TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY, MARCH 26, 2001

I. Call to order at the Cumberland Town Council Chambers at 7:00 p.m.

II. Manager's Report

III. Public Discussion

IV. Legislation and Policy

01-09 To hold a Public Hearing to consider and act on amendments to the Growth Management Ordinance.

01-10 To hear request of Jeffrey Daigle for sewer easement – Tuttle Road Map R2B Lot 1 to manhole #106 (opposite 60 Tuttle Road).
Peter motions John Seconds Unanimous

01-11 To consider and act on application of Cumberland Café' for a Liquor License Renewal. Jeff moved
Peter 2nd Unanimous

01-12 To set dates for Bulky Waste Pickup. Mainland week of May 7th and Oct 1st. Chebeague Island Aug 3, 4, 5, 2001.
John Moved Harland 2nd Unanimous

01-13 Nominating Committee Appointments.
Mary Porter-Library ; Eleanor Hunter Harland moved Unanimous
Peter 2nd

01-14 To hear Town Assessor's report.

V. Correspondence

VI. New Business

VII. EXECUTIVE SESSION:
1. Land Acquisition
2. Union Negotiations

III. Adjourn

MEMBERS OF THE TOWN COUNCIL

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

Town of Cumberland web site: www.cumberlandmaine.com

Town of Cumberland
Planning Board Meeting
Council Chambers of the Town Offices
Tuesday, February 20, 2001
290 Tuttle Road, Cumberland Center
7:00 PM

A. Call to order

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

B. Roll Call

Present: Phil Hunt, Tom Powers, Stephen Sloan, Terry Turner, Beth Howe, Joseph Taylor
Absent: Martha Porch

Staff: Carla Nixon, Assistant Town Manager, Pam Bosarge, Clerk

Mr. Hunt explained the televising of the meeting, and stated any public comments would need to be made at the microphone.

C. Minutes of Prior Meeting

Ms. Howe moved to approve the minutes of January 16, 2001 with amendments.

Mr. Powers seconded. VOTE: Unanimous

Mr. Hunt requested the minutes of the Planning Board Workshop (January 30, 2001) be forwarded to the Town Council.

D. Consent Calendar – There were no consent calendar items.

E. Administrative Matters

1. The Board was informed that a legal decision had been rendered in the status of the private road and driveway for the Storey Dog Day Care It was determined that the private way and driveway were in conformance with zoning at the time of installation.

2. 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.

Mr. Hunt stated this matter was discussed at the Planning Board workshop on January 30, 2001. Mr. Hunt stated the Board concluded that the proposed development areas shown on the State's map were, most likely, not an accurate predictor of where anticipated

future growth would occur. The consensus was that no response should be made until the future course of growth management legislation was ascertained.

1. Food Carts – The Town Council has forwarded a request to allow food carts on Chebeague Island. This is both a licensing and a land use issue.

Mr. Hunt presented background information as follows: The Town Council received a letter from Mr. Jonathan KomLosy requesting approval to operate a food cart on Chebeague Island. Mr. KomLosy would like to operate a moveable cart throughout the summer both on private property as well as public property (Stone Wharf, West End) and during 4th of July celebrations.

Currently the Town of Cumberland does not allow food carts.

In order to operate a food cart, there would be several steps necessary involving both the Planning Board and the Town Council. These have been confirmed with the town attorney, Ken Cole.

On Private Property:
1. Add as an allowable use in the zone in which it would be operated.
2. Develop a "Peddlers on Private Property" ordinance as part of the zoning ordinance, which regulates permits, location, parking, utilities, cart design, etc.
3. Revise the Cumberland Victualers Licensing Ordinance as necessary.
4. Applicant to obtain State permits.

On Public Property (roads, wharves etc.):
1. Town to determine appropriate public locations/add as an allowable use in zoning.
2. Adopt a "Public Peddler's Ordinance" per above
3. Revise the Cumberland Victulers Licensing Ordinance as necessary.
4. Applicant to obtain State permits.

PLANNING BOARD REQUEST
Prior to proceeding, the Planning Board is asked to provide direction. The Planning Board may wish to consider the following questions:

1. Does the Planning Board wish to allow push carts on Chebeague Island?
2. If yes, does the Planning Board wish to allow push carts on public property, private property or both?
3. Does the Planning Board wish to allow push carts on the mainland? Are there locations, which would be appropriate? Are they on private or public property?

Ms. Howe stated the Chebeague Long Range Committee has considered the use of food carts on the Island. She asked that the request be referred to the Long-Range Committee on Chebeague for further consideration. She has received copies of Portland and Freeport's Ordinances regulating food carts.

Mr. Hunt stated the Island portion would be referred to the Chebeague Long Range Committee for an opinion.

Mr. Hunt asked if the Committee was looking favorably on the use of food carts.

Ms. Howe stated yes, there are some logical locations such as the Casco Bay Line Warf. She stated Portland does no allocate specific locations for the carts, but Freeport does.

Mr. Powers recommended tabling the request for the Island until the Chebeague Long Range Committee has a recommendation. There have been no requests for food carts on the mainland.

Mr. Taylor asked if these would require other licensing.

Ms. Howe stated they would require State Department of Health and a Victulers license. And the operator would be required to carry liability insurance.

Mr. Sloan asked if there was a definition for a food cart; and were there any booster clubs interested in food carts at Twin Brooks.

Ms. Howe stated Freeport has dimensions and specifics in their Ordinance.

Mr. Hunt stated Twin Brooks may be an area of interest, trash and waste disposal would be areas of concern. The level of use for various events such as cross country skiing, running, t-ball, soccer, would all have the same sort of refreshment. The Planning Board would require a Site Plan Review with minimal review. If the Island feels this would be a valuable service, he would be in favor.

Mr. Turner asked if there was any history of requests for food carts.

Ms. Nixon, Assistant Town Manager stated Councilor Storey had voiced an interest in having a cart at Twin Brook.

Mr. Jeff Porter, Town Councilor stated Mr. Vail had approached the Council about the Lion's Club having a booth at Twin Brook and Val Halla and the Council referred the request to the Planning Board. Currently ice cream trucks, which drive through neighborhoods, are not regulated.

The public portion of the meeting was opened.

Ms. Banu KomLosy, of 74 South Road read a letter from her son Jonathan KomLosy, who is interested in operating a food cart on the island. Mr. KomLosy's letter stated appreciation for the Planning Board to entertain his request. He stated there are very few restaurant establishments on Chebeague, there is nothing available at Chandler's Warf, a food cart would provide a valuable service. A food cart would provide waste receptacles, have hot water and sinks and meet all of the Town requirements. A food cart would be

suitable in size for a 15-year-old to push or pull. Food carts would provide waste receptacles.

Mr. Powers moved to table the request for food carts pending further recommendation (within 60 days) from the Chebeague Long Range committee.

Ms. Howe seconded. VOTE: Unanimous

Mr. Sloan and Mr. Turner agreed if a booster organization was interested in having a food cart, they would hate to see a sports season lost.

F. Hearings and Presentations

1. Public Hearing – Subdivision Revision – School House Subdivision – to create (1), two-acre parcel from Lot # 1 (16.98 acres) of the subdivision. Tax Assessor Map I06, Lot 32, Dan Kidd, owner.

Mr. Hunt presented background information as follows: The Planning Board is asked to review a minor, one-lot subdivision.
September 18, 1990: The Planning Board approved the four lot School House Road Subdivision located on Chebeague Island. As part of the Plan approval, note #17 states: *No further subdivision of lots 1-3 shall be accomplished without approval by the Town of Cumberland Planning Board.*

February 12, 2000: The applicant returns to the Planning Board to create a two acre Lot 1A from the then existing 16.98 acres Lot 1. The Planning Board approves this revision to the subdivision plan. The revised plan is signed by the Planning Board for recording in the Cumberland County Registry of Deeds.

Section 4.3 D 2 of the Subdivision Ordinance: Approval *of any subdivision plan not filed within 90 days after Final Plan approval shall become null and void.* Mr. Kidd did not file the signed plan within the 90-day period following February 12, 2000.

January 16, 2001: Mr. Kidd met with the Planning Board to ask if there were any additions or corrections requested for his plan. He has resubmitted his application for revision.

Plan:	Subdivision a 2 acre lot (Lot 1 A) from Lot 1, which is 16.98 acres.
Zone:	Island Residential
Water:	Well
Sewer:	Septic
Wetlands:	Identified on plan/building lot outlined

No additional review of this project was undertaken. Attached are the following:

1. Minutes of February 12, 2000 where this plan revision was approved.

2. Report submitted to Planning Board in February 2000 (dated September 18, 1990).
3. Minutes of the September 18, 1990 Planning Board meeting.

RECOMMENDATION

It is recommended that the plan be re-approved with the same conditions imposed in February 2000. Specifically:

1. All fees must be paid before the mylars are signed.
2. That one original and one copy of the mylar be submitted for signing by the Board, the original to be recorded at the Cumberland County Registry of Deeds, the copy to be retained by the Town, and that 10 paper copies be submitted to the Town with the book and page number written on it.
3. That the conditions of approval of the 9/18/90 still stand.
4. That a note be added to plan stating the existence of public use trails across the parcel, with open and adverse use. (This has been completed)

Mr. Hunt asked for comments from the public. There were no public comments. The public portion of the meeting was closed.

Ms. Howe moved to re-approve the School House Subdivision revision to create (1) two-acre parcel from Lot # 1 (16.98 acres), with the standard and additional conditions of approval.

1. All fees must be paid before mylars are signed.
2. That one original and one copy of the mylar be submitted for signing by the Board, the original to be recorded at the Cumberland County Registry of Deeds, the copy to be retained by the Town, and that 10 paper copies be submitted to the Town with the book and page number written on it.
3. That the conditions of the approval of 9/18/90 still stand.
4. That a note be added to the plan stating the existence of public use trails across the parcel, with open and adverse use.

Mr. Powers seconded. VOTE: Unanimous

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

Mr. Hunt stated Treleaven way has been before the Board before. It is described as a (1) one-lot subdivision. Which is not technically accurate. There is one parcel of land that will be divided into a third lot. A subdivision is created when a single parcel of land is divided in such a way as to create 3 or more lots. A single parcel of land was initially divided into 2 lots, with a further division of a large lot into three lots. There are also two lots on Blanchard Road in front of this subdivision which were acquired by separate deed

and not subject to subdivision review. One of the issues to be considered is whether there is sufficient land to allow subdivision according to net residential acreage as defined in the Cumberland Zoning Ordinance. This is a matter, which has been before the Board several times; one that Mr. Hunt has a conflict and he turned the balance of the agenda item over to Mr. Powers Vice-Chair.

Mr. Powers stated there have been a number of memoranda that have been provided to the Board. Some of which are just being distributed. Most recent from the Cumberland Fire Chief, Daniel Small, and an additional letter from Natalie Burns, and a letter from the Dept. of Army Engineers dated June 21, 2000 addressed to Donna Larson, Town Planner addressing wetlands. A map of the wetland impact of the Treleaven subdivision, which was a part of the Army Corp of Engineers review. In addition there is a memorandum provided by Patricia Harrington, Consultant to the Town. A copy of a letter addressed to Susan Chase from Thomas Greer, Consulting Engineers, and a memorandum from the Board Appeals from Adam Ogden dated September 2000 regarding the roadwork in Treleaven and a submitted plan. Fundamentally as outlined in the memorandum provided by Patricia Harrington, this subdivision has been before the Planning Board several times with a significant history. Mr. Powers reviewed the historical information as follows:

January 27, 2000, The Town of Cumberland approved a Private Way Plan. After that time, the investment group filed an application for a five-lot subdivision.

February 12, 2000, the Planning Board reviewed the sketch plan. The consensus of the Board was to quality the project as a major subdivision and to prefer a traditional plan. There was no quorum.

May 16, 2000, the Planning Board reviewed the plan for completeness. The Board unanimously approved a motion, which found the application complete with the following items to be submitted: a new wetlands delineation to be completed, a community impact statement per Section 7.4 of the Subdivision Ordinance, and soil testing for herbicides and pesticides.

May 31, 2000, the Planning Board conducted a site walk on the property.

June 20, 2000, the Planning Board conducted preliminary review. The Board voted unanimously to table the review pending an independent mapping of the wetlands. The Board agreed with the proposed sidewalks and lot layout.

July 18, 2000, the review was tabled at the request of the applicant.

August 22, 2000, the Planning Board voted to accept the wetland mapping of Jennifer West of 17,032 sq. ft., dated 5/1/00 on the 6/29/00 plan of Pinkham Greer and to add the approximately 6,000 sq. ft. of filled wetland area for the total wetland determination, and that Jennifer West revisit the site to verify the location of flags and to re-delineate the wetland boundaries using a ground survey. Or the applicant can, at his own expense,

survey and flag all wetland filled. This calculation would be used to determine the net residential density.

September 14, 2000, the Board of Appeals approves the lot size reduction for the backlots.

After that time, a series of lot divisions have or will occur which have or will be considered to be in accordance with applicable State subdivision laws. Wasabi Investment Group conveyed all property to an individual "Verrill". Verrill conveyed a portion to the spouse, "Chase". Verrill conveyed a four-acre lot to an unrelated person "Lalumiere". Lalumiere donated a two-acre portion to a spouse. Lalumiere will convey the second two-acre parcel to another person.

In order to by-pass subdivision approval, the "Chase" lot must be retained for a period of 5 years prior to sale. In order to sell it prior to that time, subdivision approval is required; therefore the current application is before the Planning Board.

January 1, 2001, Susan Chase submits application for a one-lot subdivision.

January 16, 2001, Planning Board tables subdivision review pending legal opinion regarding review.

Mr. Powers stated the historical information is a concise but accurate representation of the history of this particular subdivision. Most recently the Board requested a legal opinion on the status of the subdivision. There is a two-page letter from Natalie Burns, Town Attorney, and a second letter dated February 16, 2001. Ms. Burns, Town Attorney was present at the Planning Board meeting.

Ms. Burns, Town Attorney stated the issue before the Board this evening is whether the wetland area in the original parcel of land that was filled has to be deducted from the net residential acreage calculations. As the Board knows for subdivision and zoning purposes the Board has to determine how much land is available for development. The land that is available for development is divided by the minimum lot size for the district. In this case the minimum lot size is two acres. The question of whether the filled land is counted is very important. Without the filled land there is not enough land to create a third lot at this time. The Board needs to focus on what the quality of the filled land is at this time. The definition section of the zoning ordinance, specifically Section .85 states the land types that must be deducted out besides roads and parking areas are land areas, which are physically not available for development purposes. In particular this would fall within the .85.3 section – Other areas, which are difficult to develop in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to: (i) Slopes in excess of 20% sustained for 30,000 square feet or more, (ii) wetlands as defined in the Federal Manual for identifying and Delineating Jurisdictional Wetlands dated 1/10/89.... The issue before the Board is what is the quality of the lands that were filled. Are they available for development purposes? In order to determine that the Board has to look at the type of soils as they now exist, type of

vegetation and topography of the area. In Ms. Burns letter she stated if the Board does not feel it has enough information they could require a wetlands expert be hired to provide a report to the Board.

Mr. Turner asked if the delineated wetlands were 6,000-sq. ft. then the developable land would be 5.97 acres, just under the required amount.

Ms. Burns agreed that Mr. Palmer of Gorrill-Palmer engineers came up with the 5.97 acres.

Mr. Powers stated when the subdivision was first submitted to the Board there was a perceived deficit of acreage. The developer stated they were going to acquire 1,000 feet from an abutter. The additional land was not acquired, the developer was aware at the beginning of the subdivision review that there was a perception of not enough land.

Mr. Turner asked if the synopsis from Ms. Burns included the recommendations of her letter dated February 16.

Ms. Burns stated yes.

Mr. Powers stated several Board members had been present at the site walk and were familiar with the site.

Mr. Taylor stated he is an abutter on the backside on Lawn Ave.

Mr. Powers asked Mr. Taylor if he could be objective to the project.

Mr. Taylor stated he could be objective. The Board agreed Mr. Taylor would not need to excuse himself.

Ms. Howe stated that in the history presented by Ms. Harrington, it was noted that on August 22, the Board voted to accept the wetland mapping of Jennifer West of 17,032-sq. ft. and to add the approximately 6,000-sq. ft. of filled wetland area. The Board decided to include the filled area as part of the total wetland area. She felt that the Board should stay with the decision of August 22, 2000.

Mr. Powers stated that Mr. Palmer, the Town Engineer was at the meeting and available for questions.

Mr. Sloan asked about the information from the DEP, which was not included in Ms. Burn's letter dated February 15, 2001.

Mr. Palmer stated the information was received directly from the DEP.

Mr. Turner stated the Board had previously determined the filled wetland area counted. He asked if the Board had to make a positive finding on the amount of net residential acreage.

Mr. Powers asked if the applicant could obtain a lot size variance.

Mr. Turner stated the amount of land is under 3/100th of an acre in an area designed to encourage growth. Is there a way to state that there is enough acreage?

Ms. Howe asked if the Board of Adjustment and Appeals could grant a lot size variance.

Ms. Burns stated no, the Board of Appeals would have to grant a variance, there is no provision for a waiver of the required lot size.

Mr. Turner asked if the Board could determine there was enough acreage.

Ms. Burns, Town Attorney stated yes, since DEP has granted permits for filling wetlands.

Mr. Taylor asked about the engineering issues of the fire hydrants, would there be one line with one meter for five houses. He stated homeowners have the right to expect everything to work, with amenities and services and a water system that would be adequate.

Mr. Powers stated Chief Small is present to answer any questions.

Chief Dan Small stated the history of the project was to initially have one hydrant at Wasabi and Treleaven. When the roadway was put in the original water main was not installed. There will not be an 8" line installed, so the next acceptable thing would be to have a hydrant on that side of Blanchard Road.

Mr. Taylor asked if there would be a 1" line or 8" line, or a private domestic 1" line.

Ms. Chase stated an individual 1" line.

Mr. Turner stated he would like to consider the net residential density issue and the fire protection issue separately.

Ms. Howe stated she was sympathetic to the developer, but felt the Board decision made in August should stand.

Mr. Sloan asked about the flow number and the location of a hydrant.

Chief Small stated the applicant doesn't want to install any hydrants. Ideally a hydrant at the entrance of the subdivision and one midway would be optimum. A minimum requirement would be a hydrant at the Blanchard Road and Treleaven Way intersection.

This would allow Blanchard Road to remain open during a fire. Chief Small also stated there was plenty of volume.

Ms. Chase, applicant reviewed the previous scenarios of the wetland delineations. Stating that in working with Dawn Hallowell from D.E.P. 7,200 sq. ft. of wetlands were delineated, not all were filled some were disturbed. She also stated she had talked with Chief Small regarding the need for a hydrant. She understood the issue was not the distance but the fact that the hoses would need to cross Blanchard Road. There are ramps that would allow a 5" fire hose to be encased to allow cars and the largest fire apparatus to cross.

Chief Small stated ramps are not an option, the bare minimum required would be a fire hydrant at the intersection of Blanchard Road and Treleaven Way.

Mr. Powers asked Ms. Chase if she would be willing to outfit the fire department with these ramps.

Ms. Chase stated she would be willing to work with Chief Small for fundraising.

Mr. Powers asked if the 50' buffer would extend along the Hilton property, and the eastern side of the property.

Ms. Chase stated yes, the buffer is not shown on the plan.

Ms. Chase stated the road was built to the private way standards of Section 206 of the Ordinance.

Mr. Turner asked about the turnaround.

Mr. Verrill stated in August and September the private way plan was amended to make the turnaround larger. The Code Enforcement Officer approved the amended private way plan.

Mr. Sloan agreed the decision of August 22, 2000 should be used to determine net residential acreage.

Mr. Powers asked if the easement shown on the plan would extend to the Hilton property?

Ms. Chase stated yes.

Mr. Powers asked if any sidewalks were proposed.

Ms. Chase stated no. They have received input from property owners and they do not want sidewalks.

Mr. Verrill stated there have been three soils evaluations; and the worse case scenario shows an error of .03 acres. The delineation was inaccurate due to snow. At the site walk there was an intermittent stream determined to be a wetland. The Army Corp of Engineers did find more wetlands 12-sq. ft. Which were filled to replace a faulty septic system, there were not any distinguishing types of wetlands. This is an area in which the Comprehensive Plan encourages development.

Mr. Al Palmer of Gorrill Palmer Engineers gave a brief history of the project. Gorrill-Palmer has spot checked the net residential density calculations as previously submitted for the original subdivision (plan dated 6/29/00) and while they are accurate for the information shown on the plans, his office is concerned with respect to several of the underlying assumptions. The wetland area used in the calculations is based upon the current wetlands shown on the plans, which results in allowable 3.05 dwelling units. Based upon information contained within the Normandeau Associates reports and the ACOE letter it is apparent that some wetland alteration has occurred on site. The following presents the area of the wetland complex southwest of the existing house.

Plan	Area of Wetland
Squaw Bay, 2-1-00	21,424 s.f.
Pinkham & Greer, 5-1-00	10,736 s.f.
Pinkham & Greer, 6-29-00	17,023 s.f.

The Notice of Decision dated August 22, 2000 indicates that the Planning Board had accepted the wetlands noted on the 6/20/00 plan and that the applicant was to recalculate the net residential density. The applicant has not submitted revised calculations to his knowledge. The applicant has submitted to the Town a copy of a permit from the MDEP granting after the fact approval for 5,000 s.f. of impact for the garage and driveway, and an additional 2,400 s.f. of impact for the construction of a foundation drain. The Applicant did not submit to the Town a copy of the plan that accompanied the permit application to the MDEP. Mr. Gorrill's office contacted the MDEP to obtain a copy of the permit application plan, which is attached to his memorandum. While the wetlands shown on the permit application plan do not match the wetlands shown on the 6/29/00 plans, it appears that the total area of wetland on site prior to any disturbance was approximately 23,200 s.f.

Recalculation of the net residential density based upon this revised wetland area would result in a net acreage of 260,180 s.f. or 5.97 acres. Based upon the 2 acres per lot required in this zone, the applicant would have only had sufficient area to support 2 lots if this project had proceeded in the normal fashion under Subdivision review. The Applicant has created 2 lots (Lalumiere – 15902/1 and Lalumiere –15980/10) and therefore we would question whether a 3rd lot should be permitted if the underlying net residential density calculations would not appear to support such a conclusion.

Mr. Turner asked if the Board could determine whether to count the 6,000-sq. ft. of filled wetlands.

Mr. Palmer stated he had never seen a subdivision use filled wetlands to determine the net residential acreage.

Mr. Powers opened the public portion of the meeting.

Mr. Pat Gallagher, of 31 Blanchard Road asked about the code for the location of new hydrants.

Chief Small stated according to the Fire Code flow guidelines.

The public portion of the meeting was closed.

Mr. Turner stated they had discussed the wetlands many times, the third delineation gives a base line of 5.97 acres. Mr. Palmer stated there could be a 5% margin of error that would meet the required 6 acres. Wetland delineation is an imperfect science, the Board has walked the site, it is an appropriate location for development, and he felt a 1% margin of error was acceptable.

Ms. Nixon, Assistant Town Manager stated she was looking at this application as a new subdivision. And did the Board have the jurisdiction to consider the legally filled wetlands. There was a conference call with Ms. Burns the results of which are stated in the February 16, 2001 letter. The Board has the option to not figure the filled wetlands. The wetlands were not filled with blatant negligence but to renovate an existing house.

Mr. Sloan agreed with Mr. Turner a + - 1% margin of error was acceptable.

Mr. Powers stated in August the Board agreed with the wetland mapping of Ms. West plus 6,000-sq. ft. of filled wetland, and there was not adequate acreage. The Board would be departing from its prior determination. At that point in time the Applicant withdrew the subdivision application and went to the Board of Adjustment and Appeals.

Mr. Turner asked if it were possible in the findings of fact to determine there was enough acreage.

Ms. Burns stated yes, without details.

Mr. Taylor stated that there was nominally enough acreage for 3 two-acre lots, in an area determined to be an appropriate location for development.

Mr. Turner moved to grant preliminary minor subdivision approval for a 1-lot subdivision at Treleaven Way (off Blanchard Road) Tax Assessor Map U12, Lots 11 & 11A. The Board determined there was adequate net residential acreage, and the outstanding items stated in Mr. Palmer's review of February 12, 2001 are to be addressed at the final review. The recommendations by Fire Chief Small regarding fire protection are to be done.

Mr. Sloan seconded. VOTE: 3 in favor (Sloan, Turner, Taylor)

3. Public Hearing – Sketch Plan and Application Completeness – Major 18 lot subdivision – Heritage Farms, Blanchard Road Ext. 68.5 acres, Tax Assessor Map R07, Lots 93A, 93B, 93C and a portion of Lot 93. RR2 zoning, Chase Custom Homes, applicant, Northeast Civil Solutions, Inc. representative.

Mr. Powers presented background information as follows: Based upon the previous plans submitted in the fall (clustered) and the current plan (dispersed), the Planning Board is asked to:

1) Consider this a sketch plan review for the proposed subdivision. Planning Board is asked to determine if this plan meets the requirements of Section 406.8 Standards for Requiring Dispersed Residential Development.
2) If the above standards are met, the Planning Board is asked to determine if the application is complete.

BACKGROUND

September 6, 2000: The Planning Board conducted a site walk with Chase Custom Homes & Finance, Inc. on the property of the proposed development. At that time, Chase was tentatively proposing the development of 24 luxury condominium units *clustered* off three separate roadways.

October 10, 2000: The applicant met with the Planning Board for a pre-application meeting to discuss density calculations and road access. Under the then proposed plan, it was determined that 16 units would be allowed. The Board also expressed interest in a through street, rather than the proposed three dead-end clusters. No formal action was taken.

February 2001: The applicant has returned with an 18 lot *dispersed* subdivision and requested review in accordance with the Town of Cumberland Zoning Ordinance. Section 4.4 of the ordinance requires a Sketch Plan showing two of the three types of subdivisions—*clustered, dispersed or traditional.* The Planning Board is to then provide direction of which type of development is most appropriate for the site based on natural features of the land, adjacent properties etc. Section 406.8 requires the Planning Board to determine if standards for requiring Dispersed Residential Development have been met.

PROPOSED PROJECT:

Zoning:	RR 2
Lots:	18 Lots ranging in size from 1.39 to 5.2 acres
Setbacks:	Building envelopes provided on plans, which meet standards of: Front: 50 feet Rear: 75 feet Side: 30 feet with combined width of at least 75'
Frontage:	100 feet of frontage required. Lots meet this standard.

Buffering:	A "common open space" strip separates the development from the adjacent properties.
Open Space:	Common open space is proposed surrounding the entire development. 20.7 acres of open space are provided. Future ownership of the open space has not been articulated.
Sidewalks:	None proposed
Roadway:	One new roadway connecting Blanchard Road and Stonegate Drive will serve the development. The road, Heritage Lane, will have a 50' right of way with two 10' travel lanes with 4' shoulders. No information has been provided as to whether this will be a private or public road.
Lighting Plan:	Unknown
Electrical Utilities:	Unknown
Sewage:	Individual septic systems proposed. Soil testing conducted by Al Frick.
Water:	Individual wells proposed. Wells Unlimited letter dated February 6, 2001 stated that they have not had problems with water in the area.
Fire Protection:	Homes to have sprinklers.

DEPARTMENT HEAD REVIEWS:

Barbara McPheters: comments not available at this time.

Adam Ogden: comments not available at this time.

Consulting Engineer, Al Palmer: comments not available at this time.

Chief Bolduc: The name "Heritage" cannot be used in the title or road name because it is already assigned within the Town. The developer must propose a new name.

Chief Small: comments attached, sprinklers okay.

Chief Charron: anticipates increased traffic and requests radar. Developer/builder should be aware of increase in construction site burglaries and thefts and use some type of alarm system to protect materials.

PLAN REVIEW

The plans have been forwarded to department heads and a consulting engineer for review. Many comments have not yet been received. The Planning Board may wish to consider the following at this preliminary time:

1. Dispersed Development—does this plan meet the standards?
2. Sidewalks—none are proposed.
3. Open Space—ownership and management must be articulated (no-cut zones).
4. Traffic Report—one is referenced in the cover letter but not provided.

5. Street Lighting—location and lighting detail should be required.
6. Electric Utilities—location and requirement that they be underground.
7. Landscaping—none proposed.
8. Street or other Signage—will be there be any proposed?
9. Name change required per Chris Bolduc.

Other comments to await engineering and department head reviews.

Mr. Hunt explained the Planning Board would review submitted material and determine if the application was complete. A date for a public hearing will be set. The practice of the Board has been to allow the public opportunity to make comments.

Ms. Nixon referred to the application checklist stating outstanding items include: (20.) Street names – need to change, (23) Sidewalks – outstanding (28) Street lighting – outstanding, (29) Street signs – outstanding, (37) Location and Size of Proposed Utilities and Easements – outstanding (39) Proposed Restrictive Covenants – outstanding, (41) Traffic Study – outstanding

Mr. Jim Fisher, of Northeast Civil Solutions reviewed the project as follows: At the original site walk the developer was proposing a clustered development with an existing spur off from Stonewall Drive. The current proposal is for a dispersed subdivision, with 30% kept in open space the Ordinance requires 25%. There will be 18 lots instead of 16. There are two existing lots of record, which would be added to the new 16 lots. They are proposing a public roadway to be completed in sections. It would take six years to develop the subdivision with the current Growth Management Ordinance. The lots on the riverside have been keep smaller and there will be no cut zones on the lots. The loop road minimizes wetland impact; a DEP project site location will be filed. A traffic report was not included in the submission as it was not ready. All houses will have sprinkler systems for fire protection. There is no lighting proposed within the subdivision. The proposed roadway will be 20' with no sidewalks or free walks. Stonewall Drive does not have any sidewalks and the developer would like to maintain the same character of this subdivision. There will be an access way to walking trails. Mr. Fisher stated he would like direction from the town regarding access to the open space. Would the Town want rights deeded to Town or specific rights to the residents of the subdivision? The proposed landscaping will be to keep it as natural as possible. Al Frick has done a high intensity study and test sites, all septic systems will be located as far from wells as possible. If it is required well drilling envelopes can be shown on the plans. The developer is requesting one waiver to allow a 1 to 50 scale. The Ordinance requires a 1-40 scale. There will be 60' wide easements for stormwater management. These will be created in perpetuity before the lots are sold.

Mr. Turner asked about the stormwater calculations and increases.

Mr. Al Palmer, Gorrill Palmer Associates stated the report is not proposing detention due to the proximity of the river, he concurs with the recommendations. Culvert and ditch design will need to be reviewed.

Mr. Powers asked about restrictive covenants to prevent the potential for clear cutting.

Mr. Fisher stated there would be restrictive covenants.

Mr. Powers also asked if the residents of Stonegate Estates and Heritage Farm would have access to both open spaces.

Mr. Fisher stated he would need to seek legal advice.

Mr. Taylor asked about the water supply, and stated wells in ledge are less susceptible to contamination.

Mr. Fisher stated the well driller would be the same as was used for the wells in Stonegate Estates.

Mr. Taylor stated wells in ledge are less susceptible to contamination.

Mr. Turner asked if there were any streetlights in Stonegate.

Mr. Chase, owner stated no.

Mr. Sloan asked about sidewalks.

Mr. Fisher stated they are proposing a 20' travel way, with no sidewalks.

The public portion of the meeting was opened.

Mr. Tom Terison, of Orchard Road stated he had owned Terison's apple orchard since 1950. He had three concerns.
1. Fire and rescue traffic.
2. That the traffic increases on Blanchard Road, Blanchard Road Extension and Orchard Road will be properly addressed.
3. There may be groundwater issues and potential problems with wells and septic systems.

Mr. Hunt stated these issues would be addressed in the technical review.

Melanie Bovine of the Cumberland Riding Club asked about existing trails for riding, and would people other than residents in the subdivision be allowed to use the open space. She also voiced concerns regarding the close proximity to the riding club, which has horse shows with loud speakers.

Mr. Hunt stated the criteria for a dispersed subdivision have been satisfied and it would be appropriate for the Board to find the application complete.

The Board stated sidewalks; street lighting, open space and trails would be covered in the technical review. The Board would consider incremental development of the roads understanding the hardship on developers for development with the Growth Management Ordinance.

Mr. Powers moved to find the application for a major 18 lot dispersed subdivision – Heritage Farms, Blanchard Road Ext. 68.5 acres, Tax Assessor Map Ro7 Lots 93A, 93B, 93C and a portion of Lot 93 to be complete.

Mr. Turner seconded. VOTE: Unanimous

Mr. Hunt asked about the status of a new town planner.

Ms. Nixon stated the Town had re-advertised in January and received eight new applications. They have interviewed one candidate.

Mr. Hunt stated the Board would like to see Design Standards for Route One on the March agenda.

Adjourn 10:15 p.m.

A TRUE COPY ATTEST:

Philip Hunt, Board Chair

Pam Bosarge, Clerk to Board

TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MARCH 26, 2001

Councilors Present: Council Vice Chair Mark Kuntz, Peter Bingham, John Lambert, James Phipps, Jeffrey Porter, Harland Storey.
Staff Present: Robert Benson, Town Manager; Andy Fillmore, Planner; Bill Healey, Assessor; Lisa Brown, Recording Clerk, Adam Ogden, Public Works Director; Barbara McPheters, Codes/Enforcement Officer.
Others Present: Attorney Ken Cole; Joe Appel, Forecaster.
Councilors Absent: Stephen Moriarty

I. The meeting was called to order by Vice Chairman Mark Kuntz in the Council Chambers at Cumberland Town Hall at 7:10 p.m.

II. Manager's Report

Greely High School Seniors Jen Curato and Nick Raffel, as a part of their Humanities Class, presented a cemetery gazebo proposal to be constructed at the Moss Side Cemetery by Greely High School students with a hopeful completion date of May 14, 2001. The plans included an 8' x 8' arbor, a bench seat for 2 people to enjoy a quiet, peaceful, setting, and a small set of rising stairs to the rear of the structure. Approximate location would be near the back and slightly to the right of center in the older portion of the cemetery. Councilor Kuntz directed the representatives to request a Board of Appeals allowance at their April 12, 2001 meeting.

Councilor Bingham motioned to approve continuance of the Moss Side Cemetery/Greely High School Humanities Class project.
Seconded by Councilor Lambert VOTE: Unanimous (6)

III. Public Discussion

None

IV. Legislation & Policy

01-09 To hold a Public Hearing to consider and act on amendments to the Growth Management Ordinance.

Councilor Lambert moved to add to section 5 a new Subsection E:

"Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance."

Seconded by Councilor Bingham VOTE: IN FAVOR (5)
Porter OPPOSED (1)

Post-it® Fax Note 7671	Date 4-3-01	# of pages ▶ 3
To Ken Cole	From Lisa	
Co./Dept.	Co.	
Phone #	Phone # 829-2205	
Fax # 775-7935	Fax # 829-2224	

for his work so far as well as the members of the public who have participated in these past meetings to find solutions and suggestions. He stated that the decisions made tonight will enable the Island remain as Chebeague residents want in 10, 15 or 20 years from now. He welcomes any and all suggestions, recommendations and feedback from all residents.

01-10 To grant request of Jeffrey Daigle for sewer easement – Tuttle Road Map R2B Lot 1 to manhole #106 (opposite 60 Tuttle Rd).

Motion by Councilor Peter Bingham
Seconded by Councilor John Lambert VOTE: UNANIMOUS (6)

Town Manager, Robert Benson stated that a precedent for this has been set given to Bob Dillenback many years ago when he put his own sewer line on Tuttle Road. Town Manager recommended, since nothing was heard from any of the abutters, that the Council authorize this subject to an acceptable easement approved by the attorney, the Town Manager and the Public Works Director Adam Ogden, the specifics that are explained in the letter from Attorney Ken Cole stating the homeowner is responsible for the construction and anything that malfunctions with the sewer line. The lot, presently owned by Norman Steel, is located between the power line and the church on the north side of the road (across the church). Building will take place on the east side of the lot.

01-11 To grant an approval to Cumberland Café for a Liquor License Renewal

Motion by Councilor Jeff Porter
Seconded by Councilor Peter Bingham VOTE: UNANIMOUS (6)

01-12 To grant approval for Bulky Waste pickup dates. Mainland week of May 7th and Oct 1st. Chebeague Island Aug 3rd, 4th, 5th, 2001

Motion by Councilor John Lambert
Seconded by Councilor Harland Storey VOTE: UNANIMOUS (6)

01-13 To appoint Mary Porter to serve on the Prince Memorial Library Trustees for a term of 3 years; and Eleanor Hunter to serve on the Recycling Committee for a term of 3 years.

Motion by Councilor Harland Storey
Seconded by Councilor Peter Bingham VOTE: UNANIMOUS (6)

01-14 To hear Town Assessor's Report.

Councilor Lambert moved to add to section 6 subsection C, a new paragraph #5, and to renumber the current paragraph #5 to read paragraph #6,

> "That the unused subdivision growth permits for the year 2000-2001 be available to those on the waiting list maintained by the Code Enforcement Officer by the formula of one third of the unused permits available April 1, 2001, one half of the remaining unused growth permits be available May 1, 2001 and the balance of any unused growth permits be available June 1, 2001."

Seconded by Councilor Kuntz — VOTE: IN FAVOR (5)
Storey OPPOSED (1)

Discussion on motion: Councilor Storey requested discussion on the motion, he agrees with Councilor Porter and believes that there shouldn't be any differential in the Island and the Mainland, and is not in favor of breaking them up by month rather on a first come first serve, mainland OR Island. Councilor Storey said that they should all be available now if they are available. Councilor Porter made the point that the ten (10) that are out there now, should be incorporated into the system as opposed to making them all available at the same time. Councilor Kuntz stated that these are subdivision lots that need to be still appropriated to those applicants wanting the subdivision lots prior to July 1, 2001. Councilor Bingham mentioned that the mainland applicants have as much right to them as the Island residents. Councilor Storey agrees, as long as it's equal. Councilor Storey, noting Councilor Moriarty in his previous notes, said that he wants the Ordinance effective May 1st, not July so those intending to build can move promptly.

Moved again by Councilor Kuntz — VOTE: UNANIMOUS (6)
Seconded by Councilor Bingham

Councilor Bingham moved to request the Town Attorney to draw up a provision with regard to affordable housing as far as the building cap is concerned. Councilor Lambert requested Council Chair Steve Moriarty set up a work session. Councilor Bingham agreed.

Seconded by Councilor Lambert — VOTE: UNANIMOUS (6)

Councilor Lambert suggested that once those are issued after June 1, 2001, the Council could meet again consider additional requests and also readjust the timing of this cycle. Further consideration at this time without regard to the Ground Water Study makes no sense. Councilor Storey noted additionally that Ground Water quality issues may affect further decisions. Councilor Kuntz agreed that a more in depth study needs to be conducted on salt water and filtration and other health issues of the water quality on Chebeague. Councilor Phipps thanked the Council for the continuous work put forth to bring this issue to an agreement. Councilor John Lambert thanked Attorney Ken Cole

Town Assessor, Bill Healey, demonstrated to the Council that certain areas of the town have an assessment ratio lower than the rest of the town, warranting an adjustment to those properties to bring them in line with other properties in Cumberland. Primary responsibility of the Assessor is to make sure that the tax burden is distributed equally amongst all property owners of the town. Mr. Healey reviewed 546 sales from January 1, 1998 to December 31, 2000, and stated that the market has increased dramatically and that sale price to assessment ratio showed a considerable gap, which warrants reassessment on the under valued properties. Though he mentioned the current economic climate seems to be heading for a downturn, Mr. Healey didn't recommend that we go forward with a town wide evaluation. He explained the last town wide reevaluation took place in 1997; also stated the state recommends town wide reevaluation be conducted every 10 years, with state mandated sales ratios be conducted yearly.

V. Correspondence

- Attorney Kenneth Cole – Chebeague Island Growth Ordinance Amendments
- Email from Bob Francis RE: Building Cap on Chebeague
- Jeffrey Daigle Ltr dtd February 15, 2001 RE: Sewer Easement
- Attorney Ken Cole – Ltr Dtd March 21, 2001 RE: Sewer Easement
- Cumberland Café Liquor License Renewal
- Town of Cumberland Assessor Report
- Bill Lyford Ltr dtd March 11, 2001 RE: Compliment of Public Works
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- Falmouth/Cumberland Chamber of Commerce "Business after 5" Invite
- Shoreland Zoning Workshop notice
- Portland Press Herald news article "State Formula forces Portland to hike taxes" dtd March 17, 2001.
- Growth Management Ordinance
- Robert Storey Ltr no date – Greely High School Humanities project
- Greely High School project timeline schedule and proposal for cemetery structure.
- Town Planning Board Minutes of February 20, 2001

781-2060

TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MARCH 26, 2001

NOT FINALIZED – NOT FINISHED!!!!

Councilors Present: Council Vice Chair Mark Kuntz, Peter Bingham, John Lambert, James Phipps, Jeffrey Porter, Harland Storey.
Staff Present: Robert Benson, Town Manager; Andy Fillmore, Planner; Bill Healey, Assessor; Lisa Brown, Recording Clerk, Adam Ogden, Public Works Director; Barbara McPheters, Codes/Enforcement Officer.
Others Present: Attorney Ken Cole; Joe Appel, Forecaster.
Councilors Absent: Stephen Moriarty

I. The meeting was called to order by Vice-Chairman Mark Kuntz in the Council Chambers at Cumberland Town Hall at 7:10 p.m.

II. Manager's Report

Greely High School Seniors Jen Curato and Nick Raffel, as a part of their Humanities Class, presented a cemetery gazebo proposal to be constructed at the Moss Side Cemetery by Greely High School students with a hopeful completion date of May 14, 2001. The plans included an 8' x 8' arbor, a bench seat for 2 people to enjoy a quiet, peaceful, setting, and a small set of rising stairs to the rear of the structure. Approximate location would be near the back and slightly to the right of center in the older portion of the cemetery. Councilor Kuntz ~~happily~~ directed the representatives to request a Board of Appeals allowance at their April 12, 2001 meeting.

Councilor Bingham motioned to approve continuance of the project.
Seconded by Councilor Lambert VOTE: Unanimous (6)

III. Public Discussion

None

IV. Legislation & Policy

01-09 To hold a Public Hearing to consider and act on amendments to the Growth Management Ordinance.

Councilor Lambert moved to add to section 5 a new Subsection E:

"Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance."

Seconded by Councilor Bingham VOTE: IN FAVOR (5)
Porter OPPOSED (1)

Councilor Lambert moved to add to section 6 subsection C, a new paragraph #5, and to renumber the current paragraph #5 to read paragraph #6,

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VOTE: IN FAVOR (5)
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Discussion on motion: Councilor Storey requested discussion on the motion, he agrees with Councilor Porter and believes that there shouldn't be any differential in the Island and the Mainland, and is not in favor of breaking them up by month ~~and should be~~ rather on a first come first serve, mainland OR Island. Councilor Storey said that they should all be available now if they are available. Councilor Porter made the point that the ten (10) that are out there now, should be incorporated into the system as opposed to making them all available at the same time. Councilor Kuntz stated that these are subdivision lots that need to be still appropriated to those applicants wanting the subdivision lots prior to July 1, 2001. ~~Councilor Kuntz agreed, there are 15 remaining now, however it may not hold true for subdivisions~~. Councilor Bingham mentioned that the mainland applicants have as much right to them as the Island residents. Councilor Storey agrees, as long as it's equal. Councilor Storey, noting Councilor Moriarty ~~marking~~ stating in his previous notes, said that he wants the Ordinance effective May 1st, not July so those intending to build can move ~~progressively and aggressively~~ promptly.

Moved again by Councilor Kuntz
Seconded by Councilor Bingham

VOTE: UNANIMOUS (6)

Councilor Bingham moved to request the Town Attorney to draw up a provision with regard to affordable housing as far as the building cap is concerned. Councilor Lambert requested Council Chair Steve Moriarty set up a work session. Councilor Bingham agreed.

Seconded by Councilor Lambert

VOTE: UNANIMOUS (6)

Councilor Lambert suggested that once those are ~~completed~~ issued after June 1, 2001, the Council could meet again ~~to look if there needs to~~ to consider additional ~~exceptions~~ requests and also readjust the timing of this cycle. ~~Investing~~ this time without regard to the Ground Water Study ~~completed~~ makes no sense. ~~It was mentioned that further, it may have to be based on certain areas of the Island to adjust building permits for.~~ Further consideration as Councilor Storey noted

Further

additionally ~~on the~~ that Ground Water quality issues may affect ~~a great concern in making these~~ further decisions. Councilor Kuntz agreed, that a more in depth study needs to be conducted on salt water and filtration and other health issues of the water quality on Chebeague. Councilor Bingham noted that there were indications on the last report from the engineers ~~that significant bacterial findings were present in certain wells on the Island.~~ Councilor Phipps thanked the Council for the continuous work put forth to bring this issue to an agreement. ~~Councilor Storey stated that he was a little disappointed that more accomplishments weren't made at this point.~~ Councilor John Lambert ~~wholeheartedly~~ thanked Attorney Ken Cole for his work ~~thus~~ so far as well as the members of the public who have participated in these past meetings to find solutions and suggestions. He stated that the decisions made tonight ~~were for the goal for~~ will remain the Island ~~of Chebeague to~~ as ~~the Island the~~ Chebeague ~~inhabitants~~ residents want in 10, 15 or 20 years from now. He welcomes any and all suggestions, recommendations and feedback from all residents.

01-10 To grant request of Jeffrey Daigle for sewer easement – Tuttle Road Map R2B Lot 1 to manhole #106 (opposite 60 Tuttle Rd).

Motion by Councilor Peter Bingham
Seconded by Councilor John La mbert VOTE: UNANIMOUS (6)

01-11 To grant an approval to Cumberland Café for a Liquor License Renewal

Motion by Councilor Jeff Porter
Seconded by Councilor Peter Bingham VOTE: UNANIMOUS (6)

01-12 To grant approval for Bulky Waste pickup dates. Mainland week of May 7th and Oct 1st. Chebeague Island Aug 3rd, 4th, 5th, 2001

Motion by Councilor John Lambert
Seconded by Councilor Harland Storey VOTE: UNANIMOUS (6)

01-13 To nominate Mary Porter to serve on the Prince Memorial Library Trustees for a term of 3 years; and Eleanor _____ to serve on the Recycling Committee for a term of 3 years.

Motion by Councilor Harland Storey
Seconded by Councilor Peter Bingham VOTE: UNANIMOUS (6)

01-14 To hear Town Assessor's Report.

V. Correspondence

- Attorney Kenneth Cole – Chebeague Island Growth Ordinance Amendments
- Email from Bob Francis RE: Building Cap on Chebeague
- Jeffrey Daigle Ltr dtd February 15, 2001 RE: Sewer Easement
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- Cumberland County Commissioners Meeting Minutes of February 26, 2001
- Falmouth/Cumberland Chamber of Commerce "Business after 5" Invite
- Shoreland Zoning Workshop notice
- Portland Press Herald news article "State Formula forces Portland to hike taxes" dtd March 17, 2001.
- Growth Management Ordinance

VI. New Business

VII. Adjourn

No further business was conducted: motion to adjourn at _____ p.m.

Motion: _____

Second by: _____ UNANIMOUS (#_____)

Public Discussion - Chebeague

(1960)
Sam Ballard - Planning Committee
appreciated John's comments
focus' → 2 different communities

2036 Robert Libby → CI Golf Club -
concerned by change a discussion
did everything to get on waiting
list → awkward because he works
on island
Jul 08 is his - $20-25K cost him until
the start
alot on list felt pressure so
they are insured a spot

2200 Donna Damon - Cheb. -
acknowledge backlog - manner of
which this came about. Driven
from schools
What are the goals -
doesn't believe the 20 home/year
philosophy.
Respect long term landowners.
social engineering
affordable housing is a good idea
value of controlling growth
- don't want 'Peaks Island'
support island economy -
1/3 of pop. works on IS. fishing, etc

Donna - transportation
(2440)

Jeff Porter - Donna's proposals contradict the issues

2360 - John ⇒ "7" doubled what history has presented - we knew there would be Paul

Last June - John Lambert - people were in favor of caps

Donna many build w/cash alone

Mark Kurtz - criteria of affordable housing

2055 Barbara McPherson - 8:10pm

2010 - Peter Bingham, adopt #1 (Ken Cole's Ltr)

1# of 22 GPmts ⇒ Intentions
10 → build 2001
2 → 2002
2 → 2003

1906 Chris Nacke - Cynthia Viber
land in same family should
be granted exceptions
doesn't see justification -
do inventory of vacant lots
suggested zoning.
let market forces control

Susan Lloyd-Reese - no
requirement for year round
feels her land is worthless
because they are summer
residents -
Pay septic plan - only good
2 years.

Sam Ballard - rational basis
for growth

Beth Howe - 1917 8:30 pm
3 growth permits cap
restrants
Transportion - Bus Year Round
expense
updated ground water
uncomfortable with leftover pool
us for the 3 cap + 3 leftover
to make 6 total.

Beth Hawe - affordable Housing Junction

Dan Kidd - 11 years
17 acre landowner - value plummetted
tried to sell land

* evaluate & land value before & after cap.
present homeowners contribute to fund of those affected by cap

Terry Snow Dave & Sandra Wilson
Speaking for
8:35.
Maintaing waiting list is not positive.

~~Challenge permits~~
Jeff Porter - what do we do with 15 unused permits -

AARON Rugh - 30% of those attendance were here w CHeb. meeting.
market cycles do go up & down
takes awhile building cycle to catch up.
* Give chance to those who want to build
* Change dates to differ from FY of Cumb Town
*

8:45 Close public part of this leg. & policy.

John Lambert - ground water study before we can go further

Jim Phipps - make 1/3 - April 15th
extend pubdw permits make 1/3 May 15th
do it gradually left June 1

Peter Bingham 9:00 pm 2nd Motion

John moved
Peter 2nd
5 | 0 PP, Harland

~~Bob~~ 3rd Motion pubdw permits →
Mark moved
Peter 2nd unanimous ??

4th Motion
~~Peter~~
Move on ~~Affordable~~
To draw provision for Afford
John Seconds Unanimous

Harland → septic & well requirements

9:15 pm

Tape 3 side 1

Jim Phipps — thanks council

9:15 - Harland disappointed

John Lambert thanks Kathole & Audience (Cheb. Residents) trying to be responsive and realize whabitants of Ward are met.

9:35 Resumed

Jeffrey Daigle → Requests easement

Bob recommends home.

Peter Burg motions
John seconds
Unanimous

Build

Bulky Waste

John moved
Harland 2nd
Unanimous

Mary Potter - Library

Eleanor - Recycling Committee

Harland Moved
Peter 2nd
Unanimous

Assessors Report -

* Peter - when was full assessment
  1997 full assessment
  3 years prior ↳ Adjustments
* haven't been as agressive
  13% of 37

Assessment of homes must be compared to all homes

13% 6 neighborhoods are well below the town.
assess fair market value

John - how do we raise all ?
85% - wants to bring up to match.

Ratio Study
5 home Sales → Group - Throw out lowest & highest.

Peter - 'catchup'

Bill - don't want full blown reassessments
fair & equitable
Townwide 85%

Created documents to be sent out to those affected.

John → what happens if someone appeals even though they are now 85%

546 homes - revual
full $150K

Joff
~~[redacted]~~ The data

Bob - sales ratios

~~[redacted]~~

John → publicized townwide
should have data to back it up
to bring it in line.

Peter 546 sales →

State review of Properties
State mandate to every 10 years

Assessment Ratio 70%

Quality Rating 15%

minimum to get State funding.

John - yearly →

maintain assessment -
1997 → shell shocked. because ↑

Southern Maine $10K → coastal
Communities. Certain neighborhoods
Foreside & Chebeague.

Send Ltrs then Public Hearing

Public Hearing
To

motion

* Signs
Planning Board - motion - Bob will do

546 - Addition Permits will see increase in assessment

Firetruck ~~$~~ shoveling out fire hydrants
2 -> we should be using a dump truck
Pickup
Bob make note to Fire Chief

Exec
Peter - Executive Session
John - Second

TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MARCH 26, 2001

Councilors Present: Stephen Moriarty, Peter Bingham, John Lambert, James Phipps, Jeffrey Porter, Harland Storey, Mark Kuntz
Staff Present: Robert Benson, Town Manager; Andy Fillmore, Planner; Bill Healey, Assessor; Lisa Brown, Recording Clerk
Others Present:
Councilors Absent:

I. The meeting was called to order by Chairman Moriarty at the Council Chambers at Cumberland Town Hall at 7:13 p.m.

II. Approval of Minutes

a. None To Present

Motion by _____

Seconded by _____ VOTE: UNANIMOUS (#____)

III. Manager's Report

* Bob Storey - Cemetary Presentation
Gazebo in Cemetary - capacity for 2 people
Town 200 lots to prepare for sale - Revenue
may 14 - completion date proposal
Location - right of center in the back - 3 lots
75' from Chain Fence - opening
Donations - cost & labor - Money
8' x 8' - Arbor with bench to seat 2
with rising stairs
Requires Board of Appeals → Apr 12

Peter motion - ~~Please~~ to go forth
John 2nd

Introduce → Andy Filmore → Town Planner

IV. Public Discussion

None

V. Legislation & Policy

01-09 To hold a Public Hearing to consider and act on amendments to the Growth Management Ordinance.

Motion by _____

Seconded by_____ VOTE: UNANIMOUS (#____)

Attorney Cole → Changes to Ordinance
1) Grandfather lots on Chebeague
2) Allow grdwith permits for full time year round residency
3) "housekeeping"
4) ~~&~~ log jam - non subdivision will
5) add 3 add'l non subdivision outside exemptions

see Ken's letter

~~Otro~~

* Councilor Lambert - counter prosal - #4 unused non-pub permits → 10-15 year average = 44 homes → 49 based on historical data 18 subdiv are still available June 30th → unused should be placed to those on waiting list not all on Cheb. up to an additional 3 to 6
We would like growth - target affordable housing - to 10 enhance vitality in community #3 meet criteria
~~to~~ taxed fourth if one who doesn't get permit-adjusted
15 left → first 3 go to Chebeague.
unhappy w/Residency
small crossingbrook - affordable housing criteria
income & net worth ~~to~~ criteria

→ Ken Cole - would pass constitutional

(1570) Mark Kuntz - asked about the 10

(1620) Jim Phipps - create an exception

Peter Bingham - asked about limit ~~to~~ → $150,000?

Jim Phipps -

Jeff Porter - against cap - 47 units should be treated the same as mainland. We will not ahave a magical # The town created the mad rush
(1830) 15 permits - 10 should be granted to Chebeague
Subdivision

01-10 To hear request of Jeffrey Daigle for sewer easement – Tuttle Road Map R2B Lot 1 to manhole #106 (opposite 60 Tuttle Rd).

Motion by _____

Seconded by_____ VOTE: UNANIMOUS (#____)

01-11 To consider and act on application of Cumberland Café for a Liquor License Renewal

Motion by _____

Seconded by_____ VOTE: UNANIMOUS (#____)

01-12 To set dates for Bulky Waste Pickup. Mainland week of May 7th and Oct 1st.
Chebeague Island Aug 3rd, 4th, 5th, 2001

Motion by _____

Seconded by_____ VOTE: UNANIMOUS (#____)

01-13 Nominating Committee Appointments.
Motion by _____
Seconded by_____ VOTE: UNANIMOUS (#____)

01-14 To hear Town Assessor's Report.
Motion by _____
Seconded by_____ VOTE: UNANIMOUS (#____)

VI. Correspondence

- Attorney Kenneth Cole – Chebeague Island Growth Ordinance Amendments
- Email from Bob Francis RE: Building Cap on Chebeague
- Jeffrey Daigle Ltr dtd February 15, 2001 RE: Sewer Easement
- Attorney Ken Cole – Ltr Dtd March 21, 2001 RE: Sewer Easement
- Cumberland Café Liquor License Renewal
- Town of Cumberland Assessor Report
- Bill Lyford Ltr dtd March 11, 2001 RE: Compliment of Public Works
- PROP (People's Regional Opportunity Program) Ltr dtd March 14, 2001 RE: Board Position Vacancy
- Barbara McPheters, Code Officer Memo dtd March 21, 2001 RE: Sign Requirements
- State of Maine, Bureau of Labor Standards Director Ltr dtd March 9, 2001 RE Annual Occupational Safety & Health Inspection of the Fire Department
- US Postal Service, Terry Brooks Ltr dtd March 13, 2001 RE: Postponement of Post Office Project
- Chebeague Transportation Co., Allen Malony Ltr dtd March 12, 2001 RE: Barging
- MSAD #51 Minutes of March 12, 2001
- MSAD #51 Agenda for March 19, 2001
- Carol James ltr dtd March 12, 2001 RE: Drown Road School Site Issues
- State of Maine Dept of Public Safety Ltr dtd March 7, 2001 RE: Enhanced 911 Activation
- Cumberland County Commissioners Meeting Minutes of February 26, 2001
- Falmouth/Cumberland Chamber of Commerce "Business after 5" Invite
- Shoreland Zoning Workshop notice
- Portland Press Herald news article "State Formula forces Portland to hike taxes" dtd March 17, 2001.
- Growth Management Ordinance
- _____
- _____
- _____
- _____
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- _____
- _____
- _____

VII. New Business

Council to compile a thank you letter to Bob Vail - he constructed the speaker podium

Bob wants me to write a letter

VIII. Adjourn

No further business was conducted: motion to adjourn at _____ p.m.

Motion: _____

Second by: _____ UNANIMOUS (#_____)

M E M O

Date: 3/21/01

To: Town Council Members

Cc:

From: Bob Benson, Town Manager

Bob Storey of the Cemetery Association will be making a brief presentation regarding the trustees intention to allow a small gazebo to be constructed by a group of high school students. Bob wants the Council be aware of the approval given this project by the trustees of the cemetery.

01-09 This grows out of the hearing that was held on Chebeague Island, please review the recommendations from the Town Attorney which can be debated by the Council Monday night.

01-10 Mr. Daigle wants approval of the town which will enable him to petition the state to allow entry to the right of way on Tuttle Road for a private sewer line force main into the manhole opposite the Tuttle Road Church. In the Town Attorney's letter, you will note mention of the easement which was given to Bob Dillenback when he wished to run a private sewer line from his house in the Tuttle Road right of way. I have sent copies of the agenda to the abutters affected by this request.

01-11 Self Explanatory

01-12 Self Explanatory

01-13 Self Explanatory

01-14 I enclosed the Town Assessors memo to me, as a heads up for you, regarding his presentation. If you have any questions over the weekend, and would like anything specific answered regarding the info in the Assessor's memo to me, please don't hesitate to call Bill or me on Monday, so we can have the information available that night.

Council
RB
3-22-01

Jensen Baird Gardner & Henry

WALTER E. WEBBER
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OF COUNSEL

KENNETH BAIRD
(1914-1987)

YORK COUNTY OFFICE

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

March 19, 2001

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

Re: Chebeague Island Growth Ordinance Amendments

Dear Bob:

Enclosed herewith please find five proposed simple amendments which I hope will accomplish the intent of the Council as expressed at last week's meeting on Chebeague Island. Each of the amendments has the following effect:

July 1 - July 30

1. The new Subsection E grandfathers all Chebeague Island subdivision lots approved by the Planning Board.

2. The new Subsection F exempts residents applying for permanent year round dwelling units on Chebeague Island.

3. The third amendment strikes the reservation of three units for Chebeague from the list of permitted growth permits.

4. The fourth amendment allows the unused mainland subdivision permits to be used. Note that this is only in the fiscal July 1, 2001- June 30, 2002 and I have not specified that this would be limited to Chebeague Island applicants only.

5. This amendment reserves at least three growth permits thereafter for non-subdivision Chebeague Island applicants.

By phrasing the amendments this way I hope to have given the Council flexibility to decide the grandfathered subdivision and Chebeague residence issues separately from dealing with the backlog of growth permit applications.

Growth Permit- 90 days to convert to building permit and ask by 3 month need plans

received
3-21-01

If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC:ah
Enclosure

Growth Management Ordinance Amendments

1. Add to § 5 a new Subsection E:

   "Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance ~~subject to the annual limit due set forth in § 6.A.2.~~"

Favor 5 / 1 Jeff opposed

move - John - motion Peter - and 9:10 pm 1st Motion

2. Add to § 5 a new Subsection F:

   "Permanent, year-round dwelling units constructed for residents of Chebeague Island. Residence shall be established by sworn affidavit and accompanying indication of domicile such as voter registration, driver's license, motor vehicle registration, Maine Income Tax Return and similar official declarations of residence."

3. Strike from § 6.A.1 the phrase "plus 3 additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island."

4. Strike last sentence of § 6.A.2 and add:

   "Any unused subdivision Growth Permits for the year 2000-2001shall be available from July 1, 2001 to June 30, 2002 for non-subdivision Growth Permit applicants."

5. Strike § 6.A.3 and replace with the following:

   "Three additional non-subdivision Growth Permits shall be reserved for use on Chebeague Island in each fiscal year."

Council
RB
3-22-01

Jensen Baird Gardner & Henry

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March 19, 2001

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290 Tuttle Road
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received
3-21-01

If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC:ah
Enclosure

Jensen Baird Gardner & Henry

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TELECOPIER TRANSMITTAL INFORMATION

TO: Bob Benson
TELECOPIER NO.: (207) 829-2224
FROM: Ken Cole DATE: March 19, 2001

This transmission consists of 4 pages, including this cover sheet.

Please deliver this telecopy immediately upon receipt. If there has been an uncorrected error in transmission, please call our office at the number listed above.

Return telecopy phone number, direct line is: (207) 775-7935.

Thank you.

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Need update from Bakas
on mood

Jensen Baird
Gardner & Henry

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March 19, 2001

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

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If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC:ah
Enclosure

MAR-19-01 MON

ɔwn of Cumberland

Administration
290 Tuttle Rd
Cumberland, ME 04021
Phone: 207-829-2205
Fax: 207-829-2224
Web: www.cumberlandmaine.com

Fax Transmittal Form

To Jim Phipps **From** Lisa

Fax number: 791-3111

Phone: 207-829-2205
Fax: 207-829-2224
Web: www.cumberlandmaine.com

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

Date sent: 3-19
Time sent: 3:40 pm
Number of pages including cover page: 5

Message:

FY1

FAXED 3-19-01 15:43

FACSIMILE TRANSMITTAL

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND, ME 04021

TELEPHONE 207-829-5559

FACSIMILE 207-829-2214

FAX NUMBER 829-448 DATE 3/23/01

TO: JERRY SNOW FROM: BOB BENSON
name name

company department

NUMBER OF PAGES (INCLUDING COVER SHEET): 2

COMMENTS

Growth Management Ordinance Amendments

1. Add to § 5 a new Subsection E:

   "Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance subject to the annual limit due set forth in § 6.A.2." (cap1 at 22)

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Council + EILRDC 3-12-01
RM Bob
FYI
Barb

Planning Dept. Receptionist

From: Bob Francis [francb@fc.portlandschools.org]
Sent: Friday, March 09, 2001 1:03 PM
To: dlarson@cumberlandmaine.com
Subject: Chebeague Island building permit

I live on Chebeauge year round and My mom just bought a peice of land next to the new town garge from Lila Bishart. I'm writting to you because we can't build until 2004. We are living with my grandmother in Yarmouth right now because my mom can't afford to pay rent and pay tax on our land when we're not even living there. I saw a list of names and years that people can build and I saw that Lila Bishart can build before us when she alrealy owns 3 houses on the island and they don't even there year-round. Thats just crazy that they would get to build before us when we don't own a house, have lived on the island all our lives and would be living there year round and not just come back for visits. I wouldn't even say they are summer people because they aren't here every summer all summer. I wanted to say that I think that people who are planning to build to live year-round should get to build first.

I'm not sure if your the right person to be sending this to, but if your not I'm sorry for taking up your time and if you could foreward this to the person thats in charge of this I would really apperciate it. Thanks very much!!!!

Danielle Rich

Jensen Baird Gardner & Henry

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TELECOPIER TRANSMITTAL INFORMATION

TO: Bob Benson
TELECOPIER NO.: (207) 829-2224
FROM: Ken Cole DATE: March 19, 2001

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Thank you.

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Jensen Baird
Gardner & Henry

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March 19, 2001

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Town Manager
Cumberland Town Offices
290 Tuttle Road
Cumberland, ME 04021

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If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC:ah
Enclosure

GREATER PORTLAND REALTY
400 Allen Avenue
Portland, Maine 04103
Tel. 797-7777
Fax 797-0255
e-mail: jeffdaig@aol.com

Jeffrey Daigle
Broker/Partner

February 15, 2001

Mr. Bob Benson
Town Manager
Town Of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bob:

I am writing to you at the suggestion of Town Staff, to initiate whatever process is necessary, to confirm without question that I can get sewer to a particular property.

I have contracted to purchase a 2 acre lot on Tuttle Road owned by Norman Steele (Town Map 23, Lot R2B-1). The lot is located at the east end of Tuttle between the power line and the church. The lot will not take an on-site septic system, therefore, it will require connection to the public sewer line to get a building permit. The nearest line is located about 200+/- feet away, across the Street and one or two lots removed.

Mr. Steele purchased a sewer "user unit upgrade" for this lot years ago and thought that he did all that was necessary to clear the way for line hook-in. Naturally, I need to be sure that this is accurate.

Could you, or Adam Ogden, please advise as to exactly what I will need to do to get permission to extend sewer to the Steele property?

Sincerely,

Jeff Daigle

cc. Adam Ogden, Town Office
Norman Steele, 16 Forest Avenue, Cumberland, ME 04021

received
2-20-01

Council
RS
3-26-01

Jensen Baird Gardner & Henry

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March 21, 2001

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

Dear Bob:

Adam Ogden has called and explained that a homeowner is requesting an easement along the Tuttle Road for a sewer connection. He has further faxed me additional materials in regard to that connection and explained to me that there is some confusion on the part of the Town as to whether such an easement is appropriate.

As you may remember, nearly 10 years ago we gave a similar easement to Bob Dillenback. The reason for the easement is that the Tuttle Road is an old rangeway which actually is owned in fee by the Town. Although it is a so-called state aid highway, that merely means that the state contributes funds to it as a major through road. The actual ownership, however, remains vested in the Town. As such, no individual has a right to enter that road, especially to put within the right of way any type of materials, without the Town's permission.

Based on the fact of the Town's ownership of the Tuttle Road, an easement would be appropriate and such an easement needs to be granted by the Town Council. The provisions which Adam has proposed and which are typical in an MDOT arrangement are appropriate. They require the owner to potentially install and/or relocate at his own expense, bear all costs of the actual construction itself and clarify that the installation will remain private at all times. Obviously, the final condition is that the owner will repair the road and bear the cost of any subsequent maintenance responsibilities or damages to the road created by the installation and its continuance in the right of way.

I would suggest that the homeowner address a specific request to the Town Council for such an easement and that the Council act to authorize it subject to an acceptable easement drafted and approved by you and myself. If you have any question, please let me know.

Very truly yours,

Kenneth M. Cole III

received
3-21-01

cc: Adam Ogden

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Bureau before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

Present license expires 4-9-01

Department of Public Safety
Bureau of Liquor Enforcement – Licensing Div.

	BUREAU USE ONLY
License no. assigned	
Class license assigned	
Deposit date	
Amount deposited	

PLEASE INDICATE TYPE OF LICENSE BY A CHECK MARK IN PROPER BOXES.

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☐ SPIRITUOUS ☑ VINOUS

INDICATE TYPE OF PREMISE:

☐ CLUB ☐ CLUB — ON-PREMISE CATERING ☐ HOTEL ☐ HOTEL—OPTIONAL FOOD
☐ GOLF CLUB ☐ INDOOR ICE SKATING CLUB ☐ INDOOR TENNIS CLUB ☑ RESTAURANT
☐ TAVERN ☐ RESTAURANT/LOUNGE ☐ CLASS A LOUNGE ☐ OTHER _____

PLEASE REFER TO PAGE 3 FOR FEE SCHEDULE.

ALL QUESTIONS MUST BE ANSWERED IN FULL AND $10.00 FILING FEE MUST ACCOMPANY ALL APPLICATIONS.

1. APPLICANT(S) (Sole proprietor, corporation, limited liability company, etc.)	2. BUSINESS NAME (d/b/a) Cumberland Cafe
Cumbrld Cafe Corp	LOCATION (STREET ADDRESS) 172 Gray Rd
ADDRESS 172 Gry Rd	City or Town Cumberland State ME Zip Code 04021
Cumbrld ME 04021	Mailing Address SAME
City or Town State Zip Code	City or Town State Zip Code
207- 829-0980	
TELEPHONE NUMBER 04- 3384146	Business Telephone Number 207- 829- 0980
Federal I.D. Number	Seller's Certificate Number 10 32498

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of **last license:**
ROOMS $_____ FOOD $ 340,000 LIQUOR $ 6,000

5. Is applicant a corporation, limited liability company or limited partnership? YES ✓ NO _____
If answer is "YES," complete Supplementary Questionnaire.

6. Do you permit dancing or entertainment on the licensed premises? YES _____ NO ✓

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____

9. Business records are located at 172 Gray Rd Cumberlnd ME

10. Is/are applicant(s) citizens of the United States? YES ✓ NO _____

11. Is/are applicant(s) residents of the State of Maine? YES ✓ NO _____

12. List name, date of birth, place of birth for all applicants and manager, if any. Give maiden name, if married.

A. Edward G. Harding — 9-19-65 — B.ston MA
Name in full — Date of birth — Place of birth

B. _____
Name in full — Date of birth — Place of birth

C. _____
Name in full — Date of birth — Place of birth

D. _____
Residence address for all of above for previous 5 years. (Limit answer to city and state.)

_____

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES _____ NO ✓

Name _____ Date of conviction _____

Offense _____ Location _____

Disposition _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? YES _____ NO ✓

If "YES," give name _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ✓ NO _____

16. Does/do applicant(s) own the premises? YES _____ NO ✓ If "NO," give name and address of owner: _____

CFE 34 Blackstrap Rd Cumberld ME

17. Describe in detail the premises to be licensed: 85 Seat Family Restaurant

_____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ✓ NO _____ Applied for _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 miles Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ✓ NO _____

If "YES," give details University Credit Union Loan

21. Has any other person any interest directly or indirectly in your business? YES _____ NO ✓

If "YES," give details _____

The Bureau is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to $500 or by both."

Dated at Cumberld ME (Town or City, State) on March 7 (Date), 2001

_____

Edward G. Harding

Signature(s) of Applicant(s) or Corporate Officer

Department of Public Safety
Licensing & Inspection - Liquor
164 State House Station Augusta ME 04333-0164

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Cumberland Cafe Corp

2. Date of Incorporation: August 1997

3. State in which you are incorporated: Maine

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____

5. List the names and addresses for previous 5 years, birth dates, titles of officers, directors and list the % of stock owned:

NAME	ADDRESS PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
Edward A. Harding	233 Yarmouth Rd Apt B Gray ME	9-9-65	200	President
L. Mike Smith	34 Forest Lane Cumberland ME	10-6-56	200	Vice President

6. What is the amount of authorized stock? 700 Outstanding Stock? 300

7. Is any principal officer of the corporation a law enforcement official? NO

8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? YES _____ NO ✓

9. If YES, Please complete the following: Name: _____

Date of Conviction _____ Offense _____

Location _____ Disposition _____

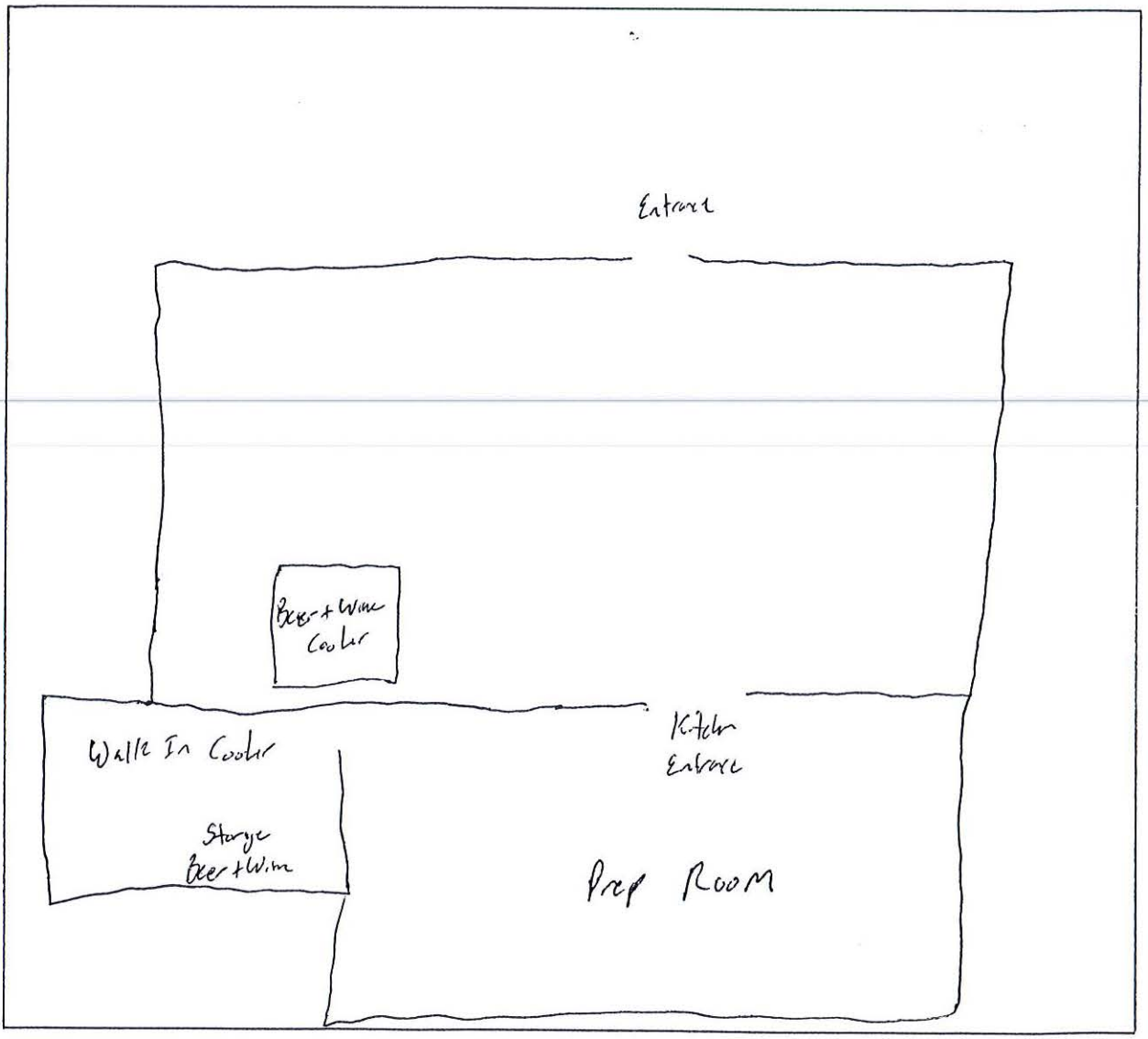
Dated at _____ On _____
CITY OR TOWN DATE

_____
SIGNATURE OF DULY AUTHORIZED OFFICER

SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

In an effort to clearly define your licensed premise and the areas that consumption and storage of liquor is allowed, The Bureau of Liquor Enforcement is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Bureau for liquor consumption.



OFFICES LOCATED AT: 397 WATER STREET GARDINER, MAINE 03345

(207) 624-8745 (Voice) (207) 624-4478 (TDD) (207) 624-8767 (Fax)

NOTICE — SPECIAL ATTENTION

ALL APPLICANTS FOR NEW OR RENEWAL LIQUOR LICENSES MUST CONTACT THEIR MUNICIPAL OFFICIALS OR THE COUNTY COMMISSIONERS IN UNINCORPORATED PLACES FOR APPROVAL OF THEIR APPLICATION FOR LIQUOR LICENSES PRIOR TO SUBMITTING THEM TO THE BUREAU. **THIS APPROVAL EXPIRES IN 60 DAYS.**

FEE SCHEDULE

Class I	— Spirituous, Vinous and Malt*	$ 900.00
Class I-A	— Spirituous, Vinous and Malt,* Optional Food (Hotels Only)	$1,100.00
Class II	— Spirituous Only*	$ 550.00
Class III	— Vinous Only*	$ 220.00
Class IV	— Malt Liquor Only*	$ 220.00
Class V	— Spirituous, Vinous and Malt* (Clubs without Catering)	$ 495.00
Class X	— Spirituous, Vinous and Malt* Class A Lounge	$2,200.00
Class XI	— Spirituous, Vinous and Malt* Restaurant/Lounge	$1,500.00
*Filing fee must accompany all applications		$ 10.00

Every applicant for an original or renewal liquor license shall also remit with his application a filing fee of $10.00, except in unorganized places the filing fee of $10.00 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applicants for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

CLASS I LICENSE: The following premises shall be eligible for a Class I License — Spirituous, Vinous and Malt Beverages: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

CLASS I-A LICENSE: The following premises shall be eligible for a Class I-A License — Spirituous, Vinous and Malt Beverages: Hotels only that do not serve three meals a day.

CLASS II LICENSE: The following premises shall be eligible for a Class II License — Spirituous Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

CLASS III LICENSE: The following premises shall be eligible for a Class III License — Vinous Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

CLASS IV LICENSE: The following premises shall be eligible for a Class IV License — Malt Beverages Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

CLASS V LICENSE: The following premises shall be eligible for a Class V License — Spirituous, Vinous and Malt Beverages: Clubs without catering privileges.

CLASS X LICENSE: The following premises shall be eligible for a Class X License — Spirituous, Vinous and Malt Beverages: Class A Lounge.

CLASS XI LICENSE: The following premises shall be eligible for a Class XI License — Spirituous, Vinous and Malt Beverages: Restaurant/Lounge; and OTB.

ALL FEES MUST ACCOMPANY APPLICATION AND BE MADE PAYABLE TO: TREASURER, STATE OF MAINE. PAYMENTS BY CHECK SUBJECT TO PENALTY PROVIDED BY SEC. 3 OF TITLE 28A, MAINE REVISED STATUTES.

DEPARTMENT OF PUBLIC SAFETY, BUREAU OF LIQUOR ENFORCEMENT — LICENSING DIVISION, 164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164. TEL. (207) 624-8745

STATE OF MAINE

_____ ss. Dated at _____, Maine

on _____, 20_____

The undersigned being Municipal Officers / County Commissioners of the city / town / plantation / unincorporated place of _____

hereby certify that we have given public notice on this application and held public hearing thereon as required by

Section 653 Title 28A, Maine Revised Statutes and hereby approve said application in accordance with the provisions of Sections 654 and 1051, Title 28A, Maine Revised Statutes as amended.

_____	_____
_____	_____
_____	_____

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE
SPECIAL ATTENTION

§ 653. Hearings; Bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The Bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the Bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph.

D. If an application is approved by the municipal officers or the county commissioners but the Bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the Bureau shall notify the applicant of that fact in writing. The Bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the Bureau. The Bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

E. A violation of any provision of this Title; and

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601.

3. Appeal to Bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the Bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The Bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the Bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Deleted. Laws 1993, c. 730, § 27.

B. If the decision appealed from is an application denial, the Bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed. Laws 1987, c. 342, § 32.

5. Appeal to Administrative Court. Any person or governmental entity aggrieved by a Bureau decision under this section may appeal the decision to the Administrative Court within 30 days of receipt of the written decision of the Bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the Bureau shall refund the applicant the prorated amount of the unused license fee.

Bill will expand on this Council on Monday nite - RS

I thought this is a good "heads up" on what he will be discussing - RS

Bob,

Please look this over and give me some feedback. This is what I am proposing for my presentation to the Council on Monday night.

Thanks,

Bill

As I'm sure you are aware, the Real Estate Market has shown considerable gain over the past few years. Because of this trend, we have seen our Town wide assessment to sale ratio drop to a current level of 85%. This precipitated a review of all qualified or arms-length sales over the past 3 years. I recently completed a study of 546 sales that took place between January 1, 1998 and December 31, 2000. Our sales reflected what other communities are noticing; Sale Prices of homes have increased dramatically over that time period. I determined that something needed to be done to bring our assessments closer to sales prices. The current "Economic Climate" steered me away from a Town Wide Revaluation this year. I decided to take a closer look at the Sales Data. The technology I have available enables me to fine tune and group sales by location to determine what areas might be reducing the overall Town ratio, thus creating inequities in assessments. I found 6 "Neighborhoods" that stood out as "Problem Areas" where the assessment to sales ratios were 80% and below. Because I am charged as Assessor to distribute the Tax Burden equally among all property owners, I found it necessary to make adjustments to the assessed values of these properties to bring them in line with the rest of the Town. This should not be construed as selective assessing or singling out of certain property. State Law gives the Assessor the flexibility of maintaining assessment equity by allowing adjustments of property that creates an unequal distribution of the Tax Burden in periods between Town wide revaluations.

498 Properties will have their assessments increased.
139 on the Island and 359 on the Mainland.
The Town will recognize an increase in the Taxable Valuation of approximately $11,476,000 or $250,000 tax dollars at our current tax rate.

Council
3-26-01

People's Regional Opportunity Program

PROP

510 Cumberland Avenue, Portland, Maine 04101

March 14, 2001

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

Dear Mr. Benson:

The Board of Trustees of People's Regional Opportunity Program (PROP) is seeking to fill a public sector vacancy on our Board. Our Board is made up of twenty-one representatives of three distinct segments of the community: the private or business sector, the public or government sector, and the elected sector advocating for our low income citizens.

For a term beginning September 2001, we have a vacancy in the seat representing the Town of Cumberland. We invite the Town Councilors to make an appointment to this three-year seat. We are particularly seeking people with a background or interest in affordable housing development, investments, banking, law, real estate, fundraising, or working with community leaders. Enclosed is some additional information about the role and responsibilities of PROP Board members to aid you in selecting a representative.

Thank you for your attention to this. It would be most helpful if you could let us know your appointment by the last week in May. Please call Mary Main at PROP if you have any questions (874-1140 x 358). It would be helpful if you could call Mary with the name, address and phone number of the person you are appointing. Thank you!

Sincerely,

Grant Lee
Executive Director

received
3-19-01

Toll-free (ME) 1-800-698-4959 • 874-1140 • Fax 874-1155 • TTY 874-1013

Council
3-26-01

Interoffice Memo

Date: 3/21/2001

To: Robert Benson, Town Manager

From: Barbara McPheters, Code Officer BMM

RE: Sign Regulations

At the March 8, 2001 Board of Adjustment and Appeals meeting, the Board voted "to recommend that Town Council consider an amendment to the Cumberland Zoning Ordinance to limit the size of a sign for a special exception home occupation to no larger than six square feet (3' x 2')".

This recommendation results from a request by an applicant for as large a sign as allowed for a home occupation. In the past, the Board has negotiated with applicants and typically approved signs not to exceed six square feet.

The Board has referred to the Shoreland section (423.8) of the ordinance for guidance. This section states that "Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area..."

The sign regulations in the ordinance (424.3.3) require that "No individual sign shall contain more than twenty-five (25) square feet, except in the Highway Commercial (HC) district where no individual sign shall exceed forty (40) square feet".

If you have any questions, or require further information, please let me know.

Comm
NS
3-26-01

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
WORKPLACE SAFETY & HEALTH DIVISION
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

ANGUS S. KING, JR.
GOVERNOR

VALERIE R. LANDRY
COMMISSIONER

MICHAEL FRETT
DIRECTOR

March 9, 2001

Dan Small
Cumberland Fire Department
PO Box 128
Cumberland Center, ME 04021

Dear Mr. Small:

Maurice Nadeau of the Bureau of Labor Standards completed an inspection of the Cumberland Fire Department on 3/8/2001. The inspection was to determine if your facility was complying with Occupational Safety and Health rules. We are pleased to inform you that no violations were identified.

We encourage you to inform your employees of the actions you take regarding health and safety. This knowledge will help them to do their part in maintaining a safe and healthful workplace, and will inform them of your concern for their protection.

If you need any additional information or assistance, please contact our office.

Sincerely,

Michael V. Frett

Michael V. Frett, Director
Bureau of Labor Standards

MVF/dlm

PRINTED ON RECYCLED PAPER

REAL ESTATE SPECIALIST
FACILITIES SERVICE OFFICE

UNITED STATES
POSTAL SERVICE

March 13, 2001

Mr. Robert Benson
Town Manager
290 Tuttle Road
Cumberland Center, 04021-9321

RE: New Post Office – Cumberland, Me.

Dear Mr. Benson:

As you may recall the Postal Service had apprised your Town Council that it would have a site plan available for review at their March 26 meeting. In light of the recent reevaluation of all facilities projects throughout the Postal Service, I have to advise you that the plan will not be available since we are not even allowed to execute the work order necessary for its completion.

The District of Maine has re-prioritized its projects and will hopefully receive word of those approved in the near future. Either I, or my successor, will be in contact with you once the word has been passed down.

Thank you for your cooperation and patience in this matter. Should you have any questions, give me a call.

Sincerely,

Terry Brooks

Terry Brooks

P O Box 800
WINTHROP, ME. 04364-0800
207-377-2381
FAX: 207-377-3068

received
3-15-01

Council
3-26-01

CHEBEAGUE TRANSPORTATION CO.
CHEBEAGUE ISLAND
MAINE 04017

March 12, 2001

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

Dear Bob:

As you know, CTC will begin barging from Yankee Marina on the Royal River this season. We are anxious to better serve the needs of both the island community and commercial businesses by customizing our barging service to save time and money.

The Town of Cumberland regularly uses Intercoastal and Lionel Plante because of convenience and capacity. We are determined to meet and beat our competition; and benefit our island community by containing ferry fees by growth in barging revenues.

We are asking for your help in supporting CTC toward their goal.

Sincerely,

Allen

Allen Malony, Treasurer

received
3-14-01

cc: Adam Ogden, Public Works Director

Information: 846-3700 Fax: 847-9368 Business Office: 846-5227

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
March 12, 2001 **7:00 PM** **Mabel I. Wilson School**

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1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:20 p.m.

Attendance:
Board of Directors: John Aromando, Maryellen Fitzpatrick, Henry Kennedy, Audrey Lones, Mary Schendel, Bob Vail

Administrators: Brenda Breton, Wayne Fordham, Suzanne Godin, Jack Hardy, Robert Hasson, Pat Palmer, Scott Poulin, Susie Robbins, Judy True, Walter Wallace

2. **Approval of the Minutes** – of the Board of Directors meetings held on February 26, 2001.

Motioned 2nd Ed.
Voted: To approve the minutes of the Board of Directors meetings held on February 26, 2001.
(Voted: 6-0, J. Chadbourne & K. True absent.)

3. **Presentations and Reports**
   a) CBEA update – Cindy O'Shea
   b) Pownal tuition update
   c) Cottage Meetings – Update

4. **Committee Reports**
   a) Finance Committee – 2001/2002 Budget Discussion
   b) Policy Committee
   c) Negotiation Committee
   d) Design Team
   e) Performance Task Force
   f) Steering Committee
      - Update on middle school and Greely Junior High School renovations
      - Update on straw vote results

5. **Items for Action**
   a) Vote to approve 2001-2002 school calendar

Motioned 2nd Ed.
Voted: To approve 2001-2002 school calendar. (Voted: 6-0, J. Chadbourne & K. True absent.)

b) Vote to proceed with cable broadcast schedule (tentative)

Motioned 2nd ed.
Voted: To proceed with cable broadcast schedule. (Voted: 6-0, J. Chadbourne & K. True absent.)

6. Communications

7. Adjourn Meeting 8:35 PM

Upcoming Meetings/Events
3/1/01 – Kindergarten Screening Overview, MIW, 6:30 PM
3/1/01 – GHS One Act Play, GHS Auditorium, 7:30 PM
3/1/01 – Middle School Building Committee, GJHS Library, 7:00 PM
3/2/01 - GHS One Act Play, GHS Auditorium, 7:30 PM
3/3/01 – Administrative Budget Presentations to the Board, MIW, 9:00 AM – 2:30 PM
3/3/01 – GHS Dinner Theatre, GHS Auditorium, 6:00 PM
3/5/01 through 3/16/01 – Maine Educational Testing for Grades 4, 8 & 11: Math, Science, Technology and Visual/Performing Arts
3/6/01 – GHS All District Concert
3/7/01 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
3/7/01 – Design Team, GHS Library, 3:15 PM
3/8/01 – GJHS Renovations Committee, GHS Library, 7:00 PM
3/9/01 – Maine Drama Festival Regionals
3/10/01 – Maine Drama Festival Regionals
3/12/01 through 3/16/01 – Kindergarten Screening Week
3/13/01 – PTO Meeting, 7:00 PM
3/14/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
3/14/00 – Performance Indicators, MIW Conference Room, 5:00 PM
3/14/00 – Steering Committee, GHS Library, 7:00 PM
3/15/01 – Policy Comm. Meeting, Central Office Conf. Room, 4:30 PM
3/17/01 – St. Patrick's Day
3/17/01 – Sadie Hawkins Dance, GHS Gym, 8:00 PM
3/17/01 through 3/24/01 – Japanese exchange students visit
3/19/01 – Public Hearing on 2001-2002 Budget, MIW, 7:00 PM
3/19/01 – Finance Committee Meeting, Central Office Conf. Room, 5:30 PM
3/20/01 – Blood Drive, GHS Gym, 7:45 AM
3/21/01 – ASVAB Test
3/21/01 - Language Honor Society Induction Ceremony, GHS, 7:00 PM
3/21/01 – CBEA & School Boards meeting @ the Marriott, South Portland, 6:00 PM
3/22/01 – Japan Culture Day @ GJHS
3/22/01 – GHS Pops Concert, GHS Gym, 6:30 – 9:00 PM
3/23/01 – Teacher Inservice Day – No School
3/26/01 – Board of Directors Adopts Budget, MIW, 7:00 PM
3/26/01 through 3/30/01 – MIW Celebration of Reading
3/26/01 – Finance Committee Meeting, Central Office Conference Room, 5:30 PM
3/26/01 – High School Spring Season, First Baseball Practice

3/28/01 – Straw Vote & Community Forum, GJHS, 7:00 PM
3/28/01 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
3/28/01 – Policy Comm. Meeting, Central Office Conf. Room, 4:30 PM
3/29/01 – Pioneer Night, NYMS, 6:30 PM
3/30/01 – End of 3rd Quarter

Next Board Meeting:

- Monday, March 19, 2001, Mabel I. Wilson School

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

Public Hearing on 2001-2002 Budget

Monday
March 19, 2001 **7:00 PM** **Mabel I. Wilson School**

1. **Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel**

2. **Approval of Minutes**

3. **Public Hearing on 2001-2002 Budget at 7:00 PM**

4. **Presentations and Reports**
   a) Cottage Meetings – Update

5. **Committee Reports**
   a) Finance Committee
   b) Policy Committee
   c) Negotiation Committee
   d) Design Team
   e) Performance Task Force
   f) Steering Committee
      - Update on middle school and Greely Junior High School renovations

6. **Items for Action**
   a) Vote to appoint coaches
   b) Vote to accept Board of Director resignation

7. **Communications**

8. **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;
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- 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;
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   - 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
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Polly Haight Frawley	657-2373	PHFraw@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

3/14/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
3/14/01 – Performance Indicators, MIW Conference Room, 5:00 PM
3/14/01 – Steering Committee, GHS Library, 7:00 PM
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Next Board Meeting:

- Monday, March 26, 2001, Mabel I. Wilson School
  Board of Directors Adopts 2001-2002 Budget

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
EMERGENCY SERVICES COMMUNICATION BUREAU
104 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0104

ANGUS S. KING, JR.
GOVERNOR

MICHAEL F. KELLY
COMMISSIONER

ALBERT E. GERVENACK
DIRECTOR

March 7, 2001

To: Head Elected Officials of Cumberland County Communities
From: Albert E. Gervenack, Director
Cc: Addressing Officer
Re: Enhanced 9-1-1 Activation

Good news! Your community now has Enhanced 9-1-1 service. While there has been some local publicity, we hope that you will notify key municipal departments (e.g., police, fire and schools), local emergency medical service providers and residents about the new service. Attached is a list of telephone exchanges that have been connected. **Note: some exchanges that border another county may not have been included in this activation phase.**

Enhanced 9-1-1 replaces and improves existing emergency calling systems in Maine. With the service, residents call 9-1-1 to report an emergency and public safety call takers are automatically provided with critical location information of the caller. This feature is crucial because it speeds up emergency response and dispatch.

Many Enhanced 9-1-1 safety improvements are linked to local addressing efforts, particularly the location features. To take full advantage of the system, communities must create street addresses for every property, and then update addresses with local phone companies. Otherwise, the service will be limited to emergency 9-1-1 calling and no address information. As a result, please advise residents that they will need to verify their address with the public safety call takers until addressing and telephone number verification is completed by your town.

In your notification, also suggest that people check the Bureau's new "user friendly" web site: www.maine911.com for additional information. There is a search feature that allows the public to verify whether their telephone exchange has been activated with Enhanced 9-1-1 and explains how to contact the Bureau.

Enclosure: Telephone Exchanges with Enhanced 9-1-1 as of 3/1/01

received
3-12-01

PHONE: (207) 287-9911 (Voice)
TOLL FREE: 1-888-448-3803 (Voice)
(207) 287-3659 (TDD)
FAX: (207) 287-3658
PRINTED ON RECYCLED PAPER

Telephone Exchanges with Enhanced 9-1-1
As of March 1, 2001

221
228
239
247
253
281
282
283
284
286
294
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384
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874
878
879
883
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937
967
985

received
3·12·01

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

COMMISSIONERS' MEETING

MINUTES **February 26, 2001**

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

Chairperson Clenott called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the regular meeting of February 12, and special meeting of February 13, 2001 were approved as written.

Peter Crichton, County Manager, was absent due to a family commitment. Robert Devlin, Deputy County Manager, reported that the County Manager and Human Resources Director had met recently with Maine Municipal Association's Health Trust representatives and two vendors regarding wellness issues. MMA would like to use Cumberland County as a pilot project to target wellness issues such as recurring injuries. He noted that he and Commissioner Feeney would be attending the NACo conference from March 2-6th. He updated the Board on the current legislative hearings in Augusta, focusing on the Criminal Justice Committee and corrections issues.

Commissioner Feeney stated that while on vacation in Georgia, he had visited the offices of Glen County, meeting briefly with the Deputy County Administrator. He noted that counties in other states might be stronger because they are smaller, as Glen County was about the size of the City of Portland. He noted that three of the Glen County Commissioners would be attending the NACO conference also, and he hoped to meet with them to obtain more concise information regarding the services they provide on both regional and local levels.

Commissioner Plummer reported that he had watched the broadcast of the Strategic Planning Committee's kickoff meeting, and was even more impressed with John Menario's opening speech than he had been on the day of the event. He encouraged the Board to watch this program on their local cable access channel, which will be broadcast at various times through March. He noted that he had attended the Civic Center Trustees meeting last week, and was scheduled to attend the Long Range Planning Committee meeting on Thursday, which he invited the Board members to attend. He stated that he expected the Committee to have a presentation of various options ready for the Commissioners to review within the next couple of months.

received 3-15-01

Chairperson Clenott reported that all Cumberland/York Aggregation Coalition members are being contacted regarding a bid received from AES Energy, Inc. through Maine Power Options. This bid was 6 percent lower than the current Standard Offer, and Cumberland County has signed on for a 13-month agreement. She noted that the bid had a very short deadline of Wednesday, so she has been contacting the members to make them aware of the offer. She also gave a brief update on the progress made during the legislative hearings, particularly correctional funding issues.

01-11 Approval, Carryover Requests from FY2000

Mr. Devlin presented the following list of carry-over requests from departments:

Facilities: $2,630 for Dodge truck insurance claim
District Attorney: $5,778 for victim brochure completion
District Attorney: $2,832 for training needs
Sheriff: $4,900 for the balance owed for ACA inspection

Mr. Devlin noted that the carryover requests were much lower than in previous years, and reported that the County Manager recommended approval of all but the DA training, as he felt that these needs could be met in the current budget funding.

Motion by Commissioner Plummer to approve the amounts as recommended for a total of $13,308. Second by Commissioner Feeney, so voted.

01-12 Approval, Ergonomic Correction Needs
01-15 Approval, Business Office Workstation, CCSO
01-16 Approval, Standish Sub-station Furniture Replacement, CCSO

Chairperson Clenott suggested that these three items be voted together as all concern ergonomics issues, the Board agreed. Discussion ensued with Mr. Devlin, Vic Labrecque, Director of Budget and Planning, and Judy Klein-Golden, Human Resources Director, on the background of the ergonomics issues and the need for the business office and sub-station upgrades. Mr. Labrecue noted that some costs for the business office workstation might be included in the overall ergonomic report, so actual costs may be less than those recommended. Ms. Klein-Golden noted that with these purchases, County employees would be in a better ergonomic situation that ever before, which has been a goal they have been working towards for a long time.

On the motion of Commissioner Plummer and the second of Commissioner Feeney, all three projects were approved for the recommended amounts: ergonomics project, $56,856; business office, $1,587.68; sub-station, $3,184.37. Motion by Commissioner Plummer to amend the motion to add the phrase "up to" the recommended amounts, in case the costs are less than expected for any of the items, such as the business office workstation. Second by Commissioner Feeney, so voted.

received

01-13 Contract, Winn Mountain Tower Lease, CCSO

Mr. Devlin presented a revised lease agreement, noting that there had been a cost increase of $75 per month. He stated that Mr. Labrecque had assured him that there would be current funds available to cover the increase. He also noted that the lease agreement had previously been with EMA as head of the Communications Division, and suggested that the opening paragraph should be changed to identify Cumberland County Government as the leasee, and the address should be changed to 142 Federal Street, Portland, Maine. The Board agreed to these changes.

Motion by Commissioner Plummer to approve the revised 3-year lease agreement as presented, at a cost of $4,500 per year, with the additional changes recommended by the Deputy County Manager. Second by Commissioner Feeney, so voted.

01-14 Juvenile Lease Agreement, Maine Youth Center, CCSO

After discussion regarding the York County situation, this item was postponed until a workshop could be held to discuss other possible options.

01-17 Appointment, Strategic Planning Committee

The following legislator was nominated by the County Manager for appointment to the Strategic Planning Committee: Rep. Harold Clough, Scarborough.

Approved on the motion of Commissioner Feeney and the second of Commissioner Plummer.

No further business conducted, motion to adjourn at 7:43 PM.

ATTEST:

Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, March 12, 2001 at 7:00 PM.

You are cordially invited to Falmouth/Cumberland Chamber's *"Business After 5"*

Join us at *Portland Athletic Club*

to network your business, meet other local business people, learn more about the Chamber and enjoy refreshments.
Don't miss this!

Date: Thursday, March 29, 2001
Time: 5:00 p.m. to 7:00 p.m.
Location: Portland Athletic Club
196 U.S. Route 1
Falmouth

Admission: FREE!

Business After 5 Registration Form
Admission is Free

Name: _____ Phone: _____

Company: _____ Fax: _____

Please fax this registration form to 772-1179 or call 772-1196, ext. 228, to register.

GPCOG, the Maine Coastal Program and the Maine DEP present a

Shoreland Zoning Workshop

Richard P. Baker, the **Maine DEP Shoreland Zoning Coordinator,** will be the featured speaker at this evening workshop for planning and zoning officials, on:

- **Current Issues in Shoreland Zoning**
- **Questions and Answers on Shoreland Zoning Topics of YOUR Choice**
  (Please return survey questionnaire on registration form, below, when registering)

Rick Seeley, a **Senior Planner** at **GPCOG**, will also speak briefly on:

- **Defining Subdivisions under Existing Law**

Note Date Change!

The workshop will be held at two locations as follows:

Monday, April 9, 2001, 7:00 to 9:00 pm, at the Windham Town Office Annex, 8 School Rd, just off Route 202, west of the traffic circle at Rte. 302 and 202, in Windham.

Tuesday, April 10, 2001, 7:00 to 9:00 pm, at the American Legion Post Log Cabin, 196 Main Street, Yarmouth, next to the Yarmouth Town Office, on the south side of the Rte 1 overpass.

Except for the question and answer part of the program, presentation of topics listed above will be the same for each workshop. No matter where you live, please feel free to attend either workshop session.

This workshop has been organized by GPCOG and DEP with financial assistance from the Maine State Planning Office under the Maine Coastal Program. Please complete, detach and return the registration form below to: **SZ Workshop, GPCOG, 233 Oxford Street, Portland ME 04101.** Or you can fax the whole form to us at 774-7149.

Name:_____
Town:_____
Daytime Phone:_____

(please check)
[ ] Planning Board Member
[ ] Zoning Board Member
[ ] Code Enforcement Officer
[ ] Planner
[ ] Selectman/Councilor/Manager

I will be attending:

[ ] Windham(4/9/01)
[ ] Yarmouth (4/10/01)

I would like to ask DEP questions related to:
[ ] record keeping and the 30% rule
[ ] alternatives to the 30% expansion rule
[ ] nonconformance issues generally
[ ] porches, decks and setbacks
[ ] clearing for approved development
[ ] timber harvesting standards
[ ] Special Exception for residential in RP
[ ] agriculture standards
[ ] alternatives to the 30% expansion rule
[ ] variances
[ ] SZ mapping issues
[ ] amendments and effective dates
[ ] NRPA critical resource mapping status
[ ] Other:_____
[ ] Other:_____

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

Board of Directors Adopts Budget

Monday
March 26, 2001 **7:00 PM** **Mabel I. Wilson School**

1. **Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel**

2. **Approval of Minutes**

3. **Presentations**

4. **Committee Reports**
   a) Finance Committee
   b) Policy Committee
   c) Negotiation Committee
   d) Design Team
   e) Performance Task Force
   f) Steering Committee
      - Update on middle school and Greely Junior High School renovations

5. **Items for Action**
   a) Vote to adopt 2001-2002 budget

6. **Communications**

7. **Adjourn Meeting _____PM**

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Next Board Meeting:

- Monday, April 2, Cumberland Town Hall, Council Chambers

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

Public Hearing on 2001-2002 Budget

Monday
March 19, 2001 **7:00 PM** **Mabel I. Wilson School**

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

Attendance:
Board of Directors: John Aromando, Maryellen Fitzpatrick, Polly Haight Frawley, Henry Kennedy, Audrey Lones, Mary Schendel, Kim True, Bob Vail

Administrators: Deb Bomaster, Brenda Breton, Wayne Fordham, Don Foster, Suzanne Godin, Jack Hardy, Robert Hasson, Pat Palmer, Scott Poulin, Susie Robbins, Scott Smith, Judy True, Walter Wallace

2. **Approval of the Minutes** – of the Board of Directors meetings held on March 12, 2001.

Motioned 2nd ed.
Voted: To approve the minutes of the Board of Directors meetings held on March 12, 2001. (Voted: 6-0-1 abstain, K. True)

3. **Public Hearing on 2001-2002 Budget at 7:00 PM**

4. **Presentations and Reports**
   a) Cottage Meetings – Update

5. **Committee Reports**
   a) Finance Committee
   b) Policy Committee
   c) Negotiation Committee
   d) Design Team
   e) Performance Task Force
   f) Steering Committee
      - Update on middle school and Greely Junior High School renovations

6. Items for Action

a) Vote to appoint coaches

Motioned 2nd ed. (Voted: 7-0)
Voted: To appoint the following coaches.

Greely High School:

Softball	Rob Hale

Greely Junior High School :

Baseball, Gr. 7	John Dalbec
Assistant Baseball, Gr. 7	Brian Haight
Gr. 7 Boys, Lacrosse	Ted Stern
Boys Track & Field	Rick Hogan

b) Vote to accept Board of Director resignation

Motioned 2nd ed.
Voted: To accept the resignation of Jeanne Chadbourne as MSAD #51 Board of Director. (Voted: 7-0)

7. Communications

8. Adjourn Meeting 10:27 PM

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4/12/01 – 8th Grade Transition, GHS, 6:30 – 8:00 PM
4/13/01 – Good Friday
4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM
4/14/01 – Springtime Egg Hunt
4/16/01 through 4/20/01 – Spring Vacation, No School
4/23/01 – Grade 3 Terra Nova Testing, all week
4/24/01 – Communications Committee, MIW Library, 5:30 PM
4/24/01 – Steering Committee, GHS Library, 7:00 PM
4/25/01 – Secretaries Day
4/25/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
4/26/01 – Community Forum, GJHS Auditorium, 7:00 PM
4/28/01 – Parents Exchange, Children's Fair

Next Board Meeting:

Monday, March 26, 2001, Mabel I. Wilson School
Board of Directors Adopts 2001

Master Summary Report

Monthly Building Permits — Feb. 2001

Addition	1	$42,642.00	$96.00
Alterations	1	$500.00	$10.00
House	2	$710,000.00	$1,021.00
Renovation	1	$3,900.00	$20.00
Totals	5	$757,042.00	$1,147.00

YTD Building Permits

Addition	1	$42,642.00	$96.00
Alterations	3	$41,500.00	$163.00
Barn	1	$10,000.00	$201.60
House	11	$2,480,235.00	$5,613.95
Renovation	4	$70,700.00	$190.00
	20	$2,645,077.00	$6,264.55

Electrical Permits for Feb. 2001

Count	*Fee*
9	$128.00

YTD Electrical Permits

Count	*Fee*
22	$409.00

Plumbing Permits for Feb. 2001

Count	*Fee*
13	$1,136.00

Count	*Fee*
28	$2,461.00

Barbara McPheters
Building Inspecto

Building Permits — *February 2001*

Date	*Permit*	*Map/Lot*	*Owner*	*Location*	*Imprvmnt*	*Est Cost*	*Fee*
02/05/2001	01-016	R03 / 47B	Dickey, Samuel	178 Tuttle Road	Alterations	$500.00	$10.00
02/15/2001	01-017	R06 / 18D	Brooks, Roger	Greely Road Ext	House	$500,000.00	$594.60
02/26/2001	01-018	I02 / 70	Rothschild, Thoma	53 John Small R	Addition	$42,642.00	$96.00
02/27/2001	01-019	R01 / 32A	Provencher, Jacqu	116 Middle Rd.	Renovation	$3,900.00	$20.00
02/27/2001	01-020	R08 / 12	Poor, Robert	Pleasant Valley	House	$210,000.00	$426.40
						$757,042.00	$1,147.00

Daigle - Council Request - 3/26/01 - Council Mailed 3/22/01

Jeff Daigle
11 Glenview Rd.
Cumberland, ME 04021

R02/B 20/ / /
KENDRICK PAUL T
KENDRICK VICTORIA P
24 FRIAR LANE
CUMBERLAND CTR, ME 04021-9335

R02/B 19/ / /
READ FRANK W
READ ANNE M
20 FRIAR LANE
CUMBERLAND, ME 04021

R02/B 11/ / /
ROBINSON PATRICIA M-CONSERVATO
FREDERICK NANCY H
16 FRIAR LANE
CUMBERLAND, ME 04021

R02/B 10/ / /
COLPITTS ANNA CECELIA
14 FRIAR LANE
CUMBERLAND CTR, ME 04021

R02/B 9/ / /
WILSON GARY G
WILSON MARY J
12 FRIAR LANE
CUMBERLAND CTR, ME 04021

R02/B 3/ / /
SPOERRI GLEN ERIC
SPOERRI TAMARA DORWART
51 TUTTLE ROAD
CUMBERLAND, ME 04021

R02/B 2/ / /
PATTISON TROY B
PALMER ELIZABETH K
59 TUTTLE ROAD
CUMBERLAND CTR, ME 04021

R02/B 1/ / /
STEELE NORMAN L
STEELE RAYMOND C
16 FOREST AVENUE
CUMBERLAND, ME 04021

R01/ 58/A / /
SPAULDING DOROTHY M
9A FRYE DRIVE
PO BOX 74A
CUMBERLAND CTR, ME 04021

R01/ 58/ / /
BENNERT JEFFREY D
BENNERT KATHERINE P
60 TUTTLE ROAD
CUMBERLAND CTR, ME 04021

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GROWTH MANAGEMENT ORDINANCE

1. TITLE

This Ordinance shall be known as the "Growth Management Ordinance of the Town of Cumberland, Maine" and shall be referred herein as the "Ordinance".

2. LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

3. PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland through placing limitations on residential development and meeting the following:

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

B. To ensure fairness in allocation of Building Permits.

C. To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.

D. Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town's capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

4. APPLICABILITY

This Ordinance shall apply to all new dwelling units (including manufactured housing) within the Town of Cumberland. No new dwelling unit, which fails to meet the requirements of the Ordinance, shall be constructed or placed within the Town of Cumberland.

5. EXEMPTIONS

This Ordinance shall not apply to the following:

A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.

B. Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.

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

D. Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.

6. ADMINISTRATION

A. Maximum Number of Dwelling Units

1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued shall be forty-four (44), from July 1, 2000 to June 30, 2001, and annually thereafter from July 1 to June 30, plus 3 additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island, plus 2 additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization.

2. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A.1.

3. No more than 3 Growth Permits shall be issued on Chebeague Island in any fiscal year.

B. Application Procedure

1. All Growth Permit Applications shall be submitted in person to the Code Enforcement Officer or his/her assistant or agent (hereinafter the CEO) during normal office hours on the form designated Growth Permit Application. No Growth Permit Applications shall be accepted by mail.

2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt, when said Application is complete. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted.

3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred ($100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200), and/or confirmation for eligibility of a sewer user unit.

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

C. ISSUANCE PROCEDURE

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for in Section 6.C.3.

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

3. i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire.

ii. Expired Growth Permits shall be available for reissue.

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

a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.

4. With respect to Growth Permits sought for property located within a subdivision approved by the Planning Board of the Town, no more than 3 Growth Permits shall be issued during any year for the building of dwellings in a single subdivision. No person, partnership, or corporation shall be entitled in any single year to more than 2 of the three Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

   With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

5. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

D. **Replacement with building permit and expiration**

1. A Growth Permit shall be replaced by a building permit for a dwelling on the specific site for which the Growth Permit was issued. A Growth Permit which has not been replaced with a building permit within 90 days of Growth Permit approval by CEO shall be considered expired and must be resubmitted for consideration. Resubmitted Growth Permit Applications will not have any priority over other Growth Permit Applications. The expiration of the building permit shall be in conformity with the Town of Cumberland Building Code.

2. Expired Permits shall be available for reissuance.

E. **Transferability**

Growth Permits are not transferable. They shall be valid for construction on the lot specified on the Application and by the Applicant; provided however, that such valid Permits shall be transferable to new owners of the lot should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

7. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

8. SEPARABILITY

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

9. EFFECTIVE DATE

The effective date of this Ordinance shall be July 1, 2000, but the total number of Growth Permits available through June 30, 2001 shall be limited by Section 6.A hereof.

10. REVIEW PROCEDURE

This Ordinance shall be reviewed by the Town Council in June 2001 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11.

11. AMENDMENTS

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

   (A) The Planning Board.

   (B) The Town Council.

(C) The residents, pursuant to Article X, Section 2 of the Town Charter.

12. VIOLATIONS

A. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.

B. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

13. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

14. PENALTIES

A. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than $100 or more than $2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.

B. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 14 A. of this Ordinance.

15. APPEALS

A. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

16. **DEFINITIONS**

A. **Building Permit:** A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.

B. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.

C. **Growth Permit:** A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.

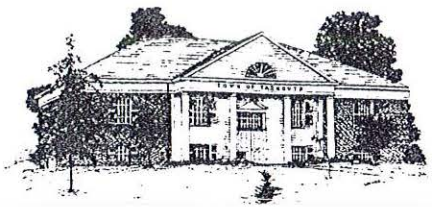
D. **Family:** A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.

E. **Manufactured Housing:** A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-family modular home is assembled on the building site on a permanent foundation.

F. **Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision.

H. Person: A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

Adopted June 28, 2000



TOWN OF YARMOUTH

P.O. BOX 907
YARMOUTH, MAINE 04096

NATHANIEL J. TUPPER
Town Manager
(207) 846-9036
FAX (207) 846-2403
Email: ntupper@yarmouth.me.us

March 19, 2001

John F. Lambert, Jr., Esq.
P.O. Box 15215
Portland, ME 04112-5215

Dear John:

Thank you for your February 2 note and proposal on the lease agreement. I have forwarded all materials received directly to each Town Council member in Yarmouth and am waiting for instructions. In the meanwhile, we are working with Tom Gorrill regarding design issues at the Wharf head.

I noted in your proposal that you have offered to remain within the court restrictions on barging conditional upon some level of approval from Yarmouth that would allow additional barging services from the Royal River. In effort to move us toward areas where agreements are more probable, I would like to restate my prior advice on this matter.

- You should not tie compliance to the court order to additional barging approvals.

- You should put together some specific details on your supplemental Royal River barging concept and work with our Planning and Development office to determine what, if any, permit approval might be required.

I do not believe that the Yarmouth Town Council will be willing to negotiate any form of contingent compliance agreement at the Blanchard lot such as you have suggested. On the other hand, I believe the Town will review a new barging proposal from the river entirely on its own merits.

received
2-21-01

I would be glad to facilitate a meeting of our zoning and planning staffs if that would help you explore or present your additional barging plan.

Sincerely,

NATHANIEL J. TUPPER

cc: Town Council
George Smith,
Director of Planning & Development

Cumberland Cemetery Association
Robert L. Storey, President

Cumberland Town Council

I was recently contacted by Jen Curato and Nick Raffel, seniors at Greely High School. As a part of their Humanities Class they are looking to do something special for the community. They would like to build a Gazebo at Moss Side Cemetery.

They would like to construct it near the back and slightly to the right of center in the older portion of the cemetery. It is a beautiful and tranquil location.

At our annual trustees meeting it was voted that we had no objection to their proposal. Recognizing the potential for vandalism we encouraged them to build it close to Main Street. I recently met with Nick and Jen and agreed that the spot close to Main Street doesn't have the same beauty. I think the potential rewards far exceeds the risks and support them on the location.

There are approximately 200 unsold burial sites in the southerly corner of Moss Side. We hope to prepare those lots for sale in the near future. As we struggle to maintain Cumberland's cemeteries on a "bare-bones" budget this could be the boost we need as people discover this beautiful area. While we will be looking for increased resources from the town to bring the cemeteries up to an acceptable level, we are striving to become self-sufficient at some point.

Since the association is only responsible for the maintenance of the cemeteries and does not hold the title to the land we ask that you support the trustees and allow these two young people to make a contribution to humanity.

Thank you,

RLS

Robert L. Storey

Meeting with Mr. Story, VP of cemetery committee

What we know:

- We want to build something
  - Vertical structure 8' tall
  - 3 – dimensional
  - 8 x 8

- durable material
  - stone
  - wood

- We want people to come across it, perhaps subconsciously

- We want people to stop/sit and be able to view the cemetery and feel like they are in a special place.

- We don't want to take away from the natural beauty of the cemetery
  - fairly simple
  - natural

Questions:

- How do you suggest we present our idea to the committee?
  - Should we build a model?

- How receptive will the committee be to our idea?

- Is there anyway to figure out where the gravestones are?

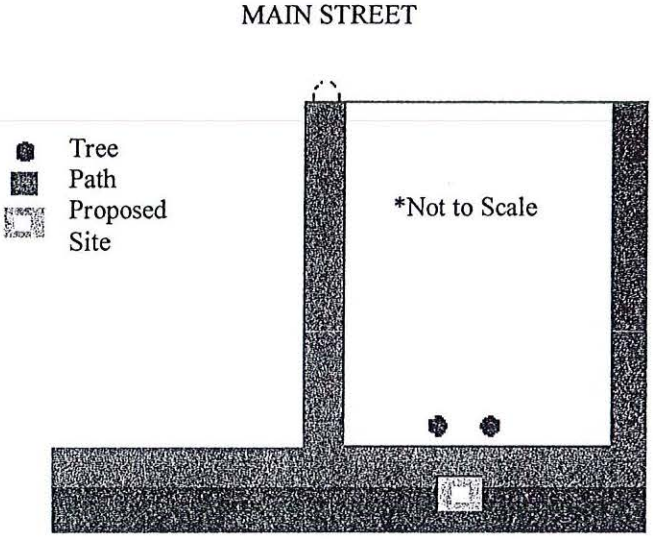
- How do you think our location will be received by the committee?

Schedule:

1.	Layout	Week of April 9th
2.	Excavation	
3.	Foundation	
4.	Stone work	Week of April 23rd
5.	Structure	Week of April 30th
6.	Planting	Week of May 7th
7.	Finishing touches	
8.	Work on presentation	Week of May 14th

Presentation of the final project will be Tuesday, May 22nd at Val Halla.

Proposal for Cemetery Structure



Mission Statement: To build a tangible structure, available to the community, that provides a place for visitors of the cemetery to sit, relax, and contemplate.

Purpose: To erect a memorable structure that enriches the cemetery and satisfies the requirements of our Master Work.

Structure:

- Approximately 8' x 8'
- Permanent, simple
- Free standing
- "Roof-like" structure
- Place to sit
- Appealing to the senses
  - wind chime
  - Landscaping (perennials, junipers…)

Materials Costs:

- Wood (timbers)
- Stone
- Granite
- Miscellaneous Hardware (nails, bolts, steel angles, etc.)
- Landscaping Materials
- Wind-chime
- Labor
  - Excavation
  - Stone Setting
  - Carpentry
  - Engraving?

Goals:

- To create a serene setting that someone could come upon (subconsciously) at an important time in their life.
- To enhance the identity of the cemetery and create a potential focal point of the town center.

TO: Dr. Robert Hassen, Superintendent of Schools
Robert Benson, Town Manager
Mary Schendel, Schoolboard Chairperson

FROM: Carole James, 299 Tuttle Rd., Cumberland
DATE: March 21, 2001
SUBJECT: Middle School Site

My husband and I have lived in Cumberland for 32 years—18 years across from Wilson School and 14 years on Tuttle Rd. directly across from the proposed site for the new middle school. I have not voiced an opinion against the proposed location because I am sure it would be construed as an attempt to protect the location of my home . I have decided to express my opinion, however, for two reasons.—first because I feel the Wilson School site is a better location, and second because I fear the environmental health issues that I recently have been made aware of regarding the location of schools near industrial sites and landfills.

I taught at Greely High School for 29 years. I was very excited about the site proposed for the land behind Wilson School and , of course, disappointed when it was not accepted as our new middle school site. It could make a wonderful campus with opportunities for mentoring , sharing of facilities, programs, and staff. I understand that our superintendent, Dr. Hassen, the person who's expertise we pay for, recommended the location from an educational point of view. It seemed that athletic fields posed the major problem with the site. My son played three varsity sports at Greely and my husband coached baseball at Portland High for over twenty years. We are well aware of the value that athletics hold in the development of young people. I do think that the field problem could be solved by redistributing them and building additional fields at Twin Brook. Some could be used exclusively for games and others for practice. Keep middle school events on campus because the studentbody doesn't drive and provide busing to Twin Brooks, as we do now, for activities held there. High school parking would get displaced from the present location behind Wilson but probably could be relocated behind the junior high once the portables are gone.

I am deeply concerned about the Drowne Rd. site because of potential environmental health issues. I refer to the letters in the Forecaster and a short article in the Portland paper that I am sure you have read (copies enclosed). Also this week, there was a report on the Today Show about building schools on or close to industrial sites and landfills and the dangers inherent in those sites relevant to learning disabilities, asthma, and cancer. A father in Elmira New York is suing because his son is one of eight students in the high school diagnosed with cancer that he attributes to the environmentally unsafe location of the school.. I think we should be forewarned from all of this. As more information is becoming available and public concern expressed regarding the dangers of such a site, it will be easier to prove negligence. Worst case scenario—students get sick, town held responsible, school closed.

It would be imprudent to risk the health of our children and from a strictly economic point of view, it could be a devastating blow to the community if future testing failed. In the old days it could have happened because "who knew?" History has taught us a few lessons that we should be heeding.

I ask that you take another look at the merits of the Wilson School site and put a new spin on this. Why take chances when you don't have to. I'm not much of a gambler, myself.

Cordially

Carole James

received
3-21-01

Opinion

SAD 51 should reject Drowne Road school site

Forecaster FORUM

BY TIM HAYES

The SAD #51 School Board (Cumberland/ North Yarmouth) has chosen to build our new Middle School in close proximity to a closed dump/landfill on Drowne Road. The board has taken the stance that this is a safe site until proven otherwise. I strongly feel that this site represents an unnecessary health risk to our children and teachers.

On March 21, the Child Proofing Our Communities Campaign will release their new report, Poisoned Schools: Invisible Threats Visible Actions. This nation-wide campaign has been led by groups concerned about children's health risks as a result of chemicals in their environment. The campaign has begun to introduce policy initiatives at local and state levels, focusing on two main issues — the use of pesticides, and stopping the building of new schools on or near contaminated "cheap" land.

Health concerns about environmental chemical exposure first expressed by parents are now echoed nationally by groups such as the U.S. Environmental Protection Agency (EPA) the National Academy of Sciences, Physicians for Social Responsibility, and the National Parents Teachers Association.

National environmental health research reveals increasing numbers of children afflicted with asthma, cancer, lower IQ's and learning disabilities. Although opinions differ about the causes of these increases, all agree they are real and that society should take steps to prevent childhood exposure to unnecessary health risks. Children attend school at least 180 days a year. Preventive steps in schools are consequently critical to reduce children's exposure to environmental chemicals and the incidence of disease.

The report notes that there are no guidelines in place to direct school districts where to locate new schools or how to avoid these health risks to children and staff. Consequently, decision makers typically default to hiring experts to measure chemicals in soil, water and air and undertake a health risk calculation.

Most officials' judgments of "safe" or "acceptable" levels of contaminants in soil are based upon cancer risk assessments for adult bodies, behavior and life expectancy. But children are not little adults. Scientists are just now beginning to understand that children are much more susceptible than adults to the adverse health and developmental outcomes from chemical exposures. Additionally, children are rarely exposed to only one chemical at a time, but rather to multiple chemicals simultaneously. No risk calculation considers the combined effect of many different chemicals interacting with each other on children. Cancer is not the only health risk at issue. Most chemicals lack basic toxicity testing to assess impacts on the developing reproductive, immune, hormonal and nervous systems.

The report states that since there are no child-based standards at any level for determining "safe" levels of contamination, school districts have no direction in how to evaluate contamination at new or existing sites.

One of the campaign's goals is to "Ensure that new schools are built on land that poses no unnecessary health risk to children from contaminated soil, air or water releases." The report argues that "no source of contamination such as landfill or containment facility, should be built or established within 1,000 feet of a school."

A January 25, 2001 letter from the state Department of Education School Facilities Program Review team stated, "We are very concerned with the Drowne Road Site and its future potential health implications."

We do not have to expose our children to the potential health risks of the Drowne Road site. We do have other options.

Tim Hayes, DVM, MD, is chief of clinical pathology and medical director of the Blood Bank and Coagulation Laboratory at Maine Medical Center. He is a resident of Cumberland.

Vermont neighborhood group researches cluster of cancers

The Associated Press

RUTLAND, Vt. — A neighborhood group in Rutland is looking for environmental reasons for six cancer cases among staff members at the Rutland Town School in the last four years.

The organizer of the group is parent Hillary Temple. The committee will have its first meeting at 7 p.m. Thursday at the school.

Temple reported several weeks ago an informal survey near the school found some residents have also been diagnosed with cancers, tumors and auto-immune illness.

"It's just a concern that there seems to be more than the average number of cancers and health issues in that neighborhood," she said.

Temple said the Healthy School and Neighborhood Review Committee would not cause undue alarm.

Testing of the 448-student school started in December 1997 after four teachers and a retired school nurse were diagnosed with different cancers. The latest diagnosis was made in February, but officials decline to discuss specifics of the case.

Tests on air quality, grounds, water supply and chemicals used in the school have been conducted – most recently in June 1999 – by Northeast Industries, New England Air Quality Testing and the Vermont Department of Health.

More questions on Drowne Road school site

To the editor:

The SAD 51 School Board recently voted to build a new school adjacent to a closed landfill. I have had conversations with a number of parents and community members regarding the potential danger which exists with siting a school adjacent to a closed landfill. I am surprised by the lack of information many had as they felt comfortable with the decision and how concerned they became as they learned more.

The testing process is underway. It will reflect conditions at a moment in time rather than over a period of time. Given that landfill emissions are impacted by environment and barometric pressure, test results today do not forecast results tomorrow. Methane gas emissions are spotty and vary. Groundwater swells, especially with a spring thaw, can carry contaminated leachate in varying directions either directly or via surrounding water sources.

According to the EPA, all landfills will eventually leak. Further, landfill caps can crack. We have no way of knowing how many hazardous materials were dumped over the years and how many remain volatile and toxic. That can never be known.

Don't make assumptions about the site selection process. Yes, the committee was comprised of committed community volunteers who dedicated countless hours to the goal of recommending a site. But a landfill is unique and most meaningful testing commenced only after the board voted to move forward with this site.

Please respect the right we all have to question and to disagree. It is not to diminish the value of the efforts of those who came to this recommendation, but to continue to seek the best choice for our children. We should exercise judgement in the face of uncertainty, and there is uncertainty here.

Cathy Willauer
Cumberland
Concerned Citizens for a Safe MSAD 51 School Site

Town of Cumberland Growth Permits 3/26/01

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Bldg Appl Due	Building Permit	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 C	47 Blanchard Road	10/20/00	11:57 AM		010-01	01/18/01
10	09/28/00	4:42 PM	Non-subdiv		Verrill	Scott	U12	7 B	47 Blanchard Road	10/20/00	11:58 AM		011-01	01/18/01
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 & Elizabet	R06	18 D	Greely Road Extension	11/16/00	4:58 PM		017-01	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		313-00	12/12/00
14	11/16/00	2:25 AM	Non-subdiv		Peterson	Richard	R07	92 D	108 Mill Road	11/21/00	11:39 AM		005-01	01/10/01
15	11/16/00	5:11 PM	Non-subdiv		Peterson	Richard	R08	12	Pleasant Valley Road	11/21/00	12:01 PM		020-01	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		004-01	01/10/01
17	11/29/00	3:18 PM	Non-subdiv		Price	James H.	R03	23 A	Andrea Way	12/11/00	11:24 AM		022-01	03/09/01
18	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
19	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		
20	01/02/01	10:58 AM	Non-subdiv		Carley	Kevin	U12	11 B	16 Treleaven Way	01/04/01	9:03 AM		014-01	01/30/01
21	03/16/01	9:16 AM	Non-subdiv		Meoli	Richard	R03	15	45 Longwoods Road	3/19/01	9:15 AM	06/18/01		
22	03/16/01	10:28 AM	Non-subdiv		Stratton	Gene	R07	57	Tinker Lane					
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		012-01	01/18/01
5	01/10/01	2:53 PM	Subdivision	Schooner Ridge	Carriere	Noreita	R02 A	34	282 Foreside Road	01/16/01	12:59 PM		024-01	03/26/01
6	03/15/01	9:42 AM	Subdivision	Falmouth Country Club	Bauer and Gilman		R03 A	24	22 Muirfield Road	03/15/01	2:45 AM	06/14/01		
7	03/19/01	8:41 AM	Subdivision	Greely Pines	Ingraham	Curtis & Elaine	R02 A	35	55 Greely Road	03/26/01	1:48 PM	06/25/01		
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15 - Left

Town of Cumberland | Growth permit waiting list | 3/26/01

Year	#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Septic Design	Letter	Issued	Time	Bldg Appl Due	Building Permit	Date Issued
2001	1	08/01/00	3:02 PM	Island		Bisharat	Leila and Suhail	I03	106	South Road	07/11/00	08/09/00					
2001	2	08/10/00	11:59 AM	Island		Todd	Daniel and Heidi	I06	34	School House Rd	08/10/00	08/17/00					
2001	3	08/14/00	1:35 PM	Island		Hunt	Robert & Winter, Irene	I03	68 B	South Road	08/14/00	08/17/00					
2002	1	09/08/00	11:32 AM	Island		Marshall	Barbara	I03	105	South Road	08/28/00	09/20/00					
2002	2	09/11/00	8:08 AM	Island		Moulton	John	I01	76	38 Proctor Drive	09/08/00	09/22/00					
2002	3	09/12/00	3:11 PM	Island		Rugh	Aaron	I06	8 A	North Road	07/02/99	09/22/00					
2003	1	09/12/00	3:46 PM	Island		Libby	Robert & Paula	I04	90 C	West View Road	09/08/00	09/22/00					
2003	2	09/19/00	3:22 PM	Island	Cart Road Acres	Watson	Donald & Karen	I07	41	Old Cart Road	06/16/00	09/25/00					
2003	3	09/20/00	4:16 PM	Island		Wilson	David	I04	90 D	Sunset Road	09/14/00	09/25/00					
2004	1	09/21/00	4:32 PM	Island		Rich	Patricia	I06	7	Littlefield Road	09/15/00	09/25/00					
2004	2	10/03/00	8:10 AM	Island	Cart Road Acres	Lloyd-Rees	David & Susan	I07	50	Old Cart Road	09/29/00	10/10/00					
2004	3	10/18/00	12:16 AM	Island		Hall	Peter	I02	12 A	12 South Road	10/16/00	10/25/00					
2005	1	11/09/00	12:51 PM	Island		Haberthur	Robert & Lyn	I03	107 B	South Road	10/05/00	11/14/00					
2005	2	11/21/00	8:36 AM	Island	Division Shores	Colbeth	Clyde	I07	74	Ship Lane	10/23/00	11/22/00					
2005	3	11/29/00	1:18 PM	Island		Boisvert	Richard & Paige	I03	130 B	North Road	11/28/00	12/05/00					
2006	1	12/21/00	12:26 PM	Island		Whittemore	Ann	I05	8 B	North Road	12/13/00	12/27/00					
2006	2	01/09/01	3:49 PM	Island		Crosby	Russell & Sala, Margar	I01	15	Cottage Road	01/05/01	01/10/01					
2006	3	01/09/01	3:50 PM	Island		Crosby	Russell & Sala, Margar	I01	15	Cottage Road	01/05/01	01/10/01					
2007	1	01/09/01	4:49 PM	Island		Butters	Charles	I01	11A	Cottage Road	01/09/01	01/10/01					
2007	2	01/18/01	10:47 AM	Island		Marion	Vicki	I07	72	Bar Point Road	Existing	01/18/01					
2007	3	01/19/01	9:21 AM	Island		West	Susan	I04	29 A	Buxhill Blvd	11/29/00	01/22/01					
2008	1	01/25/01	1:30 PM	Island	Cart Road Acres	Pelton	Kenneth	I07	43	Old Cart Road	01/10/01	01/30/01					
2008	2	01/31/01	11:51 AM	Island		Kidd	Dan	I06	32	School House Rd	01/28/00	03/07/01					
2008	3			Island													

14 responce
10 - build in 01

Town of Cumberland Growth Permits Voided 3/26/01

#	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		
	11/21/00	1:58 PM	Non-subdiv		Meoli	Richard	R03	15	45 Longwoods Road	11/21/00	2:02 PM	Reapplication provided on 3/16/01		
	12/07/00	4:35 PM	Non-subdiv		Stockholm	Benedict	R05	13	Turkey Lane	Ltr 12/27/00 - Lot size inadequate - withdrawn 3/20/01				

TOWN OF YARMOUTH

P.O. BOX 907
YARMOUTH, MAINE 04096

NATHANIEL J. TUPPER
Town Manager
(207) 846-9036
FAX (207) 846-2403
Email: ntupper@yarmouth.me.us

March 19, 2001

John F. Lambert, Jr., Esq.
P.O. Box 15215
Portland, ME 04112-5215

Dear John:

Thank you for your February 2 note and proposal on the lease agreement. I have forwarded all materials received directly to each Town Council member in Yarmouth and am waiting for instructions. In the meanwhile, we are working with Tom Gorrill regarding design issues at the Wharf head.

I noted in your proposal that you have offered to remain within the court restrictions on barging conditional upon some level of approval from Yarmouth that would allow additional barging services from the Royal River. In effort to move us toward areas where agreements are more probable, I would like to restate my prior advice on this matter.

- You should not tie compliance to the court order to additional barging approvals.

- You should put together some specific details on your supplemental Royal River barging concept and work with our Planning and Development office to determine what, if any, permit approval might be required.

I do not believe that the Yarmouth Town Council will be willing to negotiate any form of contingent compliance agreement at the Blanchard lot such as you have suggested. On the other hand, I believe the Town will review a new barging proposal from the river entirely on its own merits.

received
2-21-01

I would be glad to facilitate a meeting of our zoning and planning staffs if that would help you explore or present your additional barging plan.

Sincerely,

NATHANIEL J. TUPPER

cc: Town Council
George Smith,
Director of Planning & Development

CNixon

From: Eric Moynihan
Sent: Friday, March 23, 2001 10:39 AM
To: cnixon@town.cumberland.me.us

Available dates in April for the volunteer appreciation night: 16, 19, 23, 24, 30. Thanks, and call with questions. ----

Patriots Day
school vacation
Monday
Tuesday
Monday

Best night

BOD

Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

GENERAL MANAGER
Ronald Miller

(207) 774-5961
FAX (207) 761-8329
e-mail: rmiller@pwd.org

received
2-12-01

February 6, 2001

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

Dear Bob,

As you are probably aware, the Portland Water District is proposing legislation that would allow our locally elected Board of Trustees to govern the District's business affairs without the oversight and approval of the Maine Public Utilities Commission. The draft legislation to accomplish this goal is enclosed for your review and comment.

The Board thoroughly considered this initiative over several months last year. They reviewed all the PUC Rules applicable to water utilities and concluded that they, as elected representatives of the District's service area, are better suited than appointed staff in Augusta to make business decisions for our customers. This is not an innovative concept; forty-three states exempt governmental water districts from PUC regulation.

The key features of the proposed bill are:

- It applies only to consumer-owned water utilities (i.e. water districts and municipal water departments), not to private investor-owned water companies.
- It allows a water district to voluntarily opt-out of PUC oversight, but the member municipalities' city/town councils representing a majority of the population served by the district must ratify that decision.
- Locally governed districts would continue to follow general consumer protection and business conduct standards that apply to all water utilities, such as statutes concerning water main extensions and customer disconnections.

The Maine PUC has indicated its support of the bill, and the Maine Water Utilities Association supports it provided it is a voluntary measure.

Recycled Paper

We believe that local governance will improve customer service, lower our expenses, and stimulate innovative approaches to meeting local needs rather than following the one-size fits all regulatory model. Other than a few municipal electric utilities, no other local government in Maine is subjected to the type of regulatory oversight that water districts are.

PWD's Board of Trustees have proven their ability to govern responsibly. Consider:

- ✓ Water rates were reduced 9% in 1999.
- ✓ Uniform rates for all member communities were adopted in 1999.
- ✓ A second rate reduction of 2% was adopted in 2000.
- ✓ A one-time credit equivalent to a typical monthly bill was given to all customers in 2000.
- ✓ PWD's water revenue requirement is a million dollars less in 2001 than it was in 1996.
- ✓ PWD's total budget (water and sewer services) is less in 2001 than it was in 1996 ($28.9 million vs. $29.1 million respectively).
- ✓ PWD's customer satisfaction ratings have steadily increased over the past four years to the current level of 91%, which is far better than any other utility serving the Greater Portland area.

We hope that your community will join us in supporting this local control approach for water utilities. I'd be pleased to meet with you to discuss it further, and members of the Board would be pleased to explain it to your council. My direct telephone extension is 3003.

Very truly yours,

Ronald Miller
General Manager

By Joe Appel

CHEBEAGUE ISLAND — The Cumberland Town Council voted unanimously at their most recent meeting here to hold a public hearing to consider amending the town's growth management ordinance. The hearing will be at the council's next regular meeting March 26.

The decision came at the end of a long night of often complicated discussion concerning building caps on the island. The growth management ordinance stipulates that no more than 49 growth permits will be given out in any fiscal year; once in possession of a growth permit, a resident has 90 days to convert it to a building permit. Of the 49 permits per year, 22 are set aside for single family homes, 22 for subdivision lots, and not more than three are for Chebeague Island. An additional two permits are to be used for low-income housing.

The three Chebeague permits were originally set aside as a "ratification," in Council Chairman Steve Moriarty's words, of the average number of permits applied for on Chebeague Island over the last 24 years. But most observers agree that once the cap was instituted, a rush mentality came with it: 10 permits were given out last year out of 24 applications, and there is now a waiting list to build that extends to 2008.

Most at the meeting agreed that many of those on the waiting list did not intend to build right away, but only wanted to reserve a space for themselves for the future. Several speakers said that they had land they hoped their children would one day want to build on. They said that the building cap has the potential to deny a family the ability to build on land that it has paid taxes on for years.

A variety of solutions to the current backlog were offered. Councilor Jeff Porter suggested that rather than separating Chebeague from the town of Cumberland, anyone from Chebeague ought to be able to compete with the rest of Cumberland's residents for any available permits. If that means that the first 22 applicants for single-family permits in a given year are all from Chebeague, so be it. But several residents said that even though legally the island is a part of the town, the island's geographical distinctiveness and fragility ought not be ignored.

Councilor and Chebeague Island resident Jim Phipps outlined the proposal that he and fellow islander Beth Howe had proposed in a memorandum presented at the council's meeting Feb. 12. In that memo, they offered several exceptions to the

120TH MAINE LEGISLATURE
FIRST REGULAR SESSION-2001

Legislative Document **No.**

H.P. In the House of Representatives

An Act to Permit Consumer-Owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A, Pt. 6, Chap. 62 is enacted to read:

CHAPTER 62

LOCALLY GOVERNED WATER DISTRICTS

§6201. Short Title; purpose

This chapter is known and may be cited as the "Locally Governed Water District Act." The purpose of this chapter is to permit consumer-owned water utilities at their election to exercise local control with respect to certain matters otherwise subject to the jurisdiction of the commission pursuant to this title, including matters related to rates, terms of service, and business affairs. This chapter is not intended to modify or affect the regulation of locally governed water districts by any other instrumentality of the state.

§6202. Definitions

1. Charter. "Charter" has the same meaning as set forth in section 6402, subsection 1.

2. Consumer-owned water utility. "Consumer-owned water utility" has the same meaning as set forth in section 6101, subsection 1-A.

3. Governing body. "Governing body" has the same meaning as set forth in section 6101, subsection 1-B.

4. Locally governed water district. "Locally governed water district" means a consumer-owned water utility which has made an election under section 6203 and the election has become effective.

§6203. Election for Local Control

1. Election of Governing Body. Upon the affirmative vote of its governing body, a consumer-owned water utility may elect to become subject to this chapter. Such election must be certified by the secretary or clerk of the utility.

2. Municipal Approval. In order for an election under subsection 1 to become effective, the municipal officers of a municipality within the utility must vote to approve the utility's election. For utilities serving more than one municipality, the approval of municipalities representing a majority of the population within the utility is required. Prior to requesting a vote by any municipality under this subsection, the water utility must provide to the clerk of such municipality or municipalities a copy of the utility's certified vote pursuant to subsection 1.

3. Effective Date. An election becomes effective 30 days after the commission receives the certified vote of any municipality required to approve the election under subsection 2. The utility must record such election in its bylaws once the election becomes effective.

§6204. Scope

1. Notwithstanding any other provision of this Title, this chapter governs the affairs of locally governed water districts.

2. Except as specifically set forth in subsection 3, a locally governed water district is not subject to any provision of this Title outside of this chapter.

3. The following sections, to the extent applicable to water utilities, are applicable to locally governed water districts in the manner set forth below. The application of the following sections to locally governed water districts is not intended to permit the commission to issue any order or condition regulating such districts except as specifically permitted under these sections or in this chapter.

A. Section 706, subsections 3, 4, 5, 6, and 7;
B. Section 761, subsection 3;
C. Section 2102;
D. Section 2110, but only to the extent the governing body of a locally governed water district consents to the extension of service under section 2110;
E. Sections 2303, 2307, 2308, and 2309;
F. Chapter 25;
G. Section 6103;
H. Section 6110;

I. Section 6111;
J. Chapter 62;
K. Section 6705; and
L. Section 6706.

4. Nothing in this section may be interpreted to affect the scope or application of any provision of law outside this Title. Although this chapter provides for a reduced level of regulation by the commission of locally governed water districts, such districts remain water utilities for purposes of the applicable provisions of this Title listed in subsection 3 and for all laws outside of this Title. Any reference outside this Title to entities that include water utilities, including by not limited to references to public utilities, water districts, and public service corporations, includes locally governed water districts.

§6205. Establishment of Rates

1. Authority. The governing body of a locally governed water district shall establish any rates, tolls, deposits, customer contributions, or charge in accordance with this section.

2. Purposes. The governing body may establish rates or charges to provide revenue to the district in order to carry out any lawful purpose of the locally governed water district, including but not limited to the following purposes:

A. To pay the current expenses for operating and maintaining the water system and to provide for normal renewals and replacements;
B. To provide for the payment of the interest on the indebtedness created or assumed by the district;
C. To create a sinking fund for the extinguishment of term indebtedness;
D. To provide annual principal payments on serial indebtedness created or assumed by the district;
E. To provide for a contingency reserve fund to pay any losses of the district in the event of insufficient revenues;
F. To provide for a water supply protection fund to acquire interests in land in order to protect the district's sources of supply;
G. To provide for system development related to an increase in demand for service; and
H. To provide for capital improvements and expansions to the system.

3. Process. Prior to the adoption of a new rate schedule, the governing body of a locally governed water district shall hold a public hearing regarding the proposed rate schedule. The governing body shall publish the proposed rates and notice of the hearing in a newspaper having a general circulation in the district not less than 7 days prior to the hearing. The district shall mail to each ratepayer a notice of the public hearing and the proposed new rate at least 14 days prior to the hearing.

§6209. Relation to Private and Special Laws

Nothing in this chapter is intended to limit or restrict the terms of any private and special law, or valid charter, of a locally governed water district, except that no such law or charter may prohibit or interfere with the ability of a consumer owned water utility to make an election under section 6203 of this title.

SUMMARY

This bill permits consumer-owned water utilities to exercise local control by opting-out of regulation by the Public Utilities Commission with respect to their rates, terms of service, and business affairs.

H:\PWD\Local Governance\Locally Governed WaterDistrictAct-Final-2000.doc