and supported programs and recreation which enhance the physical, social and emotional development of community youth through meaningful activities.

Teens' Statement of Values

1. To provide an environment where all teens feel welcome and have a sense of belonging.

2. To provide teens with needed resources as requested by teens to make the above a reality.

3. To show the community that teens care and can have positive effects in the community.



Who Are We ?

Who?

- Teens working from school surveys
- Teens meeting weekly since 12/99

•Teens led by a Teen Board of 9

What?

- Teens with spirit, ideals, ethics
- Living by our published values

Where?

- Working all year in GHS cafeteria
- Hoping to rent space in walking distance of our schools

Why?

- A safe place to meet, relax, do homework, eat snacks
- To join in fun and meaningful projects in a well-managed setting

How?

- With guidance and support- a full-time director and adult advisors on premises
- Your help and interest!

List of Teens Attending in 1999-2000

Alan Alexander	Matt Lindsey
Hallie Vail	Kim Alexander
Chris Lonegan	Morgan Weston
Lauren Alexander	John Manganello
Lea Arsenaault	Mike Mahar
Adam Babin	Ryan Masse
Luke Beseda	Tyler Mayberry
Jenn Blumenthal	Greg MacArthur
Brian Burke	Owen McGillicuddy
Ellie Burke	Jenn Mitchell
Clayton Conrad	Mike Mohr
Galena Conrad	Shayon Mukerjee
Nick Curato	Dave Moody
Peter Crommett	Don Moody
Rachel Damon	Peter Nalle
Jenn Dodds	Erin Noyes
Meghan Fitz	Katie O'Donnell
Nate Fogg	Tricia Olds
Dani Folsom	Tara Pontbriand
Lindsay Frost	Thad Quimby
Erica Gagne	Adam Roy
Jane Gallaudet	Meaghan Skahan
Jessica Godin	Wes Soper
Alexis Heiman	Taylor Wiles
Brandon Hill	Kylie Williams
David Holman	Megan Williams
Kellie Joyce	Emily Wilson
Buck Kinney	Ally Wolfendon
Chris Lambe	Anders Wood
Gus Laughlin	Ryan Zipper
Chris Larsson	Matt Smith
Brad Lawraso	
Crispin LeBlanc	
Gessy LePage	
Andrew Levandoski	
Lauren Levy	
Simon Lindquist	
Matt Lindsey	
Chris Lonegan	
John Manganello	

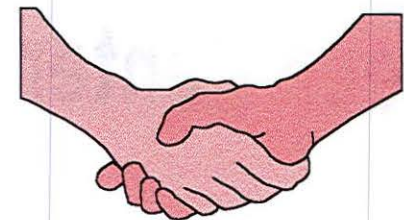
DO YOU KNOW ?..

Cumberland's

MOST

Precious Resource?

Precious Resource?



Maine School Administrative District #51
Cumberland ~ North Yarmouth

Robert G. Hasson, Jr., Ed.D. ~ Superintendent
Scott D. Poulin ~ Director of Finance, Human Resources and Operations
Judith H. True ~ Director of Instructional Support

July 10, 2000

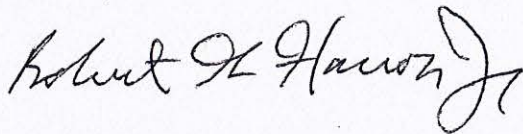
Cumberland Town Council
290 Tuttle Rd.
Cumberland, ME 04021

Dear Cumberland Town Council,

I am writing to express my support for the teen center currently being evaluated by the town council. A teen center in a community is a positive experience for both the teens who use the facility and for the residents. Like any group of people who come together with a similar interests and age in common, many constructive ideas and activities will ensue.

This is a great opportunity for the students and residents. Please consider the teen center as a positive approach in support of youth.

Sincerely,



Robert G. Hasson, Jr., Ed.D.
Superintendent, MSAD #51

RFH:scm

7/16/2020

Norma Brown
Town Planner

Re: Proposed setbacks

Dear Norma,
Thank you for speaking to me today
on the above captioned subject.

Unfortunately, due to a former
commitment, I won't be able
to attend the meeting on July 16th.
However, I would like to express
my negative reaction to the proposed
setbacks in a handwritten note.

This is an older, long established
neighborhood, with the recent lots,
part of the charm of the street, as
well as an already strict set-back
(which you don't like some guy told I
never), is the essentially uniform

setbacks in the front, of 50 feet.

In addition, the width views are
an extremely important issue, and
could be adversely affected by
these changes.

I feel very strongly that the
setbacks should remain as they
are, with the avenue of appeal
remaining the variance.

The feeling is also shared by
Mrs. Land Oyle as to handwritten
note, and she has asked me to
include this information in my
letter. Although I haven't had
an opportunity to poll all 14
councils, I have a feeling that
the sentiment of great, if not all,
would be similar.

Thank you for your kind consideration

Sincerely yours,

FRANK J. SMOYER JR.
TOWN PLANNER

cc: Mrs. Jane Oyle
1 handwritten note

EGG AND DART

CUMBERLAND TOWN HALL

MARCH 2, 1998



TOWN COUNCIL

John Lambert, Jr. - Chairman

*Mark Kuntz
Harland Storey
James Phipps*

*Philip Gleason
Stephen Moriarty
Peter Bingham*

TOWN HALL BUILDING COMMITTEE

*Mark Robinson, Chairman
Stephen Moriarty, Vice Chairman
William Hansen
Robert Humphreys
Walt Dunlap
Donna Miller Damon*

*Lynnette Hildreth
Susan McGinty
E. Stephen Murray
George Small
Stewart McAllister
Peter Bingham*

TOWN MANAGER

Robert B. Benson

ARCHITECT

Michael White

GENERAL CONTRACTOR

Pochebit Company

24 inches

18 inches

• UNLESS NOTED OTHERWISE ALL ELEMENTS
SHOWN IN BLACK WILL BE RAISED ON THE
FINISHED CASTING.

Last Edited: 8/28/00 By: jb

Art Printed at 33%

WO#: 95044

HW 6-29

July 10, 2000

To: Planning Board and Town Council
RE: Proposed Property Setbacks

This letter is to inform you that we are in favor of reducing the setback requirements in our neighborhood. We are currently in the process of upgrading our 20+ - year old home and the change in setback requirements would allow us to further improve the exterior of our home without worrying about having enough room or applying for variances. The proposed changes would allow us homeowners of older homes to modernize and make our homes more desirable for future homebuyers.

Sincerely,

Lori + Mark Holmes

8 Country Charm Rd.

Cumberland, ME

TOWN OF CUMBERLAND Proposed Setback Overlay Districts

Setback Overlay Districts
 setback overlay district 1
 setback overlay district 2

Proposed Setback Overlay District 1

Front - no new construction shall extend closer to the property line than the existing house, or the front setback requirement of the underlying district, whichever is less;
Side - 10';
Rear - 25' main building (including decks and porches); 10' all other buildings.

Proposed Setback Overlay District 2

Front - 25' provided that no front setback need be greater than the average depth of the front setbacks on the adjoining lots on either side. A vacant lot shall be considered as having a front setback of 25';
Side - 10' for the main building (including decks and porches); 8' all other buildings;
Rear - 30' main building (including decks and porches), except that lots with an average depth of 100' or less the setback requirement shall be no less than 25% of the average depth of the lot; 10' all other buildings.

History of setbacks

1949 - Zoning adopted

front - 20', but no greater than the houses on adjacent lots
side - 8', one side can be reduced if the other side is increased (5' limit)
rear - 25', or 25% of the depth of the lot whichever is less

1959

front - 20', but no greater than the houses on adjacent lots;
side/rear - 10' main building, 5' all other buildings;

1969

front - 20', but no greater than the houses on adjacent lots;
side/rear - 20' main building, 15' all other buildings;

1975

LDR

Front - 50'

Side - 30', combined 65'

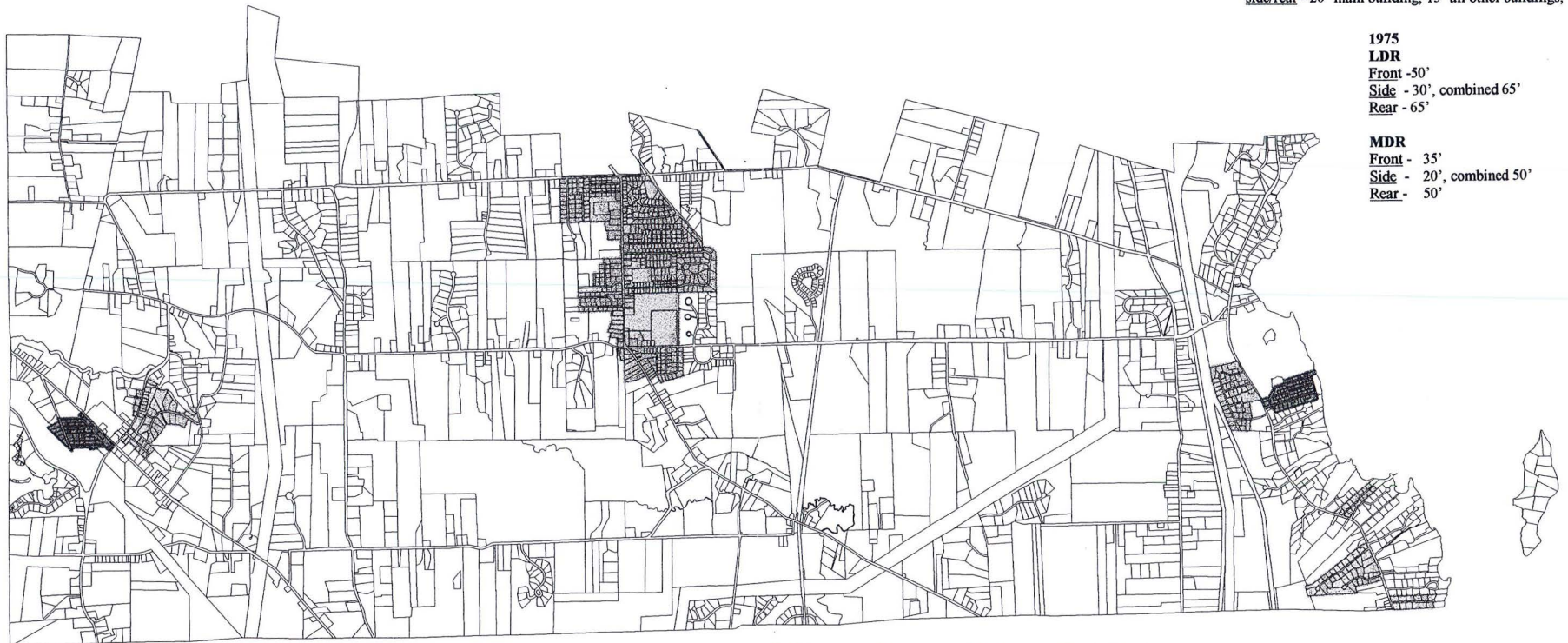
Rear - 65'

MDR

Front - 35'

Side - 20', combined 50'

Rear - 50'



prepared by the Cumberland Planning Department
June 2000

covered
7-10-00
ny

HOLMAN, HOWARD & MAHONEY

ATTORNEYS AT LAW

298 MAIN ST. YARMOUTH, ME 04096

Lewis A. Holman
John C. Howard
Nicholas J. Kaldro Mahoney

Telephone: (207) 846-6111
Fax: (207) 846-6113
Email: Holman@compuserve.com

June 30, 2000

Robert Benson, Town Manager
Cumberland Town Hall
290 Tuttle Road
Cumberland, ME 04021

Re: Property Located at 310 Main Street, Cumberland, Maine

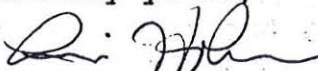
Dear Mr. Benson:

Please be advised that I am representing Mom's Main Street LLC in connection with property which it owns at the above address. My client would like to join the Cumberland Teen Center in applying for a rezoning of this property pursuant to Section 606 of the Cumberland Zoning Ordinance. The purpose of this request for a rezoning is to permit a portion of the premises to be leased to the Cumberland Teen Center to be operated as a private club.

I understand that the Town Council and the Planning Board will want to impose certain conditions upon the way in which this property is used and my client is very anxious to do everything possible to try to meet these conditions. It is anticipated that this property would be leased to the Cumberland Teen Center on a temporary basis and the term of the Lease would be subject to approval by the Town of Cumberland.

Members of the Cumberland Teen Center Planning Committee and I would like the opportunity to present this request to the Cumberland Town Council on July 10, 2000. I would appreciate it if you would give me a call at your convenience so that we can discuss this matter further. Thank you very much.

Sincerely yours,



Lewis A. Holman

LAH/rt

cc: Mom's Main Street LLC

corres24\moms.ltr

6/30/00

Policy on Use of Town of Cumberland Recreation Facilities Cumberland Recreation Department

This policy covers the use of Twinbrook Recreation Area, which includes park and athletic facilities on Tuttle Road and Greely Road of Cumberland Maine.

Facilities will be managed and regulated by the Cumberland Recreation Department in accordance to policies set forth by the Cumberland Town Council.

Priority of Use:

1. The Cumberland Recreation Programs will have the highest priority of use for all facilities.
2. The MSAD 51 school athletic program will have second priority over club level teams or organizations.
3. Local Club Teams / Organizations will have third priority status, (note, Cumberland only teams / organizations will have priority over Cumberland/N.Yarmouth teams/organizations).
4. Tournament Contest will be the fourth priority, tournament teams must include team(s) from Cumberland / MSAD 51.
5. Non-resident team or organization use will be given the lowest priority, use by this group will require a user fee.

Park Facilities and Athletic fields scheduled by the Recreation Department will be open for Community Use whenever not scheduled.

Insurance:

All teams/organizations must show certificate of liability insurance. Reservations or scheduling of facilities will not be done until proof of insurance is submitted to the Recreation Office. Certificate of insurance is only valid for season of requested scheduling.

User Fee Structure:

1. Programs directly organized and administered by the Recreation Department will be exempt from fees.
2. MSAD 51 athletic programs and contest will be exempt from fees.(Note, this is valid only if the SAD 51 continues an annual contribution to the Twinbrook operations, fee to be determined by Town Council).
3. Local Club Teams and/or organizations will be charged a field use fee. Fees will be reviewed and set on an annual basis by the Recreation Advisory Board with Council approval.
4. Tournaments and Non-resident teams will be charged a field use fee in accordance with the fee structure.

Twinbrook Recreation Area Park and Field Use Fee Structure:

Local Club Teams and Organizations:

This group would encompass any youth or adult team and/or organization who is charging a fee for participants to play. This also includes any team or organization that may have ongoing affiliation with the Cumberland Recreation Department. (i.e American Youth Soccer Organization).

Fees: \$2.00 per participant, per season for use of athletic fields.
\$1.00 per participant per season for use of trails, and/or park facilities.

Tournaments by MSAD 51 and/or Local teams/organizations.

Fees are subject to the following criteria, admission fees for spectators, team entry fees, duration of contest, use of selected facilities.

Fees:

- \$100.00 per team/organization for groups charging spectator admission and using athletic fields for a full day (Tournament length - over 4 hours).
- \$75.00 per team/organization for groups charging spectator admission and using athletic fields for tournaments completing in less than 4 hours.
- \$50.00 per team/organization for groups charging a team entry fee to compete and use athletic fields, in such tournament for a full day (Tournament length - over 4 hours).
- \$35.00 per team/organization for groups charging a team entry fee to compete and use athletic fields, in such tournaments completing in less than 4 hours.
- \$25.00 per team/organization charging no fees and using athletic facilities.
- \$25.00 per team/organization charging entry fee and using non-athletic field facilities.
- \$10.00 per team/organization charging no fee and using non-athletic field facilities.

Non-Resident Team/Organization Use:

This would be any team/organization not resident to Cumberland or North Yarmouth. (i.e. Falmouth Soccer Club)

Fees:

- \$100.00 per team/organization using athletic fields for more than 4 hours.
- \$50.00 per team/organization using athletic fields for less than 4 hours.
- \$50.00 per team/organization using non-athletic field facilities for more than 4 hours.
- \$25.00 per team/organization using non-athletic field facilities for less than 4 hours. (i.e. USA Track – Cross Country Meet)

Scholarship/Fee waiver:

Teams/Organizations who have limited financial resources could request scholarship or fee waivers from the Advisory Board of the Community Education/Recreation Department.

Terms of Use:

All agreements of use with teams and/or organizations are limited to current seasonal use. (i.e. fall soccer, winter skiing, spring lacrosse, etc). All agreements are non-binding from one year to the next.



STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0038

Council
MB
7-10-00

ANGUS S. KING, JR.
GOVERNOR

EVAN D. RICHERT, AICP
DIRECTOR

June 28, 2000

Dear Key Municipal Official,

The State Planning Office's, Land for Maine's Future Program is hosting a series of workshops to be held throughout Maine in July. These upcoming workshops are intended to update the public about the policy of the Land for Maine's Future Board and to highlight key changes to the Program as a result of the passage of the \$50 million bond approved by Maine voters in the Fall of 1999. Of particular note to municipal officials is that the Program can now fund projects of local/regional significance and, in some cases, title may remain with the town.

These workshops are designed to provide information on the role of the Program in the acquisition of public lands or interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland. The following is a listing of dates and locations for each workshop:

July 12, Norway, Oxford Hills Comprehensive High School, 7-9PM
July 13, Saco, Saco City Hall Auditorium, 7-9PM
July 17, Presque Isle, UMaine - Presque Isle, Campus Center, 7-9PM
July 18, Orono, UMaine - Orono, 153 Barrows Hall, 7-9PM
July 26, Rockland, Rockland Congregational Church - Community Hall, 7-9PM

I invite you and members of your municipality who have an interest to learn more about the Program or have an interest in submitting a proposal, to attend a workshop session. The workshops will provide you with an opportunity to meet with Board members, Program staff, and receive answers to questions about the Program. For persons and organizations interested in submitting proposals to be funded by the Board, these workshops also serve as an opportunity to receive guidance and technical assistance in preparing a successful proposal. Copies of the new edition of the LMF Proposal Workbook will be available at these meetings.

Enclosed are directions to each workshop location. Should you have any questions about the LMF Program, I can be reached at (207) 287-1485.

Sincerely,

Mark DesMeules, Director
Land for Maine's Future Program

Encl: Directions to LMF workshops



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 184 STATE STREET
Internet: www.state.me.us/spo

PHONE: (207) 287-3261

FAX: (207) 287-6489

Land for Maine's Future Program

List of LMFP July 2000 Workshop Dates and Locations

NORWAY (JULY 12), Oxford Hills Comprehensive High School, 7-9PM

SACO (JULY 13), Saco City Hall Auditorium, 7-9PM

PRESQUE ISLE, (JULY 17), UMaine - Presque Isle, Campus Center, 7-9PM

ORONO, (JULY 18), UMaine - Orono, 153 Barrows Hall, 7-9PM

ROCKLAND, (JULY 26), Rockland Congregational Church - Community Hall, 7-9PM

Directions to the Land for Maine's Future Program July 2000 Workshop Locations

1. **July 12: Norway, Oxford Hills Comprehensive High School** is located at 250 Main Street, (State Route 26), Norway; Parking lot is adjacent to building.
2. **July 13: Saco City Hall** is located at 300 Main Street (Saco - Downtown). From Exit 5 of the Maine Turnpike, take the 2nd exit (Saco - Downtown); Take a right onto Main Street; Continue through three sets of traffic lights. Saco City Hall is on the right at the intersection of Main Street and Cutts Avenue. It is a brick building with a clock tower. Public Parking is available at rear of the building and across the street.
3. **July 17: Presque Isle, UMaine Presque Isle - Campus Center**, South Main Street campus entrance, (State Route 1). Public Parking is available near the building.
4. **July 18: Orono, UMaine- Orono campus, 153 Barrows Hall**, (Barrows Hall is located diagonally from Memorial Gymnasium on the west end of campus.)

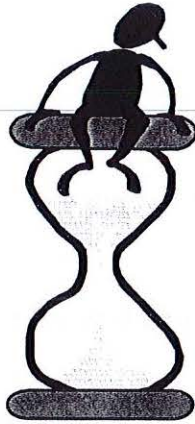
From the South I-95, take Exit 51 and turn Right onto Stillwater Avenue; Continue on Stillwater Avenue and at the third traffic light, (Intersection of Stillwater Ave. & College Ave./ McDonald's and KFC restaurants), take Right onto College Avenue; Continue on College Avenue till the Alford Ice Arena appears on the Left, Campus Entrance, Munson Road, is the next Left after the ice arena and follow signs to Barrows Hall. Public Parking is available near the building; after 6PM parking permits are not required.

From the North I-95, take Exit 51 and turn Left onto Stillwater Avenue/Old Town; Continue on Stillwater Avenue and at the third traffic light, (Intersection of Stillwater Ave. & College Ave./ McDonald's and KFC restaurants), and take Right onto College Avenue; Continue on College Avenue till the Alford Ice Arena on the Left, Campus Entrance, Munson Road, is the next Left turn after the ice arena and follow signs to Barrows Hall. Parking is available near the building; after 6PM parking permits are not required.

5. **July 26: Rockland, Rockland Congregational Church - Community Hall, 180 Limerock St.**,
From the West on State Route 17, turn Right at traffic light onto Old County Road; Continue on Old County Road till intersection with Limerock St.; turn Left onto Limerock St. for approximately 1/2 mile and Rockland Congregational Church - Community Hall is on the Right. Please use lower level parking lot.

From the South on Route 1: Turn Left onto Highland Street (Puffin QuikStop at the street corner); Continue on Highland till intersection with Limerock St. Rockland Congregational Church - Community Hall nearby. Please use lower level parking lot.

From the North on Route 1: Turn right onto Route 1A (Maverick St.); Continue on Rte.1A to second flashing traffic light - intersection of Rte.1A and Broadway; Turn Left onto Broadway; Continue on Broadway and at third light turn Right onto Limerock St. Please use lower level parking lot.



TIME IS PASSING QUICKLY!

*Nominate Yourself or Others Interested
In Serving Your Association.*

Municipal officials wanted – elected or appointed – to serve on MMA's two major governing committees: the MMA Executive Committee and the MMA Advisory Committee.

- *The Executive Committee is the governing body of the Maine Municipal Association and also serves to oversee the group self-insurance programs. Members serve a 3-year term and participate in approximately 12 regular meetings per year, normally held at the Association offices in Augusta. Members may be asked to serve on subcommittees/ad hoc committees as needed.*
- *The Advisory Committee serves as an advisory body to the Executive Committee on specific issues such as the MMA Annual Convention, training programs, publications, and other services/programs being reviewed that are offered by the Association. Members serve a 2-year term and participate in 2 regular meetings per year.*

A Nomination Recommendation Form is available on the reverse side of this notice. The deadline for receiving nominations has been extended to July 31. All recommendations will be reviewed by the MMA Nominating Committee on August 8. The Proposed Slate of Officers will be mailed to all member municipalities along with information on the petition process. Voting Ballots will then be mailed to all member municipalities. The ballots will be counted and the successful candidates announced at the MMA Annual Business Meeting which is scheduled for Thursday, October 19, 2000 during the MMA Annual Convention in Bangor.

Questions???

Contact Chuck Jackson or Theresa Chavarie at 1-800-452-8786.

Maine Municipal Association

MMA Nomination Recommendation Form

Please check the appropriate committee and provide the requested information for consideration for nomination to serve on:

 Executive Committee *Advisory Committee* *Either Committee*

Name of Nominee: _____
Position: _____
Years in Position: _____
Municipality: _____
Mailing Address: _____
Home Address: _____
Office Phone: _____ Work Phone: _____
Home Phone: _____

Other Municipal Activities (please include dates):

MMA Involvement (e.g., Legislative Police Committee, Advisory Committee, Ad Hoc Committees, etc., please include dates):

Other Information (e.g., occupation, other activities of interest, etc.)

If you are making a recommendation, please complete the following:

NAME: _____ DAYTIME TEL #: _____
POSITION: _____ MUNICIPALITY: _____
ADDRESS: _____

Please Return Form by July 14, 2000 to:

*Charles M. Jackson, General Counsel
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330*

7-10-00
Council
NY

July 6, 2000

Bob Benson, Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bob,

Again I am moved to write you folks there at the town hall and commend you on your efforts and successes to keep Cumberland a very desirable community in which to live. I am aware of some of the development going on around us in neighboring towns and I thank my lucky stars for the town of Cumberland in its efforts through our local government to keep free of "strip malls" and "urban sprawl" in the usual sense of those terms.

I received in the mail today Donna Larson's "offsets proposal" to be coming up on the 10th of this month. After reading the letter a couple of times, I wanted to commend the council for its fine work as well. I am impressed with the Council's "common sense" approach for those of us who live in older homes.

Overall Bob, Jean Darling and I are very pleased to be in the Cumberland community and we truly appreciate the efforts of you people in the city government who have been such loyal stewards for us all.

Sincerely yours,



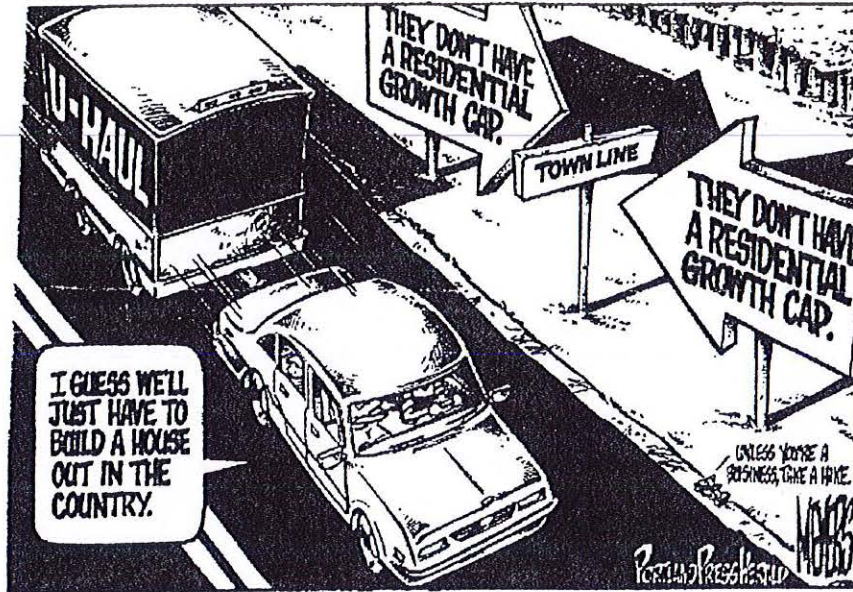
Bill Lyford
8 Pinewood Drive

ps. Jean's always liked Cumberland. I'm the outsider, newcomer from Alaska. :-)

Council
D.L.

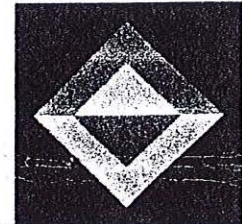
Building Permit Limitation Ordinances ...A Professional Development Workshop

Sponsors: Maine Association of Planners, Maine Bar Association,
Southern Maine Regional Planning Commission, Maine Municipal Association, Maine State Planning Office



Please join us for an important professional development workshop on Building Permit Limitation Ordinances...an idea that has seized the imagination of many communities since the announcement of favorable court decisions in Eliot and Wells. Hear from Maine Attorneys and Planners about these ordinances, and about what communities can do when faced with community pressure for a growth cap.

Eastland Park Hotel, 157 High Street, Portland, Maine
At Congress Square (Corner of High and Congress Streets)
Tuesday, July 18, 2000
8:15 A.M.—12:30 P.M.



**Registration For Building Permit Limitation Ordinances
Professional Development Workshop**
Cost: \$30.00 per person in advance, \$35.00 at door

Please mail registration and payment
by July 13th, to:
**Southern Maine
Regional Planning Commission**
9 Bradeen Street, Suite 400
Springvale, ME 04083

For more information,
contact **J.T. Lockman** at
Phone: 207-324-2952
Fax: 207-324-2958

Name	_____
Address	_____ _____ _____
Email	_____
Phone	_____
Fax	_____

 ***** ACTIVITY REPORT *****

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
06/29 11:52 *	918002147167		3271	TRANSMISSION	2	OK 00'45
12:25 *	96574339		3272	TRANSMISSION	1	OK 00'32
06/30 07:29 *			3273	RECEPTION	7	OK 04'46
07:37 *			3274	RECEPTION	13	OK 08'13
08:50 *	98463361	YARMOUTH	3275	TRANSMISSION	2	OK 01'11
11:52 *	912077771473		3276	TRANSMISSION	1	OK 00'29
12:58 *	2077730262		3277	RECEPTION	3	OK 01'47
07/05 07:56 *	918606852410		3278	TRANSMISSION	0	NG 00'00
					0	#018
09:29 *	97815242		3280	TRANSMISSION	0	NG 00'00
					0	STOP
09:30 *	97747149		3281	TRANSMISSION	1	OK 00'32
09:56 *	97814245		3282	TRANSMISSION	6	OK 05'01
14:34 *	95398549		3283	TRANSMISSION	4	OK 02'32
07/06 09:12 *	96260513		3284	TRANSMISSION	5	OK 01'52
09:31 *	97723361		3285	TRANSMISSION	3	OK 01'08
09:37 *	98225952	MAINE CHOICE	3286	TRANSMISSION	1	OK 00'33
11:52 *	2076577228		3287	RECEPTION	1	OK 00'32
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13:31	97746849		3290	TRANSMISSION	1	OK 00'32
13:36	97916920		3291	TRANSMISSION	1	OK 00'32