

Secretary

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL
MONDAY - SEPTEMBER 29, 1997**

I. Call to order at the Cumberland Municipal Center at 7:00 p.m.

II. Legislation and Policy

97-121 To award bids for Town Office renovation and addition.

97-122 To set date for Public Hearing to adopt Appendices to the General Assistance Ordinance.

III. Executive Session - Hardship Abatement Requests

IV. Adjourn

MEMBERS OF THE TOWN COUNCIL

John Lambert, Jr. (Chair)	781-5282		
Peter Bingham	829-5713	Harland Storey	829-3939
Philip Gleason	781-3787	James Phipps	846-6274
Mark Kuntz	829-6482		

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
SEPTEMBER 29, 1997**

**** SPECIAL MEETING****

Present: John Lambert, Mark Kuntz, Harland Storey, Peter Bingham,
Philip Gleason

Absent: James Phipps - excused
(one vacant council seat)

I. The meeting was called to order by the Chairman at 7:00 pm
at the Cumberland Municipal Center.

II. Legislation and Policy

97-121 To award bids for Town Office renovation and
addition.

Mike White, The Pochebit Co., was present with
the recommendation that lowest bids be accepted.

Councilor Bingham move to award the bids for the
current Town Office renovation and addition as
recommended in the document from Mike White, The
Pochebit Co., dated September 29, 1997.

Councilor Gleason seconded. Vote: Unanimous (5)

97-122 To set date for Public Hearing to adopt Appendices
to the General Assistance Ordinance.

Councilor Gleason moved to hold a public hearing on
October 27, 1997 to adopt Appendices to the General
Assistance Ordinance.

Councilor Bingham seconded. Vote: Unanimous (5)

There was some discussion by the Council regarding
information for the next Council meeting, longer hours on
Saturday at the brush dump, and concerns regarding hunting
on the Twin Brook property.

III. Executive Session - Hardship Abatement Requests

Councilor Storey moved to go into executive session to
consider and act on hardship abatement requests.

Councilor Bingham seconded. Vote: Unanimous (5)

Councilor Gleason moved to end the executive session.

Councilor Bingham seconded. Vote: Unanimous (5)

Councilor Gleason moved to grant two abatement requests made pursuant to 36 MRSA /841(2) - one in the sum of \$548.55 for tax year 1996, and the second in the sum of \$3,164.54 for tax year 1995.

Councilor Bingham seconded. Vote: Unanimous (5)

IV. Adjourn

The meeting was adjourned at 7:30 pm.


Charlene A. Doyle
Council Secretary

Absent - J. Phipps
- one vacancy (Drummond seat)

Town Council
9/29/97 (1)

Called to order ~ 7pm

leg + Blicy

97-121 Bids

Mike White present w/ recommendations

B motion to award bids for - - -
as presented in report from - dated -
2nd Gleason Unan (5)

97-122 Set date PTH

move to hold PTH Oct 27th
2nd B Unan (5)

S X sess

2 B Unan (5)

to end

2nd Kutz Unan (5)

to grant as presented
B 2d Unan (5)

Adjourn
7:30 pm

St. Carla meet Council

B - Rickley Subdiv ^{on 14th}

* Memo from Donna ^{a week} in advance

- longer hours at brush dump on Sat. - 3pm *

- Twin Brook Gate - Sunday AM early

Post Twin Brook - go onto abutting property + mark "You are approaching
TB rec. area" - No Hunting Zone

Put signs
up now

* Hunting
Agenda Item
Oct 14th

MEMO

DATE: September 25, 1997

TO: Town Council

FROM: Bob Benson

RE: AGENDA for September 25, 1997 Town Council Meeting

ITEM #:

97-121 Mike White of the Pochebit Company and I will have reviewed the bids for the Town Office renovation and addition, and will have recommendations for the Town Council with regard to these bids.

97-122 This is an administrative action only. Cumberland's General Assistance Ordinance has three different appendices (A,B and C) that contain the various maximum levels of assistance allowed to qualified general assistance clients. These guideline limits are set by state and federal law, and must be officially updated and adopted by town officials as changes occur.



The Pochebit Co., Inc.

171 WARREN AVE. - PORTLAND, ME 04103 - (207) 797-3369

DROWNE ROAD SCHOOL
PROPOSED ADDITION & RENOVATIONS
TOWN OF CUMBERLAND
CUMBERLAND, MAINE
PROJECT BUDGET ESTIMATE

Construction Costs (See Attached Breakdown Six Pages) = \$1,460,216.50

Administrative Costs and Reserve

- Advertising, Insurance, Legal	=	\$ 4,000.00	
- Construction Contingency	=	\$30,000.00	
Subtotal	=	\$34,000.00	= \$ 34,000.00

Fees & Services (Architect's Allowances)

- Architect/Engineer (Terrien)	=	\$118,000.00	
- Civil Engineer (Squaw Bay)	=	\$ 9,000.00	
- Surveying	=	\$ 4,000.00	
- Soils/Boring/Test Pits	=	\$ 500.00	
- Sewer User Units	=	\$ 28,000.00	
- Permitting & Review (State Fire Marshal)	=	\$ 1,500.00	
- Asbestos Abatement - Testing to date	=	\$ 1,600.00	
- Asbestos Abatement - Testing to go	=	\$ 6,800.00	
- Asbestos Abatement - Contract	=	\$ 32,324.00	
- A/E Reimbursables	=	\$ 2,400.00	
Subtotal	=	\$204,124.00	= \$204,124.00

Total Project Budget = \$1,698,340.50



September 29, 1997

The Pochebit Co., Inc.

171 WARREN AVE. - PORTLAND, ME 04103 - (207) 797-3369

DROWNE ROAD SCHOOL PROPOSED ADDITION & RENOVATIONS TOWN OF CUMBERLAND CUMBERLAND, MAINE CONSTRUCTION COST ESTIMATE

DIVISION 2 - SITEWORK

\$ 45,291.00

- Bldg. Exc. & Backfill

- Waterline
- Sewer line
- Erosion Control



- Maietta = \$45,291.00
- Grover = \$50,145.00
- Esty = \$52,200.00
- Storey Bros. No Bid
- Dugas No Bid
- Grondin No Bid
- Shaw Bros. No Bid
- Grondin No Bid
- Chase No Bid
- Smith & Sons - No Bid

- Paving, Pavement Markings Markings
- Parking Lot Construction
- Manholes, Catch Basins
- Site Improvements, Fences
- Lawns, Landscaping
- Asbestos Abatement

→ By Town of Cumberland/Others (N.I.C.)

Selective Interior Demolition - Included in Owner's Asbestos Abatement N.I.C.

Structural Demolition/Temporary Shoring & Protection Allowance = \$ 48,300.00
Total Sitework = \$103,591.00

DIVISION 3 - CONCRETE

- Concrete Foundation Labor

- | | | | |
|-----------|---|-------------|-------------|
| - Maietta | = | \$ 9,695.00 | \$ 9,695.00 |
| - Cook | = | \$10,000.00 | |
| - Keeley | | No Bid | |
| - Rhodes | | No Bid | |

- Reinforcing Materials

- | | | | |
|----------------|---|------------|-------------|
| - Barker Steel | = | \$3,975.00 | \$ 3,975.00 |
| - MacFarlane | | No Bid | |
| - Tri-State | | No Bid | |

- Concrete Mix Supplier	- Dragon	\$ 17,450.00
	- D.S. & G.	
	- Blue Rock	
	- F.R. Carroll	
- Concrete Slab Labor	Allowance (Quality Conc. Floors)	= \$ 3,920.00
- Misc. Concrete Accessories/Materials Allowance		= \$ 3,000.00
Grout, Pumping/Conveying, Poly V.B., Insulation, Sealer, etc.		
TOTAL CONCRETE		= \$ 38,040.00

DIVISION 4 - MASONRY

	(Alt. 2 = 6,893.00)	
	(Alt. 1 = +1,007.00)	
- Unit Masonry	- T.E. Low	62,910.00
w/water proofing of	- Fairfield	53,525.00 = \$ 53,525.00
new brick veneer	- Phoenix	60,700.00
	- Maine Masonry	No Bid
	- Labrecque	No Bid
	- Mainland	No Bid
TOTAL MASONRY		= \$ 53,525.00

DIVISION 5 - METALS

Section 05120 - Struct. Steel	- Progressive Iron - No Bid	
Section 05500 - Metal Fab.	- McBrady - \$24,244.00	= \$ 24,244.00
Section 05723 - Treads & Nosing	- Precision - No Bid	
	- Superior/SDS - No Bid	
	- McGuire & Jones - No Bid	
Section 05200 - Steel Joists	- Northland - \$25,780.00	
Section 05300 - Metal Decking	- Canam - 23,450.00	= \$ 23,450.00
	- Meehan Associates - No Bid	
Steel Erection Allowance	- Harvey Libby	= \$ 8,140.00
Section 05400 - Lt. Gauge Mtl. Framing - See Drywall		
TOTAL METALS		= \$ 55,834.00

SECTION 6 - WOOD & PLASTICS

- Wood Truss Allowance	Mainly Sprowl	W.S.I.
- Hancock	No Bid Higher	21,604.94
- Rufus Deering	No Bid Higher	21,710.00
- Chick Lumber	No Bid Higher	22,043.00
- Hammond	No Bid Higher	22,258.00

HANCOCK
WOOD TRUSSES
& LUMBER MATERIALS
\$ 89,411.54

- Lumber Materials Allowance (Includes Siding Materials)-

- Hancock	\$67,806.60	+ 21,604.94	= 89,411.54	←
- Rufus Deering	\$75,981.70	+ 21,710.00	= 97,691.70	
- Chick Lumber	\$67,470.00	+ 22,043.00	= 89,513.00	
- Hammond Lumber	\$78,776.90	+ 22,258.00	= 101,034.90	
WOOD TRUSSES				

- Rough Carpentry Labor (Includes Siding, Windows)

- Floyd J. Brown	\$108,830.00		
- Quality Builders	\$ 87,168.00	=	\$ 87,168.00
- Main Land Structures	No Bid		
- Donnatello Builders	No Bid		
- Corey	No Bid		
- Cummings	\$118,275.00		

- Finish Carpentry	American Woodcraft	= \$40,774.00 =	\$ 40,774.00
	- Pond Cove	=	\$42,000.00
	- Millwork Plus	=	\$43,809.00
	- Hudson Cabinetry	=	\$59,828.75

- Laminated Plastics

TOTAL WOOD & PLASTICS = \$ 217,353.54

DIVISION 7 - THERMAL AND MOISTURE PROTECTION

Section 07110 - Membrane Waterproofing		=	N.I.C.
Section 07210 - Building Insulation	Quality In.	No Bid	
(Nailable roof insulation)	Builders	\$13,442.00	\$ 13,442.00
(By Roofing Contractor)	3-D Ins.	No Bid	
	G & M Supply	\$15,441.00	
Section 07270 - Firestopping	Allowance	=	\$ 1,500.00
Section 07300 - Roof Shingles	- Glidden	\$56,900.00	
Section 07600 - Flashings & Sheet Metal	- Kevin Leary	No Bid	
Gutters & Downspouts N.I. C.	- S.M.R.	No Bid	
Insulation Board on Roof	- Al Joyce	\$37,600.00	\$ 38,800.00
30 Yr., 3 Tab Shingle	- Roof Systems	No Bid	
Section 07460 - Siding - Includes in Rough Carpentry Section			
Section 07605 - Aluminum Vents	Allowance	\$	2,000.00
Section 07900 - Sealants	Allowance	\$	1,000.00

TOTAL THERMAL & MOIST. PROTECTION = \$ 56,742.00

DIVISION 8 - DOORS & WINDOWS Labor Allowance for Doors/Frames/Hardware \$ 14,500.00

Section 08100 - H.M. Door & Frames	- HCI	29,688.00	\$ 29,688.00
Section 08200 - Wood Doors	- Loranger	25,500.00(spec?)	
Section 08700 - Finish Hardware	- Automatic	No Bid	
	- O.H. Door	38,628.00	

	- Door Systems	No Bid	
Section 08612 - Vinyl Clad D.H. Windows	Hancock	17,720.00	
Section 08613 - Tilt-Wash D.H. Windows	Rufus Deering	20,783.68	
Section 08616 - Fixed Window Comp.	Hammond	16,599.00	
	Chick	19,839.17	
	Loranger	17,300.00	= \$ 17,300.00
Section 08800 - Glazing	- Portland Glass - No Bid		
	- U.S. Glass & Alum. - \$1,292.00	= \$ 1,292.00	
	- LaFrenier- \$2,405 (+125/Alt.)		
TOTAL DOORS & WINDOWS		=	\$ 62,780.00

SECTION 9 - FINISHES

- Metal Studs/Insulation/Drywall

- Dirigo Drywall	- 44,125.00	=	\$ 44,125.00
- Roland's Drywall	- No Bid		
- Wagner Drywall	- No Bid		
- Porter Drywall	- 44,850.00		

- Acoustical Ceiling Tiles & Acoustical Panels

- Loring Acoustics	- 18,534.00	=	\$ 18,534.00
- Landry	- 19,500.00		
- Aceto	No Bid		

- Flooring

- White Tile	- 22,375.00	=	\$ 22,375.00
- Capozza Tile	- 23,580.00		
- Royal Flooring	No Bid		
- Port City	No Bid		
- Circle Floors	No Bid		

- Painting

- Lux Painting	- 38,742.00	=	\$ 38,742.00
- Logan	No Bid		
- J.A. Wescott	No Bid		
- Tonco Painting	- 40,577.00		

TOTAL FINISHES = \$ 123,776.00

DIVISION 10 - SPECIALTIES Labor Allowance = \$ 4,000.00

Section 10100 - Chalkboards and Tackboards	} Specialty Allowance	=	\$ 11,000.00
Section 10162 - Toilet Partitions			
Section 10520 - Metal Cabinetry Accessories			
Section 10800 - Bathroom Accessories			
Section 10650 - Operable Partitions - Space Design		=	\$ 13,131.00
Alt. (+4,140)			

DIVISION 11 - EQUIPMENT

None anticipated

DIVISION 12 - FURNISHINGS

Section 12300 - Manufactured Casework (Included in Division 6)

Section 12520 - Window Treatments - REO - \$2,294.00 = \$ 2,294.00

DIVISION 13 - SPECIAL CONSTRUCTION

None anticipated

DIVISION 14 - CONVEYING SYSTEMS

None anticipated

DIVISION 15 - MECHANICAL/SPRINKLER

Section 15300 - Fire Protection- Sprinkler Systems 44,900.00

- Hi-Tech Fire Prot. No Bid

- Eastern Fire Protect. 34,300.00 = \$ 34,300.00

- Sprinkler Services 44,580.00

- Maine Fire 38,212.00

Section 15400 - Plumbing - R.F. Blake 296,000.00

Section 15600 - Mechanical - Kelley 298,266.00

- Damon 281,700.00 \$ 281,700.00

- AirTemp No Bid

- Johnson & Jordan No Bid

- Eastern Mechanical 318,626.00

DIVISION 16 - ELECTRICAL

- Corey 128,200.00 \$ 128,200.00

- Mancini 143,151.00

- John Perry No Bid

- Seabee No Bid

- Boulos No Bid

- Leach Electric 145,000.00

DIVISION 1 - GENERAL REQUIREMENTS *(Allowance)*

\$ 115,450.00

Quality Control/Testing, Job Superintendent/Foreman, Storage Trailers, Temp. Facilities, Barricades, OSHA Requirements, Staging/Lifts/Rentals, Dumpsters (Assumes Site Burning allowed), Misc. Labor (for Cutting & Patching, Blocking, clean up, salvaging, grouting, Minor demolition, Misc. Materials, Bldg. Layout, Final clean up), Project close out.

- <u>Winter Conditions</u> (Nov., Dec., Jan., Feb., March)	\$ 30,000.00
- <u>Construction Management Fee</u>	\$ 124,500.00
Subtotal =	\$ 1,480,216.50
L & M/Perf. Bond Allowance =	\$ 15,000.00
<u>CONTRACT TOTAL</u> =	\$ 1,460,216.50

Furnished & Installed by Owner/Others (N.I.C. - Not-In-Contract)

- Sitework, Landscaping, Paving, (Other than specified)
- Foundation Waterproofing, Gutters & Downspouts
- Signage, Flag Pole
- Furnishing, desks, comp./Tel. Equipment
- Security Alarms, T.V's, Tables, Chairs, Furniture
- Architectural/Engineering Fees
- Contingency Fees for Owner/Others Costs
- NET, CTV, L.P. Gas Supplier Fees, CMP-4,000 Allowance Included
- Cost to heat exist. Bldg. during winter to be by Owner.

drownsch.

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

The Cumberland County Commissioners and the Budget Advisory Committee will be holding a series of meetings on the proposed 1998 budget as follows:

Tuesday, September 30	6:00 PM
Wednesday, October 8	6:00 PM
Monday, October 13	6:00 PM

All meetings will be held in the large conference room on the basement level in the old section of the Cumberland County Courthouse, 142 Federal Street, Portland. Use the rear Newbury Street entrance, across from the parking garage. For further information, call 871-8380.

Public Workshop on Transportation Issues Facing the Southern Maine Area

The Regional Transportation Advisory Committee (RTAC) for transportation planning region 6 (York County, most of Cumberland County, and southern Oxford County) will be holding a series of workshops in order to hear from the public about the transportation issues facing the region. The RTAC must prepare an advisory report to the Maine Department of Transportation (MDOT) for use in developing the State's Twenty Year Transportation Plan.

The committee members want to hear your views on transportation issues and suggested policies to address those issues. Brief presentations by the MDOT staff on the draft state plans for freight and passenger systems will be followed by general discussion.

Workshops will begin at 7:00 p.m. at the following locations:

Tuesday	September 30	Stimson Hall, Gray
Tuesday	October 7	North Berwick Town Offices
Wednesday	October 15	Naples Town Hall
Thursday	October 16	Biddeford City Hall

We welcome your participation and views.

For additional information contact:

Dan Fleishman
SMRPC
PO Box Q
Sanford ME 04073
324-2952
fax: 324-2958
email: smrpc@ime.net

David Willauer
GPCOG
233 Oxford Street
Portland ME 04101
774-9891
fax: 774-7149
dwillauer@server.eddmaine.org

Michael Danforth
MDOT
16 State House Station
Augusta ME 04333
800-380-7822
fax: 287-3292
mike.danforth@state.me.us

CUMBERLAND COUNTY

Invites you to attend: Municipal Aggregation—
Is it the answer to electric deregulation?



To Save Money.



WHEN: Thursday, October 16, 1997 at 9:00a.m. - 2:00p.m.
WHERE: Cumberland County Civic Center.
COST: Lunch Provided—No Fee.
REGISTER: Registration is required by October 8, 1997.

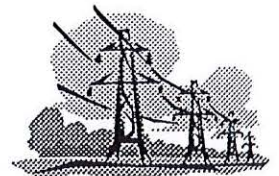
The presentation will include:

- What is "Electric deregulation" and how will it impact us?
- What Maine regulations are in place? Are changes needed?
- What is "Aggregation" and how could we aggregate?
- The Barnstable County, MA, and Peterboro, NH experiences.

Costs!



Let's talk about how we can work together to represent the interests of citizens, municipalities, businesses and other customers in achieving excellent quality and fair rates for electric utility service.



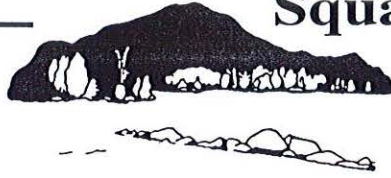
Name: _____
Title: _____
Organization: _____
Contact phone number: _____

Please return completed form to:

The County of Cumberland
Carol M. Granfield, County Manager
142 Federal Street, Suite 102
Portland, ME 04101

or

Call
871-8380
to confirm attendance.



Squaw Bay Corp

**Consulting Engineers &
Land Surveyors**

Principals:

W. Scott Decker, P.E.
John R. Kennedy, P.E.
Peter B. Tubbs, P.E., P.L.S.
David W. Young, P.E., P.L.S.

September 16, 1997

Mrs. Donna Larson
Town Planner
Town of Cumberland
P.O. Box 128
Cumberland, ME 04021

RE: White Tail Drive

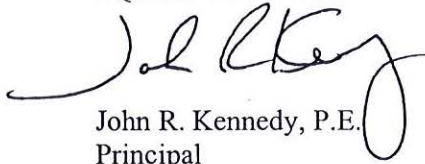
Dear Donna:

On September 15th, I visited the project site. Items 1, 2 and 3 as referenced in my letter of September 9th have been completed. The only remaining work item is the establishment of a vegetated surface on the side slopes (Item 4).

If you should have any questions please call me.

Sincerely,

SQUAW BAY CORP



John R. Kennedy, P.E.
Principal

JRK/cms

cc: Henry Kennedy

Robert J. Crawford
Sally Stockwell
441 Range Road
Cumberland Center, Maine 04021

October 14, 1997

Mr. Phillip Gleason, Chairman
Cumberland Town Council
Cumberland Town Hall
Cumberland Center, Maine

Re: Present proposal of Mr. George Rickley concerning open space lands of proposed Idlewood Subdivision

Dear Phil:

I write to provide comments regarding what I understand to be the latest proposal of Mr. George Rickley regarding certain easements or land interests related to the proposed Idlewood Subdivision that Mr. Rickley would like the Town to accept. Due to previous scheduling commitments my wife Sally Stockwell and I may not be available to attend tonight's meeting. I hope you and the council will accept these comments and consider them in your review of Mr. Rickley's current proposal.

As we understand Mr. Rickley's current proposal, he has expanded the scope of the interests that were the subject of his former request. As we understand it Mr. Rickley's current proposal includes certain additional access rights to portions of the parcel that were not include in his previous offer to the Town which was considered and ultimately rejected. Our hope is that once again the Council will conclude that Mr. Rickley's proposal is not in the Town's or our neighborhood's best interests.

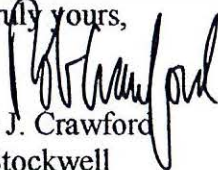
Our primary concern with the result of the Town's acceptance of Mr. Rickley's current proposal is that the consequence will be to undercut the integrity of the review process that we as affected individuals and the Planning Board anticipated would be completed in the review of the project. The Planning Board's statements as well as Mr. Rickley's comments during the Planning Board's review of the project indicated that many of the potential impacts of the project would be addressed by the Maine Department of Environmental Protection in the agency's site location review of the proposed subdivision. In fact I believe it was Mr. Rickley who assured us and the Planning Board that he would seek site location review of the project. The Planning board's preliminary conditions of approval clearly indicate that a thorough and independent review of the project under the Site Location of Development law standards was the predicate to the Planning Board's issuance of its preliminary approval.

In addition, and perhaps more importantly, the Council must consider the significant precedent that will follow if the Town accepts Mr. Rickley's proposal. A precedent will be set that allows developers to avoid detailed review of projects with potentially significant environmental and social impacts by deeding certain interests to the Town and thereby escaping review under the site law. We note that to date Cumberland is not one of the municipalities authorized with capacity complete Site Location of Development review under its own authority. In light of the particularly sensitive wetlands, hydrology and related wildlife issues related to the proposed Idlewood subdivision we do not think that a policy that enables developers to escape review by the Maine DEP through the Town's acceptance of certain land interests is good public policy.

Perhaps in the future there will be instances where the interests offered by a developer may provide significant public benefits and in such case the Town's acceptance of land rights will be in the public's best interest. To date, however, Mr. Rickley's proposals have offered very limited public access rights with minimal public benefit. We believe that judged on their own merits the land interest proposals made to the Town to date are more in line with Mr. Rickley's interests in avoiding review of the Idlewood proposal by the Maine DEP than in the spirit of the Town's conservation or open space interests.

For these reasons we request the Council not accept Mr. Rickley's current proposal.

Very truly yours,



Robert J. Crawford
Sally Stockwell

Cc: Donna Larson, Town Planner



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

EDWARD O. SULLIVAN
COMMISSIONER

October 9, 1997

Ms. Donna Larsen
Town of Cumberland
12 Drowne Road
Cumberland Center, Maine 04021-0128

Dear Donna:

Over the last few months, I have had several conversations with you and others concerning a proposed development in Cumberland called Idlewood Subdivision. By this letter I will describe the Department's involvement with this proposal.

On May 16, 1997, the Department received from the applicant, George Rickley, represented by Mr. Brad Hare, a package of material including project details and a request for a pre-application meeting with the Department. The proposal included 20 single-family residential lots on a 77.35 acre parcel, of which 23.45 would be used for lot development and 53.9 acres would be reserved as permanent open space.

One of my staff, Mr. Chuck Kellogg, spoke to Mr. Hare and because of the substantial amount of open space included in the proposal, described the subdivision exemptions available under the Site Location of Development Law (Site Law). Mr. Kellogg also informed Mr. Hare that Cumberland was deemed to have "capacity" under the Site Law in December 1996, and effective July 1, 1997, Cumberland would review medium-sized projects without the Department's review. Mr. Kellogg sent Mr. Hare information about the exemption for a subdivision with a common lot and conservation easement.

During May and June timeframe, the Legislature changed the Municipal Capacity section of the Site Law, effectively stripping most towns of their capacity designation, including the Town of Cumberland, until certain provisions in their ordinances and comprehensive plan become consistent with the Growth Management Act.

The applicant chose to apply for to the Department for an Exempt Subdivision with a Conservation Easement and Mr. Hare, you and I have had many conversations over the last few months about the conservation easement requirements. A review of the information provided to me by Mr. Hare shows that the Idlewood Subdivision proposal appears to meet the exemption requirements, based upon the proposed number of lots, total parcel size, and size of the common lot. The applicant must also provide a copy of the proposed conservation easement, a U.S.G.S. topographic map, a plot plan, a copy of a

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

deed or other evidence demonstrating title, and a statement from the holder indicating their reasons for wishing to protect the property to be covered by the easement.

A few months ago, the Department reviewed a draft conservation easement for the common lot and found it to be acceptable. On August 14, 1997, the Department approved the proposed wetland alterations for the project.

Provided that the applicant can provide the information required in the Notification of Exempt Subdivision with Conservation Easement, the Department expects that the Idlewood Subdivision will qualify for the exemption.

I hope that this information is helpful. Thank you for your time and please call me at 287-7691 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Beardsley".

Nancy Beardsley, Licensing Coordinator
Division of Land Resources Regulation

pc: Chuck Kellogg, DEP
Brad Hare

INLAND FISHERIES & WILDLIFE

October 2, 1997


Donna Larsen
Town Planner
P.O. Box 128
Cumberland, ME 04021

Dear Donna:

I have been contacted by Brad Hare and asked to comment on the proposed access road to the Idlewood subdivision located in Cumberland. I have reviewed the project and have visited the site on two occasions and it is my opinion that the original proposed location of the road will have a minimal impact on the vernal pool and wildlife in general.

If I can be of any further help feel free to give me a call at 657-3258.

Respectfully,


Philip Bozenhard
Regional Biologist

TOWN OF CUMBERLAND
Planning Department

October 2, 1997

TO: Town Councilors
FROM: Donna Larson
RE: Idlewood Subdivision open space

*Please Note:
This is the same
info you received
by mail -*

Idlewood is a 20-lot subdivision on 77 acres off the Range Road, and is located in the Rural Residential 2 district. Approximately 23 acres are included in the lots, and the proposed open space parcel is approximately 54 acres. One lot will have a driveway directly off Range Road. The remaining lots will be serviced by Idlewood Drive, a $\pm 2,000$ ft. road.

Zoning requires that any subdivision in the Rural Residential districts be clustered. One requirement of clustering is that at least 50% of the parcel is left in open space. The open space can be held in common by the homeowners of the subdivision, by a land trust, or by the town. Before a subdivision can be approved the Planning Board needs to know who will hold the land; however, any actual transfers of land are prohibited until the plan receives final approval. To meet this requirement a developer must get a "willingness to accept" the land from whoever will be taking it.

Idlewood received preliminary approval with conditions on May 20, 1997. During the course of this review, all department heads have had a chance to comment on the proposal; and a civil engineer has checked and commented on the stormwater impacts, erosion control, road construction standards, and upon the survey. Another professional civil engineer has reviewed the traffic impact study that was submitted. A hydrogeologist has submitted a study showing the location of wells and septic systems, to ensure that no existing or new wells will be contaminated. Research was also done on the availability of water in the area. These reports were reviewed by a hydrogeologist on behalf of the planning board. A high-intensity soil survey was done, in which each corner of a potential septic system site was analyzed (usually only one test in the vicinity of the system is performed). Two state soil scientists commented on the soils information that was submitted. Staff people from Inland Fisheries and Wildlife have visited the site and made no comments or recommendations. The Maine Historic Preservation Commission has reviewed the proposal and determined that no historic or archaeological sites are known to be in the area.

One condition of approval was that the project be issued a Site Location of Development (Site Permit), a Tier 2 wetland alteration permit and a stream crossing permit, all from the Department of Environment Protection (DEP). Applicant submitted the project to the DEP in early June 1997 for the Site Permit. After its submission, I was contacted by Chuck Kellogg of the DEP, who asked why the application had been submitted at all.

The reason for his question was that the DEP regulations were about to change at the beginning of July, after which time the project would no longer require the Site Review. The anticipated change was that Cumberland would have "capacity" to review residential projects. In this usage, DEP intends "capacity" to mean that a town is competent to conduct thorough reviews of projects, making any DEP review redundant. A subsequent legislative change to the rules governing capacity has, in effect, resulted in Cumberland, and all but four towns in southern Maine, to lose the status of "capacity". The final determination was not made until the end of July.

In conversations with DEP representatives, I was told that the DEP was recommending that the common lot exemption be taken advantage of. After July 1 the definition of a subdivision changed from 5 or more lots on 20 or more acres, to 15 or more lots on 30 acres. Given that change, the project was eligible for the common lot exemption of the Site Law, provided that the open space be held by a land trust or municipality, and that the DEP held a third party agreement of enforcement. The exemption has been in effect for many years to encourage the preservation of open space.

The project has received both a Tier 2 permit for wetland alterations, and a stream crossing permit. Both permits were required for the construction of the road. It is my understanding that the Department of Inland Wildlife and Fisheries had reviewed the project as part of the permitting process. The permit that has not been obtained is the Site Location of Development permit.

The developer had originally not wanted the open space to be open to the public, for the sake of homeowners' privacy. A proposal had been made to the town that the "fee" in the open space be held by the town, but that the use be restricted to forest management practices, and that a public access easement would be put over an existing logging road. In addition, the Cumberland land trust was offered a conservation easement in the area around a pond on the property. It was my understanding that the land trust was very interested in the pond. The proposal was quickly rejected by the Planning Board. It was the Board's opinion that if the town was going to own the property, full access would have to be offered.

To follow up, the developer made a proposal, by which the fee in the open space would be held by the homeowners' association, the town would be offered the easement over the logging road, and the land trust would take an easement over the pond.

When the DEP made the recommendation that the common lot exemption be taken advantage of, the open space parcel was offered to the land trust. The offer was rejected, and the same offer was made to the town. The proposal has been changed to include the construction of a trail from the cul-de-sac and a to construct a trail that makes a loop. The existing logging trail described earlier leaves Range Road and ends at the back of the property on the Cumberland/Falmouth line. The proposed trail would make walking on the property more interesting. The fee in the open space would still belong to the homeowners association, meaning the tax burden is shared equally among the landowners.

On July 14, 1997 the Council expressed a willingness to accept a thirty ft. wide easement over an existing woods road, understanding that the fee in the open space would be held by the homeowners' association. The developer is now requesting that the Council express a willingness to accept an easement over the entire open space parcel, and the DEP would hold a third party easement to enforce restrictions.

To summarize, the developer is asking the Council to express a willingness to accept an easement on the open space parcel at the Idlewood Subdivision. The fee in the land would be owned by the homeowners' association. By doing this does the subdivision exempt from a Site Location of Development permit from the DEP? The answer is yes. Has the design of the subdivision changed to meet the terms of the exemption, or is the common lot exemption rarely used? The answer is no.

September 18, 1997

**BRAD
HARE
ASLA**

139 Spiller Hill
Raymond, Maine 04071
207.998.3030

Donna Larsen
Town Planner, Cumberland
PO Box 128
Cumberland, Maine 04021

Request to Accept Open Space
Idlewood Subdivision

Dear Donna,

On behalf of my client, George Rickley of Casco Partners, Inc., I hereby request that the above mentioned project be placed on the next council meeting in order to discuss the possible acceptance by the town of the 55 +/- acre open space parcel contained within the Idlewood Subdivision. I have enclosed a reduced plan of Idlewood showing the relationship of the open space to the proposed 20 lot subdivision. Please note that George Rickley has proposed to create two additional trails within the open space parcel which will allow for a trail connection to the culdesac.

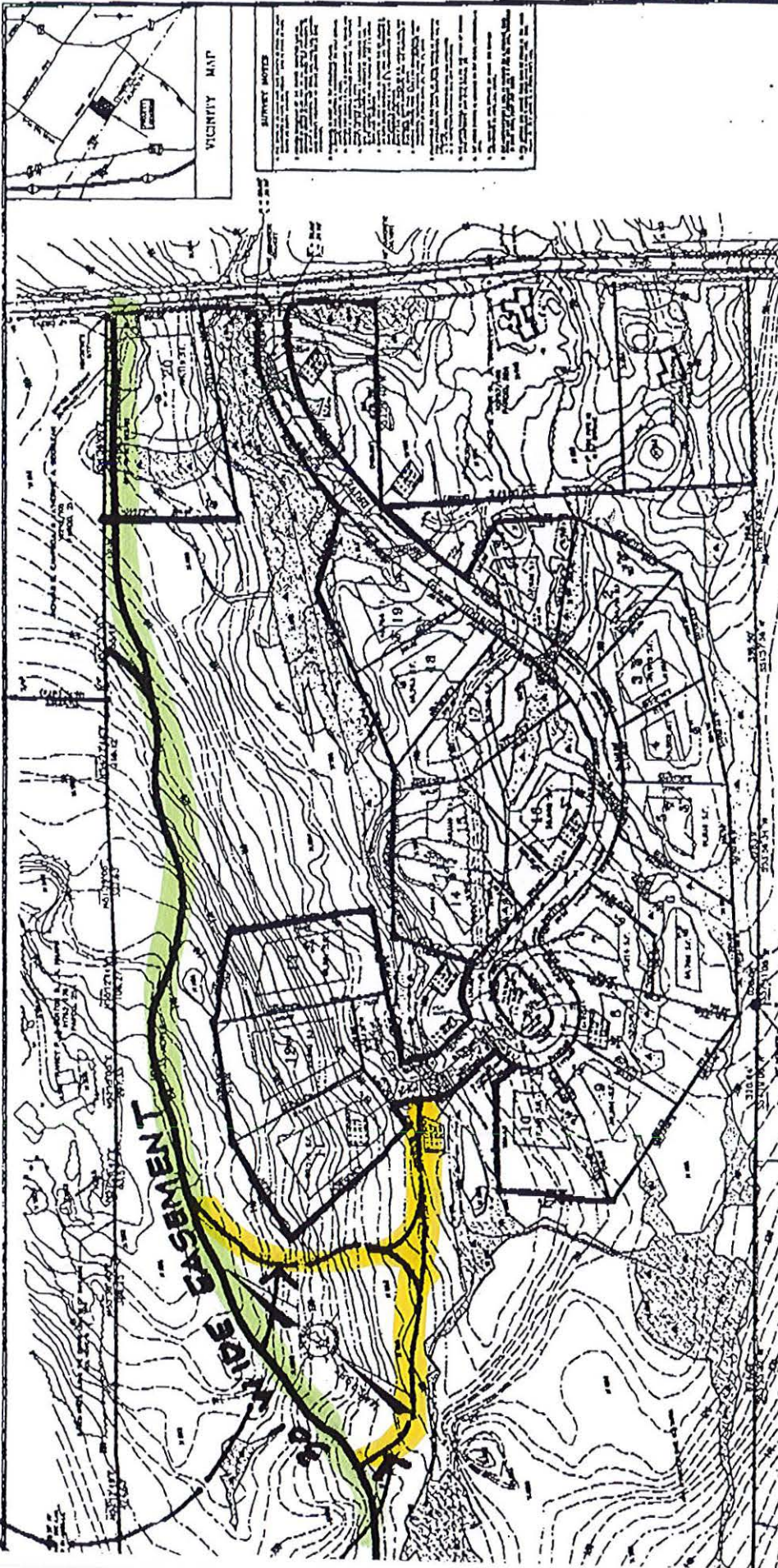
As always, please feel free to call either George or myself if there are any questions or concerns prior to the next meeting.

Sincerely,



Brad Hare, ASLA
ENC

PROPOSED, NEW TRAIL
SECTIONS



PRELIMINARY SUBDIVISION

IDLEWOOD
RANGE ROAD
CUMBERLAND, MAINE

SCALE: 1"=100'

JANUARY 7, 1998

DATE: JANUARY 7, 1998

BY: [Signature]

existing

proposed

APPROVED BY THE TOWN OF CUMBERLAND
PLANNING BOARD

DATE: _____

NOTED: The applicant has provided a copy of the subdivision map to the Town of Cumberland Planning Board. The map shows the proposed subdivision of the Idlewood Range Road property into 10 lots. The map also shows the proposed trail sections, which are highlighted in yellow. The map is a preliminary subdivision map and is subject to review and approval by the Town of Cumberland Planning Board.

TOWN OF CUMBERLAND

Town Office Building
P.O. Box 128
12 Drowne Road
Cumberland, Maine 04021
(207) 829-5559

October 3, 1997

Representative Joseph Taylor
14 Lawn Avenue
Cumberland, ME 04021

Dear Joe:

The Town Council of Cumberland requests that you present amendments to the Farm Land and Open Space Law and to the Tree Growth Tax Law to provide that local communities have discretionary authority regarding a waiver of penalties. Given the issues that have arisen regarding our recent revaluation we consider this bill to be of an emergency nature.

On behalf of the Town Council, I would like to thank you for your efforts in getting the amendments presented to the State Legislature.

Sincerely,


Robert B. Benson
Town Manager

RBB/cd

**ATTENTION
CUMBERLAND RESIDENTS**

The brush and yard waste facility on Drowne Road will be open from 8:00 AM to 4:00 PM on Saturdays through November 15, 1997. The facility is also open on Tuesdays from Noon until 4:00 PM. After November 15th the Saturday hours will return to 9:00 AM to 1:00 PM. Questions? Contact the Town Office at 829-5559.

SUSAN M. COLLINS
MAINE

172 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2523
(202) 224-2693 (FAX)

United States Senate
WASHINGTON, DC 20510-1904

COMMITTEES:
GOVERNMENTAL AFFAIRS
LABOR AND HUMAN RESOURCES
SPECIAL COMMITTEE
ON AGING

Collins
NY
10/16/97

September 30, 1997

Mr. Robert B. Benson
Town Manager
Town of Cumberland
P. O. Box 128
Cumberland Center, ME 04021-0128

Dear Mr. Benson:

It is my pleasure to extend to you an invitation to join Senator Susan Collins and her staff for an open house at her Portland office on Thursday, October 16th from 11:30 - 1:00 pm.

Senator Collins is committed to providing the people of Maine with the highest level of constituent service. I hope that you will take this opportunity to meet Senator Collins and visit her office in Portland, which has been serving the people of Cumberland and Sagadahoc Counties since the first of the year.

Everyone is invited to meet Senator Collins, so feel free to bring a friend! The office is located at One City Center, Suite 100, at the corner of Temple and Federal Streets near Monument Square. We will be serving a light lunch and ask you to call us at 780-3575 if you plan to attend.

I look forward to seeing you at the open house. If you cannot attend on the 16th, I encourage you to call or stop by the office to meet the staff and discuss any concerns that you may have.

With best wishes, I am

Sincerely,



Gary W. Reed
State Office Representative for
Susan M. Collins
United States Senator

TOWN OF CUMBERLAND

TOWN FOREST BOARD

September 4, 1997

Chairman Walt Dunlap called the meeting to order at 7:00 p.m. Present were Jennifer West, Sally Stockwell, Anne Maher, Bob Wood, Bill Wyatt, George Hyde, Paul Gianas and Betty Surgi.

OLD BUSINESS:

- Sign maker has been paid.
- Still owe Megan Thorn, Bill Wyatt and Walt Dunlap for services and/or materials. Grant money will be received within three weeks, hopefully. In meantime it will be necessary to dip into town money allotted for forest projects to make the above payments.
- Luther is willing to continue some logging in back part of forest weather permitting. Point of access still undecided - possibly railroad grade.

NEW BUSINESS:

- Discussion followed with George Hyde and Paul Gianas regarding Conservation Easement possibility for remaining town forest acreage. Will need survey of forest, outline of areas to be used for educational purposes, recreational uses, historical values, how town became owner of this property, various tree species, wildlife, etc.
- Suggested we encourage various town groups such as the Garden Club, the Historical Society, Boy Scouts, Girl Scouts, Cumberland Mainland and Islands Trust make their suggestions known to the Town Council concerning such an easement.
- Discussed a possible Town Tree Ordinance which Ellen Hoffman, member of the Conservation Committee, requested we consider.

Meeting was adjourned.

NEXT MEETING - OCTOBER 2, 1997

Respectfully submitted,

Betty Surgi, Secretary

SOLID WASTE TO R.W.S.

YEAR MONTH	1995	1996	1997	1992	1993	1994
January	184.90	179.89	204.61	157.40	148.01	162.95
February	144.88	154.08	152.55	128.78	119.67	133.78
March	177.17	148.88	164.92	150.12	166.45	177.88
April	291.90*	347.03*	233.12*	260.45*	305.24*	322.18*
May	219.80	200.44	175.02	185.51	170.80	190.18
June	215.15	190.25	201.01	207.76	194.82	212.22
July	208.09	232.78	223.52	181.40	160.51	173.25
August	249.42	224.45	175.55	180.63	192.70	241.07
September	196.76	193.89	247.89	195.58	191.69	206.89
October	300.20*	343.81*		256.73*	265.17*	303.33*
November	203.80	172.94		168.32	181.55	214.61
December	168.69	194.62		186.44	182.40	197.50
Total	2,560.76	2,583.06		2,259.12	2,279.01	2,535.84

NOTE: All Measurements in tons

* Bulky Waste Pick-up week included

Post-it® Fax Note 7671		Date	# of pages 1
To	Joan Wogaman	From	Shelley Doyle
Co./Dept.	Legal Ad PPH	Co.	Town/Cumberland
Phone #		Phone #	829 5559
Fax #	791-6910	Fax #	829-2214

TOWN OF CUMBERLAND
TOWN COUNCIL
PUBLIC HEARING

The Town Council of Cumberland will hold a Public Hearing on Tuesday, October 14, 1997, at 7:00 p.m. at the Cumberland Municipal Center to consider and act on status of paper streets on the mainland as well as Chebeague Avenue (NE of Cross St. to Hamilton Circle) and Hamilton Circle (NE of Cross St.) on Chebeague Island.

John Lambert
Chairman

10/3/97

Joan

Please run one day
on Oct. 7

P.O. #4242T

Thanks
Shelley Doyle