

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
JANUARY 10, 2001**

******* 6:00 P.M. WORKSHOP: With Post Office Representatives *******

- I. Call to order at the Cumberland Town Hall at 6:00 p.m.
- II. Legislation and Policy
 - 01-01 To authorize the Town Manager to enter into an Intercreditor Agreement with People's Heritage Bank in regard to silent second mortgages at Small's Brook Crossing subdivision.
 - 01-02 To authorize Town Manager to borrow \$1,200,000 in Tax Anticipation Notes.
 - 01-03 To set date for Public Hearing on proposal for reconstruction of Blanchard/Skillin Roads. 17 23 (24) 30
- III. Workshop with Post Office Representatives
- IV. Approval of Minutes:
 - a. December 11, 2000
- V. Manager's Report
- VI. Public Discussion
- VII. Correspondence
- VIII. New Business
- IX. Adjourn
 - did cruiser Run R/D

MEMBERS OF THE TOWN COUNCIL

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

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
JANUARY 10, 2001**

6:00 P.M. WORKSHOP: *with Port Office Representative*

I. Call to order at the Cumberland Town Hall at 6:00 p.m.

II. *II. Workshop*
Approval of Minutes:
a. December 11, 2000

✓ III. Manager's Report

✓ IV. Public Discussion

VI ~~V.~~ Legislation and Policy

01-01 To authorize the Town Manager to enter into an Intercreditor Agreement with Peoples Heritage Bank in regard to silent second mortgages at Small's Brook Crossing subdivision.

01-02 To authorize Town Manager to borrow \$1,200,000. in Tax Anticipation Notes.

01-03 *Public Hearing Black Rd Skunk - Resonance*
To set date for bulky waste pick-up, Mainland and Island.

01-04

01-05

VI. Correspondence

VII. New Business

VIII. Adjourn

✓ ⑤ Brick on Gulls

✓ ① Advice Council SAR NY mts 1/28 @ 1201

② Growth Annex - Pl. Rd etc

✓ ③ Pl. Rd / Council a Rd, CAR (SM) 1-15-01?

✓ ④ Drumm Rd School - Poulton buy.

MEMBERS OF THE TOWN COUNCIL

Stephen Moriarty (Chair) 829-5095
Mark Kuntz 829-6482
John Lambert, Jr. 781-5282
Jeffrey Porter 829-4129

James Phipps 846-6274
Harland Storey 829-3939
Peter Bingham 829-5713

TOWN COUNCIL
DECEMBER 11, 2000

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
DECEMBER 11, 2000**

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

Absent: James Phipps

Late: Harland Storey (arrived at 7:40 p.m.)

I. The meeting was called to order at the Cumberland Town Hall at 7:02 p.m.

II. Approval of Minutes:
a. November 27, 2000

Councilor Kuntz moved to approve the minutes of the meeting of November 27, 2000 as written.

Seconded by Councilor Lambert.

VOTE: UNANIMOUS (5)

III. Manager's Report

Assistant Town Manager, Carla Nixon has been asked to serve on a County Committee. She is willing to do so. They meet once a month for 4 months.

Thursday, December 14th the Board of Adjustment & Appeals will meet. An individual on Chebeague is requesting a variance, which would allow him to site a building in a right of way, which borders Sunset Landing. The Manager and Town Attorney recommend opposing that request. The Town Manager stated that he does not have a problem supporting a variance from the right of way line. He does have a concern allowing the building to be placed in the right of way which borders a property that cost \$250,000.

The Town Manager handed out an article which outlines what the state of Maryland has done regarding "smart growth and sprawl".

The Manager updated the Council in regard to the building and growth permits included in the council packet. Currently, Chebeague growth permits extend into year 2006. One non-subdivision permit and 18 subdivision permits remain on the mainland.

The last item is the result of a conversation regarding the building cap on Chebeague Island and a proposal from the Chebeague Long Range Planning Committee. Councilor Phipps will discuss this issue with the council after the meeting on Chebeague, Wednesday, December 13, 2000.

IV. Public Discussion

Martha Porch was present from the Planning Board to advise the Council of issues relating to the Planning Board in regard to growth permits in subdivisions. She also

TOWN COUNCIL
DECEMBER 11, 2000

addressed the concern of increased traffic in Cumberland. Councilor Lambert would like to eventually see a Rt. 295 connector.

A workshop with the Planning Board is planned to be scheduled early in 01.

Kim True and Diane Morrison (co- chair of the Steering Committee) were present to discuss concerns in regard to the school site selection process and the referendum vote.

The Steering Committee explained the time line involved in the process. The communication process includes the following:

- Communication committee will be holding a community forum in January, February, March and April to communicate to residents of Cumberland and North Yarmouth information regarding the referendum vote.
- Developed speakers bureau made up of various people from the Steering Committee who will be going out to different organizations in Cumberland and North Yarmouth to talk about the middle school.
- Neighborhood council representatives to hold coffees and teas in groupings to talk to the neighborhoods.
- Newsletter distributed.
- Have begun to distribute information.

V. Legislation and Policy

- 00-102 To hold Public Hearing to consider and act on application of Cumberland Salvage, Inc. for an Automobile Graveyard and/or Junkyard Permit.

Chairman Moriarty opened the Public Hearing.

Chairman Moriarty closed the Public Hearing.

Councilor Lambert moved to approve Cumberland Salvage, Inc. for an Automobile Graveyard and/or Junkyard Permit.

Seconded by Councilor Porter

VOTE: UNANIMOUS (6)

- 00-103 To hold Public Hearing to consider and act on application of Thomas Greenlaw for an Automobile Graveyard and/or Junkyard Permit.

Chairman Moriarty opened the Public Hearing.

Mr. Greenlaw was present to discuss a vehicle on his property.

Chairman Moriarty closed the Public Hearing.

Councilor Lambert moved to approve Thomas Greenlaw for an Automobile Graveyard and/or Junkyard Permit subject to the right of the Code Enforcement Officer to conduct periodic inspections and to report back to the Town Manager and Council.

Seconded by Councilor Porter.

VOTE: UNANIMOUS (6)

TOWN COUNCIL
DECEMBER 11, 2000

00-104 To hold a Public Hearing to consider and act on amendments to the Shellfish Conservation Ordinance.

Ted Curtis explained the changes to the amendments.

Chairman Moriarty opened the Public Hearing.

There was so public comment.

Chairman Moriarty closed the Public Hearing.

Councilor Lambert moved to act on amendments as proposed to the Shellfish Conservation Ordinance.

Section 108 (1.)

a. Resident Commercial Shellfish License:

This license is available to residents and/or taxpayers of the Town of Cumberland and entitles the holder to dig and take two (2) bushels of shellfish per tide from the shores and flats of this municipality and reciprocating municipalities. The licensee will be permitted to harvest ninety (90) days commercially throughout the year. The licensee will maintain an accurate log of the days harvested commercially in his required Shellfish Harvesting Log, which is due November 30th each year. The commercial license will revert to a recreational license the remaining two-hundred and seventy-five days (275) of the year.

Non-Resident Commercial Shellfish License:

This license is available to non- residents of this municipality and entitles the holder to dig and take two (2) bushels of shellfish per tide from the shores and flats of this municipality. The licensee will be permitted to harvest ninety (90) days commercially throughout the year. The licensee will maintain an accurate log of the days harvested commercially in his required Shellfish Harvesting Log, which is due November 30th each year. The commercial license will revert to a recreational license the remaining two-hundred and seventy-five days (275) of the year.

Section 116.3

2. The period of issuance for shellfish licenses shall be from ***January 1st to March 31st*** each year - except for Commercial, Non-Resident Commercial and Non-Resident Recreational Shellfish licenses which shall be issued pursuant to 116.5.a. ***After March 31st, any remaining shellfish licenses shall be issued to Residents and Non-Residents on a first come first serve basis.***

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

00-105 To consider request for access – Old Range Road (Greely Rd. Ext.)

Mr. Robert Poor was present.

Councilor Bingham moved to approve the Town Manager, at his discretion, to execute a license in accordance with the memo furnished by Town Attorney, Kenneth Cole without further action.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

TOWN COUNCIL
DECEMBER 11, 2000

00-106 Nominating Committee Appointments.

Councilor Porter moved the following slate of names for re-appointment to the following committees. The term expiration date is December 31, 2003.

Planning Board:

Martha Porch, Elizabeth Howe;

Board of Adjustment and Appeals:

Michael Martin, Scott Wyman

Board of Assessment Review:

Mark Stevens

Prince Memorial Library Advisory Board:

Linda Putnam

Val Halla Golf & Recreation Center Board of Trustees:

Margaret Kuss

Recreation/Community Education Advisory Board:

Callie Chase

Shellfish Conservation Commission:

Tom Peterson

Coastal Waters Commission:

John Williams

Cumberland Islands Committee:

Michael Porter, Marjorie Munroe, Donna Damon, Linden Smith

Lands and Conservation Commission:

Robert Heyner, Betty Surgi

Cumberland Housing Authority:

Richard Foote, William Stiles

Personnel Appeals Board:

Bill Shane, Virgil E. Bean

Recycling Committee Appointment: Tom Calder Term expires 12/31/02

Seconded by Councilor Storey.

VOTE: UNANIMOUS (6)

00-107 To appoint Harbor Master for 2001.

Councilor Lambert moved to appoint Ted Curtis as Harbor Master for 2001.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

00-108 To appoint Shellfish Warden for 2001.

Councilor Lambert moved to appoint Police Chief Joe Charron as Shellfish Warden for 2001.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

00-109 To set shellfish license allocations for 2001.

TOWN COUNCIL
DECEMBER 11, 2000

Councilor Lambert moved to adopt the shellfish license allocations for 2001 as recommended by Harbor Master/Shellfish Warden Ted Curtis.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

00-110 To consider and act on swimming pool license – S.A.D. #51.

Councilor Lambert moved to grant a swimming pool license to S.A.D. #51.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

00-111 To set date for second Council meeting.

Councilor Bingham moved to set a Workshop with the Town Attorney – Silent Second Mortgage – Small's Brook Crossing at 6:00 p.m. on Monday, December 18, 2000 at the Cumberland Town Hall.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

VI. Correspondence

- Sevee & Maher Engineers, Inc.: Environmental Site Assessment Public Works Parcel Cumberland, Maine
- Master Summary Report November 2000 Monthly and YTD Building Permits
- TOC Planning Board Meeting Agenda December 19, 2000
- Cable TV Regulatory Board Application
- Farwell Avenue/Main Street neighbors: Post Office
- Jensen Baird Gardner, Henry : Ken Cole: Chebeague Island growth permit issues.
- Cumberland Town Council: Thomas Hyndman, Chair Site Selection Committee: Possible use of Cumberland locations
- Solid Waste to RWS
- Runyon Kersteen Ouelette, Town Council: audit
- MSAD #51 Board of Directors Minutes November 20, 2000
- MSAD #51 Board of Directors Agenda December 4, 2000
- County of Cumberland Commissioners Meeting November 13, 2000
- TOC Planning Board Meeting Minutes October 10, 2000
- TOC Planning Board Meeting Minutes October 14, 2000

The Town Manager reported that Kathleen Babeu has resigned her position as Administrative Assistant. She has accepted the position of Town Clerk for the Town of Falmouth.

VII. New Business

Vice- Chairman Kuntz will be sending a letter regarding possible use of Cumberland locations to Thomas M. Hyndman, Chairman of the MSAD #51 Site Selection Committee.

TOWN COUNCIL
DECEMBER 11, 2000

Councilor Kuntz mentioned he had stopped by Twinbrooks and could not hear the snowmaking machine from the road.

Councilor Kuntz reported on the Budget Advisory Committee for the County of Cumberland- an 8 1/8% increase over the last year budget.

Cable TV should be up and running by the first meeting in February.

VIII. Adjourn

No further business conducted. Motion to adjourn at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen Babeu".

Kathleen Babeu
Administrative Assistant

11.8 ⁴⁰⁶²⁷³
^{x11.8}
\$47,540 Please note budget discussion
and % increase of County B.d.
Rd

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

COMMISSIONERS' MEETING

MINUTES

December 11, 2000

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

Chairperson Plummer called the meeting to order at 7:05 PM and the following business was conducted.

Minutes of the regular meeting of November 27, 2000 were approved as written.

Peter Crichton, County Manager, noted that the meeting was being taped for the Community Television Network (Channel 4).

Commissioner Clenott reported that she had put a summary of the last WIA Operations Committee meeting on their desks, and would do a summary of the meeting she had attended earlier that day.

Chairperson Plummer stated that he had been impressed with the overall condition of the jail, which is now six years old, during the recent tour of the facility to inspect the carpeting in the pods.

2000-101 Request for deputy sheriff commissions

The following requests for deputy sheriff commissions was received from Sheriff Dion: Sean Urguhart, Yarmouth PD; Joel Bruce and Carolyn Pocheman, Brunswick PD.

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

2000-102 Adoption, FY2001 Capital Improvement Program (CIP)

Chairperson Plummer reported that the Manager's CIP recommendation was \$415,000 and had been reviewed during a recent workshop.

Motion by Commissioner Clenott to amend the CIP to add two patrol cars for \$44,000 and to move one administrative vehicle for \$22,000 into the FY2002 CIP. This would increase the amount by \$22,000 for a total of \$437,000. Second by Chairperson Plummer, discussion ensued on the repair or replacement of carpeting in the jail pods.

Motion by Chairperson Plummer to amend the original motion to allow the transfer of vehicles, but keep the CIP budget to

\$415,000 as recommended by the County Manager. Second by Commissioner Feeney, so voted with two ayes, one nay from Commissioner Clenott. Sheriff Dion stated that this would mean that the Manager would have to cut an additional \$22,000 from other areas of the CIP to accommodate the addition of the vehicles, and he protested the cutting of other needed items in the CIP.

Original motion as amended voted unanimously, CIP budget is set at \$415,000.

2000-103 Adoption, FY2001 County Budget

Motion by Chairperson Plummer to send the budget back to the County Manager with a request for two versions: one for the 8.12% tax increase requested by the Budget Advisory Committee (BAC) and one for a 10% tax increase. He felt the current 12.4% tax increase was too much to send to the taxpayers. Second by Commissioner Clenott, discussion ensued. Commissioner Feeney voiced his support of the motion, explaining that he would like more time to discuss the consequences of additional cuts with the Manager. Commissioner Clenott expressed her displeasure and surprise at his support, noting that she only seconded the motion out of courtesy so the Chairperson could express his opinion. She stated that they might as well adjourn the meeting now, as nothing would be resolved. She stressed that they were doing the same thing to the Manager and department heads that the BAC did to the Commissioners: giving them a tax increase limit without any specific recommendations on how to achieve it. She reviewed the BAC recommendations and votes from the last budget meeting, which contained no real recommendations for lowering the proposed tax increase.

Sheriff Mark Dion and District Attorney Stephanie Anderson spoke regarding the motion, stating that it was unfair to expect the Manager and department heads to further cut an already bare bones budget. They stated that they had to meet the requirements set by State Statutes and could not cut their budgets further without specific recommendations by the Commissioners to violate the Statutes. Registrar of Probate Gerard Conley Sr. and Judge of Probate William Childs noted their support for increasing the Registrar of Probate's position to full time.

The County Manager also expressed his reluctance to recommend any further cutting of services to reduce the tax increase. He stated that he felt this was a very realistic budget, and had received no complaints, aside from one letter, from Town Managers regarding the proposed tax increase. The BAC members have been the only ones to protest the increase, and they had been unable to present viable recommendations on how to lower it and in fact had only cut \$121,030 in a line-by-line review of each department.

Mr. Crichton noted that he, staff, and department heads had worked diligently to present realistic budgets. Last year, he

had been able to cut \$1.2 million from the initial department requests, this year he had only been able to cut \$300,000. He noted that the jail's increased inmate population is the cause of 70% of the budget increase and that the State needed to accept more financial responsibility in their contribution towards jail operations in all the counties, not just Cumberland County.

Commissioner Clenott withdrew her second of the motion to give the budget back to the Manager. Commissioner Feeney seconded the motion, and discussion ensued on the need to work with the State Legislature to increase the amount the State provides to help offset increased jail costs.

Chairperson Plummer stated that he thought having two lower versions of the proposed budget would help show the legislature what services would have to be eliminated or reduced to obtain a lower tax increase. He noted that after 3 public hearings and numerous budget meetings, he was still frustrated that they were able to only reduce the tax increase to 12.4%.

Commissioner Feeney agreed, and again noted that he would like more time for review, as this is his first year in the budget process.

Commissioner Clenott noted that other counties in the state were being forced to increase their budgets by up to 50% due to increased jail populations, and no help could be expected from the State for this budget, but perhaps for future budgets.

The County Manager suggested that they discuss any questions that Commissioner Feeney had now, department by department, to resolve this conflict. Commissioner Feeney agreed.

Motion to give the budget back to the Manager fails with two nays, one aye from Chairperson Plummer.

District Attorney

Chairperson Plummer noted that the BAC and Manager's recommendations were the same for this department: \$927,862.

Motion by Commissioner Clenott to set the District Attorney's budget at \$927,862. Second by Commissioner Feeney, voted unanimously.

Emergency Management Agency

Chairperson Plummer noted that the Manager's recommendation was \$211,394. The BAC recommendation was \$210,894 and reduces the travel line to the FY2000 level.

Motion by Commissioner Feeney to set the EMA budget at \$211,894. Second by Commissioner Clenott. Motion by Chairperson Plummer to amend the amount to \$210,894. Second by Commissioner Clenott, amendment passed unanimously. Motion as amended voted unanimously.

Executive

Chairperson Plummer noted that the Manager's recommendation was \$875,886 and the BAC recommendation was \$871,236, which reduced the travel line to the FY2000 level and eliminated the auto lease.

Motion by Commissioner Feeney to set the Executive budget at \$871,236 that includes the creation of a Finance Department and realignment of resources with no increase to the overall budget. Second by Commissioner Clenott, voted unanimously.

Facilities

Chairperson Plummer noted that the Manager's recommendation was \$2,046,210 and the BAC recommendation was \$2,046,110, which reduced the travel line to the FY2000 level.

Motion by Commissioner Clenott to set the budget at \$2,046,110. Second by Commissioner Feeney, voted unanimously.

Deeds

Chairman Plummer noted that the Manager's recommendation was \$733,590 and the BAC recommendation was \$732,590, which reduced the travel line to the FY2000 level.

Motion by Commissioner Clenott to set the Deeds budget at \$732,590. Second by Commissioner Feeney, voted unanimously.

Probate

Chairperson Plummer noted that the Manager's recommendation was \$388,906 and the BAC recommendation was \$368,682, which reduced the travel line to the FY2000 level and keeps the Registrar position at part time.

Motion by Commissioner Clenott to set the budget at \$378,612, which makes the Registrar full time, but at the same salary as the full time Register of Deeds. Second by Commissioner Feeney.

Motion by Chairperson Plummer to amend the motion to match the BAC recommendation. Motion dies for lack of a second.

Original motion voted with two ayes, one nay from Chairperson Plummer. Chairperson Plummer noted that they had received a letter of support from Herbert Adams, incoming Registrar of Probate, to make the position full time.

Chairperson Plummer also noted that this was the only unanimously voted recommendation from the BAC.

Sheriff

Chairperson Plummer noted that the Manager's recommendation was \$12,489,645 and the BAC recommendation was \$12,404,184, which reduced the travel line to the FY2000 level, reduced the part time budget, and eliminated the Business Manager position.

Motion by Commissioner Clenott to set the Sheriff's budget at \$12,434,645 which takes out the \$44,000 for the two cars put into the CIP, reduces the travel line as recommended by the BAC, and cuts \$10,000 from the salary of the Business Manager position. Second by Commissioner Feeney.

Motion by Chairperson Plummer to amend the motion to match the BAC recommendation. Motion fails for lack of a second.

Original motion passes with two ayes, one nay from Chairperson Plummer. Sheriff Dion thanked Commissioner Clenott for her motion, although he noted that the duties of the Business Manager would be the same as those of Vic Labrecque, who would be moving up to become the County's new Finance Director in FY2001.

Treasurer

Chairperson Plummer noted that the Manager's recommendation was \$129,373 and the BAC recommendation was \$140,193, which reduced the travel line to the FY2000 level and increased the Treasurer's salary.

Motion by Commissioner Clenott to set the Treasurer's budget at \$129,173, which reduces the travel line as recommended by the BAC but leaves the Treasurer's salary with the same 3% increase all employees will receive in FY2001. Second by Commissioner Feeney, voted unanimously. Chairperson Plummer stated that although he would like to support the BAC recommendations when possible, he could not do so in this instance. He has long foreseen department heads as figurehead positions, but has noted that the Registrars of Probate and Deeds have increased in responsibility. The Treasurer's position was part time, and he felt that the position could be eliminated with the positions of County Manager and Finance Director now in place.

Debt Service

Chairperson Plummer noted that this was a set item, and listed the following amounts:

Debt service on bonds:	\$1,610,000
Interest on bonds:	\$1,029,724
Debt interest on loans:	\$209,000

Motion by Commissioner Clenott to set these amounts as listed. Second by Commissioner Feeney, voted unanimously.

Grants

Chairperson Plummer noted that the Manager's recommendation was \$115,465 and the BAC concurred with this recommendation.

Motion by Commissioner Feeney to set the Grants budget at \$115,465. Second by Commissioner Clenott.

Commissioner Clenott moved to amend the amount and add \$7,850 to match last year's total. Second by Chairperson Plummer. Amendment to set the Grants budget at \$123,315 unanimously voted. She noted that the Manager's recommendation was due to the fact that two agencies missed the deadline. This would give the remaining agencies an amount closer to their requests. Amended motion voted unanimously.

Human Services

Chairperson Plummer noted that the Manager's recommendation was \$271,741 and the BAC recommendation was \$251,826, which reduces the H.S. line to the FY2000 level and further reduces it by \$12,000.

Motion by Commissioner Clenott to set the Human Services budget at \$259,441, which reduces the Manager's recommendation by \$12,300. Second by Commissioner Feeney. This reduction was due to the fact that one agency missed the deadline.

Motion by Chairperson Plummer to amend the amount to match the BAC recommendation fails for lack of a second.

Original motion voted with two ayes, one nay from Chairperson Plummer.

Pension Life

Motion by Commissioner Clenott to set this account at \$1,400. Second by Commissioner Feeney, voted unanimously.

Contract FICA

Motion by Commissioner Clenott to set this account at \$5,000. Second by Commissioner Feeney, voted unanimously.

Contingency Account

Motion by Commissioner Clenott to set this account at \$50,000. Second by Commissioner Feeney, voted unanimously.

Salary, Benefits, Termination Pay

Motion to set this account at \$43,572. Second by Commissioner Feeney, voted unanimously. Chairperson Plummer noted that this was lower than in past years due to the fact that no union contracts were due to be settled in FY2001.

Revenues

Motion by Commissioner Clenott to set revenues at \$5,949,128. Second by Commissioner Feeney, voted unanimously.

Undesignated Surplus

Motion by Commissioner Clenott to designate \$415,000 from surplus for the FY2001 CIP projects. This will include the transfer of vehicles approved earlier in the meeting. Second by Commissioner Feeney, voted unanimously.

Motion by Commissioner Clenott to designate 10% of surplus, if funds are available upon audit compilation, for future CIP projects. Second by Commissioner Feeney, voted unanimously.

Motion by Commissioner Clenott to designate \$750,000 in surplus to reduce the tax rate. Second by Commissioner Feeney.

Motion by Chairperson Plummer to amend the amount to \$950,000 fails for lack of a second.

Motion by Chairperson Plummer to amend the amount to \$850,000 fails for lack of a second.

Original motion passes with two ayes, one nay from Chairperson Plummer.

Total Budget

The result of the motions at this meeting is a total budget of \$21,062,574 with revenues of \$5,949,128 and surplus of \$750,000. The amount due to be assessed to taxpayers will be \$14,363,446. This will result in an increase of 11.8% in the County's share of local property taxes.

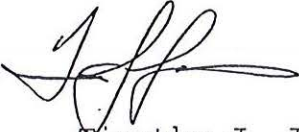
Chairperson Plummer expressed his disappointment at the 11.8% tax increase, but was not sure an additional week would have made a big difference in the result and hoped the taxpayers would understand. He thanked the Board of Commissioners, Budget Advisory Committee, County Manager, Deputy County Manager, CCSO Business Manager, Deputy Clerk and the department heads for their long months of hard work during this budget process.

Commissioner Clenott thanked the Board for their review of the budget this evening as opposed to next week, and was pleased to see that they had worked together as a team.

Commissioner Feeney expressed his appreciation for their patience, as this was his first budget process and he was still learning. He felt that this had been a good effort and had resulted in a very realistic budget and tax increase.

No further business conducted, motion to adjourn at 9:03 PM.

ATTEST:

A handwritten signature in black ink, appearing to read 'T. Jarvis', written over the word 'ATTEST:'.

Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Tuesday, December 26, 2000 at 7:00 PM.

MOTION: Move to authorize the Town Manager to borrow \$1,200,000 in Tax Anticipation Notes, to award the bid to **People's Heritage Bank** at an interest rate of 3.85% per annum, and to authorize the following order of the Cumberland Town Council:

TOWN OF CUMBERLAND, MAINE

**ORDER OF TOWN COUNCIL
AUTHORIZING TAX ANTICIPATION BORROWING**

Order #00-02

ORDERED:

1. That pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, the Treasurer is hereby authorized and empowered on behalf of the Town to borrow money from time to time during fiscal year ending June 30, 2001, in an aggregate principal amount not to exceed \$1,200,000, at any one time outstanding, in anticipation of collections or receipts from taxes, by the issuance of a tax anticipation note or notes of the Town, which notes shall be designated "Town of Cumberland 2001 Tax Anticipation Note" (the "Note"). Such Note may be issued at one time or from time to time and such Note, and any extension, renewal or replacement thereof, shall be signed by the Treasurer, countersigned by the Chairman of the Town Council and sealed with the Town seal attested by its Clerk, shall be payable on or before June 30, 2001, out of money raised by taxation during the fiscal year ending June 30, 2001 and shall contain such terms and provisions not inconsistent herewith and shall be sold on such terms and be in such form as shall be approved by the Treasurer and the Director of Finance of the Town.
2. That the bid of **People's Heritage Bank** for the purchase of said Tax Anticipation Note bearing interest at the rate of 3.85% per annum, payable at maturity and at a price of \$1,200,000 be and the same hereby is approved and accepted, and said \$1,200,000 principal amount of Tax Anticipation Note shall be issued and sold to said **People's Heritage Bank** in accordance with its bid therefor.
3. That the Note authorized by the foregoing votes are hereby designated as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, to the extent such designation may be applicable or appropriate, as determined by the Town Treasurer.
4. That the Town Treasurer be, and hereby is, authorized to covenant with the purchaser of the Note on behalf of the Town that the Town will take whatever steps are appropriate to ensure that interest on the Note will remain free from federal income taxes, including without limitation, the filing of information returns and reports with

TOWN COUNCIL
JANUARY 10, 2001

the Internal Revenue Service and the payment of any rebate due to the United States of America.

5. That the officers executing the Note be and hereby are individually authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of such Note, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;
6. That the Town Treasurer, Director of Finance, and Clerk and other proper officials of the Town be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Note hereinabove authorized.
7. That if the Town Treasurer, Director of Finance, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the Note or any of the related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

TAN BIDS

January 9, 2001 1:00 p.m.

<u>Bank</u>	<u>Interest Rate</u>	<u>Total Cost</u>
Citizen's Bank	4.75	25,175.00
Fleet	3.94	20,882.00
People's	3.85	20,405.00 ***

Jensen Baird
Gardner & Henry

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

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

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

TELECOPIER (207) 775-7935

www.jbgh.com

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

KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

December 27, 2000

Robert B. Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: **Small's Brook Crossing/Peoples Heritage Bank**

Dear Bob:

Enclosed herewith please find two execution originals of the Intercreditor Agreement between the Town of Cumberland and Peoples Heritage Bank in regard to the Small's Brook Crossing loans. Once the Council has authorized the entry into these agreements, would you please execute the same and return them to me along with a copy of the formal Council action.

As to the formal Council action, I would suggest that the Council order simply be to the effect of "To authorize the Town Manager to enter into an Intercreditor Agreement with Peoples Heritage Bank in regard to silent second mortgages at Small's Brook Crossing subdivision."

If you have any question in regard to any of the enclosed or if you do feel it would be wise for me to attend the Council meeting in question, please let me know.

Very truly yours,



Kenneth M. Cole III

KMC/ab
Enclosures

MASTER INTERCREDITOR AGREEMENT
RE: SMALL BROOK CROSSING SUBDIVISION

Agreement made between the **TOWN OF CUMBERLAND, MAINE**, a Maine municipal corporation with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 ("Town") and **PEOPLES HERITAGE BANK N.A.**, a national bank with a place of business at and mailing address of One Portland Square, P.O. Box 9540, Portland, ME 04112-9540 (referred to herein together with any other affiliates of Bank North Group, Inc. as "Bank") (Town and Bank are collectively referred to herein as the "Creditors")

WHEREAS the Town has encouraged the development of affordable housing for Town residents with moderate income as evidenced by the 49 lot Small's Brook Crossing subdivision located in the Town of Cumberland, Maine as shown as a Subdivision Plan recorded in the Cumberland County Registry of Deeds in Plan Book 191, Pages 150-152 together with all buildings, improvements, additions, appurtenants and rights (collectively the "Lots"), all of which have now been sold and are now owned by Lot owners (collectively the "Owners");

WHEREAS the Lots are subject to affordability restrictions as set forth in a Second Amended Contract Zoning Agreement dated October 21, 1991 and recorded in said Registry of Deeds in Book 9760, Page 328 as amended on January 27, 1992 as recorded in said Registry of Deeds in Book 9893, Page 217 and as further amended by Second Amendment dated February 10, 1993 as recorded in said Registry of Deeds in Book 10552, Page 5 (the "Contract Zone");

WHEREAS pursuant to the Contract Zone, the Town obtained junior Mortgage Deeds sometimes referred to as "Silent Second Mortgages" covering each of the Lots each in the amount of \$20,000 duly recorded in said Registry of Deeds (each being referred to herein as the "Town Mortgages") as listed on the attached Exhibit A;

WHEREAS with the consent of the Town, the Owners wish to obtain "home equity" financing from Bank and its affiliates to be secured by junior mortgages on the Lots duly recorded in said Registry of Deeds whether now existing or hereafter arising, but excluding any senior mortgage lien held by Bank (the "Bank Mortgage");

WHEREAS Bank and Town desire to share the mortgage lien priority of the Town Mortgage and Bank Mortgage on the terms set forth herein;

WHEREAS Bank and Town desire to enter into this master agreement, which shall be automatically applicable to each and every Town Mortgage and Bank Mortgage now or hereafter recorded in the Cumberland County Registry of Deeds covering the Lots without the need for any further action documenting or implementing the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual agreements herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows.

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

Section 1.1 Definitions. Terms used in this Agreement shall have the meanings ascribed to them in the preambles to this Agreement and as follows:

"Creditor(s)" means Bank and Town.

"Current Balance" means the unpaid balance in United States Dollars for the each Town Mortgage and the Bank Mortgage respectively covering a Lot, including without limitation interest, reasonable attorneys and paralegal fees and other costs, fees and expenses, advances to protect the security.

"Event of Default" means an Event of Default or default by an Owner under any of the Loan Documents or the Security Documents, unless the context clearly indicates otherwise.

"Loan Documents" means the Notes, the Town Mortgage and accompanying note, the Bank Mortgage and all other agreements, documents and instruments now or hereafter evidencing, securing or otherwise relating to such Town Mortgage and Bank Mortgage Note entered into by and between an Owner and each Creditor respectively, but specifically excluding notes held by Bank secured by senior mortgages on the Lots.

"Note(s)" means the notes secured by the Bank Mortgage and the Town Mortgage respectively held by each respective Creditor, but specifically excluding notes held by Bank secured by senior mortgages on the Lots.

"Security Documents" means the Town Mortgage, the Bank Mortgage the applicable provisions of the Contract Zone, and any other agreement, document or instrument now or hereafter securing any Note.

Section 1.2 Rules of Interpretation.

- (a) A reference to any agreement, instrument, document or schedule shall include such agreement, instrument, document or schedule as revised, amended, modified or supplemented from time to time in accordance with its terms and the terms of this Agreement.
- (b) The singular includes the plural and the plural includes the singular.

- (c) A reference to any law includes any amendment or modification to such law.
- (d) A reference to any Person includes its permitted successors and permitted assigns.
- (e) Accounting terms not otherwise defined herein have the meanings assigned to them by generally accepted accounting principles applied on a consistent basis by the accounting entity to which they refer.
- (f) The words "include", "includes" and "including" are not limiting.
- (g) The words "approval" and "approved", as the context so determines, means an approval in writing given to the party seeking approval after full and fair disclosure to the party giving approval of all material facts necessary in order to determine whether approval should be granted. In any instance in which approval is required, it shall not be unreasonably withheld or delayed.
- (h) Reference to a particular section refers to that section of this Agreement unless otherwise indicated.
- (i) The words "herein," "hereof," "hereunder" and words of like import shall refer to this Agreement as a whole and not to any particular section or subdivision of this Agreement.

Section 1.3 Document References. Any reference to this Agreement, the Notes, the Contract Zone, the Loan Documents, or the Security Documents, shall be deemed to include any amendments, modifications, supplements, replacements, substitutions, allonges, appendixes, attachments, exhibits and schedules thereto or therefor, whenever created.

ARTICLE II PRIORITY

Section 2.1 General Rule. Creditors agree that at all times, whether before, after or during the pendency of any bankruptcy, reorganization or other insolvency proceeding involving an Owner, and notwithstanding the priorities which would ordinarily result from the order of the granting of any lien, or the order of recording or filing of any Security Documents, the relative priorities of the Security Documents held by the Creditors with respect to the Lot shall be allocated as follows regardless of the actual order of recording or filing of the Security Documents but subject to the provisions of Section 2.2:

First Priority: The first \$20,000 of principal and accrued interest component of the Current Balances in the aggregate, exclusive of "Costs" as defined below shall be co-

equal in priority dollar for dollar for each of the Town Mortgage and Bank Mortgage, for a \$40,000 of total combined priority;

Second Priority: thereafter the entire remaining balance of the Current Balance of the Bank Mortgage, if any; and

Third Priority: thereafter the entire remaining balance of the Town Mortgage, if any.

No Creditor shall send any closure notice or otherwise seek to limit the priority of construction advances and revolving or line of credit advances by a Creditor in accordance with the Notes identified herein.

Neither Creditor shall initiate any judicial, administrative or other proceeding to contest the validity or perfection of the Security Documents or the priority accorded to the Security Documents hereunder. The lien positions reflected herein shall constitute permitted liens under each Creditor's Security Documents.

Section 2.2 Priority for Advances to Protect the Security. Notwithstanding the provisions of Section 2.1 above, the following components of the Current Balances shall have a senior priority over all other components of the Current Balances outstanding under the Security Documents:

- (i) advances reasonably necessary to protect the value of a Lot, e.g. past due real estate taxes and assessments, mechanic's liens with priority over Security Documents, unpaid insurance premiums, and payment of environmental liabilities which would otherwise take priority over the Security Documents;
- (ii) the reasonable costs of enforcement and foreclosure of the Security Documents including reasonable attorney's and paralegal's fees; and
- (iii) interest on the foregoing amounts at the rate provided under the Note held by that Creditor calculated from the date of such advance.

(collectively the "Costs")

To the extent both Creditors make advances or incur liabilities for Costs, the priority shall be allocated in proportion to the respective aggregate amounts of such Costs advanced by each Creditor until each Creditor's Costs are paid in full.

A Creditor shall endeavor to give notice to the other Creditor prior to advancing such Costs.

Section 2.3 After Acquired Collateral. The priorities with respect to the Lots shall extend to improvements, appurtenances, easements or rights abutting, incorporated into or

forming a part of to the Lot now owned and hereafter acquired by Owner which were not a part of the original mortgaged real estate.

Section 2.4 Responsibilities. The Collateral priorities established under this Agreement shall not extend to any Collateral which a Creditor has not established or maintained a valid and binding mortgage, lien or security interest duly perfected as against an Owner and third parties, or which is rendered ineffective against the an Owner or subordinated by reason of any act or omission to act of a Creditor or by reason of the status of a Creditor as a member of an Owner.

Section 2.5 Real Estate Tax Liens, First Mortgages and Other Excluded Liens. Nothing contained in this Agreement shall apply to or affect: (i) any real estate tax liens or assessments, sewer, water or other municipal liens held by the Town, whether now existing or hereafter arising, the priority of which shall otherwise be as provided by law; or to (ii) any mortgage on a Lot held by Bank which the Town has separately agreed in writing is entitled to senior priority over the Town Mortgage (the "Excluded Liens").

ARTICLE III LOAN ADMINISTRATION

Section 3.1 Payments on Notes. Any payment received by a Creditor for application to the Notes, other than from the proceeds of the sale or liquidation of Collateral, shall be applied by the Creditor to the balances of the Notes in accordance with the Security Documents held by such Creditor, subject however to the priorities of any senior Excluded Liens.

Any and all proceeds of sale, voluntary or involuntary liquidation of Collateral or property of an Owner held by Creditors shall be applied in accordance with the priority under this Agreement, provided however that in the event that the Owner sells a Lot to a qualified purchaser under the Town Mortgage who assumes the Town Mortgage, then the entire available sale proceeds shall be applied to the Bank Mortgage after the satisfaction of other senior Excluded Liens. Nothing in this Agreement shall be deemed to indicate or require that the Bank Mortgage be assumable

Section 3.2 Loan-Servicing and Enforcement Each Creditor shall separately administer and enforce its respective Notes and related Loan Documents, subject to the terms and conditions of this Agreement, but each agrees to provide an accounting to the other of all disbursements made and payment received on its Loan, all upon reasonable request by the other.

No communications between or among legal counsel for the Creditors shall be deemed to waive any attorney-client privilege, proprietary or confidential information.

Section 3.3 Exchange of Notices. Each Creditor shall make reasonable efforts to provide the other Creditor, as and when received, given, or executed, a copy of any written notices of default, foreclosure documents, or demand under its respective Security Documents, but no Creditor shall have any liability to any other Creditor for failure to comply with this section, nor shall this section be deemed to require that a Creditor give written notice if none is required under its Loan Documents.

ARTICLE IV EXERCISE OF REMEDIES/CONDUCT OF LIQUIDATION.

Section 4.1 General. If any Creditor undertakes enforcement and collection efforts against the Collateral, it shall do so in a commercially reasonable manner, and shall, report to and account to the other Creditor on a regular basis or upon request.

Section 4.2 Collection and Enforcement. Each Creditor may exercise its remedies against a Lot pursuant to its Security Documents, subject, however, to the following:

- a) **Notice.** Any Creditor which exercises its remedies against Collateral and conducts a liquidation, foreclosure or other secured party's sale shall provide the other Creditor with copies of all written demands, communications, correspondence and pleadings with the an Owner which relate to such Creditor's conduct of such liquidation, foreclosure or other secured party's sale.
- b) **Cooperation.** In the event that any one Creditor decides to act against Collateral with respect to which both of the Creditors hold liens under the Security Documents, then the Creditors shall act cooperatively and jointly to the extent practical, order to permit the foreclosure and/or sale of a Lot as a whole, with any unresolved issues regarding relative valuations, priorities or disposition of proceeds to be deferred if necessary to avoid disruption of the maximization of total recovery and maximize the proceeds of the collateral. Nothing contained in this Section shall prevent any Creditor from taking enforcement action against the Collateral which it is otherwise entitled to take under this Agreement solely because the Creditors have not agreed on a plan of action with respect to such enforcement action.
- c) **Release by Inactive Creditor.** If only one Creditor conducts a foreclosure of a Lot or other wise procures a commercially reasonable sale of a Lot following a default under its Security Documents, then upon tender of the proceeds of sale that the other Creditor would be entitled to receive hereunder such other Creditor shall promptly release its Security Documents covering that Lot in order to facilitate the closing of the sale of the Lot.
- d) **Protective Actions.** Notwithstanding the foregoing provisions, a Creditor may

take such steps as may be necessary or appropriate to preserve and enforce its lien position or may at any time bid at any foreclosure sale or secured party's sale of the Collateral or any portion thereof.

- e) **Accounting.** Any Creditor which conducts a liquidation shall provide the other Creditor with a written statement of the results of such liquidation and the distribution of the proceeds thereof.

Section 4.3 Distribution of Insurance Proceeds. In the event insurance proceeds hereafter are realized from a Lot, then the proceeds thereof shall be distributed in accordance with provisions of Article II above.

To facilitate any distribution of insurance proceeds pursuant to this Agreement, to the extent possible, the Creditors agree to designate one Creditor as and for such other Creditor's attorney in fact to endorse any draft, check or other item on which that Creditor's name appears, with any Creditor which receives any insurance proceeds on Collateral to hold such proceeds in trust and to distribute such proceeds as provided herein, which may with the consent of the other Creditor, include application of the proceeds for reconstruction of the an Owner's assets in accordance with the Creditor's construction loan procedures of general application.

ARTICLE V GENERAL

Section 5.1 Assignment/Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon each of the Creditors and their respective successors and assigns. Any Creditor reassigning its Note and Loan Documents shall obligate the assignee to observe and perform this Agreement.

Section 5.2 Freedom to Act. A Creditor's delay in or failure to exercise any right or remedy shall not be deemed a waiver of any obligation or right, and all of each Creditor's rights and remedies shall be cumulative.. Upon default in the performance or observance of any of the covenants, warranties or other terms and conditions of this Agreement, the other Creditor may, at its option, declare all or any part of its Note to be immediately due and payable, and/or pursue any other remedies it may have against the an Owner , the Collateral and/or other Creditor.

Section 5.3 Notice. Any demand upon or notice that a Creditor may elect to give shall be effective and shall be deemed to have been given upon: (i) delivery in person, (ii) upon deposit in the United States mails, first class postage pre-paid, or (iii) upon sending by reputable overnight courier service, addressed at the address shown at the beginning of this Agreement or, if a Creditor has notified the other Creditor in writing of a change of address, to the last address so notified.

Section 5.4 Authority, Successors and Assigns. Each of Creditor represents to the other party that they are a national bank (in the case of Bank) and a Maine municipal corporation (in the case of Town), duly organized and existing, and the execution and delivery of this Agreement has been duly authorized.

Section 5.5 Governing Law; Severability. This Agreement shall be construed in accordance with and governed by the internal laws of the State of Maine. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provisions of this Agreement shall be prohibited by, unenforceable or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition, unenforceability or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. The headings or titles of the several Articles and Sections of this Agreement shall be solely for convenience of reference and shall not affect the meaning, construction or effect of the provisions hereof.

Section 5.6 Entire Agreement; Modification. This Agreement expresses the entire understanding of the parties with respect to the transactions contemplated hereby. All subjects of negotiation and discussion between the parties on which agreement has been reached have been incorporated and integrated into this Agreement, and there are no side agreements or understandings between and among the parties other than as be set forth herein, and no evidence of any such side agreements or understandings between and among the parties shall be permitted to vary the terms and conditions set forth herein, nor may any prior drafts of this Agreement be used as evidence of or to construe this Agreement. Neither this Agreement nor any term hereof may be changed, waived, discharged or terminated, except as provided herein.

Except as otherwise expressly set forth in any particular provision of this Agreement, any consent or approval required or permitted by this Agreement to be given by any Creditor may be given, and any term of this Agreement or of any other instrument related hereto or mentioned herein may be amended, and the performance or observance by either party hereto of any terms of this Agreement or such other instrument or the continuance of any default or event of default may be waived (either generally or in a particular instance and either retroactively or prospectively) with, but only with, the written consent of the other parties. No waiver shall extend to or affect any obligation not expressly waived or impair any right consequent thereon. No course of dealing or delay or omission on the part of either party in exercising any right shall operate as a waiver thereof or otherwise be prejudicial thereto. No act made by any party hereunder during the continuance of any default or event of default shall constitute a waiver thereof. No notice to or demand upon either Creditor shall entitle the party receiving such notice or demand to other or further notice or demand in similar or other circumstances.

The waiver by any party of any particular default by another party or of any particular rights and benefits of any provision in this Agreement on any particular occasion or occasions

shall not be deemed to be a waiver of, or affect or impair, any party's rights with respect to any subsequent default of the same or of a different nature, or to enforce such rights and remedies on any subsequent occasion,

Section 5.7 Invalidated Payment. Each Creditor agrees that to the extent that an Owner makes a payment or payments to a Creditor, which payment or payments, or any part thereof, are subsequently invalidated, declared to be fraudulent or preferential, set aside and/or required to be repaid to an Owner, its estate, trustee, receiver or any other person or party under any bankruptcy or insolvency law, state or federal law, common law or equitable cause, then to the extent of such payment or repayment, the liability or part thereof which has been paid, reduced or satisfied by the amount so repaid shall be reinstated and included within the Note balances as of the date such initial payment, reduction or satisfaction occurred.

Section 5.8 Interpretation.

Any headings preceding the texts of the articles and sections of this Agreement shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

If any portion of any provision of the Agreement shall be ruled invalid by a court of competent jurisdiction, the invalidity of such portion shall not affect the remainder of such provision or any of the remaining provisions hereof

Any reference to any person shall be deemed to include the heirs, personal representatives, successors and assigns of such person, unless the context clearly indicates otherwise.

Any reference to a period of days shall be deemed to mean a period of calendar days, unless business days are specified.

IN witness WHEREOF, the parties have caused this Agreement to be signed and sealed on _____, 2000

TOWN OF CUMBERLAND, MAINE

Witness

By: _____
(_____)
its _____

PEOPLES HERITAGE BANK, N.A.

Witness

By: _____
(_____)
its _____

State of _____
County of _____, ss _____, 2000

Then personally appeared before me the above named _____ in his
said capacity and acknowledged the foregoing to be his free act and deed and the free act and
deed of said municipal corporation.

Before me,

Notary Public/Attorney at Law

Name: _____

State of Maine
County of _____, ss _____, 2000

Then personally appeared before me the above named _____ in his
said capacity and acknowledged the foregoing to be his free act and deed and the free act and
deed of said national bank.

Before me,

Notary Public/Attorney at Law

Name: _____

INTERCreditor-Town of Cumberland
12/22/00 2:03 PM

Exhibit A
[Town Mortgages]

<u>Current Mortgagor</u>	<u>Lot #</u>	<u>Date of Mortgage</u>	<u>Book/Page</u>
--------------------------	--------------	-------------------------	------------------

MEMORANDUM

TO: Cumberland Town Council
FROM: Stephen W. Moriarty
DATE: January 5, 2001
RE: Post Office Workshop

Both Terry Brooks and Ellen Call will be present to meet with us in a workshop on the post office issue on Wednesday, January 10, 2001. Included in the packet is a list of questions that I submitted to Bob and which he, in turn, has passed along to Terry. This list of questions was not intended to be exclusive, and I assume that many additional issues will be raised during the course of the workshop.

The first purpose of the workshop is to obtain information directly from Terry and Ellen concerning the scope of operation of the current facility as well as anticipated changes with a new facility. I feel it is important that we obtain as much information as possible directly from the source in order to distinguish truth from rumors and misunderstandings. Please come prepared with any questions that you may have relevant to the overall operation of the post office.

Once we have a complete understanding of the proposed changes, we then need to determine whether to undertake some type of site selection process. Although I did not attend the Planning Board meeting in December, I had a conversation with Phil Hunt shortly afterward. His version of the meeting is that the Planning Board essentially felt

that the Council should first make a determination as to where the post office should be and should then move forward with whatever zoning change might be necessary. Based upon my quick review of the zoning ordinance, the same type of zoning change that would be necessary for the Farwell Ave property in the MDR (i.e., contract zoning or allowing a "public facility" or a "post office" as a permitted use) would also be required for the property adjacent to the Town Hall, which lies in the RR1 district.

The outcome of the workshop should be a decision on our part either to pursue some type of short-duration site selection process or to move forward with the proposed change on Farwell Ave.

QUESTIONS FOR TERRY BROOKS AND ELLEN CALL

Summarize the growth in demand for postal services that require a new facility.

Summarize current hours of operation (lobby and service window) and specify what changes, if any, would follow the move to a new building.

Describe the volume of pre-8:30 a.m. lobby use on weekdays.

Describe the staffing level of the current facility to include the hours when personnel are on site, and indicate any projected personnel changes with a new facility.

If possible, estimate the number or percentage of patrons who walk to the current facility.

Describe the postal service vehicles which pick-up and deliver to the current facility, to include vehicle size, time spent in picking up and delivering, and the schedule of pick-ups and deliveries.

Describe the likely changes to the pick-up and delivery operation, to include vehicle and scheduling changes.

Indicate any areas of mainland Cumberland which would not be suitable for construction of a new facility.

PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546

TELEPHONE: (207) 791-3000 -- TELEFAX (207) 791-3111

INTERNET: WWW.PFBP.COM -- E-MAIL: ADMIN@PFBP.COM

TELECOPIER COVER LETTER

Client/Matter No.: 99999/16731

Date: January 4, 2001

Pages (Including Cover): 4TO: NAME COMPANY/FIRM FAX

Mr. Robert B. Benson, Town Manager Town of Cumberland (207) 829-2224

FROM: James E. Phipps, Esq.

ORIGINAL: MAILED _____ NOT MAILED X

If you do not receive all of the pages or have other transmission problems, please immediately call back:

Gail at (207) 791-3000, extension 3123

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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

From: Leonard Passano [mailto:mpassano@earthlink.net]
Sent: Thursday, January 04, 2001 11:23 AM
To: Jim Phipps
Subject: Mainland Town Center

Jim -- Here is a letter that I've sent to the various members of the Council (with copies to Benson and the Planning Board) about the mainland Post Office and the State's request for the Town to define growth areas. It suggests a slight revision in the MDR zone, an expansion of the MDR in several phases guided by the construction of Town streets what would reduce some of the local traffic on Main Street.

I have the minutes of the last LRPC meeting. But for some reason they are reluctant to be copied to a floppy. So I'll try again and send them later.

Beth

January 3, 2001

Members of the Cumberland Town Council

Dear Jim,

The issue of the location of the mainland Post Office has made me think more closely about the nature Cumberland's Town Center. Since the State is also asking the Town to define its growth areas, I thought it might be useful to pass along these thoughts to the members of the Town Council. This might be seen as one member's supplement to the Planning Board's recent recommendation to you about the location of the Post Office. Some of the ideas are also quite similar to recommendations made by the Growth Management Committee of which I was a member.

As I have served on the Planning Board I have come to understand more clearly the logic of the MDR zone, though this is not made very clear in the Comprehensive Plan. I've learned that though Cumberland Center used to be a commercial center, current residents want it to be primarily or even exclusively residential. I don't know the origins of this public attitude though it seems to go back at least to 1984. At this point support for it seems at least partly related to the substantial amount of through traffic on Main Street/Route 9. Initially I didn't realize how strong public feeling was on this point, but the issue of the location of the Post Office has made this more clear. There is always an element of NIMBYism on an issue of this kind. But in this case I've come to think that the neighbors do have a reasonable concern, since the new Post Office will obviously be larger simply because the Town is growing.

The central issue is that Cumberland will grow, even with the Town's various efforts to discourage it. As Cumberland becomes a more suburban place, inevitably, institutions and facilities will have to be larger. We now have a new, larger, Town Hall. The Post Office follows,

so do the schools. So probably will the Fire Department, the Town Garage and so forth. This growth, of course, is largely a response to increased housing. The Town has already responded in many positive ways to shape its growth, particularly by acquiring open space and locating the new Town Hall at the edge of the Town Center. But additional public infrastructure, particularly roads, sewers and water lines -- is needed to really direct growth.

I think it would make sense to try to encourage as much residential development as possible to be medium density and to locate adjacent to the existing Town Center. This might make it more possible to really keep some other parts of the Town rural. Similarly, I think most new or relocated ³civic institutions², like the Post Office, should also be in the Town Center. So, I would like to lay out some ideas about development in Cumberland Center that might be explored by the Council. As a resident of Chebeague, I do not know the mainland intimately. I have worked from the various GIS maps generated for the Growth Management and Open Space Committees. So there may be practical problems with these suggestions that I have missed. They are my best effort to generate discussion about Cumberland's ³growth areas². I suggest:

A revision of the Comprehensive Plan to make clear that the Town Center is a primary growth area for the Town - this might be done in a new section on growth areas, since there might be others as well. This section should also make clear that in addition to being a residential area, the Town Center is intended to be a civic/institutional center, rather than a commercial one. This should then be reflected in the Zoning Ordinance by having a separate ³residential/civic² (CR) zone for the Center, distinct from the MDR zone which is also used in West Cumberland.

The ³civic/residential² Town Center should have several expansion areas to be opened up gradually over the next 10 to 15 years by construction of public infrastructure. I'm not suggesting the MDR2 zone recommended by the Growth Management Committee - I think the zoning should be the same as the rest of the Center. I would suggest that the first expansion area would extend the CR zone down Tuttle Road to the railroad track. This is quite similar to the recommendation made by the Growth Management Committee, though I have drawn the boundaries a little differently to include the frontage on Tuttle Road (See enclosed map). I would also extend the CR zone down Main Street for the triangle of land between Main Street and the Town Forest and maybe beyond to the boundary with the Highway Commercial district around the railroad tracks. This enlargement of the ³residential/civic² zone would have natural edges formed by the Town Forest and/or the railroad track and Twin Brook Recreation area.

Changing the primary axis of the Town. Now it is along Main Street - as the name suggests. But Main Street apparently carries a lot of through traffic and residents on and near it do not want any further traffic-generating development. So it seems as if, de facto, Tuttle Road is becoming the new ³main street². It is already the location of many of the primary institutional uses of the Town - schools, the firehouse, the Town Hall, and a series of public park/recreation areas. These institutional uses could be clustered from the Tuttle/Main Street traffic light down to the railroad track. On the other side of the traffic light, on Blanchard road, uses might be all residential and agricultural. I think it would make sense to locate the Post Office on this new axis.

In order to draw local traffic off of Main Street, making movement around the Town more efficient, and in order to direct growth to the expansion area, a new Town street should be built

between Greely and Tuttle Roads, and then from Tuttle to Main Street south of the Blanchard/Tuttle Road intersection. Since there is a great deal of Town-owned land in this area now, the cost, and the disruption to residential areas could both be reduced. It could go along the southern border of Valhalla to Drowne Road, around the edge of the wetland and pond, and then join the small road through the Doane property that runs into Main Street. The road should have sewer and water lines in it and it should be used to encourage medium density residential development to occur in the enlarged ³civic/residential² zone. Indeed, this would be a very attractive area for development since it is close to schools, to open space and to Town services. The road itself could be quite attractive - a curving, tree-lined ³residential collector² designed to discourage fast through traffic. I don't think it would be feasible to expect any developer to build such a road with utilities. This is one of the ways that towns direct their growth rather than simply reacting to it.

Later phased growth areas would follow the same pattern of having public roads, sewer and water. They might extend the CR zone further to the south, or out to the north along Blanchard Road or in any other direction that seemed to make sense over the long run. The logic would be to gradually extend urban services in a compact area, keeping development away from areas where there still are real farms or managed forestland.

To me, these ideas all fit together. I would like to see residential development in the Town Center, but without additional streets to carry the additional traffic, Main Street will just become a greater problem. Likewise, doing medium density residential development is a more attractive proposition if it can be served by sewer and public water. It may help to keep other parts of Cumberland rural if we can encourage ³urban² development more strongly in the Center. Defining phased growth areas would allow the Town to better plan for its future capital expenditures and would give both residents and developers a clearer idea of where future development is most acceptable.

I've attached a map sketching out these ideas. In many ways they are a reprise of the Growth Management Committee's recommendations, but there are some additional ³wrinkles² added. I think the Post Office issue and the State's request for defined growth areas create a good opportunity to have some more discussion about this. I am not knowledgeable enough about other areas of mainland Cumberland that might be suitable growth areas - West Cumberland comes to mind - to be able to make suggestions about them, but I think the same kind of logic would apply if other parts of Town were defined as growth areas.

Sincerely,

Elizabeth Howe

xc: Members of the Planning Board
Bob Benson
Patricia Harrington

MEMORANDUM

To: Carla Nixon
Kathleen Babeu

From: Patricia Harrington

Subject: Recommendations to Town Council from Planning Board

Date: December 20, 2000

Please forward the following Planning Board recommendations to the Town Council as appropriate. Please note also, that because these are proposed changes to the zoning ordinance that notice must be published 2 times in a newspaper, the first time at least 12 days prior the hearing and the second time at least 7 days prior to the hearing. A copy of the state statute requiring this is attached.

The Planning Board held two public hearing on December 19, 2000. The first was to add a definition of "Post Office" to Section 104 of the Zoning Ordinance. The second was to add "Post Office" as a special exception use in the MDR zone. Regarding the public hearings, the following recommendations are made to the Town Council

1. Adding "Post Office" as a defined use in the Zoning Ordinance

The Planning Board voted to recommend to the Town Council that Section 104 of the Zoning Ordinance be amended to include a definition of "Post Office". The definition would read:

104.97 Post Office: A facility used by the U.S. Government for retail sale of supplies and distribution of mail and associated items.

2. Add "Post Office" as a special exception use in the MDR zone.

The Planning Board moved to recommend to the Town Council that contract zoning, not a change in the MDR zoning district, be used for any new "Post Office" location. Further, the Planning Board recommend to the Town Council that the Town consider looking at Town owned land as a possible site, not to preclude a Center location.

BACKGROUND:

The Code Enforcement Officer has determined that a post office is not an allowable use in *any* district on the Cumberland mainland. The U.S. Post Office seeks an expanded facility in the Town of Cumberland and has been researching sites to accommodate their needs. To locate on any site on the mainland, the U.S. Post Office will need the Town of Cumberland to determine where a Post Office is an allowable use.

The Post Office has identified Chase's Flower Shop and Greenhouse located at 327 Main Street, Cumberland, Map U13, Lot 66 as a desirable location for their facility. This facility is in the MDR zone. Therefore, the need to add "Post Office" as a defined use in the Zoning Ordinance and to allow a "Post Office" and a special exception use in the MDR district would be a path toward location a post office on that site.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

A zone change should in conformance with comprehensive plan of the community. The June 22, 1998 Comprehensive Plan for the Town of Cumberland offers little guidance. The Public Facilities section (page 32) sets forth a goal to provide community facilities sufficient to meet the needs of the Town government and citizens. The section regarding the Economy (page 9) notes that until the adoption of the Zoning Ordinance in 1984, a limited group of commercial uses were allowed as special exception uses in the MDR district. These uses were eliminated which left the existing businesses with a legal non-conforming status. A goal of the Comprehensive Plan is "To develop commercial property so that it is compatible with adjacent and nearby residential neighborhoods."

PLANNING BOARD CONSIDERATION

In making the above recommendations to the Town Council, the Planning Board noted that the MDR zone allows educational and civic uses. It does not allow commercial uses. The Planning Board would like to see the post office remain in the area. The currently proposed site (Chase's Greenhouse) was not precluded as a potential site, however the Planning Board suggested the town forest as a possible location to consider. The Planning Board recommended the use of contract zoning rather than amending the MDR zone to more carefully control any possible location.

5. Effect on local governments. County and municipal governments and districts are subject to any zoning ordinance.

6. Effect on State. A zoning ordinance that is not consistent with a comprehensive plan that is consistent with the provisions of section 4326 is advisory with respect to the State. Except as provided in this section, a state agency shall comply with a zoning ordinance consistent with a comprehensive plan that is consistent with the provisions of section 4326 in seeking to develop any building, parking facility or other publicly owned structure. The Governor or the Governor's designee may, after public notice and opportunity for public comment, including written notice to the municipal officers, waive any use restrictions in those ordinances upon finding that:

- A. The proposed use is not allowed anywhere in the municipality;
- B. There are no reasonable alternative sites for or configurations of the project within the municipality that would achieve the necessary public purposes;
- C. There are no reasonable alternatives to the project, including sites in other municipalities, that would achieve the necessary public purposes;
- D. The project will result in public benefits beyond the limits of the municipality, including without limitation, access to public waters or publicly owned lands; and
- E. The project is necessary to protect the public health, welfare or environment.

A decision to waive a restriction under this section may be appealed by the municipality or any aggrieved party to Superior Court.

7. Petition for rezoning; bond. Any zoning ordinance may provide that if a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the municipality if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

8. Conditional and contract rezoning. A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the local growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property.

The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing.

Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

9. Notice; general requirements. Before adopting a new zoning ordinance or map or amending an existing zoning ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in chapter 187, subchapter II¹ or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter 1, article 2-B,² the municipal reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

A. The notice must be posted in the municipal office at least 13 days before the public hearing.

B. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

C. (REPEALED)

D. (REPEALED)

10. Additional notice; limited areas. Notice must be given in accordance with this subsection and subsection 9 when a municipality has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not

¹Chapter 187, subchapter II includes sections 4311 through 4349.
²Sections 435 through 449.

12/28/00

Mr. Robert B. Benson
Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Dear Bob:

Here are copies of the Neighborhood Letter for the Town Councilors' packet.

I have talked with Terry Brooks several times to ensure this information is accurate. Here is my understanding of several of those issues:

While it is clearly a requirement of every new post office design to accommodate semi-tractor trailer deliveries, no one can say for sure when they will be used. Terry Brooks suggested they could start as early as four years from now. This will be a matter of other postal facilities' space and cost efficiencies.

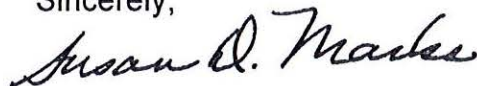
Also, Mr. Brooks questioned our definition of a 24/7 operation. I assured him that we neighbors are well aware of how often people drive up to use the mail box at all hours of the night (which is not true for the Texaco station or Food Stop) because the noise wakes us up in the summer.

Also, Mr. Brooks provided the names of towns who have provided their post office with town-owned space: Cherryfield, Bradley, Kenduskeag, Smyrna Mills, Naples and Searsmont. The town of Eddington is investigating a P.O. proposal now.

He indicated that their architect could complete a Post Office site plan for any suitable lot in two weeks at their expense.

Thank you again for your time and advice helping us to better understand the town's decision-making processes.

Sincerely,

A handwritten signature in cursive script that reads "Susan D. Marks".

Susan D. Marks



Open Letter to Our Neighbors on Farwell, Main and nearby Streets and to all residents of Cumberland Center's Medium Density Residential District:

The Planning Board is considering changing the MDR zone to add "Post Office" as a special exception on December 19 public hearing at 7:00 PM.

- A New Post office building is proposed for the Chase's Florist property. This operation will be much larger, noisier and busier than what we have now. It will substantially and permanently devalue a quiet neighborhood that Mr. Farwell built over 50 years ago.

- **The proposed building is 2.24 times bigger.** Space increases from 2300 to 5160 sq.ft.
- Parking spaces increase from 16 to 29 with **81% more asphalt.**
- Farwell Avenue, a residential street, will experience **more traffic congestion.**



You and/or your children will be walking or driving around a SEMI-TRACTOR TRAILER making mail deliveries 2 to 3 times a day on Farwell Avenue.

- **A Post Office is a commercial operation.**

Postal services are 24/7 operations with higher volume car/truck traffic than a typical convenience store or gas station. In most Maine towns, postal operations are recognized as commercial in impact. In the towns of Winthrop, Farmington, Gorham, Cornish, Yarmouth, Boothbay Harbor, and Kennebunk, for example, towns have opted to place the post office in the commercial district, not in residential neighborhoods. In some cases, the post office has been moved near the town hall or schools to form a convenient public services offices.

Cumberland's P.O. was located in a residential zone before the town adopted its current zoning ordinances. Noise, traffic and disturbances around the post office have been an increasing nuisance to neighbors as the town grew through the 1980's and 1990's. Now everyone agrees that the P.O. needs to move to a more suitable site.

- **Post Office Operations and Residential Neighborhoods are not compatible.**

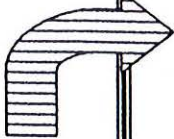
- **Protection of neighborhoods through the MDR Zoning Ordinance.**

Why would the town have a strong and successful growth management plan and zoning regulations if not to protect existing neighborhoods? This new proposed facility creates permanent, new problems with noise, traffic and disturbances for both us, the neighbors, and for the town.

If allowed, the P.O. will most certainly devalue our neighborhood and show that the "protection" of being in the MDR zone means very little.

- **We agree that the Cumberland Center Post Office needs a new and appropriate site.**

We are not land use experts, but we think the town needs to look harder for the right site for the post office. We support a location next to or near the town hall, but not next to a neighborhood.



We need your support on December 19 at the Planning Board Meeting to ensure the new post office is not imposed on residential neighborhoods in the MDR zone. We ask your support to ensure that a more suitable site, perhaps on town-owned land, is found.

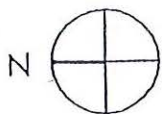
The public hearing is set for **7PM** and this is the first agenda item. Please come and show that you, like us, care about this issue. Call or write the town councilors or planning board members. We will all be impacted by this proposal, so we welcome hearing from you.

LOT 66

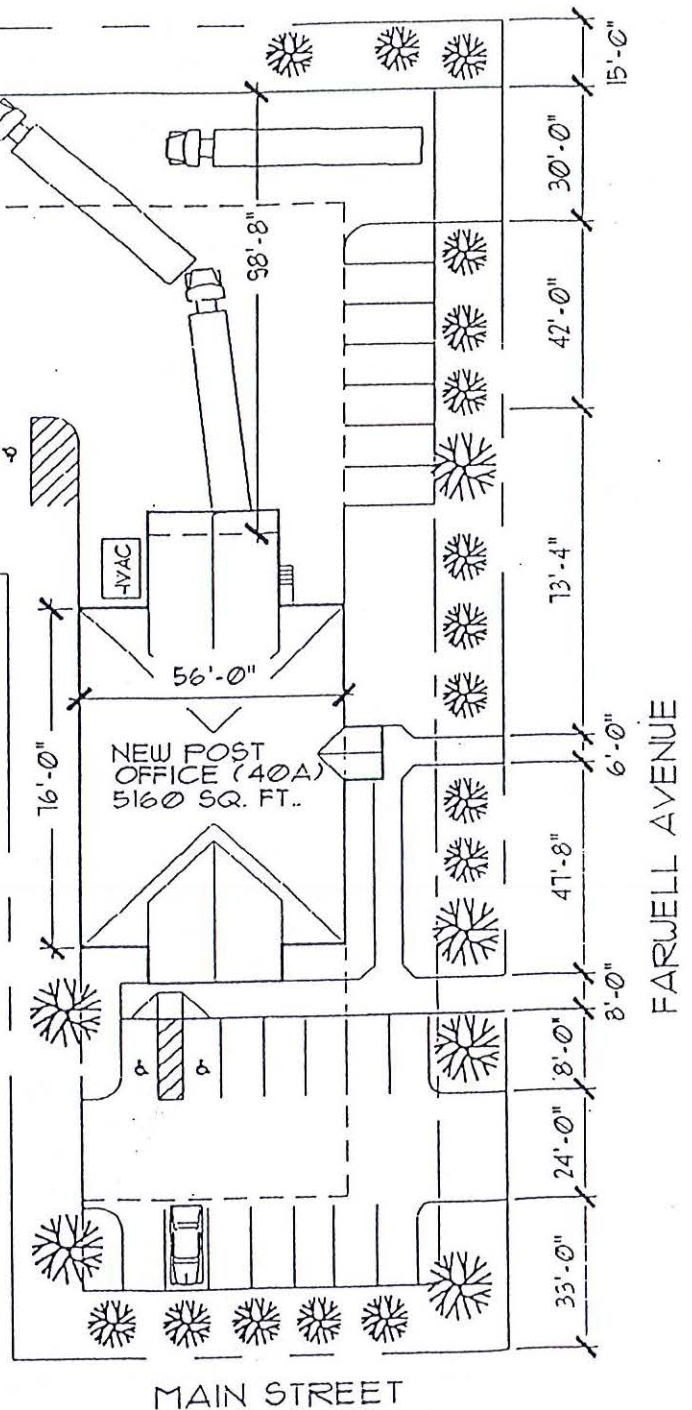
NOTE: STANDARD SSBD 40A HAS DISTANCE OF 73'-0"x62'-0" OUTSIDE OF EAVE TO OUTSIDE OF EAVE, EXCLUDING ENTRY VESTIBULE AND LOADING DOCK. TO REMAIN WITHIN THE BUILDING ENVELOPE DETERMINED BY THE SETBACKS THIS DESIGN HAS SIMILAR DIMENSIONS OF 76'-0" x 56'-0".

PARKING SCHEDULE: 27 9'x18' SPACES, & 3 HC SPACES, 30 TOTAL.

NOTE: LOT 66, AS APPROXIMATED FROM TAX MAP, TOTALS 40,532#, IMPERVIOUS AS SHOWN ON THIS SKETCH EQUALS 26,334#.



NOTE: REFER TO LAYOUT PLAN DATED 10/27/00 FOR ADDITIONAL INFORMATION.



USPO
CUMBERLAND CNTR, ME

ARCHETYPE ARCHITECTS
48 UNION WHARF
PORTLAND, MAINE
(207) 772 6022

Scale: 1" = 40'

PRELIMINARY SITE PLAN
SCHEME "A"

Date: Nov. 1, 2000



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 12, 2000

Thomas M. Hyndman, Chair
MSAD #51 Site Selection Committee
27 Stony Ridge Road
Cumberland, ME 04110

RE: Possible use of Cumberland locations

Dear Tom:

I am writing to you on behalf of the Cumberland Town Council with respect to the work of the Site Selection Committee. As you know, you and the District's Architect, Steve Blatt, made a presentation to the Town's Planning Board on three possible sites for the contemplated new middle school, two of which are located in Cumberland. The Town Council is familiar with the contents of the presentation. Based on the information presented, the Council wanted to make it clear to your committee that it believes that use of either site for the new middle school is absolutely consistent with the long range plans of the town's planning goals. Should the School Board select one of the locations in Cumberland, the Council will work with the Board to make the building a reality, even to the point of possibly providing for contract zoning.

Very truly yours,

Mark Kuntz

Mark Kuntz
Vice Chairman
Cumberland Town Council

cc: Robert Benson
Cumberland Town Council

Saturday, December 23, 2000

Peter Bingham
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Peter,

This letter has been bouncing around in my head ever since you called me to get out and vote. I appreciated your call. I also wanted to tell you that I am pleased that you are chairman of the Town Council.

I agree with your thoughts on keeping the Post Office in the Center. I've been sort of "wishy-washy" on the issue, but have revised my thinking when I learned of the possibility of the Post Office switching places with the green house property across the street. (I believe I read an article of some opposition to the plan, but I am confident that the greenhouse property idea will/should prevail. As the town evolves, satellites could be placed on Tuttle and Greely Roads or some sort of multi mailbox arrangement. Better yet, perhaps a portable classroom type of building (similar to what the school district uses in overcrowding issues) could be used until a permanent satellite post office is warranted.

Just wanted to get this note off to you and wish you the best for over the holidays. I also wish to thank you and the Council for their awareness and determination to keep Cumberland a "paradise" (to use your word and to which I agree) in the midst of the developmental insanity going on around us. Yes, the Council has a fine leader and I applaud the Council's efforts in dealing with all the pressures from developers in the traditional sense.

Aside: (I'd love to see the hazard of those three power poles down by the Station House Pizza eliminated or moved so that driver safety is not so jeopardized.) ☺

Happy New Year.



Bill Lyford (8 Pinewood Dr. 829-4401)

p.s. How is Bob doing on clarifying the definition of just what the "Grandfather Clause" means as to the Main Street medium density residential zoning (MDR) code? Why is Terry Snow allowed to have 4 lawyers working out of his home and he does not live there, as I understood the MDR zoning law requirement (one in-home business as long as the home owner actually lives in his residence)? The same for several other doctor offices as well? In fairness to Bob Benson, the last time I talked with him he indicated to me that it would take several weeks to have "legal" explore this issue. I do not understand why, but then I don't "walk in his shoes" either.

MAINE DEVELOPMENT FOUNDATION

January 2, 2001

Robert B. Benson
Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021-9321

Dear Bob:

The Maine Development Foundation is proud to announce the open application period for *Leadership Maine*. From January through March 30, MDF will accept applications for the ninth group, the "iota" class, whose 2001-2002 educational experience begins in September.

MDF is deeply committed to helping business leaders, government officials, and non-profit executives build their leadership capacity to achieve our mission of championing long-term economic growth. *Leadership Maine* helps leaders understand our dynamic economy, refine their leadership skills, and build networks with other leaders in Maine. Participants establish a bond of friendship and respect that serves as a common ground for working together in the future. The 340 alumni represent every county and include leaders such as Governor Angus King, Brad Hunter of Fleet Bank, and Nancy Hensel of the University of Maine at Presque Isle.

I invite you or one of your colleagues to attend a regional briefing (schedule enclosed) to learn more about *Leadership Maine* from alumni. MDF places a high value on the diversity of the class and particularly encourages community leaders of various ethnic and minority backgrounds to apply. MDF offers financial assistance and payment plans.

To register for a briefing, please complete and return the enclosed response form to MDF. Brochures and applications will be handed out at the briefings. **If you are unable to attend a briefing but are interested in applying**, please indicate so on the enclosed form and we will send you additional information.

Thanks. If you have any questions, please contact Kellie Guarino, the program's director, at 626-3118, email leadme@mdf.org, or visit our web site at www.mdf.org.

Sincerely,



Henry Bourgeois
President

45 Memorial Circle, Suite 302, Augusta, Maine 04330
Tel: 207/622-6345 Fax: 207/622-6346
E-Mail: mdf@mdf.org

LEADERSHIP MAINE

2001-2002 RECRUITMENT
BRIEFINGS SCHEDULE

Thurs., Feb. 1 7:30-9:00 a. m. Breakfast
Lewiston - St. Mary's Regional Medical Center
Hosts: Linda Henderson (epsilon), St. Mary's Regional Medical Center
Lloyd "Bud" Willey, Jr. (eta), Canteen Services

Thurs., Feb. 1 12:00-1:30 p. m. Luncheon
Rumford - Rumford Community Hospital
Host: Jolene Lovejoy (zeta), Town of Rumford

Fri., Feb. 2 12:00-1:30 p. m. Luncheon
Damariscotta - Kieve Affective Education, Inc.
Hosts: Henry Kennedy (eta), Kieve Affective Education, Inc.
Ship Bright (theta), Maine Lakes Conservancy

Wed., Feb. 7 7:30-9:00 a. m. Breakfast
Pittsfield - Cianbro Corporation
Hosts: Charlie Cianchette (gamma), Cianbro
Joe Clark (alpha), Madison Paper

Wed., Feb. 7 12:00-1:30 p. m. Luncheon
Guilford - Guilford of Maine
Hosts: Matt Earnest (zeta), Guilford of Maine
Sharon Libby Jones (eta), State Representative

Thurs., Feb. 8 7:30-9:00 a. m. Breakfast
Presque Isle - Time Warner Cable
Hosts: Barry McCrum (delta), Time Warner Cable
Walter Elish (epsilon), Maine Public Service Co.

Tues., Feb. 13 7:30-9:00 a. m. Breakfast
Augusta - Maine School Management Association
Hosts: Gerald "Jake" Clockedile (alpha), Maine School Management
Leadership Maine Alumni representative from the Maine Centers
For Women, Work & Community

Tues., Feb. 13 12:00-1:30 p. m. Luncheon
Waterville - Alford Youth Center
Hosts: Phil Roy (delta), Grondin's Cleaners
Mike Roy (zeta), Town of Oakland

Thurs., Mar. 1 7:30-9:00 a. m. Breakfast
Bangor - location to be determined
Hosts: Elizabeth Hansen (epsilon), Bangor Daily News
Candy Guerette (eta), Bangor Chamber

Thurs., Mar. 1 12:00-1:30 p. m. Luncheon
Bucksport - International Paper
Hosts: Keith Cunningham (epsilon), International Paper
Kathy Kaplan (epsilon), Mt. Desert Island Hospital

Fri., Mar. 2 7:30-9:00 a. m. Breakfast
Machias - University of Maine at Machias
Hosts: Shirley Erickson (eta), Univ. of Maine at Machias
George "Bud" Finch (zeta), City of Eastport

Tues., Mar. 6 7:30-9:00 a. m. Breakfast
Portland - Peoples Heritage Bank
Hosts: Ted Scontras (beta), Banknorth Group
Jane Hunter (gamma), Portland Symphony Orchestra

Tues., Mar. 6 12:00-1:30 p. m. Luncheon
Biddeford - University of New England
Hosts: Harland Goodwin (beta), UNE
Barry Tibbetts (zeta), Town of Kennebunk

- There is no charge to attend any of the briefings.
- A registration confirmation and directions to the briefing location will be sent approximately one week prior to the briefing.

LEADERSHIP MAINE

RESPONSE CARD

Please check all that apply.

- ☐ February 1 breakfast in Lewiston
- ☐ February 1 luncheon in Rumford
- ☐ February 2 luncheon in Damariscotta
- ☐ February 7 breakfast in Pittsfield
- ☐ February 7 luncheon in Guilford
- ☐ February 8 breakfast in Presque Isle
- ☐ February 13 breakfast in Augusta
- ☐ February 13 luncheon in Waterville
- ☐ March 1 breakfast in Bangor
- ☐ March 1 luncheon in Bucksport
- ☐ March 2 breakfast in Machias
- ☐ March 6 breakfast in Portland
- ☐ March 6 luncheon in Biddeford

- ☐ I'm interested in applying but cannot attend a briefing. Please send me an application and brochure.

I will not be applying for the 2001-2002 program because of (please check reasons):

- ☐ Conflicts in my schedule.
- ☐ Lack of support from my employer. Please take me off your mailing list.
- ☐ I am not interested in the program. Please take me off your mailing list.
- ☐ Other (please specify): _____

- ☐ Please send me scholarship information and a funding plan worksheet.

- ☐ I am interested in sponsoring a Leadership Maine session (sponsors provide financial support for the design and delivery of a session). Please contact me.

Name: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone#: _____ Fax: _____

E-Mail: _____

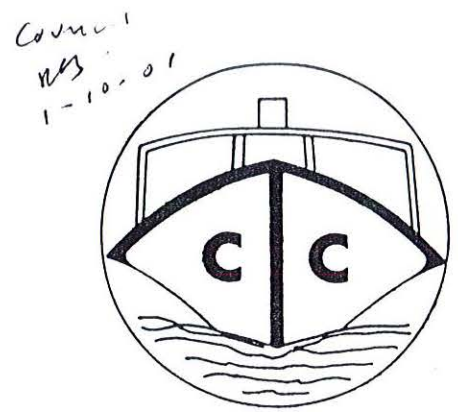
➡ Please detach and return this form to:
Maine Development Foundation
45 Memorial Circle, Augusta, ME 04330
Phone (207) 622-6345
Fax (207) 622-6346

Building Caps Meeting Notes 12/13/00

- 1 Could mainland permits be used by the island?
- 2 Permit limits were originated on the mainland to deal with the rising school population.
- 3 Is it unconstitutional to allow two permits to low income people? Presumably this would apply to all such people? If these two could be used only on the island would this give us a total of five?
- 4 Survey respondents probably didn't think of the real consequences.
- 5 With building caps in place, paying property taxes becomes pointless.
- 6 If you don't use a permit when you are at the top the list do you go to the bottom of the list?
- 7 Impossible to plan ahead.
- 8 Goal is to keep island diversified.
- 9 Limiting permits will lessen supply bringing about an increase demand pushing taxes up.
- 10 Need shared vision for how to control growth on the island. Could decide that we need more than three. More might prove acceptable.
- 11 What about criteria at Small Brook?
- 12 A larger island population would increase costs, such as road maintenance, police etc.
- 13 Water supply could be at risk.
- 14 Permit requests issued recently may be a result of those who panicked.
- 15 Many requests came from people who already owned land. Need to encourage year-round residents perhaps by house size.
- 16 A build out scenario for the current growth pattern shows there is a potential for 587 houses total at building a rate of 3.9 houses per year measured over a 50 year period. There are currently 400 houses on the island. Three houses a year has been consistent for 20 years.
- 17 Better to space out and building than to have many houses all at once. Slow growth gives us time to solve other problems.
- 18 The building cap has created "a permit monster".
- 19 Let permits be issued on a variable rate so that we have an average of 3 per but could vary over a short time scale.
- 20 Why not a minimum number of permits rather than a maximum, and a large minimum lot size.
- 21 Larger lots encourages more wealthy people.
- 22 Shore lots pretty much used up and need to save land for fisherman. Reserve space for medium and low income.
- 23 Increased population means more demands on town money.
- 24 House size is a big concern causing increased taxes.
- 25 Need affordable housing for island workmen
- 26 Permit primary houses not guest houses.
- 27 Housing values have already gone up because of permit limitations.
- 28 Survey said we wanted to be a rural - survey showed a strong preference for 1 to 3 houses per year L R P C is looking for ways to deal with this.
- 29 Survey might have been different if it were known before hand that a cap of 1 to 3 permits was likely to be mandated.

- 30 Unfair to pay taxes for generations and not then be able to allow children to build on this land.
- 31 Town needs to acquire land on the island to make it available for low income of people.
- 32 Cap makes it hard to plan finances.
- 33 Growth more of a mainland issue.
- 34 Could be a main land pool of permits that island draws from.
- 35 Be careful about categorizing people. Some large houses have been built with sweat equity.
- 36 Be careful about us vs them.
- 37 Don't want people to leave the island because of taxes.
- 38 How often can a cap be revised. Answer: There is no sunset provision; can be revised at any time.
- 39 Is it possible to raise the cap on the island with in the town of total.?
- 40 If growth slows island workmen will have fewer jobs.
- 41 Town permits should be for whole town including island.
- 42 Concern for water supply.
- 43 Are we part of the town or not - we should be treated as the same.
- 44 Should have another survey on this question.
- 45 Solve the problem of the "panic list" Perhaps this is a one time thing.
- 46 Should we have a different categories for people asking for permits?
- 47 Should year-round residents or current landowners be given preference?
- 48 Should we look at the Nantucket like point system?
- 49 Do we have hardship waivers.
- 50 Salt water showing up in wells.
- 51 Should not have a cap, but rather educate people about septic tanks and aquifers.

CHEBEAGUE TRANSPORTATION CO.
CHEBEAGUE ISLAND
MAINE 04017



December 28, 2000

Robert B. Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland Center, ME 04021-9321.

Re: Route One Parking Lot

Dear Bob,

I am writing to inform you that due to increased demand, the Route 1 parking lot will remain open through the winter. The bus/van shuttle service will continue to meet the boats.

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

Sincerely,

Allen Malony

Information: 846-3700

Fax: 847-9368

Business office: 846-5227

**Town of Cumberland
Planning Board Meeting**

**Tuesday, January 16, 2001
Council Chambers of the Town Offices
290 Tuttle Road, Cumberland Center
7:00 PM**

A. Call to Order

B. Roll Call

C. Minutes of Prior Meeting

December 19, 2000

D. Consent Calendar

E. Hearings and Presentations

1. Public Hearing - Minor Site Plan Review (Section 206), Boarding Kennel, 42 Middle Road, Map R01, Lot 51 C, RR2 Zone, Kim and Jim Storey, applicants.

2. Public Hearing – Sketch Plan and Preliminary Review – minor 1-lot subdivision at Treleaven Way (off Blanchard Road) Tax Assessor Map U12, Lots 11& 11A, Scott R. Verrill, owner.

F. Administrative Matters

Review of Smart Growth Areas – The State Planning Office has developed maps showing the Town designated smart growth areas. The Planning Board is asked to review them for accuracy and conformance with the Comprehensive Plan.

G. Adjournment



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 22, 2000

Dale Rines
Walnut Crest Road
Gorham, ME 04038

Dear Mr. Rines:

Bob Benson and I enjoyed meeting with you at the Cumberland Town Hall back on November 8, 2000, and I wanted to follow up with a brief note re-affirming the Town of Cumberland's strong interest in working with you and your family on a variety of land preservation options for your property situated on the Range Road. In recent years, we have acted with vision to acquire large undeveloped parcels to meet the anticipated recreational and open space needs of the community in the future. In doing so, we have consistently sought to make newly-acquired property accessible for use, while at the same time addressing the concerns of abutting neighbors and property owners.

I hope that we will have an opportunity to meet again at some point in the near future to review any thoughts or plans that you may have concerning your property, or any portions of it. As you know, large parcels of undeveloped land are an increasingly scarce resource in this part of the state, and we are committed to the effort to preserve such properties whenever possible for the benefit of the community and future generations.

We wish you the best for the holiday season, and I look forward to the opportunity to meet with you again.

Sincerely,

Stephen W. Moriarty
Chairman, Cumberland Town Council

SWM/lml
cc: Robert Benson



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 22, 2000

David R. Hill, Vice Chairman
Regional Transportation Advisory Committee
New Region 6
16 State House Station
Augusta, ME 04333-0016

Dear Dave:

Following up on your presentation before the Cumberland Town Council on September 11, 2000, the growing traffic volume on the Route 9 corridor through Cumberland Center is a significant concern for residents of Main Street and for the Cumberland Town Council. Given the current growth patterns in outlying communities such as New Gloucester, Durham, and Pownal, the volume of traffic passing through town is expected to continue to grow. The burden of this additional traffic is also felt by Falmouth where much of the traffic connects on to Route 295.

Although the impact of increasing traffic volume is felt locally in Cumberland, the problem is truly regional in nature. We hope that the RTAC will examine ways in which to mitigate the burden imposed upon Route 9 by examining and developing alternative routes for the southbound traffic originating in Greater Portland's northernmost communities. The Cumberland Town Council, together with the Planning Board and the town administration, remain willing and interested in working with the RTAC to explore available options.

I hope that you and other members of the Committee will keep us in your thoughts and will advise us of any upcoming opportunities to participate in regional transportation studies or initiatives. Thanks very much for your assistance, and best wishes for the holiday season.

Sincerely,

Stephen W. Moriarty
Chairman, Cumberland Town Council

SWM/lml

cc: Robert Benson
Martha Porch

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING
Council Chambers, Cumberland Town Offices
290 Tuttle Road, Cumberland Center
Tuesday, November 21, 2000 7:00 P.M.**

A. Call to Order

The meeting was called to order at 7:00 p.m.

B. Roll Call

Present: Phil Hunt, Martha Porch, Tom Powers, Terry Turner, Beth Howe, Steve Sloan, Joe, Taylor

Staff: Patricia Harrington Acting Town Planner, Pam Bosarge, Clerk

C. Minutes of the Prior Meetings

Ms. Howe moved to accept the minutes of the October 10, and October 14, 2000.

Ms. Porch seconded.

VOTE: Unanimous

D. Consent Calendar

There were no items on the consent calendar.

E. Hearings and Presentations

1. Informational Briefing regarding SAD # 51 – Middle School Site Selection

Mr. Tom Hyndman, the Chair of the Site Selection Committee presented a report to the Planning Board. The Committee consists of twenty members who have been meeting for over a year. The charge of the committee included:

- Develop criteria to be used to evaluate possible building sites for the proposed new school.
- Present these criteria to the MSAD# 51 Board of Directors for approval.
- Develop a list of all potential building sites.
- Evaluate the feasibility of these sites to develop a short list of viable sites.
- Perform a detailed evaluation of these sites. Requires professional guidance and support.
- Review options with the State Planning Office.
- Recommend a site to the MSAD # 51 Board of Directors for their approval. Target time period – November 2000.

Site Selection Criteria:

- Meet State's size requirement.
- Proximity to Existing Facilities

- Cost Effectiveness
- Size
- Impact
- Conformity with Community's Development Plans

A list of potential sites was developed. The list was reduced to three potential sites:

- Geary Property in North Yarmouth
- Smith Property in North Yarmouth
- Doane / Drowne Road properties in Cumberland

Stephen Blatt architects has conducted detailed site investigations on each property which included:

Geary Property

- Re-walked potential sites
- Conducted a high level review of property areas and configurations
- Investigated some known sensitivities
- Developed reconnaissance level wetland maps
- Investigated Yarmouth Water District issues
- Identified key issues associated with each property

The committee decided to stop any further evaluation of the Geary property as it contained significant wetlands and is in close proximity to the Yarmouth Water District wellheads.

Smith Properties:

- 3 High Level Design Options
- On and Off Site Traffic Flows
- Waste Water Treatment System
- Acquisition Costs / Appraisals
- More Detailed Wetlands Studies
- Running Sewer to Site
- Environmental Scans for Pesticides etc.

Cumberland Site:

- 4 High Level Design Options
- On and Off Site Traffic Flows
- Neighborhood Impacts Drowne Road and Oak Street
- Town / Bus Garage – Location and DEP
- Stump Dump
- Proximity to Pond
- More Detailed Wetlands Studies
- Environmental Scans for Pesticides etc.
- Evaluate Greely Campus

Next Steps

- Continue Detailed Research
- Develop Cost Estimates – Started
- Identify knowledge gaps
- Complete research
- Map research findings to criteria
- Review information with State Planning Office
 - On 11/16/00 met with John Del Vecchio
 - Reviewed two remaining sites
 - Mr. Del Vecchio asked about the Greely campus
 - Mr. Del Vecchio wanted to know why the Greely campus wouldn't work.
- Recommendation to School Board

As a result of meeting with the State Planning Office the existing Greely Campus will be evaluated. The location on the existing campus would be in the midst of the orchard with access off Tuttle Road, east southeast of the Mabel Wilson School. Existing fields would be kept with parking for high school and middle school students with overflow parking for the Wilson School.

- The time line was to confirm a site by October. The project is a little behind. A site needs to be recommended to the State Board by early in 2001. There would be a referendum in the spring, with anticipated opening in 2003.

Mr. Hunt stated this is an informational report and there would be comments from the Board and Public.

Ms. Howe asked about the relative size of the Greely lot.

Mr. Stephen Blatt, of Blatt Architects stated seven acres without fields. The North Yarmouth sites are nine and twenty acres.

Mr. Sloan asked if there would be access to Route 9 from the Doane property.

Mr. Blatt stated there is access, but it is low and wet with poor site distance.

Ms. Porch voiced concern regarding traffic on Main Street and student safety with traffic on both sides of the Wilson School.

Mr. Joe Taylor asked if any traffic studies had been done, regarding if the majority of traffic on Main Street is through traffic or school traffic.

Mr. Blatt stated not yet, and wherever the location there will be traffic to and from school.

Mr. Hunt thanked the Site Selection Committee for their report. From a Planning prospective he felt Drown Road or the existing Greely campus were both within ½ mile and all the traffic comes off the same road. There would be traffic impacts at either site.

Mr. Blatt stated locating a school away from the Center of Town would be contrary to the recommendation of the State Planning Office.

Mr. Hunt agreed the school and athletic field activities should be centralized and kept in the Center of Town.

The Public portion of the meeting was opened.

Mr. David Small, of 324 Main Street stated the location would not alter the traffic on Main Street.

Mr. John Lambert, Town Councilor stated this was his first time involved in a site selection process. He thanked Tom Hyndman and Steve Blatt for their report. Mr. Lambert stated either of the Cumberland locations would dovetail with the Council objectives. Either location would minimize use, if the existing campus were used the traffic on Main Street has 86 cars in 18 minutes. The school traffic is only approximately for 20 minutes.

Mr. Peter Bingham, Town Councilor agreed with Mr. Lambert.

Mr. Steve Moriarty, Town Councilor stated the two alternatives would have the same traffic impact with access off from Tuttle Road.

The Public portion of the meeting was closed.

Mr. Hunt thanked Mr. Hyndman and Mr. Blatt for their work and the report.

2. Public Hearing, - Rockwood Senior Housing Preliminary Major Subdivision Review. DST Corporation proposes 76 units of senior housing on Lots 11, 12, 13, 14, and 15, DST Corporation owner, SYTDesign representative.

Ms. Harrington presented background information as follows:

On June 20, 1995, the Cumberland Planning Board approved a subdivision for the Cumberland Business Park. That plan subdivided 86 acres into 16 commercial lots. The applicant has now returned and is requesting approval to develop 76 units of market rate rental senior housing on 35.31 acres of the Park. In the summer of 2000, the Planning Board reviewed the plan and moved to table the application pending outstanding issues.

The Town of Cumberland has determined that it would like to have senior housing developed in the Cumberland Business Park. To enable the development of such housing for Cumberland residents and other seniors, the Town of Cumberland has:

- Rewritten zoning text to allow senior housing
- Reduced the lot size requirement to 10,000-sq. ft. per unit for senior housing.

- Granted greater density on the assumption that such would enable the development of affordable units. No affordable requirements were enacted.
- Granted sewer user permits for such a use.
- Exempt senior housing from the Growth Management Ordinance adopted by the Town Council on June 28, 2000.

GENERAL COMMENT:

The Town of Cumberland has pro-actively taken steps to encourage the development of senior housing on this site as outlined above. In exchange, the Town is asked to approve a project, which does present a cohesive plan for senior housing. As presented, the plan is a mixture of concepts attempting to meet rural development guidelines while developing in an urban manner. For example, stormwater management, sidewalk details and lighting are all proposed to be handled through traditional large rural lot subdivision methods while the layout is compact and without design features or amenities for the target population.

PROJECT DESCRIPTION:

Project Description:

The applicant proposes to construct 38 duplex units for market-rate senior housing by combining lots 11, 12, 13, 14 and 15 of the previously approved Cumberland Business Park.

Zoning:

OC—Office Commercial

204.8.1.5 Duplex and multiplex dwellings in the more northerly of the two Office Commercial Districts shown on the Town's Zoning Map enacted May 15, 1989, and amended January 25, 1999, subject to the provisions of Sec. 406B, except that for purposes of this use in this District, those provisions shall be modified as follows [amended, effective 11/22/99]:

- .1 The minimum lot size shall be 20,000 square feet per dwelling unit, except that for units constructed specifically for persons 55 years of age or older the minimum lot size shall be 10,000 square feet per dwelling unit. [Amended, effective 11/22/99].
- .2 No more than 40% of a tract or parcel developed hereunder shall be required to be reserved as open space. [Effective 5/15/89]
- .3 All dwelling units shall be connected to the public water and sewer system. [Adopted 11/22/99]

Net Residential Density Calculation:

35.31	Total acreage
-5.30	Roads and Parking
-1.87	Slopes in Excess of 20%
-9.60	Wetlands
-0.61	Easements and ROW's
-0.11	Trail
17.82 acres	Total Net Residential Acreage

10,000 square foot minimum lot size for senior dwelling units in OC zone.
Total allowable units: 77

Restrictions: The applicant has presented an Amendment To Declaration of Protective Covenants of Cumberland Business Park which states that Lots 11 through 15 will be used exclusively for residential housing units constructed specifically for persons aged 55 or older. Additionally, the Declaration states that the age restriction may be amended solely with the consent of the Cumberland Planning Board and that growth permits and sewer permits/and or an upgrades sewer system may be required. These restrictions should also appear on the signed subdivision plan.

CORRESPONDENCE:

Ralph Ogden, Sewer Consultant; Email dated July 20 & Oct 18, 2000 & Nov 15, 2000
Al Palmer, Gorrill Palmer Engineers, dated November 9, 2000
Kenneth M. Cole III, dated July 13, 2000 & September 11, 2000
Thomas F. Jewell, dated September 8 & September 18, 2000
Amendment to Declaration of Protective Covenants of Cumberland Business Park
(signed 10/20/00)
MDOT, dated May 25, 2000
SYTDesign Consultants (w/plans) dated October 4, 2000 & November 8, 2000

DEPARTMENT HEAD REVIEWS:

Patricia Harrington, Planning Department:

The plan as designed does not appear to be sensitive to the projected target market. There appear to be no provisions made for the "senior" nature of the project. The following specific comments are made:

Design Layout: The design layout consists of three separate private spurs off a public street. There is no cohesive identification to the site or the project. In many instances the units are within 15 feet of each other. Many back up to slopes or bluffs offering no useable space behind the units. The grading for this project is significant. Rural and urban design concepts are mixed throughout the project.

Amenities: Generally, a project for seniors would include items attractive to the target population. No amenities are offered. Given the location of the project and the opportunity to be connected to other services for the senior population, what could be provided? Examples in similar projects include provisions for transportation services to doctors and others, meeting rooms for recreation or congregation, etc.

Rental Services: The project is planned to be one rental project, owned by one entity with 76 rental units for senior 55 years and older. The site does not anticipate the need for any services such as a rental office, storage for maintenance equipment, dumpsters, which would typically be found in rental project of this size.

Barbara McPheters, CEO, Chris Bolduc, Rescue Chief and Don Bolduc, Cumberland Housing Authority:

The CEO met with Don Bolduc of the Cumberland Housing Authority and Chris Bolduc to discuss the project and the needs of the target population. They have expressed the following:

Building Design: Doors in bathrooms must swing out rather than in. Concern with type of fuel storage and fuel Lines. Not enough information presented. Assuming basement but do not know. Upstairs, there are no windows in first room that is entered. Back doors—no landings, no landscaping, safety issue, aesthetic issue.

Site Design: Elevation changes at doors and garages to insure that icing and water ponding is not a problem. No clear delineation between the road and the sidewalk. Safety concern for elderly.

Management: Snow removal not identified. There is no community building, or gathering place.

Adam Ogden, Public Works Director:

The Public Works Director requests pre-approval of the contractor retained to construct the sewer. Concern has been expressed regarding the depth of the sewer. Other comments are noted in the letter from consulting engineer, Al Palmer. The existing sewer constructed to serve this project must be repaired. Water infiltration is occurring resulting in a cost to Cumberland sewer users. Please see the Ralph Oulton email of Nov 15, 2000.

Dan Small, Fire Chief:

No major outstanding comments will need to review hammerhead details.

Joe Charron, Police Chief:

No major outstanding comments.

UNRESOLVED ISSUES FOR PLANNING BOARD REVIEW AND CONSIDERATION:

1. Building Separation:

The plans as presented anticipate many buildings within 15' of each other. The Zoning Ordinance, Section 204.8.1.5 which was enacted on 11/22/99 specifically states that the development is "subject to the provisions of Sec 406B". A review of the Zoning Ordinance shows that there is no 406A, however there is a 406B. Further research into the minutes of meeting show that "B" is clearly a typographical error and that the development is subject to 406A.

Section 406A states:

"On any tract or parcel, the maximum number of attached dwelling units per structure shall be six (6) and the average number of attached dwellings units per structure shall be four (4). The distance between the foundations and any two principal structures, shall be no less than the height of the taller of the two buildings, but in no event shall a building separation of less than 25 feet be permitted."

The applicant has argued that a duplex is not subject to this provision. The CEO has determined that the project is subject to this section. Should the developer wish to have structures closer than 25', Zoning Board of Appeals interpretation of the language, or variance approval is required.

This is an outstanding issue subject to Board of Appeals interpretation or approval.

2. Open Space:

The Zoning Ordinance, Section 204.8.1 requires that 40% of the lot be maintained as open space. The open space is then subject to a number of provisions in the ordinance. The proposed plan shows a total acreage of 35.31 acres. To meet the 40% requirement, the applicant should reserve 14.12 acres as open space. The Net Residential Density Calculation shows that this project does not meet this requirement. Additionally, the use and management of the open space should be articulated as outlined in the ordinance.

This is an outstanding issue.

3. Parking:

The Zoning Ordinance, Section 417, Parking and Loading states that 2.5 parking spaces is required per residential dwelling unit. Should the applicant wish to provide less, Board of Appeals approval is required. The plans as revised do not provide the calculations necessary to determine if the plan meets the parking requirements.

This is an outstanding issue subject to Board of Appeals review.

4. Street Design/Standards

The Subdivision Ordinance for the Town of Cumberland, Section 8.1.A.1 and Section 8.1.A.2 states that private streets are permitted only when the average daily traffic is less than 50. The average daily traffic is calculated on 8-trips/dwelling unit for a duplex. The traffic calculation exceeds the private streets provision.

The Planning Board may waive the requirement subject to Subdivision Ordinance Section 15.1 Hardship and 15.2 Conditions.

This is an outstanding item subject to Planning Board waiver.

5. Plan Design

As proposed, the project would consist of three unconnected spur roads with little relationship to each other. There is no cohesive identification to the site or to the project. No signs are proposed identifying the project or amenities for the target residents.

6. Utilities

When planned as a business park, the Cumberland Business Park was approved with overhead utilities. The current plan proposes overhead utilities on Rockwood Drive and underground utilities on the three spur roads. Given the predominant residential nature of the proposed project and the access off Rockwood Drive, should underground utilities be required for all?

Planning Board decision required.

7. Lighting Plan

The Planning Board is required to approve light poles and luminaries. No details are provided. The plans show only the location of utility poles. A lighting plan and lighting details should be required to ensure adequate lighting for the residents of the project as an integral part of the project.

Planning Board decision required.

8. Grading

Grading for 37 of the total 76 units results in unusable space at the rear of the units with considerable elevation difference. No space is available for a rear yard or outdoor activities. Is this acceptable to the Planning Board?

Planning Board decision required.

In addition, grades for some of the driveways do not meet MDOT standards. These will require modification. Concern has been expressed about icing and water ponding as a result of elevation problems.

9. Snow Removal:

No information provided. Snow removal plans should be noted on the plans.

Planning Board decision required.

10. Project Amenities:

A senior oriented housing project often will include a clubhouse or other amenities sensitive to the target population. Draft plans for the proposal did show a meeting hall, however the proposed plans include no opportunities for elderly residents to congregate or connect to services. Is this acceptable to the Planning Board?

Planning Board decision required.

11. Building Design:

Don Bolduc, Chris Bolduc and Barbara McPheters have listed concerns with the building design including safety issues and design concerns. Are the building plans acceptable to the Planning Board?

Planning Board decision required.

12. Sidewalk Detail

As proposed, the sidewalk will consist of a 4' bituminous walkway separated from the roadway with a 2' grass strip. They will be no curb or elevation change. This type of detail is generally acceptable in large-lot subdivisions where there is distance between homes. It is likely that the 2' strip will be plowed and used as parking. Because the homes are so close together (as little as 15'), it is suggested that sidewalks be provided on both sides of the streets, that a standard elevated sidewalk is provided with granite curbing. There appears to be no reason to provide sidewalks on one side of the street only. Given the lack of guest parking, the compact nature of the design, and the residents the project is intended to serve, is the proposed detail acceptable?

Planning Board decision required.

13. Drainage System

As proposed, drainage will be managed through sheet flow off the pavement to swales. Given the compact design and nature of the site, should the project be designed to "urban" standards as outlined in the Subdivision Ordinance, Section 9.5.B, which would use more appropriate curb and pipes?

Planning Board decision required.

14. Water Connection/Sewer Connections

The applicant has proposed one water and one sewer connection per duplex building. This would be acceptable if it is assumed that the project would remain a rental project into the future. The applicant has stated, the he may wish to modify the ownership to

condominiums in the future should conditions changes. Dick Peterson, Plumbing Inspector will requires separate connections if the project is not a senior rental project. With that knowledge, should the Planning Board require one connection for each unit (two per building)?

Planning Board decision required.

15. Sewer Design Issues

Ralph Oulton has reviewed the plans and requested revisions. He has noted that there is an existing problem with the newly extended sewer, which must be corrected. Improper manhole elevations are resulting in water infiltration into the sewer system. Residents of Cumberland are paying for the treatment of rainwater as a result.

Adam Ogden has expressed concern that the sewer as designed is as shallow as 2.2' in some areas. He requests that the sewer depth be at least 4-4.5' throughout the project.

Outstanding sewer design issues must be resolved. The existing manholes must be corrected.

16. Changes in the Cumberland Business Park Subdivision Plan:

- A. The Cumberland Park Business Plan provides 30' side setbacks between Lots 15 and 16 and Lots 11 and 6. The proposed plan reduces the side setback to 20'.
- B. The Cumberland Business Park subdivision included a buffer adjacent to the Reverend Orville and Amy White property. The buffer strip prohibited removal of vegetation unless required for utility lines. The proposed plan has grading for Units 17 and 18 extending into this buffer. This also applies to Units 45/46 and 39.
- C. The Cumberland Business Park subdivision included a no clearing buffer on the steep slopes between Lots 14 and 15. The proposed plan eliminates the no clearing buffer.
- D. The Cumberland Business Park was granted above ground utilities along what is now Rockwood Drive because the uses were anticipated to be commercial in nature. Now that the major use in the park is residential should the developer be required to provide below ground utilities in Rockwood Drive?

Are these revisions to the previous subdivision acceptable to the Planning Board?

Acceptance of the new plan signifies approval.

Planning Board decision required.

APPROVALS:

In order to proceed, the applicant must, at a minimum, obtain Board of Appeals approvals for separation of buildings and parking. Many other issues, including open space and site grading are outstanding. The Proposed Findings of Fact is provided as a guideline only for review at this time.

Ms. Howe asked about the drainage standards, with the rural design and ditches.

Ms. Harrington stated the units are very close together.

Mr. Scott Decker, of SYTDesign stated the ridgeline on road A, the water will runoff the road pitches away from the center of the street.

Mr. Turner stated the Town Planner had done a good job with the review of the project. He asked about building designs.

Ms. Harrington stated the notes explain concerns.

Mr. Taylor asked if the units proposed would be rental units.

Ms. Harrington stated she had talked with Ken Cole the town attorney and the sewer units would be allotted if the properties were rental properties. If there is any concern additional wording should be added to prevent sale of the units without additional sewer units being added.

Mr. Taylor asked if the units would have basements.

Mr. Decker stated they would be slabs on grade.

The public portion of the meeting was opened. There was no public comment. The public portion of the meeting was closed.

Item # 1 – Building Separation:

Mr. Hunt stated building separation would be a concern of public safety. Did the Fire and Rescue Chiefs have any concern?

Ms. Harrington stated the Fire Chief had no concern the 15' separation was okay. The flat area was also of no concern.

Ms. Howe asked why elderly people would need less space than anyone else would. From a marketing standpoint she felt it was not a good design.

Mr. Sloan asked if the buildings could be spread out.

Mr. Decker stated no.

Mr. Sloan asked if all of the units were 15' apart.

Mr. Decker said no, some are 15', some are 15 to 20' and some are 25' apart.

Ms. Harrington stated the Code Enforcement Officer; Barbara McPheters needs to be the one to make a determination. The Board of Adjustment and Appeals would need to make an interpretation.

Ms. Porch stated the community is looking for a really nice senior development.

Mr. Hunt stated the building separation is a Board of Adjustment and Appeals issue. The Board is sympathetic. The Planning Board could be comfortable with a 15' separation if Public Safety has no concerns.

2. Open Space

Ms. Harrington stated the Ordinance states there shall be no more than 40% maintained as Open Space, and was looking for guidance.

Mr. Hunt stated the applicant does not have to have 40% open space, but couldn't have more than. The open space is fine.

3. Parking

Ms. Harrington stated the Ordinance requires 2.5 parking spaces per units, the plans do not meet this requirement.

Mr. Decker stated that at the last meeting 2.5 spaces were not required, at the Board's recommendation they have 2.3 spaces.

Ms. Harrington stated the Planning Board does not have the authority to waive the requirement. The Board of Adjustment and Appeals must reduce this standard.

Mr. Turner stated that at the site walk the Planning Board recommended decreasing the parking.

Ms. Porch asked if there was parking for two vehicles in the driveway and one in the garage.

Mr. Decker stated there is parking for one vehicle in the garage and one vehicle in the driveway. The parking lot would accommodate twenty-five visitors.

Mr. Turner said the Ordinance requires 2.5 spaces per unit, is that a valid amount for senior housing.

Ms. Harrington stated the satellite lots are located away from the housing units.

Mr. Hunt stated the Board thought it was within their ability to scale down the size of the satellite lots.

Ms. Harrington stated she would review the regulations.

Ms. Porch agreed the parking is a long walk from some of the units and not disbursed evenly within the project.

Mr. Powers voiced concern about vehicles parking up on the sidewalks.

Mr. Turner stated when the applicant goes to the Board of Adjustment and Appeals would the Planning Board recommend the waiver in parking requirements. The consensus of the Board was they supported the reduced parking.

Mr. Decker asked if the Planning Board would support additional parking if the applicant did not go to the Board of Adjustment and Appeals.

Mr. Hunt stated the Planning Board would agree with the additional parking.

4. Street Design - Utilities

Ms. Harrington stated the developer has no desire to have the street public.

Mr. Turner stated the property would be in sole ownership.

Mr. Guidi stated Central Maine Power wants above ground utilities.

Mr. Decker stated the original approval for Thomas Drive was for all overhead utilities.

Mr. Hunt stated overhead would be acceptable.

5. Lighting Plan

Mr. Decker stated there would be light poles on road A, these are not shown on the drawings.

Ms. Harrington recommended the need for a lighting plan.

6. Snow Removal

Ms. Harrington stated the snow removal plan was not defined.

Mr. Decker stated they would address the snow removal plan.

7. Water Connection / Sewer Connection

Ms. Harrington stated the applicant has proposed one water and sewer connection per duplex building.

Mr. Decker stated they are proposing water and sewer to connect internally with one line and two water meters.

Mr. Hunt stated if the project were to be converted from senior housing separate connections would be required.

Ms. Harrington stated there should be additional language to ensure the project remained senior housing.

Mr. Guidi stated they would do whatever needed to be done.

Mr. Hunt stated if there is a possibility of the project being converted to condominiums, the water and sewer connections should be installed appropriately for that eventuality.

Ms. Porch agreed.

Mr. Turner stated it should be the design of the developer.

8. Sewer Design Issues

Mr. Decker stated he and Ralph Oulton were meeting to review and correct the sewer design issues.

9. Changes in the Cumberland Business Park Subdivision Plan

Ms. Harrington asked if the revisions to the previous subdivision plan were acceptable to the Planning Board.

Mr. Decker stated there would be new side setbacks, different from the previously approved plan.

The Board stated this was not an issue.

10. Plan Design

Ms. Harrington voiced concern regarding signs identifying the project and amenities for the residents.

Ms. Howe asked if there would a meeting space, or activity center.

Mr. Hunt asked if there would be an on-site office and manager.

Mr. Guidi stated there would be no on-site manager, and there would be an office set in one of the units.

Mr. Hunt asked about a signage plan.

Mr. Guidi said he has no plan.

Ms. Howe asked if the applicant had talked with organizations such as Area Agency on Aging for ideas on needed services.

Mr. Sloan asked about the swing of the doors, and slopes of the garages in the units and the existing trail system.

Mr. Decker stated the existing trail would be slightly modified. The garages dip below the street level, and the slop will take out any ponding water.

Mr. Turner stated he felt the sign should be left up to the developer, and the building designs need some revisions.

Ms. Porch agreed with Ms. Harrington's concerns regarding walking trails through out the project and amenities for the residents.

Mr. Powers stated he agreed these issues have not been addressed.

Mr. Hunt stated the technical design issues such as doors, and access should be re-designed. He agreed that if the project is to be marketed to people over 55 years of age it should be sensitive to the needs of the elderly population.

10. Sidewalks

Ms. Porch stated she had safety concern about an esplanade at street level. The sidewalk should be elevated.

Ms. Howe stated if the project reaches urban density should the sidewalks be designed to urban standards.

Mr. Powers stated his preference would be granite curbs and sidewalks.

Mr. Hunt stated if the walkways are adjacent to the travel ways curbing would be good.

Mr. Turner asked if the sidewalks connected to the roads, they appeared to be sidewalks to no where.

Ms. Porch agreed with Mr. Turner that the sidewalks need to connect.

11. Drainage

The Board agreed they would prefer an urban system with curbing, drainage and raised sidewalks.

11. Grading

Ms. Porch asked what was the average grade from the house to the yard.

Mr. Decker stated there are wetland constraints, some buildings have a 3' strip some have little or nothing and some have 20 to 30 feet.

Ms. Howe stated elderly people are usually retired and have time for activities such as gardening, it would be nice to have larger yards.

Mr. Turner voiced concern regarding the steep grade changes in the back of the units.

Mr. Decker stated there are no backyards.

Mr. Powers agreed with the developer the topography would lend nicely to back decks, to off set the lack of back yards.

Mr. Hunt stated if the fire and rescue do not have safety concerns he has no concerns.

The Board reviewed the proposed findings of fact with the following findings:

Proposed Findings of Fact

Subdivision Ordinance Section 1.1:

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 subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the 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 the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoil 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. The parcel is not located in a 100-year floodplain. The project will utilize the public sewer system. The stormwater management and soil erosion control plans have been reviewed and approved by the Cumberland County Soil and Water Conservation District (see letter dated May 3, 1995, from Ross A. Cudlitz), and by consulting engineers DeLuca Hoffman Associates. As the individual lots are developed, more specific information regarding effluents of a particular land use will have to be evaluated. The original approval of the subdivision required that the stormwater be reevaluated after phase one and phase two were build out. These two phases are still undeveloped. Alton Palmer, P.E. reviewing engineer, has reviewed the stormwater management plan and suggested that an urban system be considered for such a compact development.

Outstanding

2. Sufficient water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

2. *The project will use the municipal water supply. David Coffin of the Portland Water District called on 11/1/2000 to confirm that there is enough water and pressure to serve the project. The plan anticipated one water connection for each duplex (2 units). It is recommended that a water connection be provided to each individual unit. A Planning Board decision is required.*

Outstanding

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

3. *In a letter dated, May 11, 1995, David W. Coffin, PLS, of the Portland Water District approved the plans for this project. No change is expected, the District anticipated development of the property when the letter was issued. Based on this information, the standards of this section have been met.*

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. *Ross Cudlitz, of the Cumberland County Soil and Water Conservation District, and DeLuca Hoffman Associates, Inc. have reviewed and approved the soil erosion plan. The erosion control plan has been reviewed and approved by Alton Palmer, P.E. Based on this information, the standards of this section have been met.*

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. *The Cumberland Business Park received both Town of Cumberland and Maine DEP approval. This volume from this project is not expected to increase traffic on Route one significantly. The Department of Transportation, in a letter dated 5/25/00, has waived the requirement for a reevaluation of traffic impacts. The ledge at the intersection of Route One has been removed as requested in the 5/25/00 letter. Based on this information, the standards of this section have been met.*

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 developer has purchased an adequate number of sewer units from the Town of Cumberland to service the built-out project. The Portland Water District has reviewed and approved the plans, see letter dated May 11, 1995. The applicant has the sewer units necessary to construct 76 units of senior housing; any use other than senior housing would require additional sewer units. Open items with the sewer design include the following:*

- *The developer proposes one sewer stub per duplex. It is recommended that one stub per unit be required.*
- *Several comments from Ralph Oulton have not been addressed.*
- *A revised landscape plan has not been received to ensure no conflict with sewer locations.*
- *Consulting Engineer has requested changes, which have not been provided.*

Outstanding

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

7. *The Town will not supply solid waste disposal for the future occupants of the Business Park. Individual lot developers, during Site Plan Review, will be required to show that provisions for solid waste disposal have been made. The applicant will be responsible for all-solid waste collection and disposal for the project. A letter has been provided from Troiano Waste Services confirming their*

ability to handle waste removal. Based on this information, 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. *The Department of Inland Wildlife and Fisheries has reviewed and approved the project, see report dated 4/9/95. The Department anticipated development to the property as part of their review. Based on this information, the standards of this section have been met.*

9. Conformity with local ordinances and plans. The proposed subdivision conforms to 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 project is not in compliance with the Zoning Ordinance at this time. Specifically, the project does not meet building separations standard, open spaces or parking standards. Board of Appeals approval is required. In addition, the applicant required a Project Modification from the existing MDEP Site Location Permit prior.*

Outstanding.

The Planning Board will need to determine if the project conforms to the Comprehensive Plan. The Comprehensive Plan expresses a need for more senior housing. Were amenities for senior housing included in this concept?

Outstanding

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

10. *The developer has provided a letter from Reality Finance Corporation LLC expressing interest in financing the project pending a HUD guarantee. As part of the Cumberland Business Park project, the applicant has constructed the road and utilities to the project.*

A new performance guarantee will have to be established for the construction of the new roads and utilities.

The developer does not have experience with a project of this scale or significance.

Outstanding

11. Surface waters; 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. *No portion of the parcel to be subdivided is 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 project does not require the disturbance of any wetland. Based on this information, the standards of this section have 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. *No wells or septic systems are proposed for the project. As a residential use, no adverse impact to the groundwater is expected. Based on this information, the standards of this section have been 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 within 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. *According to the National Flood Insurance Program's Flood Insurance Rate Map #230162 0016C, dated October 15, 1985, the proposed subdivision is not in a 100 year flood zone. A stream running through the southern portion of the property is in a B Flood Zone, defined as an area between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. The proposed development is not within a flood zone. Based on this information, the standards of this section have been met.*

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

14. *Alton Palmer, P.E., has reviewed the stormwater management plan. He has suggested that the Planning Board consider the use of curbs and pipes rather than sheet flow off the pavement for a development of this density.*

Outstanding

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size 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 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.

15. *Freshwater wetlands have been mapped, and are shown on the plan. No wetlands are impacted by this proposal. Based on this information, 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 a 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. [Amended; Effective. 11/27/89]

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. One stream crosses the southern portion of the property. This stream is shown on the plan. The proposed development is not in the location of the stream. Based on this information, the standards of this section have been met.

Proposed Conditions of Approval

1. Road as-builts required.
2. Repair of existing manholes on site to stop surface water infiltration
3. DEP Site Location Project Modification required.
4. Financing required.

Plan Notes to be added:

This plan is approved on the condition that the residents of the project be 55 or older. As approved, the plan is exempt from the growth permit ordinance. Should there be any change of the resident age mix, the Planning Board will be required to consent and the plan will be subject to the growth permit ordinance and sewer permit and/or an upgraded sewer system may then be required for occupancy or sale.

The Town of Cumberland shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan.

Mr. Guidi stated that at the last Planning Board meeting the Board had requested less parking. He was also under the impression the Planning Board had the authority to waive the requirement. The Manchester HUD office will review the as-builts to ensure the project is built to code. He stated he would talk with Ralph Oulton regarding sewer concerns and they would use two sewer connection lines.

Mr. Hunt agreed he thought it was within the Planning Board's ability to waive the parking and setback requirements.

The Planning Board tabled this item.

3. Discussion – Zoning Text Amendment to allow "Public Facility" in the MDR zone as a Special Exception subject to Site Plan Review.

Mr. Harrington presented background information as follows: The owners of Chase's Flower Shop and Greenhouse, 327 Main Street, Cumberland, Map U13, Lot 66, would like to reuse their property for the development of a new 5,160 sq. ft. Post Office with associated parking.

The Planning Board is asked to provide direction regarding the zoning text change, which would be required in order to develop a U.S. Post office at that site.

BACKGROUND:

Site:	Tax Assessor map U13, Lot 66
Zoning:	MDR—Medium Density Residential
Parcel Size:	40,532 sq. ft.
Current Use:	Chase's Flower Shop and Greenhouse
Proposed Use:	New 5,160 sq. ft. U.S. Post Office

ZONING ISSUE:

The Code Enforcement Officer for the Town of Cumberland has determined that a post office is not an allowable use in the MDR zone or in any zone on the Cumberland mainland.

The Cumberland Zoning Ordinance Section 103 explicitly states the following:

"Unless otherwise specified, it is the intent of this ordinance that any use not specifically allowed as a permitted use or a special exception use, is prohibited."

A post office is considered a "Public Facility". Public Facility is defined in the Zoning Ordinance Section 104.102 as follows:

"Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity. (Adopted, Effective 12/10/91)"

The MDR-Medium Density Residential district does not explicitly allow a "Public Facility" therefore, the use as a post office is prohibited.

The following is recommended:

Zoning: The Planning Board establish a public hearing schedule to add "Public Facility" to the MDR zone as a special exception. The hearing would be advertised twice and held on December 19th. A recommendation would be forwarded to the Town Council for decision-making.

Board of Appeals: Should the text be changed by the Town Council to allow a Public Facility, Chase's Flower Shop and Greenhouse must obtain Zoning Board of Appeals as a special exception use.

Site Plan Review: Should the text be changed and Zoning Board of Appeals approval be received, the applicant would return to the Planning Board for Site Plan review. A draft site plan has been submitted for review at this time.

Mr. Hunt stated this item is a discussion item, not a public hearing. Any decisions to change the Ordinance would need Town Council approval.

Mr. Powers stated special exception uses such as private schools, religious institutions, and municipal uses all are subject to Site Plan Review. If the Zoning Ordinance were to be altered he would like to see it specify a "Post Office". An alternative would be Contract Zoning to allow a Post Office at a specific location and would be proposed to the Town Council.

Ms. Howe stated it makes sense to have the Post Office in the Center of Town. Chebeague just added "Public Facility" in the Island Business District.

Mr. Sloan agreed with Mr. Powers the change should state "Post Office" and not a "Public Facility" which would allow other uses.

Mr. Turner also agreed to state "Post Office" as opposed to "Public Facility". He would prefer contract zoning.

Mr. Porch agreed the language should state "Post Office". She understands design standard concerns, but doesn't like contract zoning.

Mr. Hunt opened the meeting to public comment.

Ms. Vickie Tardiff, of 331 Main Street stated she is opposed to the location, as it would adversely affect their property.

Mr. John Lambert, Town Councilor thanked Mr. Powers for the suggestion to change the definition to "Post Office". He is pleased the Post Office is willing to work with community. The Council wants the Post Office to remain in the Center; this would be a minimal change in location. He stated this is a unique situation and would prefer contract zoning.

Mr. Peter Bingham, Town Councilor agreed with Mr. Lambert favoring contract zoning or a more specific definition "Post Office".

Mr. David Small, of 324 Main St. asked if the Ordinance was amended would a Post Office be allowed in the entire MDR zone.

Mr. Hunt stated yes any location in the MDR zone.

Mr. Powers stated if the Post Office was allowed as a contract zoning use, it would be allowed on a specific lot.

Ms. Ann Wesson, of 8 Farwell Ave. stated she abuts Chase's Green House and her house is close to the edge of the property line. Her bedroom window is 19' from the property line, and she is concerned about noise.

Mr. Hunt stated these issues would be addressed at Site Plan Review. The Board of Adjustment and Appeals would address criteria such as glare, noise, buffering.

Mr. Tim Gooch, of 5 Farwell Ave. stated he is an abutter to the current Post Office. He agrees the language should state "Post Office" instead of "Public Facility". He would like to see the Post Office near the railroad tracks or on Town land. The Post Office is noisy with trucks delivering mail at 4:30 a.m.

Mr. Hunt stated that from a planning prospective everyone wants a town environment – village center. The current Post Office is across the street and moving approximately 50'. The Post Office has always been on Farwell Ave. The Town needs to have a Center of Town.

Mr. Gooch, of Farwell Ave. stated the Post Office is disrupting to the neighbors. The railroad tracks are 1.5 miles from the stop light in town.

Mr. Hunt stated the issue for the Board was whether to allow a "Post Office" in the MDR zone.

Mr. Powers stated the Post Office would increase in size. A Post Office allowed in the MDR zone would allow the opportunity to investigate other sites.

Ms. Susan Lawrence, of Farwell Ave. stated she is concerned with property values decreasing. Farwell Ave. is a quiet residential neighborhood, she did not think the Post Office is compatible with the neighborhood.

Mr. Mike Tardiff, of 331 Main Street stated he abuts the Chase property on two sides. Would the new overlay setback requirements apply?

Mr. Ryan Atchinson stated the Comprehensive Plan wants to avoid sprawl. He agreed a "Public Facility" should be allowed in the MDR zone, he thought the Tuttle Road area would also be a good location.

Mr. Dan Fossett, of 333 Main Street asked if there was an amendment change would the Post Office be allowed anywhere in the MDR zone.

Mr. Hunt stated yes.

Dr. Andrew Baca, of 325 Main Street stated the Site Selection Committee has done a good job. Who surveyed the Town for possible Post Office locations?

Mr. Hunt stated the Post Office surveyed the Town, also the Comprehensive Plan Committee, and the results are residents would like a Town Center, to save open space and decrease sprawl.

Mr. Terry Brooks, of the Post Office stated they advertised publicly for potential sites. They have met with the Town Manager and Councilors in search of where to concentrate efforts. The Post Office is sensitive to neighbors buffers will be installed. Mr. Brooks asked if a site became available that was not in the MDR zone would it be easier to address the location as contract zoning.

Mr. Hunt stated if there were no zoning changes and the Post Office were an allowed use somewhere in Town it would be easier to negotiate contract zoning.

Mr. Brooks stated they would lease the property, and not use the any immunity. They will work with Town officials.

Mr. Bob Vail, of 16 Wild Way, stated Harding's Market, Osgood's Market, and Pettingill's Hardware all existed prior to zoning. Almost every business on Main Street pre-existed zoning. The Town has changed.

Mr. Steve Moriarty, Town Councilor stated the Post Office had been in its current location since 1949 and was expanded in 1965. The proposed new location is a short move, and not a change of use or character. The location conforms to the Comprehensive Plan. Contract Zoning should be used sparingly, the proposed use can be limited to certain areas of the MDR zone.

Mr. Hunt stated the next step would be to hold a public hearing to approve the definition of "Post Office" and to amend the Ordinance to allow a "Post Office" in the MDR zone as a special exception use.

The Planning Board voted to set a public hearing date of December 19, 2000.

C. Administrative Matters

Ms. Harrington stated James and Kimberly Storey have proposed a Boarding Kennel at 42 Middle Road, Tax Map R01, Lot 51C, in the RR2 zone. The Storey's received special exception approval at the November 9, 2000 Board of Adjustment and Appeals meeting. The Storey's would need site plan review from the Planning Board; they have provided a rough site plan. Ms. Harrington recommends the Board set a date for a site walk.

The Board set the site walk date for December 16, 2000 at 9:00 a.m. The Planning Board members will meet at 42 Middle Road.

Public Comment – Neighbors of Mr. Storey asked if the Board would have a noise meter to determine the decibels of noise.

Mr. Hunt stated if the Planning Board determines noise is an issue, they would hire experts for their opinion.

Ms. Porch stated they might want to visit the Dog Day Care at Gray Road.

Mr. Bob Vail, School Board Member stated the PTO held a round table meeting with the Superintendent. Cumberland has excellent schools and is creating demand for housing. He would like to see the Planning Board look at design Ordinances, and see some study of the impact of subdivisions. What key piece of subdivision amenities has sustainability in it, to make people want to stay in the area? Some areas of town are stable and residents remain after educating their children.

Mr. Hunt stated Falmouth is checking into impact fees. What aspects and characteristics of housing stock maintain stability?

Mr. Powers stated the large houses are not suitable for empty nesters.

Ms. Porch stated the houses in Crystal Lane are modest in size and 70% have the original owners.

Ms. Porch stated she had been involved in the interviews for Town Planner. There are two top candidates.

Adjourn: 10:45 p.m.

A TRUE COPY ATTEST:

Philip Hunt, Board Chair

Pam Bosarge, Clerk to Board

Mr. Bob Benson – Cumberland Town Manager
Mr. James Phipps – Cumberland Town Council Member
Ms. Beth Howe – Planning Board Member
Ms. Barbara McPheters – Code Enforcement Officer
Cumberland Town Office
290 Tuttle Road
Cumberland, ME 04021

December 11, 2000

Dear Mr. Benson and Cumberland Representatives:

As we all brace for the winter months ahead, I am making preparations for the summer, and would like to ask you and the Town Council of Cumberland, for the consideration and support of a food cart victual's license for use on Chebeague Island, Maine.

Years ago, on the day that the Stone Pier Variety was torn down by the Town of Cumberland to provide more space on the Wharf, I made the trip to the Town Office to apply for a victuals license. In my mind, the destruction of a grandfathered water front building was a great loss for the island. With the loss of the store in exchange for parking spaces, a food cart seemed the perfect solution. Despite a long and colorful history of small businesses operating on Chebeague Island, and a demanding resident/tourist economy, current zoning rules did not allow food carts to operate on Chebeague Island.

With the demise of the Nellie G Café in 1999, a similar demand for hot coffee and a simple variety of menu items exists today. Zoning rules, which currently prohibit food carts on Chebeague Island, should be reconsidered.

If victuals licenses were granted on a trial basis, with a clear set of qualifications, including property ownership on Chebeague Island, I believe that the island residents would react favorably to the addition of a food cart.

Certain areas of the island, including the Stone Wharf, are littered with trash during the active summer months of the year. The town once placed a trash receptacle down at the wharf, only to have it immediately filled with vagrant trash that should have been properly disposed of at the local transfer station. If food cart operators were required to keep their areas of operation presentable, with appropriate "monitored" disposal cans available for public use, the trash would soon disappear from the island/town waterfront.

As Portland projects like Ocean Gate move forward, and the Casco Bay Lines terminal expansion takes place, the Town of Cumberland should recognize the 293,384 annual passengers that ride the mail-boat run every year through the islands of Casco Bay. Residents of Chebeague Island should have the opportunity to benefit from this impact, as well as that of CTC's 500,000 annual rider-ship.

Unlike the past attempt of the Nellie G Café, which utilized large injections of money to establish a larger business operation, a Victual license would allow slower, sustainable growth to take place. This slower growth could someday lead to the establishment of a properly operated restaurant business.

I would like to discuss this matter further, at your conveyance, and explore Cumberland town office concerns. My hope would be to gain Town Council approval, so that a food cart victuals license could be granted for operation during the 2001 summer season.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script, reading "Jonathan KomLosy". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jonathan KomLosy
584 Capps Road
Chebeague Island, ME 04017

207-846-6568 E-mail: jfkpt109@aol.com

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A
Cumberland Center, ME 04021
Web site: www.msad51.org - Phone: 829-4800
Board of Directors
Agenda

Monday

December 18, 2000

Executive Session @ 6:00 PM

Mabel I. Wilson School

Regular Session @7:00 PM

1. Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel
2. Approval of Minutes
3. Presentations and Reports
 - a) Site Selection Committee will present its recommendation for a middle school site
4. Committee Reports
 - a) Finance Committee
 - b) Policy Committee
 - c) Negotiation Committee
 - d) Facilities Committee
 - e) Design Team
 - f) Performance Task Force
 - g) Steering Committee
5. Items for Action
 - a) Vote to accept gift from Betts Mayer, Chebeague Island
 - b) Executive Session – Discussion of legal matter, 6:00 PM - 7:00 PM
6. Communications
7. Adjourn Meeting _____PM

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the District's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 2000-2001

1. Support the District's work in curriculum, assessment, instruction and professional development through:
 - Promoting educational programming based on student learning needs;
 - Measuring the District's progress towards achieving our mission, including the certification that all students meet the State's Learning Results by 2003; and
 - Effectively communicating the results of our District's work.
2. Execute the Resolution on Facilities Planning by ensuring the timely completion of the Charges made to the Building Committees, and support measures to relieve constraints due to conditions created by our current facilities.
3. Promote sound resource management through:
 - Supporting measures to use time more effectively, such as one or more measures identified in the Time Task Force Report
 - Developing long-term strategies to ensure that future leadership and personnel needs are met;
 - Involving the Board in the budget planning process; and
 - Effectively communicating to the public the District's resource needs.

MSAD #51 Board of Directors

John Aromando	829-6861	jaromando@pierceatwood.com
Jeanne Chadbourne	829-5166	krispcat@webtv.com
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Audrey Lones	829-4171	audrey@alum.mit.edu
Henry Kennedy	829-6979	hrk@kieve.org
Mary Schendel	781-3787	mlschendel@unum.com
Kim True	829-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	

Upcoming Meetings/Events

12/13/00 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
12/14/00 – GHS Holiday Concert, 7:00 – 9:00 PM
12/14/00 – Site Selection Committee, GHS Library, 7:00 PM
12/19/00 – Communications Committee, MIW Library, 5:30 PM
12/20/00 – Steering Committee, GHS Library, 7:00 PM
12/20/00 – Full Day of School
12/21/00 – Teacher In-service Day, No School
12/22/00 – Teacher In-service Day, No School
12/22/00 – Hanukkah
12/25/00 – Christmas Day
12/25/00 through January 1, 2001 – No School, Holiday Break, School resumes 1/2/01
1/1/01 – Happy New Year
1/2/01 – School Resumes
1/3/01 – Full Day of School
1/3/01 – Jr. High Boys Basketball – First Practice
1/4/01 - PAC – GHS, 4:00 PM
1/4/01 – Evening of Financial Aid, GHS, 7:00 PM – 8:30 PM
1/4/01 – Board Workshop, Site Selection Committee presents its recommendation for a middle school site, GJHS Gym, 7:00 PM
1/9/01 – PTO Meeting
1/10/01 – Early release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
1/11/01 – GHS Winter Concert
1/15/01 – Martin Luther King, Jr. Birthday, No School
1/16/01 – Mid-term exams, GHS
1/17/01 – Full Day of School
1/17/01 – Grade 4 Family Math Night, 6:30 PM
1/17/01 – Mid-term exams, GHS
1/17/01 – Performance Indicators, MIW Conference Room, 5:00 PM
1/17/01 – Steering Committee, GHS Library, 7:00 PM
1/18/01 – Chorus/Band Concert – NYMS/DRS
1/18/01 – Mid-term exams, GHS
1/18/01 – Mid-term exams, GHS
1/18/01 – End of 2nd quarter

Next Board Meeting:

- Thursday, 1/4/01, Board Workshop, Greely Junior High School Gym, 7:00 PM
Site Selection Committee will present its recommendation for a middle school site and respond to questions from the Board and Public
- Monday, 1/8/01, Board of Director's Meeting, Mabel I. Wilson Multipurpose Room, 7:00 PM

Te

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A
Cumberland Center, ME 04021
Web site: www.msad51.org - Phone: 829-4800
Board of Directors
Agenda

Thursday
January 4, 2001

7:00 PM

Greely Junior High School Gym

-
1. Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel
 2. Approval of Minutes
 3. Presentations and Reports
 - a) Site Selection Committee will present its recommendation for a middle school site and discuss questions from the Board and public.
 4. Committee Reports
 - a) Finance Committee
 - b) Policy Committee
 - c) Negotiation Committee
 - d) Design Team
 - e) Performance Task Force
 - f) Steering Committee
 5. Items for Action
 6. Communications
 7. Adjourn Meeting _____PM

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the District's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 2000-2001

1. Support the District's work in curriculum, assessment, instruction and professional development through:
 - Promoting educational programming based on student learning needs;
 - Measuring the District's progress towards achieving our mission, including the certification that all students meet the State's Learning Results by 2003; and
 - Effectively communicating the results of our District's work.
2. Execute the Resolution on Facilities Planning by ensuring the timely completion of the Charges made to the Building Committees, and support measures to relieve constraints due to conditions created by our current facilities.
3. Promote sound resource management through:
 - Supporting measures to use time more effectively, such as one or more measures identified in the Time Task Force Report
 - Developing long-term strategies to ensure that future leadership and personnel needs are met;
 - Involving the Board in the budget planning process; and
 - Effectively communicating to the public the District's resource needs.

MSAD #51 Board of Directors

John Aromando	829-6861	jaromando@pierceatwood.com
Jeanne Chadbourne	829-5166	krispcat@webtv.com
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Audrey Lones	829-4171	audrey@alum.mit.edu
Henry Kennedy	829-6979	hrk@kieve.org
Mary Schendel	781-3787	mlschendel@unum.com
Kim True	829-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	

Upcoming Meetings/Events

1/2/01 – School Resumes
1/3/01 – Full Day of School
1/3/01 – Jr. High Boys Basketball – First Practice
1/4/01 – Middle School Building Comm., GJHS Library, 7:00 PM
1/4/01 - PAC – GHS, 4:00 PM
1/4/01 – Evening of Financial Aid, GHS, 7:00 PM – 8:30 PM
1/4/01 – Board Workshop, Site Selection Committee presents its recommendation for a middle school site, GJHS Gym, 7:00 PM
1/8/01 – Finance Committee, Central Office Conf. Rm., 5:00 PM
1/9/01 – PTO Meeting
1/10/01 – Early release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
1/11/01 – Policy Committee meeting, Central Office Conf. Room, 4:30 PM
1/11/01 – GHS Winter Concert
1/15/01 – Martin Luther King, Jr. Birthday, No School
1/16/01 – Mid-term exams, GHS
1/17/01 – Full Day of School
1/17/01 – Grade 4 Family Math Night, 6:30 PM
1/17/01 – Mid-term exams, GHS
1/17/01 – Performance Indicators, MIW Conference Room, 5:00 PM
1/17/01 – Steering Committee, GHS Library, 7:00 PM
1/18/01 – Policy Committee, Central Office Conf. Room, 4:30 PM
1/18/01 – Chorus/Band Concert – NYMS/DRS
1/18/01 – Mid-term exams, GHS
1/18/01 – Mid-term exams, GHS
1/18/01 – End of 2nd quarter
1/19/01 – End of 2nd Quarter, Mid-term exams GHS
1/22/01 – Finance Committee Meeting, Central Office Conf. Room, 5:00 PM
1/24/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
1/25 and 1/26/01 – Culture Fair- Mabel I. Wilson School
1/26/01 – GHS District II Instrumental Festival (away)
1/27/01 – GHS District II Instrumental Festival (away)
1/31/00 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM

Next Board Meeting:

- Monday, 1/8/01, Board of Director's Meeting, Mabel I. Wilson Multipurpose Room, 7:00 PM
Board will discuss and vote on recommended middle school site.

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A

Cumberland Center, ME 04021

Web site: www.msad51.org – Phone: 829-4800

Board of Directors

Minutes

Monday

December 4, 2000

7:00 PM

Cumberland Town Hall Council Chambers

1. Call to Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:22 p.m.

Attendance:

Board of Directors: John Aromando, Jeanne Chadbourne (8:15 PM), Maryellen Fitzpatrick, Henry Kennedy, Audrey Lones, Mary Schendel, Kim True, Bob Vail

Administrators: Brenda Breton, Suzanne Godin, Robert Hasson, Scott Poulin, Susie Robbins, Walter Wallace

2. Approval of the Minutes - of the Board of Directors meeting held on November 20, 2000.

Recommendation

Motioned and 2nded

Voted: To approve the minutes of the Board of Directors meeting held on November 20, 2000.

(Voted: 7-0-1, J. Aromando abstained)

3. Presentations and Reports

- a) Board Meeting Format
- b) Teen Center Presentation
- c) Superintendent's Update
- d) Pownal Agreement Update

4. Committee Reports

- a) Finance Committee: Audit and budget discussed
- b) Policy Committee: The Policy Committee is receiving Homework Policy feedback.
- c) Negotiation Committee: Ed. Tech. and Secretary negotiations are underway.
- d) Facilities Committee
- e) Design Team: Meeting on 12/6/00 and letter was distributed through school newsletters
- f) Performance Task Force: MEA update moved to January.
- g) Steering Committee

5. Items for Action

- a) Appoint co-curricular stipend positions for 2000/2001 school year

Motioned and 2nded.

Voted: To appoint co-curricular stipend positions for the 2000/2001 school year. (Voted: 7-0)

MIW Monthly Team Leaders:

	Special Ed.	Specialists
October	Helen Lonegan	Doug Stanley
November	Linda Crumrine	Linda Mock
December	Stacie Smith	Donna Crimmin
January	Gail Sproul	Susan Hackett
February	Stacie Smith	Kathy Locker
March	Jane Conley	Susan Beaule
April	Gail Sproul	Mitch McDonald
May	Wiley Burrall	Linda Whittier
June	Marcia Lowery	Luann Lawler

GJHS Co-curricular:

Steve Hill – 1 year mentor for Michael Roy

6. Communications

- a) Choral Field Trip to Boston – Jan Thomas

7. Adjourn Meeting 9:54 PM**Upcoming Meetings/Events**

11/30/00 – Middle School Building Comm., GJHS Library, 7:00 PM
12/4/00 – High School Skiing, First Practice
12/4/00 – Finance Committee, Supt's Conference Room, 5:30 PM
12/5/00 – GJHS Renovations Committee, GHS Library, 7:00 PM
12/6/00 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
12/6/00 – Design Team, GHS Library, 3:15 PM
12/6/00 – Wilson Book/Bake Craft Fair, 5:30 – 7 PM
12/7/00 – Policy Committee Meeting, Central Office Conf. Room, 4:30 PM – 6 PM
12/8/00 – GHS Mid-Quarter Reports
12/11/00 – Policy Committee, Central Office Conf. Room, 4:30 PM – 6 PM
12/11/00 – MIW morning kindergarten concert, 6:30 PM
12/12/00 – MIW afternoon Kindergarten concert, 6:30 PM
12/13/00 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
12/14/00 – GHS Holiday Concert, 7:00 – 9:00 PM
12/18/00 – Finance Committee, Supt's Conference Room, 5:30 PM
12/20/00 – Steering Committee, GHS Library, 7:00 PM
12/20/00 – Full Day of School
12/21/00 – Teacher In-service Day, No School
12/22/00 – Teacher In-service Day, No School
12/22/00 – Hanukkah
12/25/00 – Christmas Day
12/25/00 through January 1, 2001 – No School, Holiday Break, School resumes 1/2/01

Next Board Meeting:

Monday, December 18, 2000 – Mabel I. Wilson, Multipurpose Room

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A
Cumberland Center, ME 04021
Web site: www.msad51.org – Phone: 829-4800
Board of Directors
Minutes

Monday

December 18, 2000

6:00 PM @ Executive Session

Mabel I. Wilson School

7:00 PM @ Regular Session

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at ____ p.m.

Attendance:

Board of Directors: John Aromando, Jeanne Chadbourne, Maryellen Fitzpatrick, Henry Kennedy, Audrey Lones, Mary Schendel, Kim True, Bob Vail,

Administrators: Suzanne Godin, Robert Hasson, Pat Palmer, Scott Poulin

2. **Approval of the Minutes** - of the Board of Directors meeting held on December 4, 2000.

Motioned 2nd ed.

Voted: To approve the minutes of the Board of Directors meeting held on December 4, 2000.

(Voted: 8-0)

3. **Presentations and Reports**

a) Site Selection Committee will present its recommendation for a middle school site

4. **Committee Reports**

- c) Finance Committee
- d) Policy Committee
- e) Negotiation Committee
- f) Facilities Committee
- g) Design Team
- h) Performance Task Force
- i) Steering Committee

5. **Items for Action**

a) Vote to accept gift from Betts Mayer, Chebeague Island

Motioned 2nd ed

Voted: The MSAD #51 Board of Directors accept the gift of improvements to Volunteer Field at Chebeague Island School from Betts Mayer, as described in the Quitclaim Deed presented to this meeting. (Voted: 8-0)

b) Executive Session – Discussion of legal matter

Motioned 2nd ed.

Voted: To enter into executive session. (Voted: 6-0 @ 6:07 PM)

Motioned 2nd ed.

Voted: To come out of executive session. (Voted: 8-0)

6. Communications

7. Adjourn Meeting 9:20 PM

Upcoming Meetings/Events

12/13/00 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
12/14/00 – GHS Holiday Concert, 7:00 – 9:00 PM
12/14/00 – Site Selection Committee, GHS Library, 7:00 PM
12/19/00 – Communications Committee, MIW Library, 5:30 PM
12/20/00 – Steering Committee, GHS Library, 7:00 PM
12/20/00 – Full Day of School
12/21/00 – Teacher In-service Day, No School
12/22/00 – Teacher In-service Day, No School
12/22/00 – Hanukkah
12/25/00 – Christmas Day
12/25/00 through January 1, 2001 – No School, Holiday Break, School resumes 1/2/01
1/1/01 – Happy New Year
1/2/01 – School Resumes
1/3/01 – Full Day of School
1/3/01 – Jr. High Boys Basketball – First Practice
1/4/01 - PAC – GHS, 4:00 PM
1/4/01 – Evening of Financial Aid, GHS, 7:00 PM – 8:30 PM
1/4/01 – Board Workshop, Site Selection Committee presents its recommendation for a middle school site, GJHS Gym, 7:00 PM
1/9/01 – PTO Meeting
1/10/01 – Early release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
1/11/01 – GHS Winter Concert
1/15/01 – Martin Luther King, Jr. Birthday, No School
1/16/01 – Mid-term exams, GHS
1/17/01 – Full Day of School
1/17/01 – Grade 4 Family Math Night, 6:30 PM
1/17/01 – Mid-term exams, GHS
1/17/01 – Performance Indicators, MIW Conference Room, 5:00 PM

1/18/01 – Chorus/Band Concert – NYMS/DRS

1/18/01 – Mid-term exams, GHS

1/18/01 – Mid-term exams, GHS

1/18/01 – End of 2nd quarter

Next Board Meeting:

- Thursday, 1/4/01, Board Workshop, Greely Junior High School Gym, 7:00 PM

Site Selection Committee will present its recommendation for a middle school site and respond to questions from the Board and Public

- Monday, 1/8/01, Board of Director's Meeting, Mabel I. Wilson Multipurpose Room, 7:00 PM

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

COMMISSIONERS' MEETING

MINUTES

November 27, 2000

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

Chairperson Plummer called the meeting to order at 7:02 PM and the following business was conducted.

Minutes of the regular meeting of November 13, 2000 were approved as written.

Peter Crichton, County Manager, reported that one public hearing remained on the budget: Wednesday, November 29, 7PM at the Westbrook City Hall. He also reported that the BAC would meet for their final deliberations on December 6 at 6:30 PM in the Jury Room at the Courthouse, and the Commissioners would adopt a final FY2001 budget on December 11 at 7PM. He noted that with the assistance of Bob Devlin, Deputy County Manager, he was developing a legislative program on County issues. He also noted that the strategic planning process was progressing well, and planned to meet with the subcommittee chairs and County support staff on December 4. He stated that he was very encouraged by the assistance being provided by Henry Bourgeois and the Maine Development Foundation through the Muskie School.

Commissioner Feeney expressed his interest in attending the NACO Legislative Conference with Bob Devlin in March. He noted that he was most interested in the workshops on Strategic Planning and Regional Services.

Commissioner Clenott reported that she had attended a meeting held in Standish on November 16 regarding traffic and speed issues on local roads being widened through state projects. She also attended a meeting on the Workforce Investment Act last week that was very interesting. She took lots of notes, and will organize them into a report for the Board.

Chairperson Plummer stated that he had also attended the meeting in Standish, and had found it interesting that only an average of 10% of accidents in that area were from road conditions, that in fact 80% were driver related.

2000-99 Bid Report, Copiers

Chairperson Plummer noted that this item had been postponed at the last meeting to allow more review, and to enable a

performance.

Motion by Commissioner Clenott to award the bid to Seacoast Business Machines for a four-year lease, in the amount of \$13,895.28. Second by Commissioner Feeney, so voted.

2000-100 Approval, Inmate Medical Contract Monitoring Service

Mr. Crichton reported that Phil Hoelscher of Alliance Medical Management had been providing contract oversight for the inmate medical contract for the last year, when he was brought in to evaluate the performance of Prison Health Services. His detailed work was critical in providing the Sheriff's Office with the needed information to replace PHS with PrimeCare Medical Inc. He noted that the previous contract provided for quarterly visits to provide contract monitoring. The contract being presented for approval includes 6 visits per year, a step considered as critical to the success of PCM and to ensure from the very beginning that specified contracted services are being provided to the inmates. This change will increase the annual contract cost from \$16,000 to \$24,000. He has spoken with Vic Labrecque, CCSO Business Manager, to ensure that no budget increase will result from the extra \$8,000 expense. He stated that he felt this was a proactive, preventative step, and concurred with the Sheriff's recommendation to approve the contract.

Discussion ensued regarding the contract start date of September 1, and the extra cost incurred by the County if Mr. Hoelscher stays more than two days per visit. Chairperson Plummer requested the following amendments: change the contract dates to December 1, 2000 through October 31, 2001; and change Page 2, section c, to read that the Sheriff's staff would be the ones to justify the need for Mr. Hoelscher to stay more than two days. The Board agreed to the changes as requested.

Motion by Commissioner Clenott to approve the contract with the changes specified by the Board, in the amount of \$24,000. Second by Commissioner Feeney, so voted.

No further business conducted, motion to adjourn at 8:03 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, December 11, 2000 at 7:00 PM.

Richard & Connie Sweetser
19 Blanchard Road
Cumberland Center
ME 04021

Members of the Town Council
Cumberland Town Hall
Cumberland, Maine

January 10, 2001

To Members of the Council:

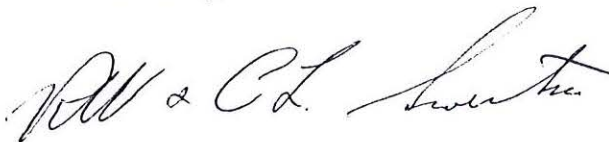
Subject: Post Office Re-location

As Connie and I have expressed in an earlier letter to the Cumberland Planning Board, when the question of expansion/re-location of the Cumberland Post Office came up, we strongly favor the plan to keep the facility in its present, general location, as part of what we do have, of a community center !

We respectfully recognize that every issue has pros & cons, particularly as effect town citizens within their own sphere, but we find it difficult to believe that a geographic change of say, "less than a block" away from the present location is going to change the logistics that are in effect at the present time. Further, a carefully monitored design plan could be a huge visual improvement in the overall neighborhood.

We submit these thoughts for the benefit of tonights workshop, as it is not possible for us to be in attendance to express them.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dick & Connie Sweetser', written in dark ink.

Dick & Connie Sweetser

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Bldg Appl Due	Permit Number	Date Issued
			Habitat											
			Habitat											
1	07/17/00	3:42 PM	Island	Division Shores	Minor	Paul	I07	65	Bar Point Rd	07/20/00	11:20 AM		280-00	10/19/00
2	07/19/00	1:00 PM	Island	Division Point	Richards	Paul & Kathleen	I07	55	Bluff Head Road	07/20/00	11:30 AM		279-00	10/19/00
3	07/19/00	4:43 PM	Island		Dayton	Robert & Joan	I01	21 A	646 South Road	07/20/00	11:35 AM		239-00	08/23/00
1	07/03/00	11:50 AM	Non-subdiv		Morrison	Roland	R08 A	7 B	225 Blanchard Road	07/07/00	9:25 AM		232-00	08/21/00
2	07/12/00	9:15 AM	Non-subdiv		Seekins	Norma	R06	49	Blanchard Rd	07/17/00	3:50 PM		267-00	09/29/00
3	07/14/00	9:10 AM	Non-subdiv		Cyr	Mary	R07	72 B	Maloneys Ridge Way	07/17/00	4:25 PM		278-00	10/15/00
4	07/25/00	2:20 PM	Non-subdiv		Shanley	Fran	R03	41	43 Harris Road	07/27/00	9:10 AM		276-00	10/17/00
5	08/22/00	1:09 PM	Non-subdiv		Grover	Ben	U10	9 F	Strawberry Ridge Lane	09/14/00	4:50 PM		246-00	09/18/00
6	09/06/00	1:07 PM	Non-subdiv		Boyle	William	R08	64 A	26 Orchard Road	09/20/00	3:55 PM		314-00	12/12/00
7	09/15/00	10:19 AM	Non-subdiv		Lalumiere	Mary	U14	63 C	36 Val Halla Road	09/22/00	10:50 AM		317-00	12/20/00
8	09/27/00	1:52 PM	Non-subdiv		Maloney	Timothy	R07	72 C	Maloneys Ridge Way	09/29/00	10:03 AM		285-00	11/30/00
9	09/28/00	4:41 PM	Non-subdiv		Verrill	Scott	U12	7	47 Blanchard Road	10/20/00	11:57 AM	01/19/01		
10	09/28/00	4:42 PM	Non-subdiv		Verrill	Scott	U12	7	47 Blanchard Road	10/20/00	11:58 AM	01/19/01		
11	10/12/00	11:34 AM	Non-subdiv		Patton	Harry & Deborah	R04	20 A	8 Farms Edge Way	10/25/00	8:30 AM		290-00	11/06/00
12	11/15/00	8:13 AM	Non-subdiv		Brooks	Roger & Elizabeth	R06	18 D	Greely Road Extension	11/16/00	4:58 PM	02/15/01		
13	11/15/00	1:35 PM	Non-subdiv		Thompson	Peter & Kathy	U17	4 F	23 Old Farm Road	11/16/00	5:02 PM	02/15/01		
14	11/16/00	2:25 AM	Non-subdiv		Peterson	Richard	R07	92 D	108 Mill Road	11/21/00	11:39 AM	02/20/01		
15	11/16/00	5:11 PM	Non-subdiv		Peterson	Richard	R08	12	Pleasant Valley Road	11/21/00	12:01 PM	02/20/01		
16	11/21/00	8:35 AM	Non-subdiv		Jordan	Joanne	U14	8 B	23 Sawyer Lane	11/21/00	1:13 PM	02/20/01		
17	11/21/00	1:58 PM	Non-subdiv		Meoli	Richard	R03	15	45 Longwoods Road	11/21/00	2:02 PM	02/20/01		
18	11/29/00	3:18 PM	Non-subdiv		Price	James H.	R03	23	Andrea Way	12/11/00	11:24 AM	03/10/01		
19	12/04/00	8:11 AM	Non-subdiv		Lalumiere	Scott	U12	11 A	Treleaven Way	12/12/00	1:18 PM		001-01	01/03/01
20	12/07/00	4:35 PM	Non-subdiv		Stockholm	Benedict	R05	13	Turkey Lane	Letter sent 12/27/00 - Lot size inadequate				
21	12/26/00	9:30 AM	Non-subdiv		Stiles	W & Bickford, J	R05	35	Alder Way	12/27/00	4:00 PM	03/26/01		
22	01/02/01	10:58 AM	Non-subdiv		Carley	Kevin	U12	11 B	16 Treleaven Way	01/04/01	9:03 AM	04/03/01		
1	07/05/00	10:53 AM	Subdivision	Sunnyfield Farm	Sawchuck	Peter & Ann	U12 A	6	Sunnyfield Lane	07/07/00	9:30 AM		206-00	07/18/00
2	08/03/00	12:22 PM	Subdivision	Falmouth Country Club	Raczkowski	David T.	R05 B	8	27 Hazeltine Drive	08/09/00	10:05 AM		257-00	09/27/00
3	11/01/00	12:17 PM	Subdivision	Valley Road Cluster	Hildreth & White		R08 A	15 C	42 Valley Road	11/08/00	11:46 AM		299-00	11/14/00
4	11/30/00	2:46 PM	Subdivision	Idlewood	Gallati	W. David	R05 C	20	418 Range Road	12/13/00	10:19 AM	03/12/01		
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														
21														
22														

[illegible]

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Bldg Appl Due	Permit Number	Date Issued
	09/19/00	3:16 PM	Non-subdiv		Dunnett	Robin	U12	11	Treleaven Way	09/28/00	6:10 PM	Letter sent	permit voided	1/2/01

1/4/01

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Bldg Appl Due	Permit Number	Date Issued
			Habitat											
			Habitat											
1	07/17/00	3:42 PM	Island	Division Shores	Minor	Paul	I07	65	Bar Point Rd	07/20/00	11:20 AM		280-00	10/19/00
2	07/19/00	1:00 PM	Island	Division Point	Richards	Paul & Kathleen	I07	55	Bluff Head Road	07/20/00	11:30 AM		279-00	10/19/00
3	07/19/00	4:43 PM	Island		Dayton	Robert & Joan	I01	21 A	646 South Road	07/20/00	11:35 AM		239-00	08/23/00
1	07/03/00	11:50 AM	Non-subdiv		Morrison	Roland	R08 A	7 B	225 Blanchard Road	07/07/00	9:25 AM		232-00	08/21/00
2	07/12/00	9:15 AM	Non-subdiv		Seekins	Norma	R06	49	Blanchard Rd	07/17/00	3:50 PM		267-00	09/29/00
3	07/14/00	9:10 AM	Non-subdiv		Cyr	Mary	R07	72 B	Maloneys Ridge Way	07/17/00	4:25 PM		278-00	10/15/00
4	07/25/00	2:20 PM	Non-subdiv		Shanley	Fran	R03	41	43 Harris Road	07/27/00	9:10 AM		276-00	10/17/00
5	08/22/00	1:09 PM	Non-subdiv		Grover	Ben	U10	9 F	Strawberry Ridge Lane	09/14/00	4:50 PM		246-00	09/18/00
6	09/06/00	1:07 PM	Non-subdiv		Boyle	William	R08	64 A	26 Orchard Road	09/20/00	3:55 PM		314-00	12/12/00
7	09/15/00	10:19 AM	Non-subdiv		Lalumiere	Mary	U14	63 C	36 Val Halla Road	09/22/00	10:50 AM		317-00	12/20/00
8	09/27/00	1:52 PM	Non-subdiv		Maloney	Timothy	R07	72 C	Maloneys Ridge Way	09/29/00	10:03 AM		285-00	11/30/00
9	09/28/00	4:41 PM	Non-subdiv		Verrill	Scott	U12	7	47 Blanchard Road	10/20/00	11:57 AM	01/19/01		
10	09/28/00	4:42 PM	Non-subdiv		Verrill	Scott	U12	7	47 Blanchard Road	10/20/00	11:58 AM	01/19/01		
11	10/12/00	11:34 AM	Non-subdiv		Patton	Harry & Deborah	R04	20 A	8 Farms Edge Way	10/25/00	8:30 AM		290-00	11/06/00
12	11/15/00	8:13 AM	Non-subdiv		Brooks	Roger & Elizabeth	R06	18 D	Greely Road Extension	11/16/00	4:58 PM	02/15/01		
13	11/15/00	1:35 PM	Non-subdiv		Thompson	Peter & Kathy	U17	4 F	23 Old Farm Road	11/16/00	5:02 PM	02/15/01		
14	11/16/00	2:25 AM	Non-subdiv		Peterson	Richard	R07	92 D	108 Mill Road	11/21/00	11:39 AM	02/20/01		
15	11/16/00	5:11 PM	Non-subdiv		Peterson	Richard	R08	12	Pleasant Valley Road	11/21/00	12:01 PM	02/20/01		
16	11/21/00	8:35 AM	Non-subdiv		Jordan	Joanne	U14	8 B	23 Sawyer Lane	11/21/00	1:13 PM	02/20/01		
17	11/21/00	1:58 PM	Non-subdiv		Meoli	Richard	R03	15	45 Longwoods Road	11/21/00	2:02 PM	02/20/01		
18	11/29/00	3:18 PM	Non-subdiv		Price	James H.	R03	23	Andrea Way	12/11/00	11:24 AM	03/10/01		
19	12/04/00	8:11 AM	Non-subdiv		Lalumiere	Scott	U12	11 A	Treleaven Way	12/12/00	1:18 PM		001-01	01/03/01
20	12/07/00	4:35 PM	Non-subdiv		Stockholm	Benedict	R05	13	Turkey Lane	Letter sent 12/27/00 - Lot size inadequate				
21	12/26/00	9:30 AM	Non-subdiv		Stiles	W & Bickford, J	R05	35	Alder Way	12/27/00	4:00 PM	03/26/01		
22	01/02/01	10:58 AM	Non-subdiv		Carley	Kevin	U12	11 B	16 Treleaven Way	01/04/01	9:03 AM	04/03/01		
1	07/05/00	10:53 AM	Subdivision	Sunnyfield Farm	Sawchuck	Peter & Ann	U12 A	6	Sunnyfield Lane	07/07/00	9:30 AM		206-00	07/18/00
2	08/03/00	12:22 PM	Subdivision	Falmouth Country Club	Raczkowski	David T.	R05 B	8	27 Hazeltine Drive	08/09/00	10:05 AM		257-00	09/27/00
3	11/01/00	12:17 PM	Subdivision	Valley Road Cluster	Hildreth & White		R08 A	15 C	42 Valley Road	11/08/00	11:46 AM		299-00	11/14/00
4	11/30/00	2:46 PM	Subdivision	Idlewood	Gallati	W. David	R05 C	20	418 Range Road	12/13/00	10:19 AM	03/12/01		
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														
21														
22														

[illegible]

Town of Cumberland

Growth Permits Voided

1/4/01

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Bldg Appl Due	Permit Number	Date Issued
	09/19/00	3:16 PM	Non-subdiv		Dunnett	Robin	U12	11	Treleaven Way	09/28/00	6:10 PM	Letter sent permit voided 1/2/01		