

Manager

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY - OCTOBER 27, 1997**

6:30 PM - WORKSHOP - Re: Chebeague Recreation Center.

- I. Call to order at the Cumberland Municipal Center at 7:00 pm.
- II. Approval of Minutes
 - a. October 14, 1997
 - b. October 16, 1997
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
 - 97-128 To hold public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs.
 - 97-129 To hold public hearing to adopt appendices to the General Assistance Ordinance.
 - 97-130 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.
 - 97-131 To consider request to delay tax payment due dates under certain circumstances.
- VI. Correspondence
- VII. New Business ~~Town Gen~~ Pub' Wkr Ad. : Vehicle @ Twinbrook
- VIII. 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		

COUNCIL MEMORANDUM

OCTOBER 27, 1997 MEETING

PLEASE NOTE THAT THE WORKSHOP IS SCHEDULED FOR 6:30 PM.

Item 97-128 - Please review the information in your packet. Donna Larson will be present to discuss this item.

Item 97-129 - This is an administrative change that should be approved by the Council to make sure Cumberland is in compliance with State Law regarding general assistance.

Item 97-130 - Please see the memorandum from Town Planner, Donna Larson which explains the Planning Board's position and recommendation regarding this item.

Item 97-131 - See the memorandum from the Town Attorney regarding this request. We recommend no change in the current tax collection policy.

**PLEASE DON'T HESITATE TO CALL IF YOU HAVE ANY QUESTIONS
REGARDING THIS MATERIAL.**

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MONDAY - OCTOBER 27, 1997**

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*Invite
Candice*

- I. Call to order at the Cumberland Municipal Center at 7:00 pm.
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 - 97-130 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.
 - 97-131 To consider request to delay tax payment due dates under certain circumstances.

VI. Correspondence

- VII. New Business - *Copa property / office hours*
- VIII. Adjourn *Baldue " / Vehicle @ Revue lunch*

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		

Agreed as of 10/21/97

NOTICE TO RESIDENTS OF THE TOWN OF CUMBERLAND:

In an effort to better serve the community, a change in the working hours of the Cumberland Town Office is being considered to coincide with the move to the new building in January of 1998. We hope to receive a response from the community regarding this possibility.

The current office hours are Monday through Friday 8:30 am to 4:30 pm and Monday evenings from 7:00 pm to 9:00 pm. (29)

The two proposals being considered are:

A. - Monday through Wednesday 8:00 am to 5:00 pm, Thursday 8:00 am to 6:00 pm and Friday 8:00 am to Noon. (81)

B. - Monday through Wednesday 8:00 am to 4:30 pm, Thursday 8:00 am to 6:30 pm and Friday 8:00 am to 1:00 pm. (53)

If you have a preference regarding these three sets of office hours, please stop by or call the Town Office at 829-5559 or 829-2200 and tell us whether you prefer the current hours, proposal A, or proposal B.

~~X~~ - only state law says
cant work
more than 6 hrs straight
w/out
break

Council
NY 10-22-97

October 8, 1997

Mr. Robert Benson, Manager
Town Offices
Drowne Road
Cumberland, ME 04021

Dear Bob and Members of the Cumberland Town Council:

I am writing on behalf of Habitat for Humanity of Greater Portland requesting that you partner with us in helping one or more families purchase simple, affordable homes in Cumberland.

Specifically, I am asking if the Town would give a minimum of one to two acres on which Habitat could build, in partnership with perspective homeowners, one to two duplexes. It has been brought to my attention that changes in the 1997 comprehensive plan and the availability of several parcels designated RR-1 or RR-2 might combine to make Habitat homes a real possibility.

I would be more than happy to have a member of the Habitat Building Committee meet with you to show you plans of a typical Habitat duplex (or single dwelling if that is preferable). I can also furnish the Council with any information regarding the mission of Habitat, how a Habitat family is selected, and the cost of the duplex as well as the amount of the interest-free mortgage to be paid by the homeowner.

In addition to asking for land, I also would look forward to your help in identifying qualified Habitat homeowners. Currently we are building a home in Windham for a Cumberland family, Tammy and Doug Morton. As you might know, this will give the Mortons a well-needed opportunity to better the conditions in which they now exist.

We have just completed our 21st home, this one in Falmouth, and are beginning our 22nd home in Windham. Both towns are working to free up additional land to Habitat.

You may reach me at the phone numbers below or at 224 Tuttle Road for questions or for more information. I can also provide you with names of the Habitat Executive Directors or any committee members you would wish to speak with.

Thank you for your consideration in making this affordable housing mission a reality in Cumberland.

Sincerely,



Sally Bancroft
Habitat for Humanity, Board of Directors
828-9525 - ext. 4118 (work)
829-3793 (home)

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

TEN FREE STREET

P.O. BOX 4510

PORTLAND, MAINE 04112

(207) 775-7271

TELECOPIER (207) 775-7935

WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RALPH W. AUSTIN
RONALD A. ERSTEIN
WILLIAM E. DALE
JOSEPH R. GROFF III
PETER W. GREENLEAF
E. BRUCE SLEEPER
DEBORAH M. MANN

LESLIE E. LOWRY III
KEITH R. JACQUES
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
JAMES N. KATSLAFICAS
MILDA A. CASTNER
ANNE H. JORDAN
JEFFREY P. BUKRMAN
BARRY P. FERNALD
SALLY J. DAGGETT
SUSAN C. STEINER
BRENDAN P. RIELLY

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

KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

419 ALFRED STREET
BIDDEFORD, MAINE 04005
(207) 282-5107
TELECOPIER (207) 282-6101

VIA TELEFAX

October 24, 1997

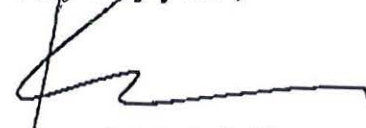
Mr. Robert B. Benson, Town Manager
Town of Cumberland
P.O. Box 128
Cumberland, ME 04021
Fax: 829-2214

Dear Bob:

This letter is intended to confirm our telephone conversation of this date in regard to the Town's right to divide its tax bill. Specifically, the statutes do permit you to collect on a periodic rather than a lump sum basis but only if this method is applied town-wide. Since I understand that this year's tax bill has already been mailed, it would be too late to institute this type of tax collection method at this time. Further, as I indicated, the Town cannot single out any portion of its residents for interest relief on late payment, although if you adopted a periodic payment system, no interest would be chargeable so long as the appropriate portion of taxes was received on a timely basis.

If you have any questions, please call me. Thank you.

Very truly yours,



Kenneth M. Cole III

KMC:gb

Cumberland Mainland & Islands Trust
P.O. Box 25
Chebeague Island, Maine 04017

October 24, 1997

VIA FAX and REGULAR MAIL

Donna Larson, Cumberland Town Planner
Cumberland Town Hall
12 Drowne Rd.
Cumberland, ME 04021

Re: Proposed Idlewood Subdivision

Dear Donna:

I understand that the Planning Board has recommended to the Council that it accept an easement over the approximate 54 acres of the Idlewood subdivision which will not be developed. I also understand that the developer has offered to deed to the Cumberland Mainland and Islands Trust both the pond adjacent to the new entry road and an additional parcel approximately 1 acre in size on the side of the new entry road opposite from the pond.

In the several days since the Planning Board referred this matter back to the Council, there has not been an opportunity for a formal meeting of the CMIT Board of Directors. I have, however, contacted most of the members of the Board by phone, and at this point a majority of the Board have indicated to me that they would vote in favor of a resolution accepting ownership of the pond and the adjacent 1 acre parcel. The next regularly scheduled meeting of the Board will be held on Wednesday, December 3, 1997, although it is possible to schedule special meetings of the Board with some minimal advance notice. Perhaps you can let me know whether my unofficial head count is sufficient for your purposes and for the purposes of both the Planning Board and the Council.

As you know, the CMIT is particularly interested that the concerns of the Range Road neighbors be adequately addressed in the final approval process. Some of those concerns include the following:

1. That the culvert in the road crossing should be placed at an appropriate elevation to maintain current water levels in the pond;
2. That the culvert should be approximately 36 inches wide with a flattened bottom to aid amphibian movement. I understand that this type of culvert may be known as a box culvert;

3. That road construction within 100 feet of the pond should occur during the time period from September 1 to March 1 to avoid any disturbance of the area during the amphibian breeding season;
4. That, if possible, the overall width of Idlewood Drive as proposed be minimized and that consideration be given to eliminating the need for sidewalks as well as ditches 4 feet wide by 3 feet deep. There is a concern that ditches of this size will interfere with the migration of the amphibians;
5. That there should be minimal cutting of trees within 500 feet of the pond in order to maintain water quality and an appropriate habitat for amphibian breeding.

Obviously, all of these issues ultimately will rest with the Planning Board, but I simply want to let you know that the CMIT shares the neighbors' expressions of concern on these points.

Please let me know if I may be of any further assistance.

Very truly yours,

Stephen W. Moriarty


SWM/mrc

cc: Mr. George Hyde
Ms. Sally Stockwell

TOWN OF CUMBERLAND
Planning Department

October 17, 1997

TO: Cumberland Planning Board

FROM: Donna Larson 

RE: Tuesday's meeting

Reminder - Jim Katsiaficas of Jensen Baird Gardner & Henry will be at the scheduled 6 pm workshops to discuss, in general, procedures and authorities. The meeting will be held in the Council Chambers.

The Cumberland Business Park request came about after hearing comments from engineers, the fire chief, the public works director, and the town manager. They all agreed there was a good chance that the subdivision would require revisions before it was completely built out. For example, multiple lots may be merged to accommodate one building, and as such the road location may be different and the size and locations of utility service lines would have to be changed. With this proposal the developer is still responsible for all the public improvements, but they will be done on a case by case basis.

The requested information for the Harris Road Subdivision has been submitted. Robert Hunter, P.E. has been reviewing the plans and has stated that they meet the standards of the ordinance. Town staff is still reviewing the plans and making comments. As there hasn't been any public comment, I haven't prepared any findings for this meeting. The lot lines have been changed around the open space to allow room to relocate an existing trail on appropriate land.

Idlewood is back. There is a letter in your packets from Nancy Beardsley of the DEP explaining the sequence of events for this project at the DEP. To quickly summarize, the DEP has recommended that the developer take advantage of a long standing exemption from Site Location of Development review called the "common lot exemption". This means that if a land trust or municipality holds a conservation easement on the open space parcel, the acreage of the open space parcel is not included in the total land area. For Idlewood the total acreage drops from 77 acres to 23 acres, and the threshold for requiring DEP review is gone. The land was rejected by the land trust and the town council has said they won't take it unless they know that the Planning Board has determined that no additional environmental review is necessary.

The project has received a Tier 2 wetlands permit for the construction of the road, and a stream crossing permit for the road going to lots 11, 12, and 13. A stormwater permit may also be required, these are new permits and I haven't heard definitively whether one would be required. So, DEP has reviewed a significant portion of the project.

I have had numerous conversations with Nancy Beardsley concerning this project. She has read the findings of fact from the preliminary approval and has suggested that if the project were reviewed there is a possibility that very little additional review would be done. She thought that a thorough review had been done by the Planning Board.

Given the recommendation from the DEP that the project not be reviewed by them, I recommend that the Board find that new evidence supports that an adequate environmental review has been done. The findings from the preliminary approval are included in your packet for the sake of comparison. I highlighted the areas where DEP was going to review the project and offered explanation in italics. Jim Katsiaficas is also aware of the dilemma and is prepared to make a few comments at the workshop.

Also included are the standards for private roads to lots not requiring subdivision approval. A public hearing is not scheduled. Phil Wentworth, Public Works Director has reviewed the standards and recommends that they be adopted.

IDLEWOOD SUBDIVISION
Final Plan Approval
October 21, 1997

Background

1. The Idlewood Subdivision is a 20 lot clustered subdivision on a 77.35 acre parcel, located off Range Road. The lot is known as Tax Assessor Map R-5, Lot 22, and is located in the RR2 district. Preliminary approval with conditions was granted on May 20, 1997.
2. Each lot will be serviced with a private septic system and an individual well. All utilities, phone, cable, and power, will be underground.
3. Idlewood Road is intended to be a public road in a 60' right-of-way. An extension of the road to lots 11, 12, & 13 will also be public.
4. The net residential density calculation submitted and reviewed are as follows

Total acres	77.35
minus	
15% roads and driveways	11.60
Bedrock within 6" of the surface	4.69
Slopes greater than 15%	7.79
Poorly drained < 3% or v. poorly drained	9.90
TOTAL	43.37+ 2 acre min. lot size = 21 lots
5. Approximately 23.30 acres of the 77.35 acre parcel, or 30% of the lot, will be used as house lots. The remaining portion of the lots will be incorporated into open space. The fee in the open space parcel will be held by a homeowners' association. A conservation easement on the open space parcel (except the pond area and the area west of Idlewood Road from the SE corner of Lot 20 to the NW corner of Lot 19) has been offered to the town, a willingness to accept the parcel has not been granted. The pond area and the area west of Idlewood Road from the SE corner of Lot 20 to the NW corner of Lot 19 are being offered to the Cumberland Mainland and Islands Trust. A willingness to accept these easements has not been granted. The Conservation Commission has reviewed the proposal and has stated verbally that the easement would be an asset to the community; however, lack of parking is an issue.
6. In a letter dated October 9, 1997, Nancy Beardsley, Licensing Coordinator at the Division of Land Resources Regulation at the Department of Environmental Protection (DEP) explains the sequence of events with regard to the requirement that the DEP review the project.
7. The Maine Department of Transportation is proposing a "Share the Road" program which involves installing signs reminding motorists, cyclists and pedestrians to all share the road. The developer is proposing to install 6 of these signs along the entire length of Range Road.
8. On July 14, 1997 the Town Council expressed a willingness to accept a 30' wide easement over an existing woods road. At that time the fee in the open space was going to be held by a homeowners' association.

Department Head Reviews

Donna Larson, CEO: reviewed, meets cluster requirements

Philip Wentworth, Highway Department:

Road Design

I disagree with allowing detached sidewalks with grassed areas between it and the road. My reasons are solely because of the maintenance cost. In the summer the area has to be mowed, and in the winter the snow has to be removed. This means that special equipment -- mowers and snowblowers -- need to be

hauled to the site and the work done. In my professional opinion, if a byway or sidewalk is desired it should be attached to the road. This eliminates the need for summer mowing, and the area can plowed as part of winter snow removal. Allowing a sidewalk as proposed at Idlewood sets a precedent that will cost the town thousands of dollars a year.

In the instances where a sidewalk would be an extension of the existing system, this design, the road and sidewalk being separated by a grassed area, would be appropriate and encouraged.

Road Ownership

It is unclear as to who will own and maintain the road going to lots 11, 12, & 13. The road standard with an 18' paved surface and 3' shoulders with the subgrade design the same as Idlewood Road is adequate for a town road. If a waiver of the road length standard is required, I recommend it be granted.

If the road is to be private it should still be built to the same standard, the plan should state that the road is to be owned privately and will be maintained by the owners of lots 11, 12, & 13. Maintenance responsibilities should be outlined in a road maintenance agreement prior to the approval of the subdivision.

The dimensions of the turn-around are not shown. Driveways to lots 12, & 13 should be off of the turn-around. If this is a private road it should be named.

Bill Fisher, Fire Chief: adequate fire protection is provided

Chris Bolduc, Rescue Chief: reviewed, no comment

Joseph Charron, Police Dept.: reviewed, no comment

Technical review:

- Squaw Bay Corp., T.W. Saucier, P.E., reviewing stormwater management, erosion control, road design, fire protection, survey data, see letter dated March 12, 1997
- Squaw Bay Corp., John Kennedy, P.E., reviewing traffic, see letter dated March 13, 1997
- Squaw Bay Corp., T.W. Saucier, P.E., 5/14/97 reviewing stormwater and road profiles
- Squaw Bay corp., T.W. Saucier, P.E., 9/9/97
- Squaw Bay corp., T.W. Saucier, P.E., 10/17/97, final letter

Hydrogeologic review:

- Tewhey Associates, Matthew Reynolds, C.G., reviewing nitrate impact from on-site septic systems and groundwater availability, see letter dated March 12, 1997
- Tewhey Associates, Matthew Reynolds, C.G., 4/23/97,
- Tewhey Associates, Matthew Reynolds, C.G., 5/15/97
- Sevee & Maher, John Sevee, C.G., 5/16/97
- Sevee & Maher, John Sevee, C.G., 9/2/97
- Sevee & Maher, John Sevee, C.G., 9/12/97
- Tewhey Associates, Matthew Reynolds, C.G., 9/9/97
- Tewhey Associates, Matthew Reynolds, C.G., 10/17/97

Soils

- Albert Frick Associates, Albert Frick, 4/21/97
- Natural Resources Conservation Service, David Wilkinson, Soil Resource Specialist
- Me. Dept. of Agriculture, David P. Roque, State Soil Scientist

Wildlife review:

- Philip Bozenhard, Regional Biologist, Dept. of Inland Fisheries & Wildlife, dated 10/2/97

WAIVERS REQUESTED

A waiver of 100' is requested from the dead-end road standard of 2,000'. The Board can grant waivers because of property configuration and/or topographical constraints.

In accordance with the provisions of Section 1.1 of the Cumberland Subdivision Ordinance, as indicated in bold type below, the Planning Board makes the following findings of fact:

SUBDIVISION ORDINANCE Section 1.1: The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivision within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that proposed subdivision:

1. **Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:**

- A. **The elevation of land above sea level and its relation to flood plains;**
- B. **The nature of soils and subsoils and their ability to adequately support waste disposal;**
- C. **The slope of the land and its effect on effluents;**
- D. **The availability of streams for disposal of effluents; and**
- E. **The applicable state and local health and water resource rules and regulations;**

1. Albert Frick Associates, Soil Scientists and Site Evaluators have identified a suitable location for a septic system on each lot. Passing test pits at each end of the leachfield area have been confirmed. Test borings at the corner of each leachfield area confirm an adequate depth to bedrock for a system.

John Sevee of Sevee & Maher Engineers, Inc. in a report dated 2/28/97, reviewed the test pit information and evaluated the septic system nitrate impacts on the groundwater and potential groundwater supply. The report was revised in May 1997 to reflect septic system locations that had been modified. This report also states that all wells must be at least 30' from normal stream channels where water flows year round. The report concludes that the well locations shown on the plan will not be adversely affected by the disposal system effluent, provided loam liners to treat and reduce nitrate concentrations are used on Lots 2, and 3. Comments by David Roque, State Soil Scientist, caused the recommendation to use loam liners to be withdrawn by the applicant. Instead Mr. Roque stated that nitrate problems arise when septic systems are built directly on bedrock, he concluded that if a system was properly constructed, as per the State Plumbing Code, the system would function properly and that the soil between the system and the bedrock would adequately treat the system's effluent. The State Plumbing Code requires a 24" separation between the leachfield and bedrock. The developer has volunteered to provide a 36" separation between the leachfield and bedrock, note 9 has been added to the plan.

Matthew Reynolds of Tewhey Associates, has reviewed the reports prepared by Mr. Sevee, and concurs that effluent from septic systems will not contaminate wells provided all wells included casing which is set through shallow weathered zones encountered in bedrock, or that casing extends at least twenty feet into bedrock, whichever is greater. In a letter dated September 12, 1997, Mr. Sevee states that the Cumberland standard of no more than 5 mg/l of nitrate nitrogen at the property line can be met provided a Bioclear or Waterloo system be installed on Lot 2. **The DEP will also review the reports submitted.** Based on these facts, the standards of this section have been met provided a Bioclear or Waterloo system be installed on Lot 2..

2. **Sufficient water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision; [note: includes fire protection].**

2. Individual wells will supply water to the subdivision. Neither the Town of Cumberland nor the Portland Water District plans to extend the public water line for the foreseeable future. Each lot is able to maintain a 100' separation between the well and the septic system on that lot as well as adjoining lots.

In a report dated February 28, 1997, John E. Sevee, P.E., C.G., evaluated the availability of groundwater based on, precipitation, available well logs, soil conditions, and geologic information. This study concludes that the granite formation in the area is randomly fractured, and that bedrock wells can be

drilled with adequate yields for the proposed subdivision. This report suggests that the well casing be seated into the upper several feet of bedrock to protect water quality and the life expectancy of the well. Well depths are expected to average 400 feet. Testimony given by residents in the area suggests the possibility that adequate yielding wells may not be able to be drilled in the area.

Matthew D. Reynolds, C.G., of Tewhey Associates, completed a peer review of the methods, assumptions, and conclusions of the 2/28/97 report. In a letter dated March 12, 1997, Mr. Reynolds agrees with the methods used and the assumptions reached, and concurs with the conclusions of Mr. Sevee's report.

Testimony, both verbally and in the form of an informal survey of residents along approximately 10,000 feet of Range Road, suggested the possibility of interference between wells. In a report dated September 12, 1997, Mr. Sevee outlines a well protection plan designed to identify if a well in the Idlewood Subdivision is adversely affected.

In a report dated September 2, 1997, Mr. Sevee outlines a method to ensure the quantity and quality of the water. Mr. Reynolds has reviewed and approved all of Mr. Sevee's reports, see letter dated 10/17/97.

The proposed underground storage tank for fire suppression have been reviewed and approved by the Fire Chief.

Based on these facts the standards of this section are met.

3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to used;

3. The proposed plan does not include use of the public water system.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

4. A soil erosion control and sedimentation plan have been prepared by Richard A. Manthorne, P.E. This plan has been reviewed and approved by Tom Saucier, P.E. of Squaw Bay Corp. (see letter dated October 17, 1997). **Review and approval by the Cumberland County Soil and Water Conservation District (CCS&WCD) will also be required as part of the DEP review.** Based on these facts the standards of this section have been met. *(the plans have had a thorough review of erosion control, DEP review would be redundant)*

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

5. A Traffic Impact Study has been prepared by William J. Bray, P.E., dated Dec. 1996, to evaluate existing traffic conditions along Range Road, estimate the number of trips generated by the proposed project, and determine the level of impact on the adjacent roadway system. The report is based on a 22 lot subdivision, not a 20 lot subdivision. This report concludes that the development will not cause congestion or unsafe conditions. The report states sight distances from the intersection of Idlewood Dr. and Range Road are 500' to the west, and 800 to the east.

John Kennedy, P.E of Squaw Bay Corp., has completed a peer review of the December 1996 report. In that report the sight distances were field checked and found to be 550' to the west, and 600' to the east. The peer review uncovers mis-calculations in the report; however, it is also stated that those discrepancies do not affect the conclusions of the report, with which Mr. Kennedy agrees.

The developer has agreed to install six (6) "share the road" signs along Range Road to encourage motorists and pedestrians and cyclists alike to be cautious.

The Department of Transportation will also review this report as part of the DEP review. Based on these facts the standards of this section have been met. (Nancy of the DEP has stated that this project, because of its size, would not be reviewed by the Department of Transportation)

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

6. The project will not utilize the municipal sewage waste disposal system. Albert Frick Associates, Soil Scientists and Site Evaluators have identified a passing test pit on each lot for a subsurface waste disposal system, (see details in finding #1). Based on these facts the standards of this section have been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

7. The Town of Cumberland contracts for curbside pick-up of municipal waste. The waste is disposed of at Regional Waste System in Portland. The town does have the capacity to supply solid waste disposal to the proposed subdivision. Based on these facts the standards of this section have been met.

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

8. Information included in the 1989 Comprehensive Plan which was supplied by the Department of Inland Fisheries and Wildlife, dated February 1988, does not show any fish or wildlife resources on the property. Testimony from residents in the area has been given stating that the pond on the property is a significant breeding ground for certain amphibians, and that the pond is of aesthetic value. The stormwater management plan has been reviewed to ensure that the elevation of the pond will not be changed and that the flow into the pond from the subdivision does not increase the amount of phosphorous in the pond. Mr. Saucier has reviewed the stormwater plan and has determined that the flow characteristics of the pond will not change. In a letter dated 7/17/97, Merridith B. Molloy, Senior Biologist at Eco-Analysts Inc. on page 2, #5 states that "according to the Natural Areas Program database, there are no unusual botanical features, including imperiled natural communities in the vicinity of the project".

In a letter dated 4/23/97, Matt Reynolds addresses phosphorous loading, that letter suggests testing water samples from the pond to understand if the pond has the capacity to incorporate phosphorous without a negative impact. Water samples were taken from the pond on August 21, 1997. In a letter dated 10/2/97, Mr. Philip Bozenhard, Regional Biologist for the Dept. of Inland Fisheries & Wildlife states that he has visited the site on two occasions and concludes that the location of the road will not adversely impact the pond. **Review and approval of this project by the Department of Inland Fisheries and Wildlife will be required during the DEP review. (the Department reviewed the project as part of the Tier 2 wetlands permit application)**

In a letter dated October 16, 1997, Brad Hare, ASLA, proposes a landscaping plan on the Gormley property.

No historic sites, as inventoried by the Cumberland Historical Society's - Tour Historic Cumberland, are found on the property. In a letter dated 6/17/97, Earle G. Shettleworth, Jr., State Historic Preservation Officer for the Maine Historic Preservation Commission states he has reviewed the proposal and determined that there are no properties in the project area of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

Based on these facts the standards of this section have been met provided the landscaping plan on the Gormley property outlined in Mr. Hare's letter dated 10/16/97 be executed while the road is being built. *(the road location was reviewed during the Tier 2 wetland permit review, the letter from Mr. Bozenhard)*

supports that permit, the letters from the MeHPC, and statements regarding the Natural Areas program were required for the Tier 2 permit)

9. Conformity with local ordinances and plans. The proposed subdivision conform with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

9. The design of the subdivision conforms with the clustering provisions required by the Zoning Ordinance, as outlined in the background information.

In Nancy Beardsley's (a DEP representative) letter of October 9, 1997, a procedure to comply as an exempt subdivision with the Department is outlined. These requirements must be completed to conform with Section 7.2.A of the Cumberland Subdivision Ordinance.

The fee in the open space parcel is proposed to be held by a homeowners' association. A conservation easement on the open space parcel (except the pond area and the area west of Idlewood Road from the SE corner of Lot 20 to the NW corner of Lot 19) has been offered to the town, a willingness to accept the parcel has not been granted. The pond area and the area west of Idlewood Road from the SE corner of Lot 20 to the NW corner of Lot 19 are being offered to the Cumberland Mainland and Islands Trust. A willingness to accept these easements has not been granted.

If a homeowners' association will own the fee in the open space land, the documentation for Homeowners' Association will have to be reviewed and approved by the Town Attorney.

Based on these facts, the standards of this section can be met provided that the open space parcels or conservation easements on the open space parcel, be accepted by an organization as allowed in Section 406.8.4 and/or Section 406.8.5 of the Cumberland Zoning Ordinance, and that if a Homeowners' Association is created it is done in accordance with Section 406.8 of the Cumberland Zoning Ordinance, and that the requirements of Nancy Beardsley's 10/9/97 are met. **Condition of Approval**

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

10. In a letter dated 3/17/97, W. Scott Fox, Vice President, Key Bank states that the developer has the financial capacity and business knowledge to complete the project. Mr. Rickley has successfully designed and constructed a 49-lot subdivision in Cumberland. Brad Hare, ASLA has many years of experience designing residential and commercial developments. The developer has contracted the services of specialist in varied disciplines including: Albert Frick Associates, Inc., Sevee & Maher engineers, Inc., Eco-Analysts, Richard Manthorne, P.E., and DesLauriers & Associates, Inc. Based on these facts the standards of this section have been met.

11. Surface water; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 Chapter 3, Subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

Title 38 applicable Definitions

Freshwater wetlands: "Freshwater wetlands" means freshwater swamps, marshes, bogs and similar areas are: A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channel or inclusions of land that do not conform to the criteria of this subsection.

11. The subdivision is not situated entirely or partially within the watershed of a great pond, therefore the standards of this section has been met.

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

12. To evaluate the effect of water usage at the proposed subdivision on neighboring wells a drawdown analysis report was prepared by John Sevee, of Sevee & Maher Engineers, Inc. This report concludes that there is adequate groundwater available in the subdivision to satisfy the proposed wells without interfering with neighboring wells. The possibility does exist that multiple wells may need to be drilled on any one lot. A peer review of this evaluation, on behalf of the Planning Board, by Matthew D. Reynolds, Tewhey Associates, dated March 12, 1997 concurs with the methodology used and the conclusions that were reached. In a letter dated 5/5/97, Mr. Sevee submitted calculations demonstrating that water flowing to the Gormley well will have nitrate-nitrogen concentration less than 5 mg/l even during dry-season conditions. Mr. Sevee does agree that a one-time monitoring of nitrate-nitrogen at the Gormley well, assuming the Gormleys are willing, would provide appropriate background data. If subsequent monitoring by the Gormleys find nitrate-nitrogen contamination has occurred that the developer propose a remedy to correct the contamination prior to final approval. Based on these facts the standards of this section are met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries with the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

13. 1. According to the National Flood Insurance Program's Flood Insurance Rate Map #230162 0015 B , dated May 19, 1991, the proposed subdivision is not in a flood zone.

14. Storm water. The proposed subdivision will provide for adequate storm water management;

14. A stormwater management plan prepared by Richard A. Manthorne, P.E. has been reviewed and approved by the Town of Cumberland, Public Works Director, and Tom Saucier of Squaw Bay Corp, (see letter dated 10/17/97). The project may require a Stormwater Quantity permit from the DEP. **A review of the stormwater analysis will also occur during the DEP review.** *(the stormwater review would happen during the review process for the stormwater permit)* Based on these facts the standards of this section have been met provided a Stormwater Quantity permit is issued prior to construction, if the DEP finds it is required.

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A., Section 4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the sized of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district; and

Title 30-A Definition

Freshwater wetland: "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are: A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and B. Not considered part of a great pond, coastal wetland, river stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

15. ECO-ANALYSTS, Inc. have mapped wetlands and prepared a report describing the wetlands found. A DEP Tier 2 permit, to fill approximately 18,893 square feet of forested wetlands for the construction of a road was approved on August 19, 1997. **Wetlands impacts will be reviewed during the DEP review.**

(the wetlands impacts were reviewed during the Tire 2 process) Based on these facts the standards of this section have been met.

16. River, stream or brook. Any river stream or brook within or abutting the proposed subdivision has been identified on any map submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

Title 38 Definition

River, stream or brook: "River, stream or brook" means a channel between defined banks including the floodway and associated flood plain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of top soil containing water-borne deposits on exposed soil, parent material or bedrock.

16. An unnamed stream which acts as the primary drainage way and feeds the pond located along Range Road has been located and shown on the plan.

In consideration of the above, the Planning Board finds that the proposed subdivision does satisfy criteria 1.-16 for final approval of Section 1.1 of the Cumberland Subdivision Ordinance.

Standard Conditions of Approval

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. That all fees be paid.
2. That a Bioclear or Waterloo septic system be installed on Lot 2.
3. That the open space parcels or conservation easements on the open space parcel, be accepted by an organization as allowed in Section 406.8.4 and/or Section 406.8.5 of the Cumberland Zoning Ordinance.
4. That if a Homeowners' Association is created it is done in accordance with Section 406.8 of the Cumberland Zoning Ordinance.
5. That the requirements of Nancy Beardsley's, Licensing Coordinator, Division of Land Resources Regulation, 10/9/97 letter are met.
6. That if the DEP determines a Stormwater Quantity permit is required, it be issued before any construction starts.
7. That the landscaping plan on the Gormely property outlined in Mr. Hare's letter dated 10/16/97 be executed while the road is being built.
8. That a one-time monitoring of nitrate-nitrogen at the Gormley well, assuming the Gormleys are willing, would provide appropriate background data, and that the developer propose a remedy to correct any nitrate-nitrogen contamination, prior to final approval, if subsequent monitoring by the Gormleys find nitrate-nitrogen contamination has occurred.

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
OCTOBER 14, 1997**

Present: John Lambert, Mark Kuntz, Harland Storey, Philip Gleason,
Jim Phipps

Absent: Peter Bingham - excused
1 vacant council seat

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

II. Approval of Minutes
a. September 22, 1997
b. September 29, 1997
c. October 2, 1997

Councilor Storey moved to approve the minutes of the
September 22, 1997, September 29, 1997, and October 2,
1997 meetings as presented.

Councilor Kuntz seconded. Vote: Unanimous (5)

III. Manager's Report

The Manager reported that construction has started at
the Municipal Office to install water and sewer lines.

IV. Public Discussion

Barbara Paul, Yarmouth - owns property on Sturdivant
Island, asked if the Council would provide a grace period
for payment of taxes on properties that the taxes
increased 100% or more.

This will be scheduled as an agenda item for consideration
at the next Council meeting.

V. Legislation and Policy

97-123 To consider and act on acceptance of White Tail Road
as a public way.

Councilor Storey moved to accept White Tail Road as
a public way.

Councilor Gleason seconded. Vote: Unanimous (5)

- 97-124 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.

Donna Larson, Town Planner, reviewed the proposal. She and Brad Hare, the developer's representative, answered questions from the Council.

***** Councilor Gleason moved to table this issue in order to receive further input from the Planning Board.

Councilor Phipps seconded. Vote: Unanimous (5)

- 97-125 To hold public hearing 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.

The Chairman opened the public hearing.

Those streets for which members of the public were present were considered first.

Councilor Gleason moved to **vacate** Chebeague Avenue, NE of Cross St. to Hamilton Circle, and Hamilton Circle, NE of Cross St..

Councilor Phipps seconded. Vote: Unanimous (5)

Councilor Kuntz moved to **vacate** Parker Road.

Councilor Gleason seconded. Vote: Unanimous (5)

** Councilor Phipps left the meeting.

Councilor Gleason moved to **vacate** Ravine Road from the common drive to Route 88.

Councilor Storey seconded. Vote: Unanimous (4)

Councilor Gleason moved to **vacate** the two unnamed roads in Brentwood.

Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Kuntz moved to **vacate** Ravine Drive in Brentwood.

Councilor Storey seconded. Vote: Unanimous (4)

Councilor Gleason moved to **vacate** all of Lake Road.

Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Gleason moved to **vacate** Park Avenue and Gray Avenue.

Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Gleason moved to **vacate** Homestead Acres.
Councilor Kuntz seconded. Vote: Unanimous (4)

Councilor Gleason moved to **vacate** Briar Lane.
Councilor Kuntz seconded. Vote: Unanimous (4)

97-126 To endorse USDA Rural Business Enterprise Grant for Farmer's Market.

Donna Larson, Town Planner, explained this item.

Councilor Gleason moved to endorse the Rural Business Enterprise Grant for the Farmer's Market.

Councilor Storey seconded. Vote: Unanimous (4)

97-127 To post Twin Brook Recreation Area - "No Hunting".

Councilor Gleason moved to post the Twin Brook Recreation Area for "No Hunting" for the remainder of the 97/98 season, with the understanding that the Council will review this policy before next fall.

Councilor Kuntz seconded. Vote: Unanimous (4)

VI. Correspondence

Letter to Rep. Taylor from Town Manager - re: Tax Law
Sen. Susan Collins - re: open house at her office
Forest Board - 9/4/97 meeting minutes
Solid Waste report - Sept. 97

VII. New Business

Councilor Kuntz asked if the Manager had heard anything regarding the request for a traffic light at Route 100. The manager had not.

VIII. Adjourn

The meeting was adjourned at 9:35 pm.


Charlene A. Doyle
Council Secretary

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
OCTOBER 16, 1997**

**** SPECIAL MEETING ****

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

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

II. Executive Session - To discuss personnel matter.

Councilor Gleason moved to go into Executive Session to
discuss personnel matter at 6:01 p.m.

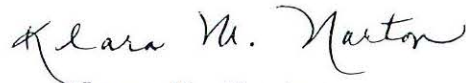
Seconded by Councilor Bingham. VOTE: UNANIMOUS (6)

Councilor Gleason moved to come out of Executive Session
at 7:20 p.m.

Seconded by Councilor Bingham. VOTE: UNANIMOUS (6)

III. Adjourn

The meeting adjourned at 7:20 p.m.


Klara M. Norton
Town Clerk

Greely High School

Brenda A. Breton, Principal
829-4805 Ext. 203

Wayne R. Fordham, Asst. Principal
829-4805 Ext. 202

Jack B. Hardy, Athletic Director
829-4809 Ext. 246

Robert Benson, Town Manager
Town of Cumberland, Maine

October 24, 1997

Dear Mr. Benson,

This will be the first of several reports regarding the Town Gazebo project. This is a very important project for our town and our school. I believe that it represents a large cooperative community effort involving many sections of our community. Because of this effort there is a real need to "Do it right the first time".

There have been some delays from what I thought would be a very rapid construction. First, The original plans that were sent did not meet our building codes and the length of the columns was two feet short. The designs were resubmitted and certified by Henry Oatley. This was a very important lesson for us. We need to verify each of the components of the project. Second, since a large part of the work force will be students, it is important to teach them the skills before they attempt the gazebo. This project is too important to have it used as on the job training. As a result of this training, two student have been selected as student foremen.

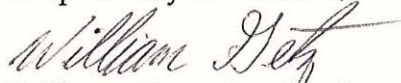
The key players involved with MSAD#51 at this time are: Kelvin Hasch, Industrial Arts Teacher; Phil Dobson, technical support; Greg Holden, excavation mentor; Henry Oatley, Engineer; Dave Young at Squaw Bay, Consultant; Mike Benis, Student Foreman; and Joe Copp, Student Foreman.

Due to cold weather approaching and the need to ensure that the work force is properly trained, we have decided to delay ground breaking until March. This will also give us additional time to find community support and get commitments for the various stages of construction. We are also applying for additional grants to help us in this endeavor. The final exam, (the completed gazebo) will be by May 15, 1998.

At this time the gazebo is ready to be shipped from Litchfield Industries. The students have had several lessons with surveying for the foundation and pouring concrete. The students are now asking for bids to find a supplier for the foundation material. Greg Holden has volunteered to do the excavation.

I hope that this meets with your approval. I will be more timely in informing you of our progress. If you have any questions or would like to see the excellent educational opportunities from this project, please do not hesitate to ask.

Respectfully submitted,



William Getz, Service Learning Coordinator



Received 9/25/97

MAINE MUNICIPAL ASSOCIATION

Legal Services
60 Community Drive
Augusta, Maine 04330-9486

Telephone (207) 623-8428

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JOSEPH J. WATHEN

To: All Maine Welfare Directors/General Assistance Administrators

From: Antoinette Mancusi, Technical Advisor

Re: October 1997 Sample General Assistance Ordinance Appendices

Date: September 22, 1997

Enclosed please find MMA's new sample General Assistance Ordinance Appendices (A, B and C) which become effective on October 1, 1997. There were no changes to the body of the MMA sample GA Ordinance this year.

The following information reviews the information contained in the Appendices, addresses some of the notable changes to the Appendices and also generally describes the process of adopting Ordinances and amendments (e.g., revised Appendices).

Appendices A, B & C

The enclosed Appendices A, B and C have been revised for your General Assistance Ordinance. If your town/municipality has adopted the MMA sample GA ordinance, these new appendices, once adopted, should replace the existing appendices dated October 1996. The various maximum levels of General Assistance that are controlled by these values are established as a matter of law or regulation based on certain federal values that are made effective on the first day of October each year.

Even if you have adopted MMA's sample General Assistance Ordinance, the municipal officers must approve the three new enclosed appendices—this holds true even though the sample ordinance directs towns to insert the appendices at designated places. This replacement assumes prior adoption. Please feel free to call MMA Legal Services for information regarding "Ordinance Enactment."

Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 1997-98 HUD Fair Market Rent values (FMR's) that will be effective on October 1, 1997. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and cannot be altered by action of the municipal officers.

Because of changes in the HUD FMR's, the overall maximum levels of assistance have generally remained approximately the same or moderately increased throughout the state. The notable exception to the general trend of modest increases occurs in York County, where the SMSAs of Buxton, Hollis,

Limington and Old Orchard Beach have decreased approximately \$5-\$68 (depending on household size). The only other notable changes—decreases—have been for 2 person households in York SMSA and York Non-SMSA where 2 person household maximums have decreased by \$17 and \$57 respectively.

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 1997-98 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Human Services (DHS). If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHS to justify the proposed alterations.

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing. These maximum levels are developed from the 1997-98 HUD Fair Market Rent values, with the applicable housing electric utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), "backed out" or subtracted from the FMR's.

Because of increases in both the HUD FMR's and heating and utility allowances recently developed by the Maine State Housing Authority, the housing maximums have exhibited moderate increases in all areas of the state. MSHA has confirmed a general increase in both heating and utility costs state-wide—such increases are most probably at least partially to blame for the increased housing allowances.

As is the case with the food maximums, these maximum levels of assistance for housing are presumed to be reasonable and sufficient by DHS. If the municipal officers wish to change these housing maximums, a local survey should be developed and provided to DHS to justify the proposed amendments. Unlike the similar survey that would be required to amend the USDA-based food maximums, a local rental survey could be developed fairly easily, and any municipality may want to explore this option if the housing maximums included in this package appear to be unreasonably high (or low). Developing a rental survey, in light of these increases, is indeed recommended for municipalities which feel the enclosed Appendix C maximums are artificially high.

Please note: The Cumberland County 0 & 1 bedroom heated maximums (both \$419) are not typographical errors—the FMRs were only \$9 apart and so were the average utility costs thus resulting in the same value.

The Adoption Process

With regard to the adoption process, as you are probably aware, the municipal officers (i.e., selectmen/council) adopt the local General Assistance Ordinance, not the municipal legislative body (i.e., the town meeting). The law requires that the municipal officers adopt the ordinance and/or Appendixes after notice and hearing. Seven days posted notice is recommended, unless local law (or practice) is otherwise.

At the hearing, the municipal officers should:

- 1) allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) end public discussion, close the hearing; and
- 3) move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember, General Assistance law requires a town to send the DHS a copy of its ordinance once adopted. MMA Legal Services Department is also recommending that any changes—amendments—such as new Appendices also be submitted to DHS at:

The Department of Human Services
General Assistance Unit
#11 State House Station
Whitten Road
Augusta, Maine 04333

Note: DHS is currently reviewing the issue of municipal filing of yearly amended Appendices. In addition, as per DHS, if an up-to-date MMA sample GA Ordinance is adopted verbatim, only a photocopy of the cover page with the signatures of the municipal officers need be submitted. Again, MMA Legal Services still recommends filing new Appendices with DHS, even if the cover page has been filed. Furthermore, since there are no changes this year with regard to the MMA sample GA Ordinance, excepting Appendices, if a municipality has already filed a copy of their adopted up-to-date GA Ordinance, only the Appendices would have to be filed this year.

Finally, all general assistance forms and notices that the municipality intends to use must also be submitted to DHS for its files. If it is your intention to use MMA forms, and you have not already done so, simply state that intention to the Department when you submit your ordinance for DHS filing. If you intend to use your own, locally-developed forms or notices, those locally-developed forms should be submitted along with your adopted ordinance.

If you have any questions, comments, suggestions or observations regarding any of the information in this memo, Appendices or the ordinance adoption process, please do not hesitate to contact me at your convenience at 1-800-452-8786.


Antoinette Mancusi

Sec. 424 Signs [Amended - Effective date May 20, 1991]**Purpose**

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

424.1 Permits and Fees:

- .1 No sign or outdoor display structure shall be erected, attached, suspended or altered, until a permit has been issued by the Code Enforcement Officer to the person or owner in control of the sign. This Ordinance does not apply to temporary or permanent State or municipal signs, historical designation signs, contractor's signs, signs related to activities at the Fairgrounds posted for 7 days or less, and temporary signs for the sale of a single-family residence nor to signs relating to or controlling the use of private property. Except as otherwise provided in this Ordinance, a "temporary" sign is one that is erected for six (6) months or less and a "historic designation" sign is a sign that gives notice that a property is of an historic nature as determined by a State, federal or local government agency.
- .2 A person who wishes to erect or have erected a sign within the Town shall make application on a prescribed application and submit same to the Town Office for each location where a sign is desired. A \$20.00 fee per sign shall be submitted with each application, except as indicated in Section 424.3.8.
- .3 The Code Enforcement Officer shall approve the application within two weeks if it meets the requirements of this Ordinance, otherwise the application shall be denied with a statement of the reason given.
- .4 Any person aggrieved by the decision regarding an application may appeal to the Board of Adjustment and Appeals who shall consider said appeal within 30 days or at their next regularly scheduled meeting, whichever event occurs later, and the Board of Adjustment and Appeals decision shall be final.

424.2 General regulations:

- .1 No sign shall be painted upon or otherwise directly affixed to any rock, ledge, or other natural feature except for signs reading "No Trespassing", "No Hunting", or other signs of similar import relating to controlling the use of private property.
- .2 No sign shall be erected at any location where, by reasons of position, shape, wording or color, it interferes with or obstructs the

view of pedestrian or vehicular traffic, or which may be confused with any other traffic signs, signal, or device.

- .3 Permanent signs, other than municipal, state directional signs in accordance with Section 424.4.3 and 424.4.4, shall not be erected within the right-of-way of any street or approved sight easements, nor shall any sign, including temporary signs, be located so as to constitute a traffic hazard.
- .4 All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling, or similar deterioration.
- .5 Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Building Inspector shall order such sign to be made safe or removed. Such order shall be complied with within ten (10) days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.
- .6 Any sign which advertises, identifies or pertains to an activity no longer in existence shall be removed by the owner of the sign or the property or person otherwise responsible within 30 days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.

Where due written notification has been given by the Building Inspector and compliance has not been made within the required thirty (30) day period, the town may cause removal of such sign and charge the cost of such removal to the owner.

- .7 No sign shall have visible moving parts or have blinding, moving or glaring illumination or consist of banners, pennants, ribbons, streamers or similar devices.
- .8 No animated, flashing, apparently moving, or portable signs shall be permitted.
- .9 Signs attached to a principal structure shall not extend above the roof line or the parapet.
- .10 No sign, except business directional signs (see Sec. 424.4), shall be closer than fifteen (15) feet to any lot line, or five (5) feet from the edge of any public way as may be determined by a lawful authority or otherwise encroach over in the airspace of any public right-of-way.
- .11 No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises

where the activity to which the sign pertains is located, other than those permitted under Section 424.3.2, or Section 424.2.15.

- .12 A sign may be illuminated provided it identifies the premises on which it is displayed. An illuminated sign may be displayed in a LB, OC, HC or I Zone provided it does not emit a glare beyond the premises upon which it is located. All other illuminated signs may only be lighted during the daylight hours or those hours during which the premises may be opened to the public. Internally illuminated signs will only be allowed in the Highway Commercial, Industrial, and Local Business districts.
- .13 In all residential districts the source of light of an illuminated sign shall be shielded or concealed. In all other districts the use of an illuminated sign with unshielded light shall be subject to a finding by the Board of Adjustment and Appeals that such a sign will not adversely affect adjacent properties.
- .14 Signs which are not visible from a public way are not subject to this Ordinance.
- .15 Signs advertising the sale of fresh fruit and vegetable crops are allowed as permitted by 23 M.R.S.A. § 1913-2-F as amended from time to time.

424.3 Standards:

- .1 The number of permanent or temporary identification signs which may be displayed on any lot in any zone must not exceed three (3).
- .2 The number of permanent or temporary advertising signs which may be displayed on any lot only in a commercial, business, or industrial zone must not exceed four (4). Advertising signs in all other zones are prohibited except for signs advertising the sale of real estate and except as may be specifically provided for by the Board of Adjustment and Appeals in its granting of a use and of a corresponding temporary advertising sign by special exception. Signs associated with home occupations or one day sales such as yard/garage/tag sales are permitted in all zones. Such specific provisions shall not violate the intent and purpose of this Ordinance.
- .3 No individual sign shall contain more than twenty-five (25) square feet, except in the Highway Commercial (HC) district where no individual sign shall exceed forty (40) square feet.
- .4 No individual sign shall have a height greater than twenty-five (25) feet above the ground level of land upon which it is located and as may be measured from the highest point on the sign.

- .5 The top of free-standing signs shall not exceed the height limit of principal structures in the zone where located or twenty-five (25) feet, whichever is less.
 - .6 The area surrounding free-standing signs shall be kept neat, clean and landscaped.
 - .7 A temporary sign used to provide directional instructions to a single-family residence that is for sale shall not exceed four (4) square feet in size, shall be limited to four (4) in number at any one time relative to a single house, and shall be so located as not to interfere with traffic or otherwise cause a public nuisance. Temporary signs for the sale of real estate other than a single-family residence shall not exceed twenty-five (25) square feet in area and a renewal permit shall be required after the expiration of the first six (6) months that such a sign is posted; such renewal permit shall be valid for up to six (6) months.
 - .8 Temporary political campaign signs which do not individually exceed sixteen square feet may be erected in any zone provided they conform with the conditions of this Ordinance and only after obtaining a permit for the display of such signs from the Code Enforcement Officer and payment of a refundable application fee of \$15.00. Applications for such political campaign signs shall be made on forms provided for by the Town Clerk. If following the election the Code Enforcement Officer finds that all such political advertising signs pertaining to an individual applicant have been removed, he may refund the \$15.00 deposit fee. No temporary political campaign signs may be erected more than thirty (30) days prior to the election for which such signs pertain. All such temporary political campaign signs shall be removed within 7 days following the election or the deposit fee shall be forfeited to the Town.
-

CE-211

§ 1913. Repealed. Laws 1981, c. 318, § 2, eff. May 26, 1981; Laws 1981, c. 576, § 6

Historical and Statutory Notes

The repealed section, which set out the type of signs which could be erected and maintained without license or permit under this chapter, was derived from:

Laws 1969, c. 257, § 1.

Laws 1971, c. 593, § 22.

Laws 1977, c. 494, § 1.

Laws 1977, c. 696, § 196.

Laws 1979, c. 477, § 7.

Laws 1981, c. 311, §§ 1, 2.

Section 1913, amended by Laws 1981, c. 311, §§ 1, 2, was later repealed by Laws 1981, c. 318, § 2, without reference to the amendment by c. 311; Laws 1981, c. 576, § 6, repealed this section as amended by Laws 1981, c. 311, §§ 1, 2.

See, now, § 1913-A of this title.

§ 1913-A. Categorical signs

1. **Types of signs.** The following signs may be erected and maintained without license or permit under this chapter as follows:

A. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;

B. Signs located on or in the rolling stock of common carriers, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

C. Signs on registered and inspected motor vehicles, except those which are determined by the commissioner to be circumventing the intent of this chapter. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

D. Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of motor buses;

E. Signs showing the place and time of service or meetings of religious and civic organizations, in the municipality or township. Each religious or civic organization may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches;

F. Memorial signs or tablets;

G. Hand-held or similar signs not affixed to the ground or buildings; and

H. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter.

2. **Types of signs outside the right-of-way.** The following signs may be erected and maintained outside of the public right-of-way without license or permit under this chapter as follows:

- A. Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event or soliciting contributions;
- B. Signs erected by fairs and expositions within the county where the activity is located;
- C. Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations;
- D. Signs erected by nonprofit historical and cultural institutions. Each institution which has certified its nonprofit status with the commissioner may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign;
- E. Signs bearing political messages; and
- F. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruits and vegetable crops when crops are offered for sale on premises where those crops are grown from June 15th to November 1st of each year. Signs may advertise only those fruits and vegetables that are available for immediate purchase. A grower may not erect more than 4 signs. A sign may not exceed 8 square feet in size and must be located within 5 miles of the farm stand.

The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within but at the edge of the right-of-ways of highways that receive no federal aid.

3. **Regulations.** The commissioner may promulgate regulations and orders, including prohibitions, to protect highway safety and implement the intent of this chapter.

The signs referred to in this section shall be subject to regulation, including prohibition, as set forth in section 1922.

4. **Zones.** The commissioner may promulgate regulations permitting signs, including signs bearing commercial messages, in any zone or area of the State, together with regulations concerning the dimensions, construction, illumination and other characteristics of such signs if the Attorney General certifies to the commissioner that the United States Supreme Court has determined that signs in such zones or areas must be permitted.

5. **Prohibited practices.** None of the signs referred to in this section may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs may be painted or drawn upon rocks or other natural features.

6. **Interstate system.** None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C, may be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

1981, c. 318, § 3, eff. May 26, 1981; 1991, c. 387, §§ 1, 2.

TOWN OF CUMBERLAND
Planning Department

October 24, 1997

TO: Robert B. Benson, Town Manager
FROM: Donna Larson, Town Planner
RE: Idlewood Subdivision, Range Road

On October 21, the Planning Board reviewed the Idlewood Subdivision to determine if an adequate environmental review had been completed. After considerable deliberation the board recommended that the Town Council accept the conservation easement on the open space parcel after concluding that an adequate environmental review had been completed. The next step for the developer is to have either the town or a land trust "express a willingness" to accept the easement. I am requesting that this item be placed on the October 27 agenda.

In a letter dated October 23, 1997, Brad Hare, explains what is being offered to the town.

The Cumberland Mainland & Islands Trust has expressed interest in accepting a pond and land across the street from the pond (see 10/24/97 letter from Stephen Moriarty). This land has become a breeding area for amphibians and the land trust intends to protect it as such. Because of the land's importance for wildlife, I would recommend that the land trust accept it, as they are more knowledgeable than town staff in issues relating to habitat.

The Conservation Commission has visited the site, attached is a letter from John Eldredge expressing their opinion.

October 23, 1997

**BRAD
HARE
ASLA**

139 Spiller Hill
Raymond, Maine 04071
207.998.3030

John Lambert, Chairman
Cumberland Town Council
12 Drowne Road
Cumberland, Maine 04021

Open Space Easement - Idlewood

Dear Mr. Lambert and members of the Town Council,

On behalf of my client, George Rickley of Casco Partners, I hereby submit this letter of his intent to grant a conservation easement to the Town of Cumberland over the 50 +/- acres of open space found within the proposed Idlewood Subdivision.

The open space easement shall meet the requirements set forth by the MeDEP for conservation easements, and shall be approved by the Town of Cumberland's attorney prior to the start of construction. The conservation easement is a three party agreement between the Idlewood Homeowners' Association, the Town of Cumberland and the MeDEP. The MeDEP will serve as an enforcement party should the need arise.

The following are some facts which should be kept in mind when reviewing this proposal:

1. The open space land will be kept in fee by the Idlewood homeowners. Taxes, although reduced due to the easement, will still be paid to the Town.
2. This easement will not prevent the three parties from preserving a healthy woodland setting by utilizing approved forest management practices.
3. Approximately four acres of land will be donated, in fee, to the CM&IT for preservation. This land is not included in the Town's open space parcel.
4. Approximately 600 feet of new trails will be constructed prior by the developer in an effort to protect the existing habitat by concentrating usage to the trail network.

We look forward to presenting this offer to the Town council on October 27. As always, if there are any concerns or questions which can be addressed prior to the meeting, please do not hesitate to call.

Sincerely,

Brad Hare, ASLA





GLOBAL HEALTH ALTERNATIVES

TELEFACSIMILE TRANSMISSION COVER SHEET

TO: Town of Cumberland FAX #:
ATTN: Donna Larson - Town Planner RE: Idlewood Open Space
FROM: John Eldredge cc: Rob Craig
DATE: October 17, 1997 Ellen Hoffman
Howard Foley

PAGES FOLLOWING COVER:

If you do not receive all pages of this fax, please call 207-772-7234

Donna -

This fax will summarize my verbal report to you over the phone. On Oct. 1, members of the Conservation Commission met with Brad Hare to inspect the proposed trail system at the Idlewood subdivision for which George Rickley intends to grant a conservation easement to the Town.

The proposed trail system makes use of an existing logging road that serves as a snowmobile trail in the winter. The trail is relatively straight with an additional loop proposed at its end. Most of the trail already exists and would require relatively little site work. The trail extends through an attractive wooded area and, in general, we feel that it would be a recreational asset for town residents, and recommend that the Town pursue the conservation easement and the trail system.

One important caveat is that we make this recommendation with the assumption that DEP regulations would not be overlooked or circumvented in the granting of the easement. Please call, Donna, if you have any questions.

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
OCTOBER 27, 1997**

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

Absent: none - one vacancy

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

II. Approval of Minutes
a. October 14, 1997
b. October 16, 1997

Councilor Storey moved to approve the minutes of October
14, 1997 as written.

Councilor Phipps seconded. Vote: 5 in favor
1 abstention (Bingham)

Councilor Storey moved to approve the minutes of October
16, 1997 as written.

Councilor Phipps seconded. Vote: Unanimous (6)

III. Manager's Report

Bill Getz reported on the gazebo project and stated that it
should be finished by May 15, 1998.
The Council thanked Mr. Getz for his work on this project.

IV. Public Discussion
none

V. Legislation and Policy

It was agreed to take the first item out of order.

97-129 To hold public hearing to adopt appendices to the
General Assistance Ordinance.

The Chairman opened the public hearing.

The Manager explained that the proposed changes are
recommended by the Maine Municipal Association,
which will update Cumberland's Ordinance and comply
with State Law.

There was no public comment. The hearing was closed.

Councilor Phipps moved to adopt the new guidelines for the General Assistance Ordinance as proposed.

Councilor Gleason seconded. Vote: Unanimous (6)

- 97-128 To hold public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs.

The Chairman opened the public hearing.

Town Planner, Donna Larson, explained that this amendment would allow farmer's to advertise seasonal crops for sale.

There was no public comment. The hearing was closed.

Councilor Gleason moved to adopt the amendment to Section 424 of the Zoning Ordinance - regarding signs, as proposed.

Councilor Phipps seconded. Vote: Unanimous (6)

- 97-130 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.

Town Planner, Donna Larson, explained that the Planning Board's recommendation is that the Council state its willingness to accept this parcel.

The Chairman opened the public hearing.

Sally Stockwell, Range Road, wildlife biologist, stated her belief that further DEP review would be helpful.

Steve Moriarty and George Hyde of the Cumberland Mainland/Islands Land Trust, were present and stated interest in some of the parcel on behalf of the Land Trust.

David Andersen, Bruce Hill Rd. Ext., questions whether the town "should be in the land business as it reduces the tax base".

The public hearing was closed.

Councilor Phipps moved that the Council express its willingness to accept the easement as proposed, upon review by the Town Attorney and the Town Manager.

Councilor Bingham seconded. Vote: Unanimous (6)

- 97-131 To consider request to delay tax payment due dates under certain circumstances.

The Council was given a letter from Town Attorney, Ken Cole, stating that the Council could not make changes in collection policy for 1997, as the bills have already been sent out.

Barbara Paul, Yarmouth, stated that she appreciated the Council's consideration of this request and understood that they were unable to take action at this time.

Councilor Storey moved that there be no change in the Town's current tax collection policy.

Councilor Kuntz seconded. Vote: Unanimous (6)

VI. Correspondence

Sally Bancroft - re: Habitat for Humanity

VII. New Business

Councilor Kuntz stated he had received a call stating that the handle on the public water faucet has been bent and is difficult to use.

Councilor Phipps stated that Yarmouth is planning to spray for brown tail moths and asked if Cumberland would reconsider.

He also noted that the bank to be used to fund the construction of the Chebeague Recreation Center (CRC) wants the Town to subordinate its lease agreement and also to give up language returning the property to the Town if it is no longer used by the CRC - therefore, options need to be explored regarding financing.

Councilor Bingham asked about holding a workshop on Council Goals. - It was agreed to hold it on Nov. 24th.

Councilor Storey noted that there are two subdivisions before the planning board which will create 38 more homes in Cumberland.

It was noted that the Growth Committee will be making some recommendations soon.

The Manager noted that the poll being taken regarding a possible change in office hours at the time of the move to the new building, shows residents strongly in favor of a change.

The Manager also informed the Council that he has been contacted by Paula Copp who would like to give approximately 10 acres of land to the Town - located off Greely Rd. Ext. and that Roger Bolduc has 10 acres off Lawn Avenue which he would like to sell to the Town.

The Council requested that the Conservation Commission take a look at each of these parcels and report to the Council.

VIII. Adjourn

The meeting was adjourned at 8:35 pm.


Charlene A. Doyle
Council Secretary

Absent: None

Town Council
10/27/97 ①

Opened 7PM

Minutes - 10/14 + 10/16

Storey

2nd Phipps - ~~Unan~~ - 16th
14 - abst ~~B~~ingham

Mng. Rpt.

Bill Getz - Garebo progress - hope to have
finished by May 15th
Council thanked Mr. Getz for his work on this

Pub. Disc. None

Leg. Policy

97-129 - GA Ord Appendices

Phipps to adopt guidelines as proposed
by UNIA
2nd of Unan (6)

97-128 - ZO Amend. - Signs PubH. opened
Gueson moved to adopt amendment as proposed.
2nd Phipps Unan (6)
No public comment
PH closed

97-130 Idelwood

D. Larson, Planner, explained P.B.'s recommendation
regarding need for further review of this subdivision.
That the Board's recommendation is to have the
Council to state willingness to accept this parcel.
P. H. opened

Sally Stockwell, Range Rd. - Wildlife Biologist - feel additional
DEP review would be helpful - review thus far has

been very limited (Wildlife Assessment)
Steve Moriarty / George Hyde - Land Trust
were present

(18)

Dasse Andersen, Bruce Hill Rd Ext, one of property
owners - "Should the Town be in land business" - "reduces
tax base"

P. Hearing closed

Phipps motion to accept express willingness
to accept easement as proposed, upon review of
TA + TM

2nd B Unan (6)

97-131 Tax payments

Barbara Paul, Thank you for putting on agenda -
also thanks to people at Town Hall for materials
requested today

Storey no change in current tax
collection policy

2nd Kuntz Unan (6)

Corresp

S. Bancroft -

New Bus

(Kuntz) ~~Handle~~ for Public Water ~~Source~~ bent

Phipps - Brown Tail moth spraying - RB call Dick Bradbury
- Club Rec. Ctr. - Bank Funding Center wants Town to
subord its lease agreement + also give up language
returning property to Town if no longer used by C.R.C.

TC (3)
10/27/97

Options need to be explored regarding financing

~~Birmingham~~ - Workshop on Council goals - Nov. 24th
- No habitats for humanity properties? - OR Growth August

Story - 2 subdev. before P.Bd total 38 houses
- Growth Committee? - P. Gleason will be making some recommendations soon.

R/B Land issues - Copp - give land
Council Auth TM to have Cons comm. evaluate property + make recommendations

Office hour votes

Land R. B. Blue - 10 acres - access - town buy land
Cons Comm. Review

Adjourn @ 8:35 pm

GENERAL ASSISTANCE GUIDELINES

No. Of Bedrooms	<u>RENT</u>			
	Unheated Weekly	Monthly	Heated Weekly	Monthly
0	\$ 67	\$289	\$ 75	323
1	87	372	97	418
2	114	490	129	554
3	143	614	162	695
4	155	668	179	768

OLD 10/1/96 - 10/1/97

No. Of Bedrooms	<u>RENT</u>			
	Unheated Weekly	Monthly	Heated Weekly	Monthly
0	\$ 89	\$383	\$ 97	\$419
1	86	370	97	419
2	114	492	130	560
3	159	685	179	771
4	178	767	203	874

NEW 10/1/97 - 10/1/98

<u>FOOD</u>		
No. In Household	Weekly	Monthly
1	\$ 27.90	\$ 120
2	51.20	220
3	73.30	315
4	93.00	400
5	110.50	475
6	132.60	570
7	146.50	630
8	167.50	720
Additional members, add \$90/month.		

OLD 10/1/96 - 10/1/97

<u>FOOD</u>		
No. In Household	Weekly	Monthly
1	\$ 28.00	\$ 122
2	52.00	224
3	75.00	321
4	95.00	408
5	113.00	485
6	135.00	582
7	150.00	643
8	171.00	735
Additional members, add \$90/month.		

NEW 10/97 - 10/1/98

<u>OVERALL MAXIMUMS</u>							
Cumberland SMSA	1	2	3	4	5	6	over 6
	452	516	683	891	1,011	1,086	\$75/person

OLD 10/1/96 - 10/1/97

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Cumberland SMSA	1	2	3	4	5	6	over 6
	459	524	693	905	1,026	1,101	\$75/person

NEW 10/1/97 - 10/1/98

Cumberland Mainland & Islands Trust
P.O. Box 25
Chebeague Island, Maine 04017

October 24, 1997

VIA FAX and REGULAR MAIL

Donna Larson, Cumberland Town Planner
Cumberland Town Hall
12 Drowne Rd.
Cumberland, ME 04021

Re: Proposed Idlewood Subdivision

Dear Donna:

I understand that the Planning Board has recommended to the Council that it accept an easement over the approximate 54 acres of the Idlewood subdivision which will not be developed. I also understand that the developer has offered to deed to the Cumberland Mainland and Islands Trust both the pond adjacent to the new entry road and an additional parcel approximately 1 acre in size on the side of the new entry road opposite from the pond.

In the several days since the Planning Board referred this matter back to the Council, there has not been an opportunity for a formal meeting of the CMIT Board of Directors. I have, however, contacted most of the members of the Board by phone, and at this point a majority of the Board have indicated to me that they would vote in favor of a resolution accepting ownership of the pond and the adjacent 1 acre parcel. The next regularly scheduled meeting of the Board will be held on Wednesday, December 3, 1997, although it is possible to schedule special meetings of the Board with some minimal advance notice. Perhaps you can let me know whether my unofficial head count is sufficient for your purposes and for the purposes of both the Planning Board and the Council.

As you know, the CMIT is particularly interested that the concerns of the Range Road neighbors be adequately addressed in the final approval process. Some of those concerns include the following:

1. That the culvert in the road crossing should be placed at an appropriate elevation to maintain current water levels in the pond;
2. That the culvert should be approximately 36 inches wide with a flattened bottom to aid amphibian movement. I understand that this type of culvert may be known as a box culvert;

3. That road construction within 100 feet of the pond should occur during the time period from September 1 to March 1 to avoid any disturbance of the area during the amphibian breeding season;
4. That, if possible, the overall width of Idlewood Drive as proposed be minimized and that consideration be given to eliminating the need for sidewalks as well as ditches 4 feet wide by 3 feet deep. There is a concern that ditches of this size will interfere with the migration of the amphibians;
5. That there should be minimal cutting of trees within 500 feet of the pond in order to maintain water quality and an appropriate habitat for amphibian breeding.

Obviously, all of these issues ultimately will rest with the Planning Board, but I simply want to let you know that the CMIT shares the neighbors' expressions of concern on these points.

Please let me know if I may be of any further assistance.

Very truly yours,

Stephen W. Moriarty

SWM/mrc

cc: Mr. George Hyde
Ms. Sally Stockwell

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

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

TELECOPIER (207) 775-7935

WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RALPH W. AUSTIN
RONALD A. EPSTEIN
WILLIAM E. DALE
JOSEPH H. GROFF III
PETER W. GREENLEAF
E. BRUCE SLEEPER
DEBORAH M. MANNLESLIE E. LOWRY III
KEITH R. JACQUES
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
JAMES N. KATSLAFICAS
MILDA A. CASTNER
ANNE H. JORDAN
JEFFREY P. BUKORMAN
BARRY P. FERNALD
SALLY J. DAGGETT
SUSAN C. STEINER
BRENDAN P. RUSSELLRAYMOND E. JENSEN
M. DONALD GARDNER
MERTON G. HENRY
JOHN D. BRADFORD
JAMES E. KAPLAN
OF COUNSELKENNETH BAIRD
(1914-1987)YORK COUNTY
OFFICE419 ALFRED STREET
BIDDEFORD, MAINE 04005
(207) 282-5107
TELECOPIER (207) 282-6301

VIA TELEFAX

October 24, 1997

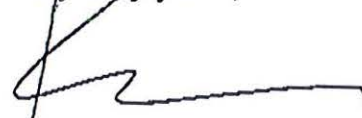
Mr. Robert B. Benson, Town Manager
Town of Cumberland
P.O. Box 128
Cumberland, ME 04021
Fax: 829-2214

Dear Bob:

This letter is intended to confirm our telephone conversation of this date in regard to the Town's right to divide its tax bill. Specifically, the statutes do permit you to collect on a periodic rather than a lump sum basis but only if this method is applied town-wide. Since I understand that this year's tax bill has already been mailed, it would be too late to institute this type of tax collection method at this time. Further, as I indicated, the Town cannot single out any portion of its residents for interest relief on late payment, although if you adopted a periodic payment system, no interest would be chargeable so long as the appropriate portion of taxes was received on a timely basis.

If you have any questions, please call me. Thank you.

Very truly yours,



Kenneth M. Cole III

KMC:gb

Council
10-27-97

October 8, 1997

Mr. Robert Benson, Manager
Town Offices
Drowne Road
Cumberland, ME 04021

Dear Bob and Members of the Cumberland Town Council:

I am writing on behalf of Habitat for Humanity of Greater Portland requesting that you partner with us in helping one or more families purchase simple, affordable homes in Cumberland.

Specifically, I am asking if the Town would give a minimum of one to two acres on which Habitat could build, in partnership with perspective homeowners, one to two duplexes. It has been brought to my attention that changes in the 1997 comprehensive plan and the availability of several parcels designated RR-1 or RR-2 might combine to make Habitat homes a real possibility.

I would be more than happy to have a member of the Habitat Building Committee meet with you to show you plans of a typical Habitat duplex (or single dwelling if that is preferable). I can also furnish the Council with any information regarding the mission of Habitat, how a Habitat family is selected, and the cost of the duplex as well as the amount of the interest-free mortgage to be paid by the homeowner.

In addition to asking for land, I also would look forward to your help in identifying qualified Habitat homeowners. Currently we are building a home in Windham for a Cumberland family, Tammy and Doug Morton. As you might know, this will give the Mortons a well-needed opportunity to better the conditions in which they now exist.

We have just completed our 21st home, this one in Falmouth, and are beginning our 22nd home in Windham. Both towns are working to free up additional land to Habitat.


You may reach me at the phone numbers below or at 224 Tuttle Road for questions or for more information. I can also provide you with names of the Habitat Executive Directors or any committee members you would wish to speak with.

Thank you for your consideration in making this affordable housing mission a reality in Cumberland.

Sincerely,



Sally Bancroft
Habitat for Humanity, Board of Directors
828-9525 - ext. 4118 (work)
829-3793 (home)

Post-it* Fax Note 7671		Date 	# of pages 1
To	Joan Wogaman		From
Co./Dept.	Legal Ad PPH		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 October 27, 1997, at 7:00 p.m. at the Cumberland Municipal Center to consider and act on proposed amendment to Section 424 of the Zoning Ordinance - regarding signs.


John Lambert
Chairman

Joan -

Please run Two
days - Oct. 10 and
Oct. 17

P.O. # 4243T

Thanks,
Shelley Doyle

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**

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Public Hearing on October 27, 1997, at 7:00 p.m.
at the Cumberland Municipal Center to adopt
Appendices to the General Assistance Ordinance.

John Lambert
Chairman

10/10/97

Joan -

Please run one
day - Oct. 17

P.O. # 4244T

Thanks,
Shelley Doyle