

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
TOWN COUNCIL CHAMBERS
January 13, 2003**

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

II. Approval of Minutes

a) December 9, 2002; b) December 16, 2002; c) December 30, 2002;
d) January 4, 2003; e) January 7, 2003

III. Manager's Report

IV. Public Discussion

V. Legislation and Policy

- 03 – 001.** To hear report from Richard Bradbury, Maine Forest Service, regarding brown tail moth infestation.
- 03 – 002.** To hold Public Hearing to consider and act on a Consent Agreement with Jeanette Sowles, 11 Ebb Tide Drive, re: setback zoning violation.
- 03 – 003.** To authorize Amendment to Lease Agreement to Convert to Lease Purchase Agreement between Town of Cumberland and School Administrative District 51 in regard to the Drowne Road School, for a ten-year term commencing January 1, 2003 and ending December 31, 2012.
- 03 – 004.** To hear report from Stephanie Gilbert, Maine Dept. of Agriculture and the Cumberland Mainland and Island Trust re: the Land for Maine's Future Board's support of Sunrise Acres Farm.
- 03 – 005.** To hear report from Maine Land Bank & Community Preservation Committee re: property tax proposal.
- 03 – 006.** To hold Public Hearing to consider and act on application of Sheila Donofrio, d/b/a Basil Provisions, 20 Blanchard Road, for a Victualer's and Off-Premise Malt Liquor and Table Wine Retailer License.
- 03 – 007.** To hear request from Stewart Moss for a zone change re: single-family dwellings in the HC (Highway Commercial) District.
- 03 – 008.** To hold Public Hearing to consider and act on amending Section 424.4.4.1, Business Directional Signs – Location, of the Zoning Ordinance, to permit directional signs at the intersection of Middle and Greely Roads.
- 03 – 009.** To hold Public Hearing to consider and act on the adoption of the Route One Design Guidelines as part of the Cumberland Comprehensive Plan.
- 03 – 010.** To appoint the Registrar of Voters for a two year term expiring December 31, 2004.

VI. Correspondence

VII. New Business

VIII. Executive Session re: Town Manager hiring process and land acquisition.

IX. Adjourn

Jeffrey Porter, Chair	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Steve Moriarty	829-5095		

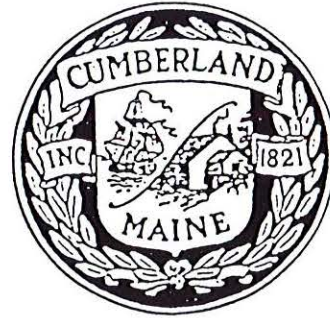
Town of Cumberland web site: www.cumberlandmaine.com

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

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
01/08 17:22 *	207772 2430		4394	RECEPTION	1	OK 01'12
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12:09 *	2076577228		4397	RECEPTION	3	OK 01'07
13:56 *	734 763 2412	UM ICLE	4398	RECEPTION	1	OK 00'45
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					0	STOP
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19:34 *			4405	RECEPTION	1	OK 00'59
19:43 *			4406	RECEPTION	1	OK 00'58
22:24 *	207 846 4956		4407	RECEPTION	3	OK 02'48
01/10 09:40 *	97812060	FORECASTER	4408	TRANSMISSION	1	OK 00'34
09:41 *	97746849	FOX 51	4409	TRANSMISSION	1	OK 00'36
09:43 *	97916920	PRESS HERALD	4410	TRANSMISSION	1	OK 00'45
09:49 *	2078742727		4411	RECEPTION	2	OK 01'07
09:55	97757935	KEN COLE	4412	TRANSMISSION	2	OK 01'00
09:57	98466828	SHOPPING NOTES	4413	TRANSMISSION	1	OK 00'45

Town 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

Ken Cole

Fax number:

From

Nadeen Daniels

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

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

Date sent: *1-10-03*
Time sent: *9:00 am*
Number of pages including cover page: *2*

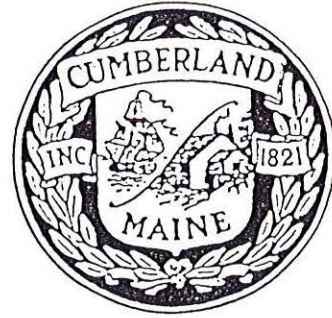
Message:

Ken -
Monday's agenda. Bob has
indicated to the Council you will
be present re: items 03-002 and 03-003.

Nadeen

Town 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

Jeff Porter

From

Nadeen

Fax number:

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

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

Date sent: *1-6-03*
Time sent: *10:50am*
Number of pages including cover page: *2*

Message:

Jeff -
Here's the "final" agenda. I've removed
both the Drorone Rd school lease and
Nominating Cmtee items.

Please let me know if you'd like
the sequence changed in any way.

Nadeen

Nadeen Daniels

From: Carla Nixon
Sent: Friday, December 27, 2002 9:22 AM
To: Nadeen Daniels; Barbara McPheters
Subject: Council Agenda Items for Jan. 13th

Hi Nadeen:

Here are some agenda items for the 13th:

1. To hear report from Dick Bradbury of the Maine Forest Service re: Browntail Moth Infestation. (I have spoken to him and confirmed his attendance and that he will provide any written materials to you by 1/7/03)
2. To hear Report from Stephanie Gilbert, Maine Dept. of Agriculture and the Cumberland Mainland and Island Land Trust re: the Land for Maine's Future Board's support of Sunrise Acres Farm.
3. To consider and act on a consent agreement for setback zoning violation. (Nadeen, see me re: exact wording on this).
4. To consider and act on the adoption of the Route One Design Guidelines as part of the Cumberland Comprehensive Plan.

**TOWN OF CUMBERLAND
MEETING MINUTES OF THE TOWN COUNCIL
TOWN COUNCIL CHAMBERS
December 9, 2002**

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

Present: Chairman Porter, Councilors Moriarty, Stiles, Storey, Damon and Savasuk.

Excused: Councilor Kuntz.

II. Approval of Minutes

November 25, 2002

Motion by Councilor Moriarty;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

December 5, 2002

Motion by Councilor Stiles;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 6-0

III. Manager's Report

Manager Benson reported that the Town Council will receive a report from Dick Bradbury at its January 13th meeting regarding brown tail moth infestation. The Manager relayed a request from John Duncan, PACTS Director, to meet with the Town Council to provide an introduction to the PACTS process.

IV. Public Discussion

None

V. Legislation and Policy

02 – 138 To hold **public hearing** and act on application by Cumberland Salvage, Inc. for renewal of an auto graveyard/junkyard permit.

Manager Benson indicated this business has been operating for a number of years and has received a favorable recommendation for approval by the Town's Code Enforcement Officer. Councilor Stiles thanked Cumberland Salvage for their support to the Town in supplying vehicles for training Cumberland rescue personnel.

Motion by Councilor Savasuk to approve the renewal license for Cumberland Salvage;
Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

- 02 – 139** To hold **public hearing** and act on application by Thomas Greenlaw for renewal of an auto graveyard/junkyard permit.

Manager Benson referenced the Town Code Enforcement's memo regarding this license renewal application. The CEO noted additional fencing has not yet been installed as required. She recommended conditional approval of the renewal permit.

Motion by Councilor Storey to grant the renewal graveyard/junkyard permit with the conditions mentioned;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 6-0

- 02 – 140** To hold **public hearing** and act on proposed amendment to Board of Assessment Review Ordinance changing membership from three (3) members and two (2) alternates to five (5) members pursuant to authority granted by 30-A M.R.S.A. Section 2526(6).

This ordinance amendment changes the membership of the Board of Assessment Review from 3 members and 2 alternates to 5 members in order to conform the ordinance to the practice of the Board. For some time, the Town has treated all five members as if they were voting members of the Board. By amending the ordinance, it confirms that all five may act. The term of each member shall be three years.

Motion by Councilor Stiles to adopt the amendment to the Board of Assessment Review Ordinance to change the membership from 3 members and 2 alternates to 5 members pursuant to Section 2526 of Title 30A, M.R.S.A.;

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS 6-0

- 02 – 141** To approve SAD 51 Swimming Pool license renewal for 2003.

The pool has been inspected by the Town's Health Officer, Eileen Wyatt, who recommends approval. Manager Benson indicated that the Health and Code Enforcement Officers intend to review the existing ordinance language for possible updates.

Motion by Councilor Moriarty to approve the SAD 51 swimming pool license renewal for 2003;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

- 02 – 142** To set date for Chebeague Island meeting re: Stone Wharf Committee report.

Several councilors noted the difficulty of scheduling a meeting date during the month of December which would ensure optimal attendance. It was determined a meeting date during the week of January 6th or 13th was best suited for optimum attendance. Councilor Damon requested the Town Clerk submit a meeting notice for inclusion in the January edition of the Island Calendar.

Motion made by Council Moriarty to hold a special meeting on January 6, 2003 (or an alternate date during the first two weeks in January dependent upon the availability of the Island Hall);

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

02 – 143 To authorize Town Manager to borrow \$1,500,000 in Tax Anticipation Notes.

The Town Manager presented a “Notice of Sale Authorizing Tax Anticipation Borrowing”. Order 02-143 authorizes borrowing through the issuance of tax anticipation notes in anticipation of the collections or receipts from taxes, in an amount or amounts not to exceed \$1.5 million dollars. Any funds not utilized in assisting with cash flow issues will be invested.

Motion by Councilor Savasuk to approve Order 02-143 to authorize the Town Manager to borrow \$1,500,000 in Tax Anticipation Notes;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

02 – 144 Nominating Committee appointments.

Chairman Porter indicated this item would be dealt with upon the conclusion of this evening’s Executive Session.

VI. Correspondence:

***Councilor Savasuk** - Referenced recent amendments to state Subdivision laws. Requested this issue be forwarded to the Town Attorney for review.

***Councilor Damon** - Received requests for evening hours at Town Hall. Suggested “even once a week or month from 6-8 pm” for working citizens. Chairman Porter expressed his concurrence, suggesting “we’ve been slow to do it because it would cost us money.” He requested the Manager reflect on this issue and advise the Council at a future date.

***Councilor Storey** – none

***Councilor Kuntz** – none

***Councilor Moriarty** – none

***Councilor Stiles** - none

***Chairman Porter** – Referenced the recent rate increase by Time Warner; received letter from Jeff Sturgis, Maine Principal’s Association thanking the Town for the use of Twin Brooks for the cross country championships.

VII. New Business

***Councilor Stiles** – Reported a recent “brainstorming” meeting of the Regionalization Committee. He requested an appropriation of \$2,500 as Cumberland’s equal share toward future expenses.

Motion by Councilor Stiles to appropriate \$2,500 to the Regionalization Committee for potential future expenses; Seconded by Councilor Savasuk. Councilor Moriarty described this request as an “earmarking” of funds for potential future expenses. He explained the Council will receive an update at the time these funds are spent.

VOTE: UNANIMOUS 6-0

***Councilor Moriarty** – none

***Councilor Kuntz** – none

***Councilor Storey** – Referred to the signage at the intersection of Tuttle Road and Route 88. Town Manager Benson stated the Public Works Director, Adam Ogden, has met with MDOT representatives and received permission to “blacken out the striping”. Councilor Storey noted, however, that the painting has worn off. Manager Benson replied he will contact MDOT again.

***Councilor Damon** – Noted that she has received a request from representatives of the Maine Land Bank expressing an interest in making a presentation to the Town Council regarding their tax reform proposal. She feels it would be beneficial for the Council to receive a formal presentation.

***Councilor Savasuk** – none

***Chairman Porter** – none

VIII. Executive Session re: manager hiring process.

Motion by Councilor Stiles to recess to Executive Session to discuss the Town Manager hiring process;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

TIME: 7:46 p.m.

Motion by Councilor Storey to come out of Executive Session;

Seconded by Councilor Moriarty.

TIME: 9:27 p.m.

Motion by Councilor Storey to approve the following appointments: Lisa Nolan, Prince Memorial Library Advisory Board; Linda Toby and Rick Doane, Val Halla Golf & Recreation Center Board of Trustees;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 5-0 (Councilor Damon abstained)

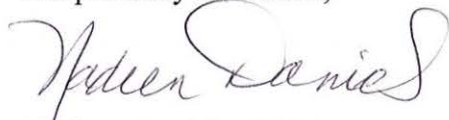
Motion by Councilor Storey to adjourn;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 6-0

TIME: 9:30 p.m.

Respectfully submitted,



Nadeen Daniels, CMC
Town Clerk

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL
TOWN COUNCIL CHAMBERS
DECEMBER 16, 2002**

**** SPECIAL MEETING ****

I. Chairman Porter Called the meeting to order in the Council Chambers at Cumberland Town Hall at 5:45 p.m.

Members Present: Chairman Porter, Councilors Savasuk, Damon, Storey, Kuntz, Moriarty and Stiles.

Motion by Councilor Storey to move into Executive Session to discuss personnel issues; seconded by Councilor Stiles.

VOTE: UNANIMOUS 7-0

TIME: 5:45 p.m.

II. EXECUTIVE SESSION re: personnel

Motion by Councilor Moriarty to come out of Executive Session; seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

TIME: 6:39 p.m.

III. ADJOURN

Motion by Councilor Moriarty to adjourn; seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

TIME: 6:40 p.m.

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chair	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Steve Moriarty	829-5095		

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL
EAST CONFERENCE ROOM
DECEMBER 30, 2002**

**** SPECIAL MEETING ****

I. Chairman Porter Called the meeting to order in the East Conference Room at Cumberland Town Hall at 4:50 p.m.

Members Present: Chairman Porter, Councilors Savasuk, Damon, Kuntz, Moriarty and Stiles.
Members Excused: Councilor Storey.

Motion by Councilor Savasuk to move into Executive Session to discuss the Town Manager hiring process; seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

TIME: 4:51 p.m.

II. EXECUTIVE SESSION re: Town Manager hiring process.

Motion by Councilor Stiles to come out of Executive Session; seconded by Councilor Moriarty.

VOTE: UNANIMOUS 6-0

TIME: 6:15 p.m.

III. ADJOURN

Motion by Councilor Moriarty to adjourn; seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

TIME: 6:15 p.m.

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chair	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Steve Moriarty	829-5095		

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL
EAST CONFERENCE ROOM
JANUARY 4, 2003**

**** SPECIAL MEETING ****

I. Chairman Porter Called the meeting to order in the East Conference Room at Cumberland Town Hall at 9:00 a.m.

Members Present: Chairman Porter, Councilors Savasuk, Damon, Kuntz, Moriarty, Stiles and Storey.

Motion by Councilor Moriarty to move into Executive Session to conduct Town Manager interviews;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 7-0

TIME: 9:08 a.m.

II. EXECUTIVE SESSION re: Town Manager hiring process.

Motion by Councilor Stiles to come out of Executive Session;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

TIME: 3:33 p.m.

III. ADJOURN

Motion by Councilor Moriarty to adjourn

Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

TIME: 3:34 p.m.

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chair	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Steve Moriarty	829-5095		

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL
EAST CONFERENCE ROOM
JANUARY 7, 2003**

**** SPECIAL MEETING ****

I. Chairman Porter Called the meeting to order in the East Conference Room at Cumberland Town Hall at 6:00 p.m.

Members Present: Chairman Porter, Councilors Savasuk, Damon, Kuntz, Moriarty, Stiles and Storey.

Motion by Councilor Stiles to move into Executive Session to conduct Town Manager interviews;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

TIME: 6:09 p.m.

II. EXECUTIVE SESSION re: Town Manager hiring process.

Motion by Councilor Stiles to come out of Executive Session;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

TIME: 8:20 p.m.

III. ADJOURN

Motion by Councilor Stiles to adjourn; seconded by Councilor Storey.

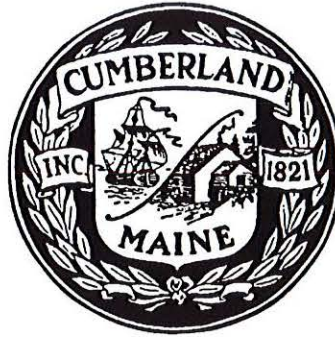
VOTE: UNANIMOUS 7-0

TIME: 8:20 p.m.

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chair	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Steve Moriarty	829-5095		

Town of Cumberland web site: www.cumberlandmaine.com



Date: 12/31/02

To: Portland Press Herald; ATT: Joan

From: Nadeen Daniels, Town Clerk

LEGAL AD

Please run the attached Legal Ad on the following date: Friday, JANUARY 3, 2003

Purchase Order # 6302T

PLEASE CALL ME or EMAIL me at ndaniels@cumberlandmaine.com to confirm and quote price.

Thank you!! Any questions please contact me at 829-2205, ext. 300

PUBLIC HEARING

TOWN OF CUMBERLAND

TOWN COUNCIL

The Cumberland Town Council will hold a Public Hearing at 7:00 pm, Monday, January 13, 2003, in the Town Council Chambers, 290 Tuttle Road, to consider and act on the following items:

1. To consider and act on a Consent Agreement with Jeanette Sowles, 11 Ebb Tide Drive, for a setback zoning violation;
2. To hear zone change request from Stewart Moss re: home occupations;
3. To consider and act on the adoption of Route One Design Guidelines as part of the Town of Cumberland's Comprehensive Plan; and
4. To consider and act on amending Section 424.4.4.1, Business Directional Signs – Location, of the Cumberland Zoning Ordinance, to permit directional signs at the intersection of Middle and Greely Roads.

The text of the proposed amendments are available for review at the Town Offices during regular business hours.

Jeffrey Porter, Council Chairman

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

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
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					3	
13:33 *	4407833586	LESCO CREDIT DEP	4307	RECEPTION	5	OK 01'20
13:36 *	207 846 1565		4308	RECEPTION	1	OK 00'55
12/24 10:39 *	2072872421		4309	RECEPTION	1	OK 00'33
10:46 *	97918000		4310	TRANSMISSION	2	OK 00'45
12/26 11:12 *			4311	RECEPTION	2	OK 00'38
14:12 *	207 763 4693		4312	RECEPTION	7	OK 03'32
20:01 *	5088868915		4313	RECEPTION	1	OK 00'49
12/27 07:46 *	207 846 4956		4314	RECEPTION	3	OK 02'40
08:51 *			4315	RECEPTION	1	OK 00'46
09:39 *	2078295373		4316	RECEPTION	2	OK 01'12
09:59 *	2078295373		4317	RECEPTION	4	OK 03'46
10:08 *	207 846 4956		4318	RECEPTION	1	OK 01'06
10:18 *	97750806	STEVE MORIARTY	4319	TRANSMISSION	8	OK 03'57
13:55	97771473		4320	TRANSMISSION	1	OK 00'30
19:23			4321	RECEPTION	22	NG 20'31
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19:51			4322	RECEPTION	2	NG 01'32
					2	#037
12/30 10:07	918563105410		4323	TRANSMISSION	4	OK 01'29
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 ***** ACTIVITY REPORT *****

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
12/24 10:39 *	2072872421		4309	RECEPTION	1	OK 00'33
10:46 *	97918000		4310	TRANSMISSION	2	OK 00'45
12/26 11:12 *			4311	RECEPTION	2	OK 00'38
14:12 *	207 763 4693		4312	RECEPTION	7	OK 03'32
20:01 *	5088868915		4313	RECEPTION	1	OK 00'49
12/27 07:46 *	207 846 4956		4314	RECEPTION	3	OK 02'40
08:51 *			4315	RECEPTION	1	OK 00'46
09:39 *	2078295373		4316	RECEPTION	2	OK 01'12
09:59 *	2078295373		4317	RECEPTION	4	OK 03'46
10:08 *	207 846 4956		4318	RECEPTION	1	OK 01'06
10:18 *	97750806	STEVE MORIARTY	4319	TRANSMISSION	8	OK 03'57
13:55 *	97771473		4320	TRANSMISSION	1	OK 00'30
19:23 *			4321	RECEPTION	22	NG 20'31
					22	#037
19:51 *			4322	RECEPTION	2	NG 01'32
					2	#037
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13:28	98652183		4325	TRANSMISSION	0	NG 00'00
					0	#018
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					0	STOP
17:25	98652183		4327	TRANSMISSION	7	OK 02'14
12/31 12:13	97916910	PPH CLASSIFIED	4328	TRANSMISSION	2	OK 00'47

11:23

TOWN OF CUMBERLAND

290 TUTTLE ROAD
CUMBERLAND CENTER, MAINE 04021
(207) 829-5559

PURCHASE ORDER**PURCHASE ORDER NUMBER****6302 T**

The above number must appear on all
invoices, packages and correspondence.

SHIP TO

TO

*P.P.H.**Att: Joan
Legal Ads*

DATE OF ORDER	DATE REQUIRED	SHIP VIA	F.O.B.	VENDOR CODE	DEPT. #	ACCOUNT #		
<i>12-31-02</i>	<i>1-3-03</i>							
QUANTITY	DESCRIPTION				UNIT	PRICE		
	<i>Legal Ad for mtg of 1-13-03</i> <i>To Run 1-3-03</i>							

TOWN OF CUMBERLAND

290 TUTTLE ROAD
CUMBERLAND CENTER, MAINE 04021
(207) 829-5559

PURCHASE ORDER**PURCHASE ORDER NUMBER****6301 T**

The above number must appear on all
invoices, packages and correspondence.

SHIP TO

TO

P.P.H.
att: Joan

DATE OF ORDER 12-30-02	DATE REQUIRED 1-3-03	SHIP VIA	F.O.B.	VENDOR CODE	DEPT. #	ACCOUNT #	
QUANTITY	DESCRIPTION				UNIT	PRICE	✓
	Ad for 1-13-03 Public Hearing re: amend to 200g Ordinance re: Directional Signs at Middle & Corcoran Rds						



*Cancelled
12-31-02
10:04am*

Date: 12/30/02

To: Portland Press Herald; ATT: Joan

From: Nadeen Daniels, Town Clerk

LEGAL AD

Please run the attached Legal Ad on the following date:

Friday, JANUARY 3, 2003

Purchase Order # *63017*

PLEASE CALL ME or EMAIL me at ndaniels@cumberlandmaine.com to confirm and quote price.

Thank you!! Any questions please contact me at 829-2205, ext. 300

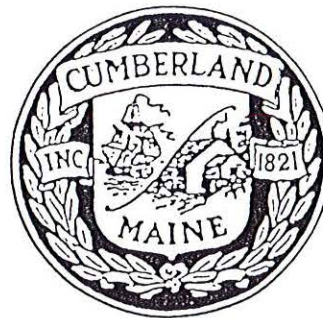
**PUBLIC HEARING
TOWN OF CUMBERLAND
TOWN COUNCIL**

The Cumberland Town Council will hold a Public Hearing at 7:00 pm, Monday, January 13, 2003, in the Town Council Chambers, 290 Tuttle Road, to consider and act on amending Section 424.4.4.1, Business Directional Signs – Location, of the Cumberland Zoning Ordinance to permit directional signs at the intersection of Middle and Greely Roads.

Jeffrey Porter, Council Chairman

Town 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

Joan
PPH

From

Nadeen Daniels

Fax number:

791-6910

Phone: 207-829-2205

Fax: 207-829-2224

Web: www.cumberlandmaine.com

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

Date sent: 12-30-02
Time sent: 11:55am
Number of pages including cover page: 2

Message:

Hi Joan -

Here's the ad I called
you about earlier.

Nadeen



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE FOREST SERVICE
INSECT AND DISEASE LABORATORY
50 HOSPITAL STREET
AUGUSTA, MAINE
04330-6514
January 2, 2003

RONALD B. LOVAGLIO
COMMISSIONER

Cumberland Town Council
290 Tuttle Road.
Cumberland, Maine 04021

Dear Council:

I have completed the annual survey of browntail moth in Cumberland and can report 1051 acres in your Town which, I feel, fit criteria to be included in an aerial control program. I haven't had the opportunity to survey Great Chebeague Island but would anticipate an additional 300 or so acres out there. A map is attached for your information and a much larger, "user friendly" will be available by the 13th meeting date. Dimilin is still the insecticide of choice and the 150 foot setback from the water will again be necessary in 2003. Costs continue to run about \$25 per acre so if the entire program was accepted by towns people you'll be looking at a cost approaching \$33,775 plus staff time and mailings.

As in the past, the State does not conduct these programs but does provide information you can use to determine if a local program is a cost effective benefit to residents. I will be at the January 13th Council meeting to discuss this with you but a few items to considered will be:

- Past participation in Cumberland has been pretty good but the number of residents opting out of the program has been high enough to negate much of the long term impact on the infestation
- Residents along water can not be included due to label restrictions
- I will not be available to direct aircraft this year, increasing you staff costs
- Residents have had good results in areas not treated in prior programs through direct contracts with ground applicators

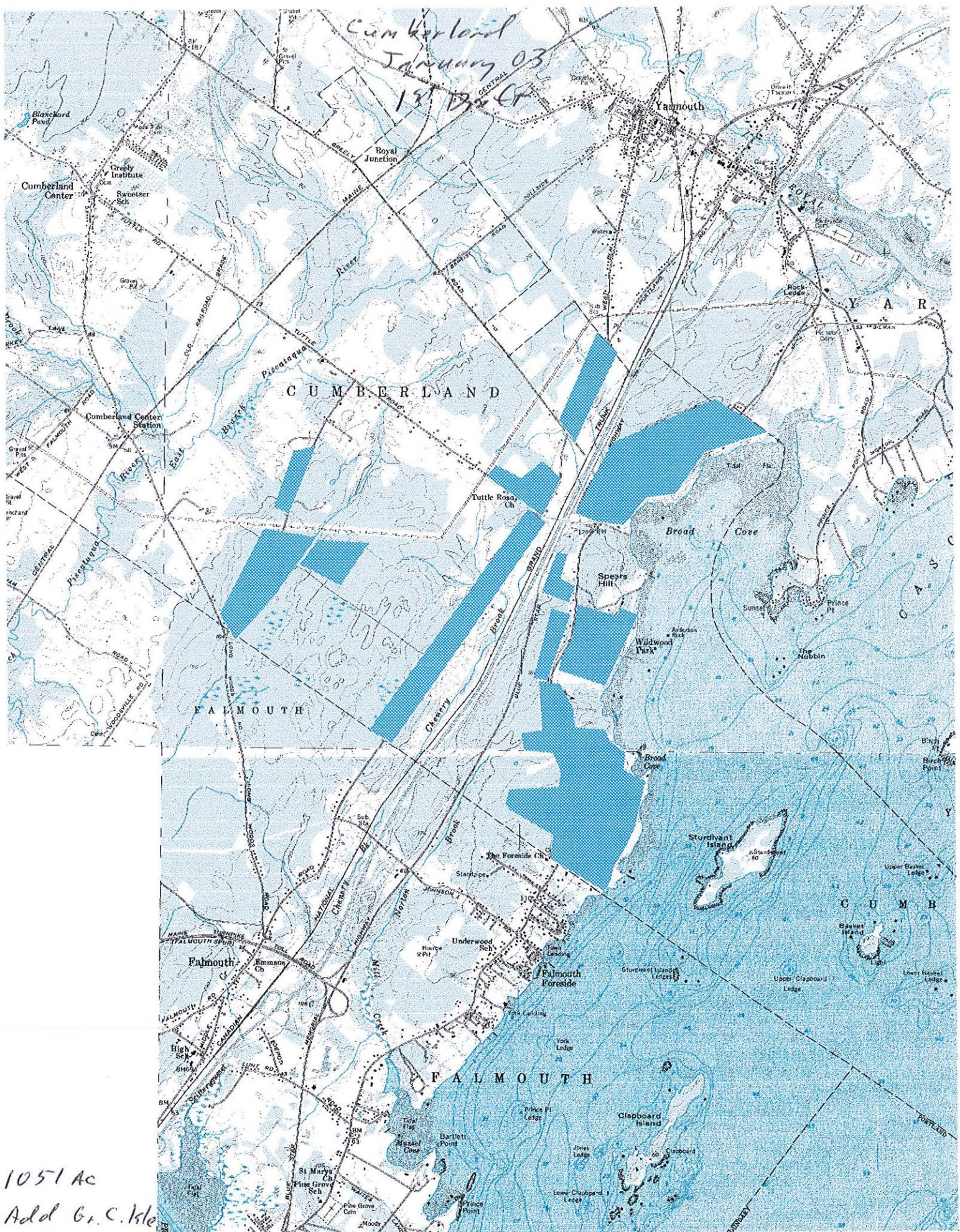
After 12 years of local projects the problem still exists, making me rethink the value of local aerial programs particularly in light of tight budgets for both State and Municipal operations. While the decision to treat or not is entirely local, I'm suggesting that Town officials consider a stepped up educational program to ensure residents know what they can do to protect themselves rather than undertake an expensive control program that is poorly received by many residents.

If you would like to discuss any of this information prior to the meeting please contact me at 287-2428. Take care.

Sincerely,

Dick Bradbury

*Cumberland
January 03
1st Dist*



*1051 Ac
Add G.C. Isle
to this*

Nadeen Daniels

From: Bradbury, Dick [Dick.Bradbury@maine.gov]
Sent: Friday, January 03, 2003 2:13 PM
To: Nadeen Daniels
Subject: RE: browntail moth

Nadeen

I made a large mistake and gave you Falmouth acreage and cost the folowing is correct. I apologixe for the inconvenience dick

January 2, 2003

Cumberland Town Council
290 Tuttle Road.
Cumberland, Maine 04021

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If you would like to discuss any of this information prior to the meeting please contact me at 287-2428. Take care.

Sincerely,

Dick Bradbury



(CUM 103
1-17-03
#27)

M E M O R A N D U M

C O D E E N F O R C E M E N T O F F I C E

Date: December 26, 2002
To: Robert Benson, Town Manager
From: Barbara McPheters, Code Officer *BGM*
Subject: Jeannette Sowles at 11 Ebb Tide Drive, Tax Map U06B Lot 9

On December 12, 2002 the Board of Adjustment and Appeals considered the following appeal:

Jeannette J. Sowles requests a variance of five (5) feet from the thirty (30) foot side setback requirement for an addition to a single family dwelling at 11 Ebb Tide Drive on Map U06B Lot 9 in the Low Density Residential/Limited Residential Shoreland Overlay (LDR/LR) Districts.

The applicant requested approval for an addition built in 1992. A permit was issued on September 10, 1992 with notations that the setback must be thirty (30) feet not twenty-five (25) feet as proposed. It appeared that the applicants' ex-husband applied for the permit and would have been advised by the former Building Inspector, Bob Littlefield, that the addition must comply with the setback requirement. This conclusion is drawn from the evidence of correcting the application and sketch and the issuance of the permit.

The violation was brought to our attention due to a property transfer closing. Due to the apparent disregard of the regulations, I was not comfortable in issuing a "no action" letter that would commonly be issued in this type of circumstance. The options available to the applicant were to remove the violation or seek relief from the Board of Adjustment and Appeals. The applicant is currently the former owner but was required to pursue a variance due to an escrow account in the amount of \$10,000.00.

Four out of seven Board members were in attendance at the meeting on December 12, 2002. Due to a conflict, one member recused himself from hearing the appeal. Based on prior discussions with the Town Attorney, Kenneth Cole, as long as a quorum is established at the start of the meeting, appeals can be heard if at least three members are voting.

While this issue received a majority vote to approve, it was denied due to the requirement in Section 603.2.6 of the Zoning Ordinance. That section states, "The concurring votes of at least three members of the Board shall be required for the approval of any appeal or application".

After the meeting, I contacted the Town Attorney, Kenneth Cole, to discuss this matter and to determine if a consent agreement would be appropriate. He has advised me that the Town Council is the only body that can approve a consent agreement.

Based on the facts of this case, I would recommend approval of a consent agreement at the next available meeting.

Jensen Baird
Gardner & Henry

received
12-19-02

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

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

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

TELECOPIER (207) 775-7935

www.jbgh.com

M. DONALD GARDNER
MERTON G. HENRY
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

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

December 17, 2002

u sent back at

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

Re: **Consent Agreement**

Dear Bob:

Barbara McPheters asked me to write you to confirm our understanding in regard to administrative consent orders. Basically, the courts have determined that the Selectmen and/or Town Council in every municipality are the only ones authorized to bring suit in the name of the municipality. Based on that and the case involving the Town of Waterboro, a copy of which I enclose and which you will note I brought to the Maine Supreme Court, it is our advice that it is within the Council's discretion to decide whether or not to bring suit and therefore they can, by consent order, agree not to. Typically in those instances the Council levies a fine for the violation. As I understand it, in this particular instance, the Town does not wish to impose an administrative fine but rather simply to be repaid for its costs in drafting the agreement.

After you have reviewed the case and the agreement, please get back to me at your convenience if you have any questions.

Very truly yours,


Kenneth M. Cole III

KMC/ab
Enclosure

cc: Barbara McPheters

CONSENT AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 200__, by and between **Jeannette J. Sowles**, an individual who resided at 11 Ebb Tide Drive, Cumberland, Maine 04021 (hereinafter "Sowles"), and the **Town of Cumberland**, a municipal corporation located in the County of Cumberland, State of Maine (hereinafter "the Town").

Sowles and the Town stipulate to the following facts:

1. The Town is a municipal corporation organized under the laws of the State of Maine. Barbara McPheters is the duly appointed Code Enforcement Officer ("CEO") of the Town of Cumberland authorized under law to administer and enforce the provisions of the Zoning Ordinance of the Town of Cumberland ("Zoning Ordinance").

2. Sowles was the owner of certain property located at 11 Ebb Tide Drive, Cumberland, Cumberland County, Maine and described in a deed recorded at the Cumberland County Registry of Deeds in Book 14969, Page 62 ("the Property"). The Property is further described as Assessor's Tax Map U-06B, Lot 9.

3. Sowles has now sold the Property, upon which a single family dwelling is located.

4. As part of the sale, a mortgage loan inspection of the Property was performed. This inspection revealed that the structure is located approximately twenty-five (25) feet from the side property line. The zoning ordinance for the district in which the Property is located (Low Density Residential), requires a side setback of at least thirty (30) feet.

5. The condition set forth in ¶ 4 above constitutes a violation of Section 104.138 of the Zoning Ordinance regarding side setbacks for principal buildings in the Low Density Residential/Limited Residential Shoreland Overlay District.

6. The CEO has investigated the violation and has determined that it was inadvertent and that the violation is not creating a significant public health, safety or welfare problem.

Sowles and the Town further agree as follows:

7. Sowles shall pay the Town's attorney's fees and costs in the amount of \$_____. Such payment shall be made by check made payable to the Town of Cumberland.

8. The existing dwelling shall be allowed to remain and be repaired in its current location as shown on the mortgage loan inspection plan, a copy of which is attached hereto as **Exhibit A**. The existing structure shall not be expanded or replaced, except in conformance with the requirements of the Zoning Ordinance and all other applicable laws.

9. The Town agrees to relinquish its right to prosecute Sowles, her heirs and assigns, for the violation as set forth herein.

10. This Consent Agreement shall be binding on Sowles, her heirs and assigns, and it shall be duly recorded by Sowles at the Cumberland County Registry of Deeds within 30 days with a copy of the recorded instrument to the CEO.

11. The new owners of said Property shall also be required to acknowledge their acceptance of this Agreement.

12. At a meeting of the Cumberland Town Council on _____, 200__, the Council approved the resolution of the zoning violation based on the terms set forth herein and authorized the CEO to sign this Agreement on behalf of the Town.

JEANNETTE J. SOWLES

Dated: _____, 200__

Jeannette J. Sowles

TOWN OF CUMBERLAND

Dated: _____, 200__

By: Barbara McPheters
Its Code Enforcement Officer, duly
authorized

Seen and Agreed to:

Robert Watterson IV
Manager of Northern Points, LLC
(new owner)

State of Maine
Cumberland, ss.

_____, 200__

Then personally appeared the above named Jeannette J. Sowles and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Attorney at Law/Notary Public

Print Name

FLOOD HAZARD INFORMATION

FILE NUMBER: 24578

FLOOD MAP COMMUNITY NO.: 230182 ZONE: A-2

ATTORNEY: BERNSTEIN, SHUR, SAWYER & NELSON

PANEL: 0018 C DATED: 7/15/92

TITLE COMPANY: NOT APPLICABLE OR NOT AVAILABLE

TITLE REFERENCE

LENDER: NOT APPLICABLE OR NOT AVAILABLE

DEED BOOK: 14289 PAGE: 262

OWNER: JEANNETTE J. SOMES

PLAN BOOK: 83 PAGE: 31 LOT(S): 9

APPLICANT: ROBERT WATTERSON

PLAN NUMBER: N/A OF N/A

ASSESSORS MAP

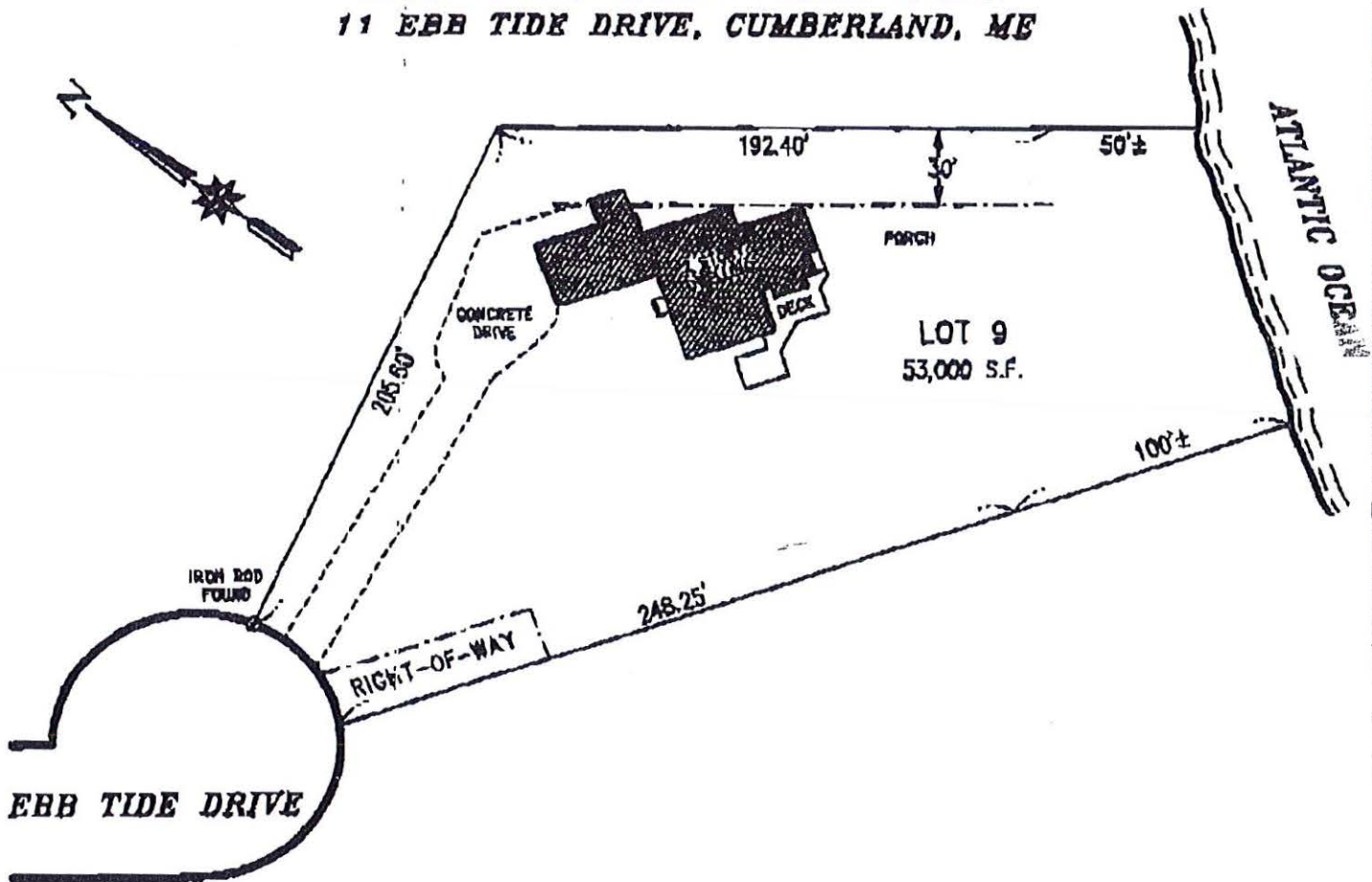
DATE: 11/22/02

SCALE: 1"=80'

MAP: 11-68

BLOCK: N/A

PARCEL: 9

MORTGAGE INSPECTION PLAN
11 EBB TIDE DRIVE, CUMBERLAND, ME**MORTGAGE LENDER
USE ONLY****THIS IS NOT A BOUNDARY SURVEY.**

THIS IS THE RESULT OF TAPE MEASUREMENT, NOT THE RESULT OF AN INSTRUMENT SURVEY AND IS CERTIFIED TO THE TITLE INSURANCE COMPANY AND ABOVE LISTED ATTORNEY AND LENDER.

THERE ARE NO DEEDED EASEMENTS IN THE ABOVE REFERENCED DEED OR ENCROACHMENTS WITH RESPECT TO BUILDINGS SITUATED ON THE LOT EXCEPT AS SHOWN

SURVEYING ENGINEERING LAND PLANNING
Northeast Civil Solutions
 INCORPORATED
 153 US ROUTE 1, SCARBOROUGH, MAINE 04074
 60' 0 60' 120'
 tel (207) 883-1000 fax (207) 883-1001 e-mail ncs@maine.rr.com
 (800) 882-2227

*1159 763 A.2d 1159

2001 ME 1

Supreme Judicial Court of Maine.

Eric HERRLE and Diane Herrle

v.

TOWN OF WATERBORO and Douglas C. Foglio
Sr.

Docket No. Yor-00-161.

Argued Sept. 6, 2000.

Decided Jan. 4, 2001.

Town residents appealed decision of the zoning board of appeals, which had ruled that board of selectmen erred in determining that property owner could not operate gravel pit without first obtaining conditional use approval. The Superior Court, York County, Brennan, J., vacated zoning board's decision. Town and property owner appealed. The Supreme Judicial Court, Rudman, J., held that: (1) zoning board's role in reviewing board of selectmen's decision was advisory in nature and not subject to judicial review, and (2) residents lacked standing to bring enforcement action.

Vacated and remanded with direction.

Dana, J., filed dissenting opinion in which Saufley, J., joined.

West Headnotes

[1] Zoning and Planning ☞ 763

414 ----

414XI Enforcement of Regulations

414XI(A) In General

414k763 Mode of Enforcement in General.

Although zoning board of appeals had jurisdiction to review board of selectmen's violation determination, board's role was advisory in nature and not subject to judicial review; enforcement provisions of town's zoning ordinance did not provide for administrative appeal to board from a violation determination by code enforcement officer or board of selectmen, and board had discretion in deciding whether to institute enforcement action if a violator failed to comply with code enforcement officer's order. 30-A M.R.S.A. § 2691, subd. 4.

[2] Zoning and Planning ☞ 764

414 ----

414XI Enforcement of Regulations

414XI(A) In General

414k764 Rights and Remedies of Individuals.

Town residents did not have standing to initiate zoning enforcement proceedings against alleged violator; only town had such standing. 30-A M.R.S.A. § 4452, subd. 4.

John C. Bannon (orally), Murray Plumb & Murray, Portland, for plaintiff.

Kenneth M. Cole III (orally), Natalie L. Burns, Jensen Baird Gardner & Henry, Portland, for defendant Town of Waterboro.

Michael H. Hill (orally), Thomas G. Leahy, Monaghan, Leahy, Hochadel & Libby, LLP, Portland, for defendant Douglas Folio.

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, ALEXANDER, and CALKINS, JJ.

RUDMAN, J.

[¶ 1] The Town of Waterboro and Douglas C. Foglio Sr. appeal from a judgment entered in the Superior Court (York County, *Brennan, J.*) vacating the reconsidered decision of the Waterboro Zoning Board of Appeals (ZBA) and reinstating an earlier decision by the ZBA. In that earlier decision, the ZBA determined that Foglio's gravel pit had lost its grandfathered status through discontinuance and, therefore, required conditional use approval prior to any further operation. Because we conclude that the ZBA's role in the administrative appeal was advisory in nature and not subject to judicial review, we vacate the judgment of the Superior Court and remand with instructions to dismiss the appeal.

I. BACKGROUND

[¶ 2] Eric and Diane Herrle own property in Waterboro which is located near a gravel pit owned and operated by Douglas C. Foglio Sr. In February 1999, the Herrles requested the Waterboro Code Enforcement Officer (CEO) to initiate enforcement action against Foglio for operating a gravel *1160 pit in the Agriculture and Residential Zone without first obtaining conditional use approval as required by the Waterboro Zoning Ordinance. Because the CEO had a conflict of interest, he referred the request to the Waterboro Board of Selectmen. The Board of Selectmen declined to take enforcement action against Foglio, concluding that the pit was grandfathered.

[¶ 3] In March 1999, the Herrles filed an administrative appeal of the Board of Selectmen's decision with the Waterboro Zoning Board of Appeals, asserting that the Board of Selectmen had misinterpreted the ordinance and Maine law in determining that the gravel pit was grandfathered. The ZBA considered the Herrles' appeal at a public hearing in May 1999. The ZBA determined that the gravel pit was a nonconforming use which had been discontinued for a period in excess of one year; therefore, it had lost its grandfathered status and could not be operated as a gravel pit without first obtaining conditional use approval. Based on these findings, the ZBA determined that the conclusion of the Board of Selectmen was erroneous.

[¶ 4] At the request of the Board of Selectmen, the ZBA held a rehearing in June 1999. On reconsideration, the ZBA reversed its earlier decision, finding that because the prior owners of the gravel pit had not *intended* to discontinue the use of the gravel pit, it remained grandfathered.

[¶ 5] Pursuant to M.R. Civ. P. 80B, the Herrles appealed. The Superior Court vacated the ZBA's reconsidered decision and reinstated the ZBA's earlier decision. The Court found that the ZBA erred as a matter of law in basing its "discontinuance" determination on the subjective intent of the prior pit owners, rather than the actual use of the property. This appeal followed.

II. DISCUSSION

[1] [¶ 6] The Town of Waterboro and Foglio argue that the ZBA lacked jurisdiction to hear an appeal from a decision of the Board of Selectmen concerning an enforcement decision. (FN1) Although the ZBA had jurisdiction to review the Board of Selectmen's violation determination, the ZBA's role was advisory in nature and not subject to judicial review.

[¶ 7] 30-A M.R.S.A. § 4353 (1996 & Supp.2000) requires any municipality which adopts a zoning ordinance to establish a board of appeals. The board of appeals is governed by 30-A M.R.S.A. § 2691, which provides in part:

Any municipality establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. *No board*

may assert jurisdiction over any matter unless the municipality has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Any board of appeals shall hear any appeal submitted to the board in accordance with Title 28-A, section 1054.

30-A M.R.S.A. § 2691(4) (1996) (emphasis added).

[¶ 8] Section 10.01 of the Waterboro Zoning Ordinance establishes a Zoning Board of Appeals "to receive, hear, and decide appeals from interpretations of this ordinance and decisions of the officer, the Planning Board and/or the Selectmen, and all requests for variances...." (citations omitted). Various sections of the ordinance specifically provide that appeals may *1161 be made to the ZBA from decisions of the CEO granting or denying building or occupancy permits, decisions of the Planning Board approving or disapproving conditional use applications, and any decisions, final actions or failures to act of the Planning Board. In contrast, the enforcement provisions of the ordinance do not provide for an administrative appeal to the ZBA from a violation determination by the CEO, or in this case, the Board of Selectmen.

[¶ 9] To the extent that Section 13.02 (FN2) authorizes an appeal to the ZBA from a violation determination by the CEO or Board of Selectmen, the ZBA's role in such an appeal is advisory in nature and not subject to judicial review. *Cf. Pepperman v. Town of Rangeley*, 659 A.2d 280 (Me.1995) (holding that the ZBA's role in appeal from CEO's violation determination was advisory in nature and not subject to judicial review when the ordinance only authorized the ZBA to recommend that the CEO reconsider her violation determination). Although the ZBA's determination in an interpretation appeal under Section 13.02 is "final," as opposed to merely a "recommendation" as in *Pepperman*, and even though the CEO has a duty under the Waterboro Zoning Ordinance to issue a code enforcement order when a violation is found to exist, (FN3) the Board of Selectmen has discretion in deciding whether to institute an enforcement action if a violator fails to comply with the CEO's order. (FN4)

[¶ 10] In this case, the Board of Selectmen never reached the enforcement stage because it determined that no violation existed, and the ZBA agreed. The only legal significance of the Superior Court's

decision, therefore, was to provide a declaratory judgment on the issue of whether that violation determination was correct. Even if we were to affirm the Superior Court's decision finding error in the ZBA's legal analysis, the Board of Selectmen could still decide in their discretion not to bring an enforcement action against Foglio. *1162 See *supra* note 3; 30-A M.R.S.A. § 4452(1) (1996) ("A municipal official ... who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance ... may: ... [i]ssue a summons to any person who violates a law or ordinance ..." (emphasis added)); cf. *State v. Heald*, 382 A.2d 290, 301 (Me.1978) (stating that "a reasonable prosecutorial discretion in the enforcement of criminal laws is inherent in our criminal justice system ...").

[2] [¶ 11] Furthermore, 30-A M.R.S.A. § 4452(4) (1996), dealing with the enforcement of land use laws and ordinances, provides that "[a]ll proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality." The Herrles, therefore, would not have standing to initiate enforcement proceedings against Foglio even if it was determined that he was in violation of the ordinance. Cf. *City of Houston v. Tri-Lakes Limited*, 681 So.2d 104 (Miss.1996) (holding that private citizens do not have standing to initiate criminal proceedings for zoning ordinance violations, only local governing authorities and the proper local authorities of any county or municipality may initiate such proceedings).

[¶ 12] Because the ZBA's role in the administrative appeal from the Board of Selectmen's violation determination was purely advisory in nature, the ZBA's denial of the Herrles' appeal should not have been reviewed by the Superior Court. See *Pepperman*, 659 A.2d at 283.

The entry is:

Judgment vacated. Remanded to the Superior Court with direction to dismiss the appeal.

DANA, J., with whom SAUFLEY, J. joins, dissenting.

[¶ 13] I respectfully dissent. Although I agree that the Waterboro Board of Selectmen retains discretion not to bring an enforcement action, I do not agree that a judicial determination as to the meaning of the Waterboro ordinance is therefore advisory and not a judicial function. The Waterboro ZBA exists, *inter alia*, "to receive hear, and decide appeals from

interpretations of this ordinance...." WATERBORO ZONING ORDINANCE § 10.01. The Waterboro ordinance expressly provides that the ZBA's "interpretation of any word, phrase, or provision of this ordinance called in question shall be ... subject ... to judicial review." WATERBORO ZONING ORDINANCE § 13.02, *supra* note 1 of the Court's opinion. By contrast, in *Pepperman v. Town of Rangeley*, 659 A.2d 280 (Me.1995), we held that the Rangeley ordinance did not provide for judicial review of a CEO's violation determination. *Id.* at 281-82.

[¶ 14] When a municipality refuses to bring an enforcement action because it believes that its ordinance has not been violated, we permit a neighbor to challenge that legal (as distinguished from discretionary) determination. See, e.g., *Richert v. City of South Portland*, 1999 ME 179, 740 A.2d 1000 (successful appeal from a city's refusal to bring an enforcement action because of the mistaken belief that the ordinance was not being violated); *Toussaint v. Town of Harpswell*, 1997 ME 189, 698 A.2d 1063 (same).

[¶ 15] Courts in other jurisdictions recognize their responsibility in this regard. The Missouri Court of Appeals considered a case in which a neighbor requested the Code Enforcement Officer to issue a stop order to a game hunting facility that was using clay pigeons for target shooting. *Ode v. Bd. of Zoning Adjustment of Platte County*, 796 S.W.2d 81, 82 (Mo.Ct.App.1990). The CEO denied the request, and the Board of Zoning Adjustment affirmed. The circuit court vacated, holding that the activity violated the special use permit that allowed only live bird hunting at the facility. *Id.* The Missouri Court of Appeals affirmed, concluding that "[t]he Board's failure to require enforcement of the limitations contained within the special use *1163. permit granted [the game hunting facility] a de facto special use permit to establish a shooting range to shoot clay pigeons." *Id.* at 84. Here, it could be argued that the Board of Selectmen granted Foglio a permit to reestablish an abandoned gravel pit.

[¶ 16] When the ordinance expressly provides that the ZBA's interpretation of the ordinance is subject to judicial review, and the ZBA bases its decision on an interpretation of the ordinance, there is clear precedent for review of that interpretation. The Court should, therefore, review and correct the ZBA's interpretation and then remand for the Board of Selectmen to determine whether to commence an enforcement proceeding based on a legally correct

interpretation of the ordinance. See, e.g., *Richert*, 1999 ME 179, ¶ 9, 740 A.2d at 1003. I do not assume, as the Court may, that the Board of Selectmen will not bring an enforcement action when we inform it that the Foglio gravel pit violates the Town's ordinance.

[¶ 17] I would take the appeal and affirm the judgment of the Superior Court.

(FN1.) We acknowledge that in *Toussaint v. Town of Harpswell*, 698 A.2d 1063 (1997), an appeal from a Superior Court judgment vacating a decision of the Harpswell Zoning Board of Appeals, we vacated the judgment of the Superior Court and remanded for entry of judgment affirming the decision of the ZBA. Neither the authority of the ZBA nor the jurisdiction of the court was challenged in that case.

(FN2.) Section 13.02 of the Waterboro Zoning Ordinance provides in relevant part:

Interpretations of words, phrases, or specific provisions of this ordinance leading to the grant or denial of a necessary permit, the approval of [sic] disapproval of any proposal, or any other action or refusal to act by the Code Enforcement Officer, the Planning Board, or the Selectmen of the town may be appealed to the Zoning Board of Appeals by an aggrieved applicant whose request gave rise to the interpretation in question, by any property owner or resident of the town whose property is within one thousand (1000) feet of the lot line of the applicant's project site, or by any of the elected or appointed municipal officials or employees listed above. The Zoning Board of Appeals [sic] interpretation of any word, phrase, or provision of this ordinance called in question shall be final subject only to judicial review.

(FN3.) Section 2.05 of the Waterboro Zoning

Ordinance provides in part:

Upon finding a violation of any statute, ordinance, regulation, or condition outlined above, the Code Enforcement Officer *shall* notify the violator of such fact and simultaneously issue a code enforcement order to the violator requiring immediate compliance with the particular provisions of law involved. The failure to comply with a code enforcement order will subject the violator to penalties, further orders, and possibly legal action as outlined in Sections 12.02 and 12.03.

(Emphasis added).

(FN4.) Section 12.03 of the Waterboro Zoning Ordinance provides:

The Selectmen acting upon the recommendation of the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals *may* protect the public interest and the reasonable expectations of private landowners by ordering violators to cease and/ [sic] to remove any violating activity, use or structure and, if necessary, they *may* order the restoration of conditions in existence prior to the violation.

If fees or double fees are not paid or if a Code Enforcement Order, or an order of the Selectmen is not complied with, the town *may* bring whatever legal, equitable, or injunctive action is necessary to compel the payment of established fees and to seek the imposition of appropriate fines as well as compliance with its orders. The costs of such proceedings shall also be imposed on the violator.

(Emphasis added).

**AMENDMENT TO LEASE AGREEMENT TO CONVERT
TO LEASE PURCHASE AGREEMENT**

This Amendment to Lease Agreement to Convert to Lease Purchase Agreement made and entered into this _____ day of December, 2002, by and between the Town of Cumberland, a municipal corporation ("Lessor") with a mailing address of: 290 Tuttle Road, Cumberland, ME, 04021, attention: Town Manager, and School Administrative District 51, a school administrative district ("Lessee") with a mailing address of 357 Tuttle Road, P.O. Box 6A, Cumberland Center, ME, 04021, attention: Superintendent.

WITNESSETH:

WHEREAS, the Lessor and Lessee entered into a certain Lease dated June 25, 1997 in regard to the Drowne Road School, so-called; and

WHEREAS, the term of said lease was for ten (10) years commencing June 1, 1998 and ending on June 1, 2008; and

WHEREAS, the parties wish to convert said lease to a lease purchase agreement with a term of ten (10) years commencing January 1, 2002 and ending December 31, 2013. Now, therefore, based on the foregoing considerations, the parties agree as follows:

1. Term. The Lessor and Lessee agree that as of January 1, 2003, the Lease shall be converted to a Lease Purchase Agreement with a ten (10) year term commencing January 1, 2003 and ending December 31, 2012. During the ten year term of the Lease Purchase Agreement, Lessee shall pay Lessor _____ annually, in equal monthly installments of _____, each monthly installment payable in advance on or before the first day of each month.

2. Option to Purchase. If Lessee is not then in default of the performance of its obligations under this Lease Purchase Agreement, on December 31, 2012 Lessor shall convey to lessee by quitclaim deed without additional consideration, subject only to encumbrances of record as of the date of this Agreement, utility easements of record, and the provisions of the zoning ordinance of the Town of Cumberland, the premises described in Exhibit A attached hereto, together with the buildings and improvements located thereon (hereinafter "the Premises").

3. Condition in Deed. The deed shall contain a provision that in the event that the Board of School Directors of Lessee determine at any time in the future that the Premises do not have any future anticipated use for school or other SAD educational or administrative purposes, the Board of School Directors shall offer to transfer ownership of the Premises to Lessor at no cost to Lessor before offering to convey the Premises to any other party.

4. Maintenance Reserve. Any sums remaining in Lessor's maintenance reserve account established pursuant to the Lease dated June 25, 1997 shall remain the property of Lessor and no credit or financial adjustment shall be made by virtue of this provision, however, Lessee shall have no obligation to contribute further to said account.

5. Condition of Premises. Lessee agrees it has had a substantial opportunity to inspect the Premises and that it shall take the Premises on an "as is, where is" basis and the Lessor shall have no obligations in regard to any express or implied warranties or representations regarding the condition of said Premises.

6. Indemnification. Lessee further agrees that during this Lease and after delivery of the deed, it shall, within the terms of the Maine Tort Claims Act, defend and indemnify Lessor from any and all actions, claims for damages, including property and bodily injury claims, debts, breach of contract, environmental damage or other loss or expense caused by the negligence of the Lessor and/or Lessee or otherwise, including attorney's fees and costs, arising out of the Lessor's ownership of the Premises subsequent to June 25, 1997 and Lessee's use and occupancy of said Premises hereafter.

7. Quiet Enjoyment. Lessor agrees to deliver to the Lessee physical possession and quiet enjoyment of the Premises upon the commencement of the term hereof, free and clear of any and all encumbrances, attachments, liens or other interests, claims or rights of possession, except as aforesaid.

8. Utilities; Expenses. Lessee shall be responsible for all utility expenses and costs at the Premises commencing January 1, 2003 and throughout the ten year term of this Lease Purchase Agreement.

9. Insurance. During the term of this Agreement, Lessee shall obtain and maintain at its expense a policy of general liability insurance coverage, insuring against liability for bodily injury and property damage with a minimum combined single limit of \$1,000,000. The policy shall name the Lessor as an additional insured. Lessee shall supply evidence of such coverage to Lessor, which shall not be canceled without 30 days notice to Lessor and Lessee. During the term of this Agreement, Lessee shall maintain fire and hazard liability insurance on the premises for the full replacement value of the building and improvements. Lessee shall also insure its property and effects. Lessor and Lessee hereby waive rights of subrogation to the extent not prohibited by the insurance policies required under this subparagraph, and hereby each release the other from claims required to be insured against, including claims based on negligence. During the term of this Agreement, lessee shall be entitled to any insurance proceeds for fire and hazard damage to the Premises.

10. Maintenance and Repairs. Lessee shall be responsible for maintenance on the Premises, including but not limited to, snow and ice removal, sanding of sidewalks, parking areas and drives, lawn and landscaping maintenance, general routine maintenance, garbage removal and for all cleaning and janitorial services. Lessee shall also be responsible for the cost of structural repairs and replacements, including the roof, foundation, exterior walls, facades,

parking areas and drives and the replacement and repair of major building systems components of a capital nature.

11. Signs. Lessee shall be permitted to install signage on the Premises. Any sign installed shall conform to any and all governmental regulations and ordinances applicable.

12. Alterations, Modifications, Repairs. Lessee may make such changes and alterations to the Premises as it deems necessary or useful in connection with Lessee's use of the Premises.

13. Destruction of the Premises. In the event of total or partial destruction of the Premises, Lessee shall determine whether or not to rebuild or repair the same, provided that such total or partial destruction shall not relieve Lessee of its payment obligations to Lessor under this Agreement.

14. Eminent Domain. Lessee shall receive the total of any damages awarded as a result of condemnation proceedings. Such condemnation shall not relieve Lessee of its payment obligations to Lessor under this Agreement unless the condemnation proceedings are instituted by Lessor and the Premises are thereby rendered unsuitable for use as a school by Lessee.

15. Assignment and Sublease. Lessee may not sublet or assign the Premises or other part thereof without the prior consent of Lessor, which consent shall not be unreasonably withheld.

16. Default. Lessee shall have breached this Agreement and shall be considered in default hereunder if (1) Lessee fails to pay any lease purchase payment when due, and such failure continues for a period of thirty (30) days after receipt of notice thereof from Lessor or (2) Lessee fails to substantially perform or comply with any of the covenants or conditions of this Agreement and such failure continues for a period of thirty (30) days after receipt of notice thereof from Lessor, or if such default cannot reasonably be cured within 30 days, such additional time as is reasonably required given the nature of such default for Lessee to diligently prosecute such cure to completion.

17. Remedies. Lessee covenants and agrees that in the event of an uncured default, upon receipt of written demand from Lessor, at the option of Lessor, Lessee shall either (1) pay during the remainder of what would have been the then current term of the lease, to the Lessor, on the last day of each calendar month, the difference, if any, between the rental which would have been due for such month had there been no such termination and the amount being received by Lessor as rent from occupants of the Leased Premises, if any or (2) be liable for and pay to Lessor the entire unpaid rental and all other balances due under this Lease for the remainder of the then current term less the fair market rental value of the premises for the remainder of the term. In addition, Lessee agrees to pay to Lessor as damages for any default, termination or breach, all costs, including reasonable attorney's fees, incurred by Lessor in connection with any default, termination, breach, eviction, forcible entry and detainer, collection or other enforcement of Lessor's rights hereunder, all costs of re-letting the Leased Premises, including, but not limited to, brokerage fees, advertising and marketing costs and costs of re-fitting the leased

Premises to suit the new Lessee; however, Lessee agrees to use its best efforts to mitigate said damages.

18. Notice. All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid and return receipt requested, to the party to be notified at the address set forth above or at such other address as either party may from time to time designate in writing.

19. Consents. Any consent by Lessor hereunder shall not be unreasonably withheld or delayed.

20. Entire Agreement. Effective January 1, 2003, this Agreement replaces and supercedes the Lease Agreement dated June 25, 1997 between the Parties which shall thereafter be deemed terminated and of no further force and effect. This Agreement contains the entire agreement of the parties hereto with respect to the Premises. This Agreement may not be amended, modified, released or discharged, in whole or in part, except by an instrument in writing signed by the parties hereto, their respective successors or assigns.

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease and Conversion to Lease Purchase Agreement under seal as of the day and year first above written.

Witness:

Lessor:

Town of Cumberland

By: _____

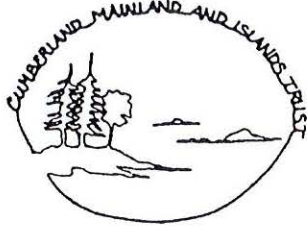
Robert B. Benson
Its Town Manager

Lessee:

Maine School Administrative
District No. 51

By: _____

Its Superintendent



CUMBERLAND MAINLAND & ISLANDS TRUST

P.O. Box 25

Chebeague Island, Maine 04017

January 9, 2003

DIRECTORS

Richard Bowen
Susan Burgess
Rob Crawford
Melanie Gustafson
Paul Gianas
Jonathan Labaree
Michael H. Porter
Jeffrey Sloan
Diane Lukac

To: Cumberland Town Council
Robert Benson, Town Manager
Carla Nixon, Assistant Town Manager

From: Robert Crawford, President CMIT

Re: Opportunity to Preserve Sunrise Acres Farm and Update on
Lands for Maine's Future Program

DIRECTOR EMERITUS

Stephen W. Moriarty

Just over a year ago Sally Merrill, owner and operator of Sunrise Acres Farm, applied to sell her farm's development rights to the State of Maine under the Land for Maine's Future (LMF) program. By selling the development rights Sally is furthering her goal to permanently preserve the farm for continued use as an operating farm and open space. The farm has long been a cornerstone of Cumberland's agricultural community; and remains as one of the very few remaining agricultural operations that continue in operation in Cumberland. The farm, located on Winn and Range Roads, is currently the number one candidate for preservation under the LMF program. The estimated value of the development rights associated with Sunrise Acres Farm is from \$1.1mm to \$1.3mm.

The LMF program operates as a partnership between the State, the U.S. Department of Agriculture and the host municipality. LMF's designation of Sunrise Acres as its top candidate means that the state and federal portion of the purchase, subject to completion of the process, will be available. One third of cost of the development rights under the program, however, must to be raised locally. Through the efforts of the State of Maine Department of Agriculture the one-third local share will be reduced significantly to an estimated \$200,000 to \$250,000. CMIT is working with Sally Merrill to help secure the local share of the funds required and to assist Sally in defining a long-term management plan for the farm so that it can continue as a viable operation and continue to serve the community. What the Trust would like to do is to initiate and eventually formalize a partnership with the Town to fund the local share. What the Trust proposes is partnering "50/50" with the Town in this effort.

PRESERVING CUMBERLAND'S HERITAGE

CUMBERLAND MAINLAND & ISLANDS TRUST

P.O. Box 25

Chebeague Island, Maine 04017

The Trust believes that the long-term benefits of purchasing the farm's development rights will significantly offset the immediate costs of such an arrangement to the Town. The Council will first note that preservation of agricultural land (consistent with the findings and rankings of the LMF board on the Sunrise Acres application) is the ***top priority*** under the Town of Cumberland's Open Space Plan. The Open Space Plan recognizes the significance of the farm as a cornerstone of the Town's agricultural history, a history that is being edged away by significant development pressures. The Open Space Plan further directs the Town to take affirmative measures to counter the forces, which if unchecked, will result in the disappearance of our community's agricultural element forever. The Open Space Plan also directs the Town to take measures to preserve farmlands by several means, including the direct purchase of development rights.

It is estimated that the farm's acreage could support development of thirty, possibly forty, new residences. The cost impacts of this development on the Town and school budgets from these new homes will probably significantly outweigh new tax revenues from such new development. (See April 2000 Report and Study "Fiscal Impact of Residential Development" prepared for the Town by Planning Decisions). The results of this study indicate that based on thirty to forty new houses the Town will find itself \$67,000 to \$88,000 (possibly more) ***revenue negative*** on an annual basis if the property were developed into single-family residences.

In addition to forwarding the effort to maintain our open space and the last agricultural elements of our Town, assisting with the purchase of the development rights will have other significant secondary benefits to our Community. The Trust has been working with Sally Merrill to create a management structure for the farm that will more closely integrate the farm into our school curriculum and community. Part of the farm programs that are envisioned are to develop and expand the farm's educational programs similar to the programs our kids participate in at the Wolf's Neck Farm in Freeport.

The trust recognizes that such an expenditure; half of the estimated local share of \$200,00 to \$250,000 or \$100,000 to \$150,000, is not insignificant. However, the Town's share in partnership with CMIT would be only 8% to 10% of the estimated total purchase price of the development rights. A possible funding source for the Town's local share could be from the fees generated from the Town impact fee program. Our understanding is that approximately sixty to eighty thousand dollars are generated annually from impact fees.

The time schedule for the LMF program to date and to complete the purchase follows. The Town and CMIT's commitments to assist with the purchase need to be in place in the very near future so that the final elements of the process can proceed.

2002 January Finalist Projects announced. Sunrise Acres ranked the top priority.

2003 January Finalize Agricultural Conservation Easement outline with

PRESERVING CUMBERLAND'S HERITAGE

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P.O. Box 25

Chebeague Island, Maine 04017

Landowner. Prepare to contract for appraisal and subdivision analysis.

June/July Appraisal report to Land for Maine's Future Board - Appraisal Review Committee and Department to verify interest as a Willing Buyer. If affirmative, Landowner receives Appraisal Report to verify if she is Willing Seller. If yes, Survey, Baseline Documentation completed, final Purchase and Sale Agreement prepared and parties proceed to closing. Closing may be possible by mid- December.

The LMF program has created a tremendous opportunity for the Town to help it meet many of its long-term land planning goals and objectives. Due to Sally Merrill's need to finalize her planning needs related to the Future of Sunrise Acres Farm this is a one-time opportunity that the Trust believes should be seriously considered and acted on. The Trust looks forward to working with the Council and the Town toward the efforts to permanently protect and preserve the Sunrise Acres Farm.

The Land for Maine's Future Program (LMFP) and the Federal Farmland and Ranchland Program (FRPP) are currently the only purchase of development rights programs available to permanently protect Maine's farmland. Both are competitive, publicly funded programs. LMFP is administered by the Maine State Planning Office and FRPP is administered by the USDA Natural Resources Conservation Service. All proposals to LMFP must be sponsored by a state agency. All proposals to FRPP must be sponsored by a state or local agency, or a non-governmental organization.

As the sponsor for farmland protection projects, the Department of Agriculture, Food and Rural Resources looks for people – farmers, local leaders and land trusts - who will develop projects that can demonstrate multiple ways to protect farmland and leverage community support & leadership to “keep Maine agriculture growing.”

If you are interested in pursuing an LMF farmland project, please call Stephanie Gilbert, 287-7520, to discuss your farm and farmland protection goals. Please note that projects need a local planning team and 6 -12 months to prepare a proposal. Once proposals are submitted and approved as finalists it takes another 12-18 months to close on the sale of development rights. *Please note: not all Department sponsored projects are selected as finalist projects, and not all LMFP or FRPP finalists choose to sell their development rights.*

The Maine Department of Agriculture sponsors farms / projects that:

- Are working farmland with prime & significant soils and other productive farm assets.
- Are under current or emerging threat to conversion to non-agricultural uses.
- Are close to other active and productive farms and agricultural infrastructure.
- Are located in an area identified in the Town Comprehensive Plan.
- Are developing a strategy to transfer the farm.
- Have, or are willing to develop, a written business plan.
- Sell or distribute commodity / niche crop / value-added products in local, regional, statewide or national markets.
- May involve more than one farm property and farmland owner.
- Are willing to form a project planning team with a designated “project manager,” and other key representatives from agricultural, municipal, conservation, planning, land trusts and other related organizations.
- Have community support for a project's agricultural, open space, cultural and public benefits.

LAND FOR MAINE'S FUTURE FARMLAND PROPOSAL SUMMARY

Farm Project Name: Sunrise Acres Farm		Major Land Type FARMLAND	\$50 Million Bond <i>Round 2</i>																										
Location: Town: Cumberland Center County: Cumberland																													
Landowner/Applicant: Ms. Sally Merrill Cumberland Center, ME		Agency Sponsor: ME Department of Agriculture, Food & Rural Resources																											
Partners: Not Applicable at this Time.		Letters of Support YES																											
		Project Area Adjacent to: Across from the RINES Project Proposal to LMF																											
Total Acres: 148 +/-	Proposed Easement Acres 148 +/-		Fee Acres No																										
Proposed Easement Holder: ME Department of Agriculture, Food & Rural Resources		Easement Mechanism Purchase of Development Rights																											
LMF Score Summary at a Glance <u>Scoring Criteria and Values</u> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Productive Farm Assets (30)</td> <td style="width: 20%; text-align: center;">25</td> <td style="width: 20%;"></td> </tr> <tr> <td>Threat to Conversion (30)</td> <td style="text-align: center;">30</td> <td></td> </tr> <tr> <td>Significance to Local (20)</td> <td style="text-align: center;">20</td> <td></td> </tr> <tr> <td>Open Space, Cultural (15)</td> <td style="text-align: center;">15</td> <td></td> </tr> <tr> <td>Community Support (5)</td> <td style="text-align: center;">5</td> <td></td> </tr> <tr> <td>Point TOTAL 100</td> <td style="text-align: center;">95</td> <td></td> </tr> </table>		Productive Farm Assets (30)	25		Threat to Conversion (30)	30		Significance to Local (20)	20		Open Space, Cultural (15)	15		Community Support (5)	5		Point TOTAL 100	95		FINANCIAL SUMMARY <i>(estimates based on data presented in Applicant Proposal)</i> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">LMF \$\$ Request:</td> <td style="width: 40%; text-align: right;">\$729,200.00</td> </tr> <tr> <td>MATCH:</td> <td style="text-align: right;">\$370,800.00</td> </tr> <tr> <td>ALL OTHER COSTS:</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>TOTAL PROJECT COSTS:</td> <td style="text-align: right;">_____</td> </tr> </table>		LMF \$\$ Request:	\$729,200.00	MATCH:	\$370,800.00	ALL OTHER COSTS:	_____	TOTAL PROJECT COSTS:	_____
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TOTAL PROJECT COSTS:	_____																												
Notes: <ul style="list-style-type: none"> Project located 10 miles northwest of Portland along one of the main arterial road corridors connecting Cumberland Center with Portland and nearby access to the Maine Turnpike; Working farm supports 500 laying hens certified organic, Polled Herefords and Polled Dorset Sheep raised for seed stock and Natural meat, 4 acres of Community Supported Agriculture garden, producer and supplier of bailed hay for farmers; egg-supplier to many health food stores within 25 mile radius of the farm; Founding member of the Cumberland Farmer's Market and participant to numerous Farmer's Markets, Portland Public Market; through steady performance and continuous improvements has been able to develop well-established customer base; This farm is highly threatened for Conversion to Non-Farm Uses; Provides residents with access to recreational activities of hiking, bow hunting, and winter sports; Segment of the east branch of the Presumpscot River traverses the farm property; Strong local support expressed through adopted municipal comprehensive plan. 																													

Land for Maine's Future Program

FARMLAND PROTECTION

PROTECTING FARMLAND IN MAINE

PRESENT

- *Land for Maine's Future Program*, established in 1987, is the only state program that has farmland protection through the purchase of development rights as part of its mandate.
- **FARM PROJECTS COMPLETED:** To date the *Land for Maine's Future Program* has completed eight farmland protection projects. These are listed below:

Alice Wheeler Farm	Richmond	307 acres (purchase of development rights)
Commissary Point	Whiting	200 acres in fee, 50 acres (conservation easement)
Tide Mill Farm	Whiting	1520 acres (conservation easement)
Wilshore Farm	Falmouth	183 acres (purchase of development rights)
Salt Bay Farm	Damariscotta	50 acres (conservation easement) LMF assist
Bowden Farm	Blue Hill	208 acres (purchase of development rights)
Hiatt Farm	Dresden	87 acres (purchase of development rights)
Lakeside Orchards	Manchester	189 acres (purchase of development rights)

Farm Acreage Protected to Date = 2,744 acres (200 fee acres , easement/development rights: 2,594 acres)

- The Land for Maine's Future Program (LMFP) and the Department of Agriculture work in partnership to solicit Federal and private dollars, identify good projects, and bring proposals focused specifically on farmland protection before the Land for Maine's Future Board.
- This partnership has resulted in a successful proposal for federal dollars through the Farmland Protection Program. Since 1999 we have succeeded in bringing in \$996,000 of federal funds to be matched with state funds, all of which will be applied towards the protection of prime agricultural land in Maine.
- The September 2001 - LMF "Call for Proposals" generated a great deal of interest in the farm community. From the proposals submitted specifically for farmland protection, eight (8) farmland protection proposals were selected as "Project Finalists, covering 1,701 acres, with a total request for LMF funds of approximately \$2.3 million.
- In November 1999, Maine residents voted overwhelmingly to support a \$50 million bond to purchase lands or interest in lands of state, regional and local significance for recreation, water access, conservation, and included public support for up to 10% of the funds to be applied towards farmland protection through the purchase of development rights.
- The participation from the farm community has reflected statewide interest in the LMFB. Municipalities represented in the most recent proposal rounds: Auburn, Caribou, Dexter, Arundel, Pittsfield, Dresden, Manchester, Appleton, Jefferson, Elliot, Monmouth, Randolph, Hudson, New Sharon, Blue Hill, Union, Vassalboro, Farmington, Knox, Litchfield, Wales, Bowdoinham, Waldoboro, Bridgton, Lisbon, Cumberland Center, Springvale, Nobleboro, Scarborough, Cape Elizabeth, Unity.

Date: January 2003
To: Farmers and Farmland owners
From: Stephanie Gilbert, Farmland Protection Program Manager
Phone: 287- 7520 Fax: 287- 5576 stephanie.gilbert@maine.gov
Re: Maine's Farmland Protection Program

The Maine Department of Agriculture, Food and Rural Resources assists farmers and nonprofit entities with identifying agricultural business development and farmland protection opportunities.

FIVE STEPS YOU CAN TAKE TO START PROTECTING YOUR FARMLAND:

- 1 Gather information about ways to protect your farmland. Talk with your family members and begin to outline your goals.**
- 2 Contact Farmland Protection Program Manager, Stephanie Gilbert at 287-7520 to talk about your farm, discuss your goals and investigate options.**
- 3 Investigate if enrolling your land in Maine's Farm and Open Space Tax Program will help reduce operating costs.**
- 4 Identify which of the Department's various agricultural development and farmland protection programs may work for you:**
 - Agricultural market development & promotional programs, *Get Real, Get Maine!*
 - Agricultural entrepreneurial training programs – NxLevel – Tilling the Soil, FastTrak for Ag
 - Agricultural Development Grants
 - Agricultural Marketing Loan Fund
 - Farms for the Future
 - Maine FarmLink
 - Land for Maine's Future
 - Farm and Open Space Tax Program
- 5 Investigate other Federal, State and local programs that support farmland conservation and agricultural viability**

Maine Land Bank & Community Preservation Committee
Jenks Road
Chebeague Island, ME 04017

December 23, 2002



*Please circulate
among your town's
officials*

Dear Friend,

Property taxes are on everyone's mind these days, and with good reason. We don't know of one candidate who ran for election or re-election last November who didn't make a pledge to do everything possible to lower local property taxes.

A group of citizens from Harpswell and Chebeague Island has developed a plan that addresses the most visible and painful aspect of today's property tax dilemma, that of people being forced to sell their homes and/or businesses because of escalating taxes they simply can no longer manage to pay. The Maine Land Bank & Community Preservation proposal doesn't pretend to address all of the tax problems faced by the State, but it is a simple and cost-free way to solve this one problem and to help preserve the identity and vitality of Maine's communities while there is still time to do so.

We invite you to attend an informational presentation to learn what the Maine Land Bank proposal is all about so that you may be better informed when it comes before the legislature this session:

Wednesday, January 15, 2003

7:00 pm

Harrison Middle School

Yarmouth

(Snow date: January 22)

We truly believe our program has to be seen to be believed. Come and learn how significant tax relief can be granted at no cost to the State or local municipalities and how, in fact, the program could *save* the State money. Let us demonstrate to you an innovative yet practical program that does not shift the tax burden to other taxpayers and actually *lowers* the overall tax rate over time.

Our idea has received considerable attention from the media and support from a diverse group of taxpayers and legislators. You owe it to yourself, to your town or city and to your constituents to be as fully informed as possible about this pending legislation.

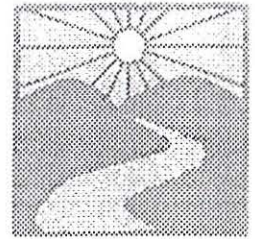
So please join us on January 15 to learn about the Maine Land Bank, what it is and what it is not, and to have your questions about this exciting idea answered.

Sincerely,

A handwritten signature in cursive script that reads "David R. Hill".

David R. Hill, Organizer

The Maine Land Bank and Community Preservation Program



Introduction

Although this program has come to be known as the "Chebeague Plan," that name merely reflects the humble place of origin of an idea that has the potential to benefit **all of Maine**, north and south, urban and rural, business and residential.

The problem

- For many Maine citizens (including seasonal residents, business owners and fishermen), rapid increases in property valuations are resulting in taxes which are beyond their means.
- Despite the temptation to "cash out," many people do not see their properties as "investments" and wish to keep their land and pass their legacies on to future generations.
- When people move, willingly or otherwise, the community loses its character and becomes faceless. In the case of small, isolated areas, the very survival of the community is threatened.

The solution

- A combination of Limited Market Value (currently in place in thirteen other states) and Maine's agricultural and open space tax law.
- A base value will be established equal to the five year prior assessment adjusted to 100% using the state certified ratio. For recently purchased land, the purchase price will be used.
- Increases in property assessment will be limited to two percent (2%) per year or to the increase in the consumer price index, whichever is smaller.
- Decreases in property assessment could happen at any time.
- If circumstances change and an owner chooses to sell land banked property, a significant penalty will have to be paid before the property can pass with clear title.
- Land will remain in the program if transferred or sold to a direct relative or bequeathed to anyone. There will be no recapture penalty as long as the land remains banked.

The advantages

- People will be protected from property taxes that threaten to evict them from their homes and/or cripple their small businesses.
- Community stability will result, preserving the character and traditions of our cities and towns.
- There is no cost to the state and little, if any, cost to the municipalities and other taxpayers.
- Tax burdens are not shifted to other regions of the state.
- The program is completely voluntary and participants assume the risk that their plans might change (either willingly or otherwise), thus incurring significant penalties.
- The program is inclusionary, benefiting all regions and all classifications of landowners.
- Among the beneficiaries are small businesses including many shore-based fishermen.
- Building valuations will continue using present resale value methods.
- By encouraging land use preservation, this program inhibits sprawl and the accompanying rising municipal costs.
- The program reduces the "brain drain" exodus of youth leaving the state.
- This program could reduce the State's expenditures in the circuit breaker program.
- The State could save money by replacing the homestead exemption for program properties.

How the program works

- The key to the Maine Land Bank Program is the ratio of recapture penalties to tax relief.
- A ratio of 16 to 1 ensures that the program is self-funding.
- Recapture penalties and accompanying increased sales price values for withdrawn land act to reduce the municipality's mill rate.
- Rather than shift the tax burden to other sectors of the population, the program funds itself with revenues from participants who voluntarily withdraw from the program.

Answering the critics

- "Too much paperwork" – probably insignificant and a small price to pay for the benefits.
- "Open to litigation" – care must be taken to ensure that people understand the implications of their decision to join the program and the potentially significant reduction of land sale profits.
- "Few will join the program" – desire to own land for the long term is not isolated to areas of Maine where current demand for land is high. Even if program participation is low, it will be well worth the effort to assist distressed taxpayers and to preserve fragile communities.
- "Few will leave the program" – experience with Tree Growth indicates an estimated annual withdrawal rate of 5%, which is sufficient to support the program.
- "A tax break for the rich" – the program is a good investment only for those with a long-term commitment to land ownership. It is these people, rich and poor, who contribute the most to the stability and continuity of Maine's communities and make them desirable.
- "Doesn't do enough" – The Land Bank Program stands alone to solve a singular problem, but it has the potential to co-exist very well with other tax reform measures.

Making it happen: Next steps

- Framework exists in Maine's Constitution, Article IX, Section 8. Allows alternate assessment methods for agricultural/farmland, wildlife sanctuaries and open space land.
- A fourth category needs to be added to accommodate "lands used for long term ownership."
- Constitutional amendment requires passage by two-thirds of the House and Senate and approval by Maine's voters.
- Legislation must then be passed establishing the Maine Land Bank Program and defining conditions for its implementation.
- Rules must then be drafted defining its operation.

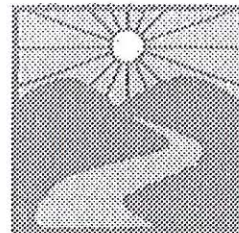
Summary

The Maine Land Bank Program provides what many municipalities have been seeking – a way to give long-term residents a break on their taxes without significantly raising taxes for anybody else. It provides stability for the community and, in fact, helps the community itself to survive. The Land Bank Program encourages Maine's youth to stay in Maine, stay in their family homes, and stay in Maine's business sector. The program even discourages sprawl. This is legislation which needs to be passed and passed soon. It's good for Maine residents and their communities, it's good for Maine's businesses and it's good for the State of Maine.

For more information...

...or if you would like to assist in passing this legislation, please call David R. Hill at (207) 846-4664 or send e-mail to davehill@maine.rr.com. Or visit our website at <http://home.gwi.net/mainetaxreform/>, with an interactive Excel spreadsheet providing "what-if" analysis of the program. We will also give PowerPoint presentations to municipalities and organizations describing the Land Bank and its operation.

A Proposal to Save Maine's Small Communities



The Maine Land Bank and Community Preservation Program

The Problem

The State of Maine currently faces a major problem: Taxes which many people are finding to be beyond their means. What used to be an anecdotally rumored problem has become a reality – people are being taxed out of their homes. The public sentiment has risen to the point where if action is not taken by the legislature, more draconian measures may be taken by the electorate.

Therefore, it is apparent that the Maine Legislature needs to take immediate action not only to serve their constituencies but to avoid citizen-initiated actions which, though well-intentioned, could cripple local and state government for some time to come.

Possible Solutions

Carol Palesky's Taxpayers Action Network has initiated a petition drive which almost completely duplicates California's Proposition 13. Regardless of whether this action has been a success or failure in California, this approach is bound to create chaos in Maine. The length of the chaotic period would be defined by the time it would take the state and local governments to adjust to the new "rules of the game." So while the specific requirements of this tax-cap proposal might be viable solutions, the implementation of the structure necessary to accommodate the new system may be more disastrous than the State can withstand. Nonetheless, this may be the direction taken if there are no forthcoming solutions from the Legislature.

One element of Proposition 13 that may have promise for addressing the problem of rapidly escalating property values is a cap on increases in assessments, or Limited Market Value. As stated in Proposition 13, a base year is set for a valuation base and, from there forward, increases in property values are limited to either two percent (2%) or to the increase in the consumer price index, whichever is smaller. Property assumes full fair market value only when there is a change of ownership, which allows for inter-family transfers with no change in taxation status. There are no penalties assessed when property changes hands, but the taxes charged may change dramatically.

Several criticisms of this approach have emerged. First, like the other elements of Proposition 13, the impact on state and local revenue resources would be dramatic and negative, at least until adjustments to the system as a whole can be accomplished. Second, there is a perception of inequity in that two identical homes might be taxed at different rates, the only difference being the length of current ownership of the two homes. Thirdly, many perceive Limited Market Value to discourage purchase and sale of properties and discourage investment in improvements to existing properties.

- This program could reduce expenditures in the circuit breaker program
- This program could replace the homestead exemption for properties in the program.

In addition, a Land Bank and Community Preservation Program would provide an incentive for families to remain within their communities. With these incentives in place, young people would be less likely to move out of Maine to seek their fortunes or would be quicker to return to Maine when properties were ready to be passed on. It can't be claimed that this program would completely solve the problem of Maine's youthful ex-migration, but it would provide a strong incentive to keep our young people in the State.

Summary

This proposal does not pretend to address all of the tax reform and budgetary issues currently faced by the State of Maine. Nor does it pretend to have "legislature-ready" language ready to present for a vote. Much work needs to be done. However, something must be done and done soon. Although it may sound threatening, the reality is that if our Legislature doesn't enact meaningful legislation soon, then other citizens may take action which will be detrimental to our state and communities.

The Maine Land Bank and Community Preservation Program addresses one and only one of the taxation issues faced by the State, that being dramatic increases in property assessments. It is not intended to compete with other proposed tax reform plans and, in fact, may work very well in conjunction with other measures.

The proposed program is a simple solution intended to involve only those who choose to avail themselves of the program. In so doing, it does not unjustly penalize any other segment of the population. As such, it is practically cost and revenue neutral.

Plus, the benefits for the entire population are significant. Not only will people be able to stay in their homes without fear of eviction by the taxman, but the communities they support will also be allowed to survive. People will be able to plan realistically for future taxes without fear of an unexpected and crippling increase. The program combats sprawl. A valuable additional dividend is that the long-term incentives provided by this simple program will encourage Maine's youth to remain in their home state.

This is legislation which needs to be passed and passed soon. It's good for Maine residents and their communities, it's good for Maine's businesses and it's good for the State of Maine.

For More Information

If you would like more information about the Maine Land Bank Proposal or if you would like to assist in passing this important legislation, please call David R. Hill at (207) 846-4664 or send e-mail to davehill@maine.rr.com. You may also visit our website at <http://home.gwi.net/mainetaxreform/>, which includes an interactive Excel spreadsheet which allows "what-if" analysis of the program.

We are also willing to give PowerPoint presentations to municipalities and civic organizations describing the Land Bank and detailing its operation.

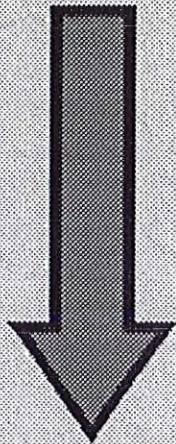
Proposed Legislation

The following suggested language is the product of a layperson with no expertise in writing legislation who has freely borrowed from similar measures. It is intended to be a starting point for a more rigorous draft for consideration by the Legislature.


An Act to Save Maine's Small Communities The Maine Land Bank and Community Preservation Program

2. The Maine Land Bank and Community Preservation Program (the "Program") is intended to assist those with long term land ownership intentions. Program participation is completely voluntary.
3. Any land (residential, commercial, seasonal, or otherwise) is eligible for participation in the Program upon proper application by the owner to the appropriate local governing authority. Applications will be recorded by the appropriate Registry of Deeds.
4. The Program applies to land only, not to the buildings located thereon. Current methods of property taxation will continue to apply to buildings and structures with assessments based solely upon the estimated resale value of those buildings and structures.
5. The base value for land in the Program is defined to be the assessed value for the year five years prior to entry in the Program adjusted to 100% using the State certified ratio for that year, and after any appropriate adjustments and/or corrections. For land more recently purchased, the base value will be the purchase price of the land only. If that price cannot be accurately determined, the best estimate of fair market value of the land will be used.
6. Land assessments shall be changed annually on April 1st of each year; but those changes in assessments shall not exceed the lower of the following:
 - a. Two percent (2%) of the assessment for the prior year
 - b. The percent change in the Consumer Price Index for all urban consumers, U. S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.The assessed value so determined will be adjusted by the latest State certified ratio.
7. Land assessments shall revert to full market value as defined by the purchase price of the property less the resale value of the buildings located thereon or best estimate of fair market value of the land when there is a change in ownership.
 - a. For commercial properties, "Change of ownership" means a change in controlling interest of the company owning the land as defined in Federal Tax Code.
 - b. For all other properties, "Change of ownership" means a transfer by sale or grant to a transferee by a transferor of all or any part of the transferor's legal or equitable ownership interest in a property except for a transfer:
 1. to a trustee for the beneficial use of the spouse of the transferor or the surviving spouse of a deceased transferor;
 2. to the spouse of the transferor that takes effect upon the death of the transferor;
 3. that creates, transfers or terminates, solely between spouses, any co-owner's interest;
 4. to one or more direct relatives of the transferor, defined to include mother, father, aunt, uncle, sibling, first cousin, niece, nephew, child, or any grandchild;

A quick example...

	1997	2002	2003		
	Actual	Actual	Current	Bank	Penalty
Land Value	91,400	253,200	310,433	100,913	
Building Value	73,300	73,300	73,300	73,300	
Total Value	164,700	326,500	383,733	174,213	
Property Tax	2,965	5,600	6,581	3,003	62,853

Over the long term...

	1992	1997	2002	2003	2010
Current system, current trends:					
Value	104,060	164,700	326,500	383,733	1,365,982
Tax	1,925	2,965	5,600	6,581	23,427
Maine Land Bank:					
Value				174,213	189,217
Tax				3,003	3,262
Penalty				62,853	271,319

The Maine Land Bank Program

(Using actual property value and tax information from Cumberland, Maine)
Slow Growth Area

Analysis of potential outcomes

	1997	2002
Land Value	\$47,400.00	\$61,800.00
Building Value	42,000.00	49,500.00
Tax Value	89,400.00	111,300.00
Total Tax	1,609.20	1,908.80
Mill rate	18.00	17.15

Annual land appreciation	5.4%	(currently 5.45%)
Annual building appreciation	3.3%	(currently 3.34%)

	2003	2004	2005	2006	2007	2008	2009	2010	2015	2020	2025	2030
Old Mill Rate without Program:	17.15	17.28	17.41	17.54	17.67	17.80	17.93	18.06	20.05	22.26	24.72	27.44
Old Mill Rate with Program:	17.15	17.43	17.80	17.94	17.89	17.93	17.99	18.05	19.72	21.65	23.81	26.32
Rate of New Participants in Land Bank	3	5	2	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Average Valuation Reduction:	30	30	30	30	30	30	30	30	30	30	30	30
Withdrawal Rate: (as % of participants)	0	2	3	5	5	5	5	5	5	5	5	5
Municipal Budget Percent Increase (Decrease)	9	9	9	9	9	9	9	9	9	9	9	9
Historical Municipal Growth Rate	9	9	9	9	9	9	9	9	9	9	9	9
Sales Price as Percent Over Assessment	8	8	8	8	8	8	8	8	8	8	8	8
New Mill Rate without Program:	17.28	17.41	17.54	17.67	17.80	17.93	18.06	18.20	20.20	22.43	24.90	27.64
New Mill Rate with Program:	17.43	17.80	17.94	17.89	17.93	17.99	18.05	18.11	19.81	21.77	24.05	26.47
Percent difference (With Program versus Without Program)	0.9%	2.3%	2.3%	1.3%	0.8%	0.3%	-0.1%	-0.5%	-1.9%	-2.9%	-3.4%	-4.2%

Current Trend, Current Tax Structure

Land Value	65,137	68,655	72,362	76,270	80,388	84,729	89,304	94,127	122,438	159,265	207,168	269,479
Building Value	51,134	52,821	54,564	56,365	58,225	60,146	62,131	64,181	75,493	88,800	104,451	122,861
Tax Value	116,271	121,476	126,926	132,634	138,613	144,875	151,435	158,308	197,932	248,064	311,619	392,340
Mill Rate	\$17.28	\$17.41	\$17.54	\$17.67	\$17.80	\$17.93	\$18.06	\$18.20	\$20.20	\$22.43	\$24.90	\$27.64
Total Tax	\$2,009	\$2,114	\$2,226	\$2,343	\$2,467	\$2,597	\$2,735	\$2,881	\$3,999	\$5,563	\$7,759	\$10,845

Land Bank Program

Land Value	52,333	53,380	54,448	55,537	56,647	57,780	58,936	60,115	66,371	73,279	80,906	89,327
Building Value	51,134	52,821	54,564	56,365	58,225	60,146	62,131	64,181	75,493	88,800	104,451	122,861
Tax Value	103,467	106,201	109,012	111,901	114,872	117,926	121,067	124,296	141,865	162,079	185,357	212,188
Mill Rate	\$17.43	\$17.80	\$17.94	\$17.89	\$17.93	\$17.99	\$18.05	\$18.11	\$19.81	\$21.77	\$24.05	\$26.47
Total Tax	\$1,804	\$1,890	\$1,955	\$2,002	\$2,060	\$2,121	\$2,185	\$2,251	\$2,811	\$3,528	\$4,458	\$5,617
Identical property, not in Program	\$2,027	\$2,162	\$2,276	\$2,372	\$2,486	\$2,606	\$2,733	\$2,867	\$3,922	\$5,399	\$7,494	\$10,385
Increase over current tax	\$18	\$48	\$51	\$29	\$19	\$8	-\$3	-\$14	-\$77	-\$164	-\$265	-\$460
% increase over current tax	0.9%	2.3%	2.3%	1.3%	0.8%	0.3%	-0.1%	-0.5%	-1.9%	-2.9%	-3.4%	-4.2%

Withdrawal Penalty

Interest rate:	8.75%											
Increase in Fair Market Value	12,804	15,275	17,914	20,733	23,741	26,949	30,368	34,012	56,067	85,985	126,262	180,152
Taxes saved (cumulative)	223	495	816	1,187	1,613	2,098	2,646	3,262	7,769	15,529	28,254	48,490
Penalty: Back taxes plus interest	243	560	958	1,445	2,035	2,371	2,724	3,101	5,726	9,879	16,218	25,820
Penalty: 30% of sale price less assessed	3,841	4,582	5,374	6,220	7,122	8,085	9,111	10,204	15,138	18,917	25,252	36,030
Penalty	3,841	4,582	5,374	6,220	7,122	8,085	9,111	10,204	15,138	18,917	25,252	36,030
Net penalty	\$3,618	\$4,087	\$4,558	\$5,033	\$5,509	\$5,987	\$6,465	\$6,942	\$7,369	\$3,387	\$3,001	-\$12,460

January 10, 2003

TO: TOWN COUNCIL MEMBERS

FROM: NADEEN DANIELS, TOWN CLERK

RE: BASIL PROVISIONS

You have before you this evening a request from Sheila Donofrio to open a retail food establishment at 20 Blanchard Road, to be named *Basil Provisions*. This site housed the former Log Cabin Store. Ms. Donofrio is requesting approval of a Town Victualer's License and a State Off-Premise Malt Liquor and Table Wine Retailer license (in other words, a take-out license for food, beer and wine).

Ms. Donofrio has spoken with our CEO, Barbara McPheters, who, upon consultation with Ken Cole, has recommended approval as a grand fathered use. I have included a memo and email from Barbara McPheters indicating her recommendation for approval.

I have also contacted the Police Chief and his memo is attached with his recommendations for parking at this site.

Some particulars of the license request include:

- Opening date - March, 2003
- Parking (same as prior establishment) 4-5 vehicles
- Food - focused on take-out items such as hot and cold sandwiches, salads, 'special of the day' pasta or other hot item, and take-out beer and wine.
- Catering services will also be available through this site (this does **NOT** include alcohol of any kind)
- Two tables on site
- Hours requested: 7 days a week, 6:30 am to 7:00 pm Monday through Saturday, and 8:00 am to 3:00 pm on Sundays
- Total number of staff - 3; Sheila and two part-timers

I have advised Ms. Donofrio to be present for the hearing in the event the Council requires further details.

Approval by the Town Council should be subject to the parking requirements as stipulated by the Police Chief and a favorable inspection by the Town's Health Officer and State Bureau of Liquor Enforcement. Thank you.

*been and approved
license reviewed by
the approp.
code
officials.
with a
request by
the Police
Ok for
a requirement
for parallel
parking*

parallel



MEMORANDUM

CODE ENFORCEMENT OFFICE

Date: January 10, 2003
To: Robert Benson, Town Manager
From: Barbara McPheters, Code Officer *BGM*
Subject: Sheila Donofrio at 20 Blanchard Road, Tax Map U12A Lot 3

The former Log Cabin Store can continue as a "retail use" in the Medium Density Residential District. This is due to the fact that applications were being processed before the deadline of December 18, 2002. I reviewed this extensively with the Town Attorney, Ken Cole to ensure that the use complied with the zoning ordinance.

Our records indicate that the existing building is connected to a septic system designed to accommodate a three-bedroom apartment, a deli without seats and four employees. While I don't find any information in the file, the hours of operation and parking can continue as with past occupants. The applicant will provide for waste disposal as needed.

At this time, I would recommend approval of the licenses reserving the right to inspect as necessary. If you have any questions please let me know.

Barbara McPheters

From: Barbara McPheters
Sent: Tuesday, November 26, 2002 2:52 PM
To: 'Sheila Donofrio'
Subject: RE: 20 Blanchard Road, Map U12A Lot 3

Sheila,

Based on my previous discussion with the Town Attorney, the following actions must be taken in order to avoid abandonment of the previous retail use:

1. Provide documentation of the last sales tax return for proof of business closing date.
and

2. File for victualer's and liquor license with the Cumberland Town Clerk's office.

Gail Terison has provided the Maine Revenue Services report showing a business end date of December 18, 2001.

Therefore, if you apply for the permits and they are being processed before December 18, 2002, the retail use would not be abandoned as long as you do not let your applications lapse or expire.

I hope this answers your questions. If not, please let me know.

Barbara

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

From: Sheila Donofrio [mailto:sheila_donofrio@hotmail.com]
Sent: Tuesday, November 26, 2002 1:23 PM
To: Barbara McPheters
Subject:

Barbara,

Thank you for all your help so far. In my recent discussions with the town clerk's office I was told that the application process may be lengthy and inspections from the health inspector are required to get the actual food sellers license. Given this information I would like to know the following:

If my applications for a food sellers & liquor license are in process prior to December 18, 2002 will this insure that when these licenses are granted (in March of 2003 when I would like to open to the public and my lease would take effect) that your office would still approve the use of the property (20 Blanchard) for retail use?

Could you please send me a letter answering the above. If you would like to fax it I can be reached at (585)723-9906 or you can mail it to me at 1490 Broadway, South Portland, ME 04106.

I appreciate your response. Have a happy Thanksgiving.

Best Regards,
Sheila Donofrio
phone 207-650-0108

10:10 P.01

Page: 1 Document Name: Maine Revenue Services

11/18/02 10:10 MATS ; ACCOUNT DETAIL TMLASSE F112 F1M0029
SSN : 006-44-6819/0 NAME: TERISON J GAIL
ACCOUNT TYPE : SALE ACCOUNT ID : 1101312
ACCOUNT NAME : TERISION LOG CABIN
STATUS : INACTIVE GEO CODE : 05060 CUMB TOWN CODE : 22106 CUMB
EFFECTIVE DT: 01/01/2002 SIC CODE : FED PBA :
END DATE : 01/01/2002 FISC MM/DD: 12/31 BUSINESS C: 013 SAND. SHOP
FILING FREQ : 004 QUA Y Y Y Y Y Y Y Y Y Y Y Y COUPON BK : 01
FILED PREV : N J F M A M J J A S O N D COUPON DT : 12/10/2001
LOOKBACK : Y BUS START : 02/01/1999 REPORTING : Y
P&I EXEMPT AG: N BUS END : 12/18/2001 INF ACCT : 1042685
PERM EXTENS : EFT PAYER : SEND CERTF: N
RETURN BOOK : RETURN DTE: ELECT YEAR:

LABOR INDICATOR:

SOURCE OF INFO : 125 LAST UPDATE BY : TMNHOL2
UPDATE REASON : 080 ORG COMB UPDATE DATE /TIME : 01/31/02 08:12

01-HELP 02-LIST 03-END 07-BEFORE 09-SUSPEND 12-CANCEL 14-NOTE
16-ADDR 17-EXEMPT 18-RELATN 20-PERIOD 22-EMAIL 24-TELEDEB
NEXT FUNCTION : DATA :

4-0 1 Sess-1 192.168.10.1 MEDP1584 5/42

Department of Public Safety
Licensing and Inspection Unit — Liquor
(207) 624-8745

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.



BUREAU USE ONLY

License No. Assigned	
Class License Assigned	
Deposit Date	
Amount Deposited	

PRESENT LICENSE EXPIRES _____

- ☒ Off-Premise Retailer - Malt Liquor \$200.00
☒ Off-Premise Retailer - Table Wine \$200.00

FILING FEE MUST ACCOMPANY ALL APPLICATIONS \$ 10.00

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. BUSINESS NAME (D/B/A)
Basil Provisions, LLC	Basil Provisions, LLC
20 Blanchard Rd.	LOCATION (STREET ADDRESS)
Cumberland, ME	City or Town
1790 Broadway	Zip Code
South Portland, ME 04106	Mailing Address
City or Town	State
Zip Code	City or Town
207-650-0108	State
TELEPHONE NUMBER	Zip Code
Federal I.D. #: Not yet assigned	Business Telephone Number
	Seller's Certificate Number:

3. List of Wholesale Value and Types of Merchandise in inventory: (MUST BE ANSWERED)

Edible Foods \$ 1,500 Tobacco Products \$ 0 Paper Goods \$ 400

Greeting Cards, Magazines, Newspapers \$ 10 Total of All Other Merchandise in Inventory \$ 200

4. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: YES X NO ____ If answer is "YES" complete Supplementary Questionnaire.

5. If manager is to be employed, give name: Sheila Donofrio

6. If business is NEW indicate opening date: MARCH 1 - MARCH 15, 2003

Business Hours: Monday to Saturday 7AM to 7PM

7. Is/Are applicant(s) citizens of the United States? Yes X No ____

8. Is/Are applicant(s) residents of the State of Maine? Yes X No ____

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."

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Basil Provisions
Business Address: 20 Blanchard Rd.
Name of Manager: Sheila Dondrio Business Phone: 207-650-0108
Date of event or new license: 1490 BROADWAY So. Portland 04106 annual
Signature of authorized person: [Signature] Date: 12/11/02

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|-------------------------------------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | ---- |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | ---- |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | ---- |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | <input checked="" type="checkbox"/> |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | ---- |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | ---- |
| (g) Establishment operated by Non-Profit organization. | NO FEE | ---- |
| (h) Vending Machine. | \$10.00 | ---- |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | ---- |

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland, ME 04021

Application received: 12.11.02 Date of issuance: _____



Date: 12/17/02

To: Joan, Portland Press Herald
791-6910 Fax

From: Nadeen Daniels, Town Clerk

LEGAL AD

Please run this Legal Ad on 3 consecutive days, January 1, 2 & 3, 2003.

Purchase Order # 62987

Please call me at 829-2205 or email me at ndaniels@cumberlandmaine.com to CONFIRM receipt of this order.

Thank you!!

TOWN OF CUMBERLAND

TOWN COUNCIL

PUBLIC HEARING

The Cumberland Town Council will hold a Public Hearing at 7:00 p.m., Monday, January 13, 2003, in the Town Council Chambers, 290 Tuttle Road, to consider and act on the application of Sheila Donofrio, d/b/a Basil Provisions, 20 Blanchard Road, for a Food Service Establishment (Victualer's) License and Off-Premise Malt Liquor and Table Wine Retailer License.

Jeffrey Porter, Council Chairman

TOWN OF CUMBERLAND

290 TUTTLE ROAD
CUMBERLAND CENTER, MAINE 04021
(207) 829-5559

PURCHASE ORDER

PURCHASE ORDER NUMBER

6298 T

The above number must appear on all
invoices, packages and correspondence.

SHIP TO

TO

P. P. H.

att: Joan
Legal Ads

DATE OF ORDER 12-17-02	DATE REQUIRED 01-01, 02, 03	SHIP VIA	F.O.B.	VENDOR CODE	DEPT. #	ACCOUNT #	
QUANTITY	DESCRIPTION				UNIT	PRICE	✓
	Legal Ad for: Basil Provisions 20 Blanchard Rd.						

CHARGE TO TOWN OF CUMBERLAND AND RENDER
ALL INVOICES IN DUPLICATE TO 290 TUTTLE ROAD

Warrant # _____ Check # _____

ORIGINAL - WHITE

DEPARTMENT HEAD - CANARY

OFFICE - PINK

BY

Nadeen Danies

AUTHORIZED SIGNATURE

Town of Cumberland

Administration

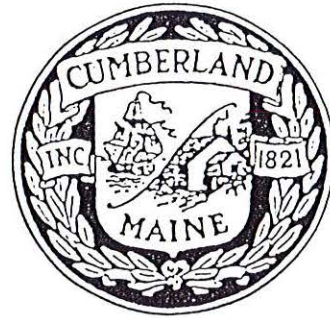
290 Tuttle Rd

Cumberland, ME 04021

Phone: 207-829-2205

Fax: 207-829-2224

Web: www.cumberlandmaine.com



Fax Transmittal Form

To

Joan
PPH

Fax number:

791-6910

From

Nadeen Daniels
Town Clerk

Phone: 207-829-2205

Fax: 207-829-2224

Web: www.cumberlandmaine.com

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

Date sent: 12-17-02
Time sent: 8:45am
Number of pages including cover page:

Message:

Joan -
Please see the attached
copy for an ad to be run
beginning January 1.

Nadeen

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

START TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PAGES	RESULT
12/13 09:41 *	98928900		4249	TRANSMISSION	6	OK 02'46
09:45 *	97757935	KEN COLE	4250	TRANSMISSION	5	OK 01'36
09:49 *	97916920	PRESS HERALD	4251	TRANSMISSION	5	OK 01'40
09:55 *	97812060	FORECASTER	4252	TRANSMISSION	5	OK 01'35
09:57 *	98466828	SHOPPING NOTES	4253	TRANSMISSION	5	OK 01'36
10:01 *	95417420		4254	TRANSMISSION	6	OK 01'56
10:05 *	97746849	FOX 51	4255	TRANSMISSION	5	OK 01'36
12:06 *	207 775 7935		4256	RECEPTION	5	OK 02'34
12:10 *	207 775 7935		4257	RECEPTION	3	OK 01'13
13:50 *	97771473		4258	TRANSMISSION	1	OK 00'30
12/16 11:13 *	6514643588		4260	RECEPTION	1	OK 01'37
11:28 *	97757935		4261	TRANSMISSION	3	OK 01'14
12:39 *	97757935	KEN COLE	4263	TRANSMISSION	3	OK 01'24
14:18 *	97757935	KEN COLE	4264	TRANSMISSION	2	OK 00'48
14:19 *	97812060	FORECASTER	4265	TRANSMISSION	2	OK 00'47
14:20 *	97746849	FOX 51	4266	TRANSMISSION	2	OK 00'49
14:22 *	97916920	PRESS HERALD	4267	TRANSMISSION	2	OK 00'50
14:23 *	98466828	SHOPPING NOTES	4268	TRANSMISSION	2	OK 00'51
15:05	97757935		4269	TRANSMISSION	7	OK 02'31
12/17 09:56	97916910	PPH CLASSIFIED	4270	TRANSMISSION	3	OK 01'11

9. List name, date of birth, place of birth for all applicants and managers, if any. Give maiden name, if married:

A. Sheila Dondrio 10/5/74 Rochester, NY
 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 on all of above for previous 5 years (Limit answer to city & state)

10. Has 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 X

Name _____ Date of Conviction _____
 Offense _____ Location _____
 Disposition _____

11. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued: Yes _____ No X
 If "Yes," give name _____

12. Has applicant(s) formerly held a Maine liquor license? Yes _____ No X

13. Do applicant(s) own the premises? Yes _____ No X If "No," give name and address of owner _____
Gail Terison Po Box 486 Cumberland Me 04021

14. Describe in detail where liquor will be stored: Wine will be stored on racks for retail sale
and beer will be on shelves for retail sale (some will be in a cooler for retail)

15. 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 X If "Yes," give details _____

16. Has any other person any interest directly or indirectly in your business? Yes _____ No X If "Yes," give details _____

PAYMENTS TO THE BUREAU BY CHECK SUBJECT TO PENALTY PROVIDED BY SECTION 3 OF TITLE 28A,
 MAINE REVISED STATUTES

Dated at Cumberland on 12.17.02, 19__

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

If the place of business is located in an unincorporated place, the application must be approved by the County Commissioners.
 All such applications shall be accompanied by receipt of payment of the \$10.00 filing fee to the County Treasurer.

ALL FEES MUST ACCOMPANY APPLICATION AND MAY BE INCLUDED IN ONE CHECK MADE PAYABLE TO
 Dept. of Public Safety, Licensing & Inspection Unit (Liquor), 164 State House Station, Augusta, Maine 04333-0164
 (Office Location: 397 Water Street, Gardiner, Maine 04345)

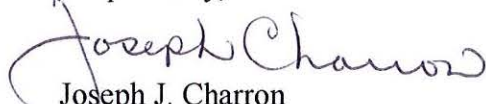
CUMBERLAND POLICE DEPARTMENT
MEMORANDUM

Dear Nadeen,

Regarding your request for input about the possible reopening of the Log Cabin Store I have the following concern.

Since the reconstruction of Blanchard Road which included widening there is even less room than before for vehicles to park in front of the store. It would be my recommendation that the town only allow parallel parking in front of the store. It is my opinion that if vehicles are allowed to park by driving into and then backing back onto Blanchard Road a substantial traffic safety hazard will be the result.

Respectfully,


Joseph J. Charron
Chief of Police



MEMORANDUM

CODE ENFORCEMENT OFFICE

Date: January 8, 2003
To: Robert Benson, Town Manager
From: Barbara McPheters, Code Officer *BM*
Subject: Stewart Moss at 6 Highland Avenue, Tax Map U20 Lot 6

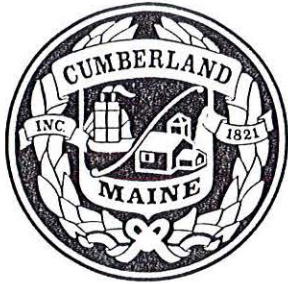
On November 27, 2002 I denied a building permit application from Stewart Moss for a single family dwelling in the Highway Commercial District based upon the current zoning ordinance requirements.

Our records indicate that the existing building has never been occupied due to the well and septic system setback deficiencies. Therefore, the use is not "grandfathered" and any use of the property must comply with the current regulations.

After reviewing the options with the property owner, he submitted a request that the Town consider an ordinance amendment to allow single-family dwellings in the Highway Commercial District.

I am including my letter to the property owner and documentation of a conversation with the Town Attorney, Ken Cole regarding this issue.

If you have any questions please let me know.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

November 27, 2002

Stewart Moss
15R Gertrude Street
Portland ME 04103

Dear Mr. Moss,

SUBJECT: 6 HIGHLAND AVENUE, MAP U20 LOT 6

This office has reviewed your building permit application and found that it cannot be issued. The zoning ordinance does not permit a single family dwelling in the Highway Commercial District. Our records indicate that the existing building has never been occupied due to the well and septic system setback deficiencies. Therefore, the use is not "grandfathered" and any use of the property must comply with the current regulations.

According to the Section 603.2.1 of the ordinance, you can appeal the Code Enforcement Officer's decision to the Board of Adjustment and Appeals. Any appeal must be filed within thirty (30) days of the date of the decision as required in Section 603.4 of the zoning ordinance. Copies of the applicable sections are enclosed with this letter.

If you have any questions you can reach me at the office in the Municipal Building, by telephone at (207) 829-2207, by fax at (207) 829-2224 or email at bmcpheters@cumberlandmaine.com during our regular working hours.

Sincerely,

Barbara E. McPheters
Code Enforcement Officer

Encl: Zoning Ordinance Section 603.2.1
Zoning Ordinance Section 603.4

cc: Map/Lot File
Correspondence File

Barbara McPheters

From: Barbara McPheters
Sent: Wednesday, November 20, 2002 10:14 AM
To: Kenneth M. Cole III (E-mail)
Subject: Cumberland zoning ordinance

Ken,

I am reviewing a building permit application for a house on Gray Road. The property is in the Highway Commercial district. Single family residences are not permitted.

However, this building has been on site since the late 1960's. It has never been occupied because a compliant septic system could not be sited on the lot. This was due to the small lot size (approx. 80 x 85) the system could not meet the 100' setback from neighboring wells. Also, the lot existed prior to 1970 and doesn't need to meet the State minimum lot size regulation.

It appears that the property has been assessed as a single family dwelling property since the 1960's. Bill recently changed the designation to an outbuilding.

The new owner has been able to have a smaller system designed to comply with the well setbacks and is requesting a permit for a residence.

Can I issue this permit?

Barb

11-20-02 @ 11:55 Phone con w/ Ken Cole
Single family dwelling not grandfathered due
to fact never occupied
@ 1:05 Phone con w/ Stuart Moss - send denial letter - he wants
to file appeal

Council
1-12-02
received
12-11-02

Attn: Town of Cumberland Town Manager
Re: Zone Change in HC District

12/10/02

My name is Stewart Moss, owner of a piece of property located at 6 Highland Ave. here in the Town of Cumberland. There exists a house that has remained vacant on the lot since the mid sixties, due primarily to sewer setback issues. These issues have since been resolved, resulting in the placement of a town accepted sewer system in November of 2002. The house is located in the HC district, neighboring other single family homes.

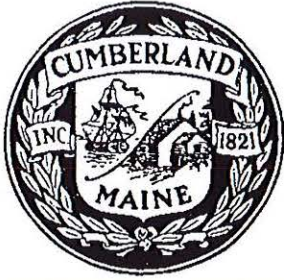
This property has been assessed as a single family home since the mid sixties (it was recently designated a cabin structure in 1997), however a recent building permit application was denied due to use in this district. It was determined by code enforcement that since the property was never legally occupied, it's use as a single family home can not be grandfathered.

One of the provisions of the Town of Cumberland Zoning Ordinance (Section 204.7.2 # 6) allows for home occupations (requiring approval by the Board of Adjustments and Appeals), while not specifically allowing single family dwellings. I am requesting an amendment to the HC zoning to allow single family dwellings under section 204.7.2, possibly in conjunction with home occupations.

Regards,



Stewart M. Moss RN
P.O. Box 1682
Gray, ME 04039
Tel # 657-5873



MEMORANDUM

ADMINISTRATION DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: January 7, 2003
To: Town Council
From: Carla Nixon, Assistant Town Manager/Interim Town Planner
Subject: **Directional Sign at Middle and Greely Roads**

At its September 9, 2002 meeting, the Council considered a request from the Cumberland Animal Clinic to amend Section 424.4.4.1 of the Zoning Ordinance to permit the location of a business directional sign at the intersection of Greely and Middle Roads. The Council referred this request to the Planning Board. The Planning Board held a public hearing at its December 17, 2002 meeting and then voted to unanimously support the amendment. The request is now back to the Council for approval.

The owners of the Clinic stated that they are not permitted to place a sign now at the intersection of Middle and Tuttle because the State DOT requires that the sign directly lead drivers to the location of the business.

If you have any questions on this issue prior to the meeting, please contact me. I will be present to speak on this issue if needed.

424.4.4 Location:

- .1 Business directional signs shall be located within the highway right-of-way, subject to Maine Department of Transportation (D.O.T.) placement approval, only on approaches to the Town intersections of:
 - U.S. Route 1 at Tuttle Road;
 - Tuttle Road at Middle Road;
 - Route 9 at Winn Road;
 - Route 9 at Tuttle and Blanchard Roads;
 - Route 9 at Greely Road;
 - Skillins/Blackstrap Roads at Routes 26 and 100;
 - Blanchard Road at Skillins Road; and
 - Route 100 at Range Road.
 - Middle Road at Greely Road

Notice of Decision

Date: December 19, 2002

To: Cumberland Animal Clinic
Melinda Williams, Practice Manager
212 Greely Road
Cumberland, ME 04021

Re: Amendment to Section 424.4.4.1 (Business Directional Signs – Location) of the Zoning Ordinance to permit directional signs at the intersection of Middle and Greely Roads.

This is to advise you that on December 17, 2002 the Planning Board voted to recommend the proposed zoning amendment to Section 424.4.4.1 to the Town Council for adoption.

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

424.4.4 Location:

- .1 Business directional signs shall be located within the highway right-of-way, subject to Maine Department of Transportation (D.O.T.) placement approval, only on approaches to the Town intersections of:
 - U.S. Route 1 at Tuttle Road;
 - Tuttle Road at Middle Road;
 - Route 9 at Winn Road;
 - Route 9 at Tuttle and Blanchard Roads;
 - Route 9 at Greely Road;
 - Skillin/Blackstrap Roads at Routes 26 and 100;
 - Blanchard Road at Skillin Road; and
 - Route 100 at Range Road.
- Middle Road at Greely Road

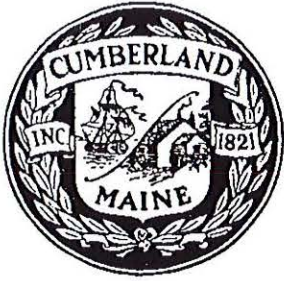
Standard Conditions of Approval

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

Cumberland Planning Board

Philip Hunt, Chair

Cc: Robert Benson, Town Manager
Town Council



M E M O R A N D U M

ADMINISTRATION DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: January 7, 2003
To: Town Council
From: Carla Nixon, Assistant Town Manager/Interim Town Planner
Subject: **Route One Design Guidelines**

Attached is a copy of the proposed Route One Design Guidelines. They have been through months of review and hearings at the Planning Board level and are now ready for your consideration. I would like to highlight a few of the key elements of this document. I understand that we have a lengthy agenda on Monday, so I will keep the presentation that evening as short as possible. If you have any questions prior to the meeting, please call me.

1. It is important to understand that this document is *advisory* in nature. It will be used by the Planning Board and developers to try to shape new developments along Route One so that they have the fewest possible negative impacts.
2. This plan was unanimously supported by the Planning Board and it received favorable review from the two active developers on Route One: Peter Kennedy and Jim Guidi. Residential abutters also expressed approval of the plan.
3. Neighboring communities along Route One (Falmouth and Yarmouth) have adopted similar type plans (Yarmouth's is advisory; Falmouth's is mandatory.) Our plan is different however, in that we are trying to preserve the rural look of Route One that we are fortunate to still possess. Consequently, we have asked that a 75' no-clear buffer be preserved, or as an alternative, that the developer retain the larger trees while creating a manicured, park-like entrance to their site.
4. It is proposed that these guidelines be adopted as part of the Town of Cumberland's Comprehensive Plan (similar to how the Chebeague Long Range Plan was adopted.)

DRAFT

TOWN OF CUMBERLAND
ROUTE ONE DESIGN GUIDELINES

ADOPTED BY THE CUMBERLAND TOWN COUNCIL AS PART OF
THE CUMBERLAND COMPREHENSIVE PLAN
ON
JANUARY 13, 2003

Introduction

Route One is a major entry point to the Town of Cumberland. For many people, traveling along it will be the only exposure to the Town they will have, and the only image they will take away. Since Cumberland chose not to have its own exit from I-95, Route One through Cumberland has so far remained a fairly undeveloped stretch of highway between the developed areas of Falmouth and Yarmouth. Cumberland's citizens and its Comprehensive Plan have, as a central goal, maintaining the rural character of the Town. The Route One corridor presently looks rural, and one goal of these guidelines is to preserve that appearance even as development occurs.

The Town of Cumberland has adopted these advisory Design Guidelines to ensure that future development along the Route One Corridor will be not only attractive and functional, but will maintain some of the existing rural character of the corridor. Development decisions should be based upon a complete understanding of what each site can support in terms of natural resources and public utilities, and upon the goals of the Comprehensive plan and on good design principles.

The goals of these Design Guidelines are to:

- Encourage high quality, economically viable development that is architecturally appropriate, that reinforces Cumberland's sense of place, and that is responsive to the Town's unique character.
- Promote uses of the type and density that respond to each site's ability to sustain development, both ecologically and with regard to the efficient provision of adequate public services.
- Preserve, wherever possible, the rural appearance of the corridor by maintaining a buffer of trees along the highway and preserving open space to reduce the apparent density of development.
- Foster an attractive, functional and safe environment that is conducive to commerce, senior housing, pedestrian and cycling activities, and other allowed uses.
- Protect abutting residential properties through sensitive site planning, buffering and building design.

Throughout the Site Plan and/or Subdivision review and process of each new development in the Route One Corridor, the developer will be asked to demonstrate how they intend to meet these guidelines.

Through the consistent and thorough application of these guidelines the corridor will develop as an attractive and sustainable environment which will benefit Cumberland's residents and business owners for years to come.

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1. Site Planning and Design

1.1 Master Planning

Objective: On properties that are large enough to accommodate more than a single structure, developers are encouraged to develop a conceptual master plan to show the Planning Board the general location of future buildings, parking lots, circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development.

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians.

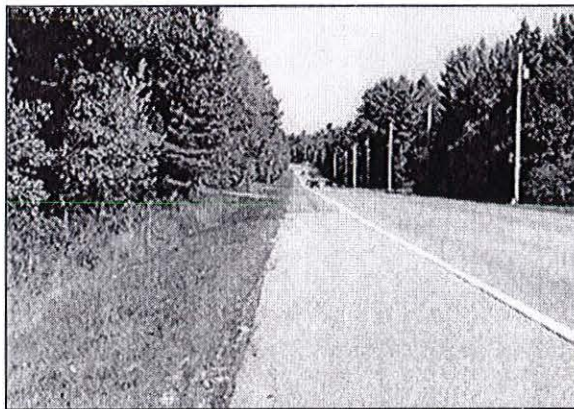
1.2 Designers

Objective: Developers are encouraged to have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

1.3 Route One Buffer Strip

Objective: Developments should be designed to preserve the naturally forested character of much of Cumberland's Route One Corridor, and to ensure that it does not become developed in the treeless "strip" style seen elsewhere along this corridor.

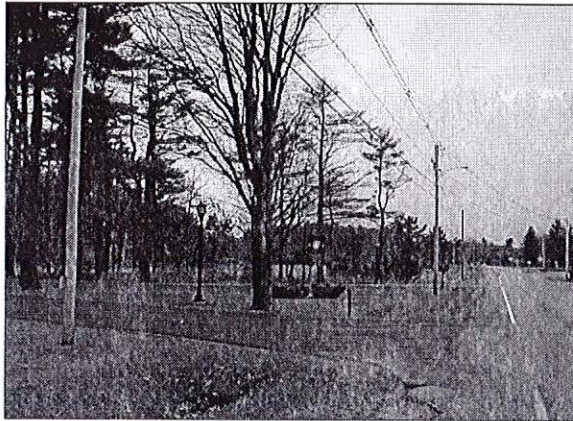
In order to preserve the effect of a forested corridor for people driving through it, a 75' front setback for all buildings is strongly recommended. The setback area can either remain in its natural wooded state, or the buffer area/entrance could appear as a more manicured, park-like setting. If a developer chooses the later option, larger trees as well as attractive smaller trees or other vegetation would be kept, but the area would be more open. Additional, decorative plantings could also be added.



The current landscape - U.S. Route One looking north from the Falmouth line.

The Town of Cumberland appreciates that the visibility of a business from Route One is desirable. The clearing associated with driveway access points will provide views into the site and of the structure. The option of a park-like wooded area can increase visibility as well. This, in conjunction with site design and signage, will afford adequate exposure of the business from Route One, while achieving the primary objective: preserving some of the natural appearance of the corridor.

For areas of Route One that are not forested, the 75' buffer is still recommended. Again, the existing vegetation could remain, or the area could be landscaped.



Alternative to 75' no clear buffer



A park-like entrance.

1.4 Vehicular Access

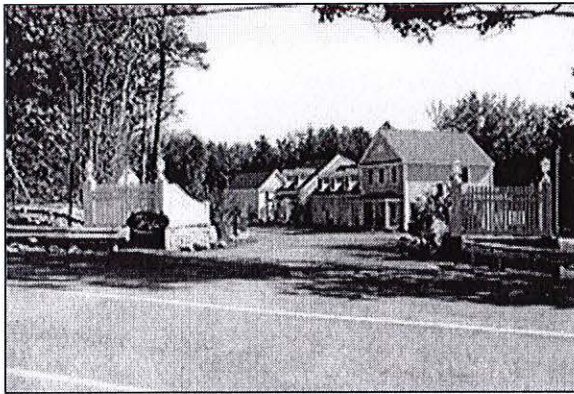
Objective: Development along Cumberland's Route One corridor should promote safe, user-friendly and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, should be designed by a professional engineer.

1.4.1 Route One Curb Cuts

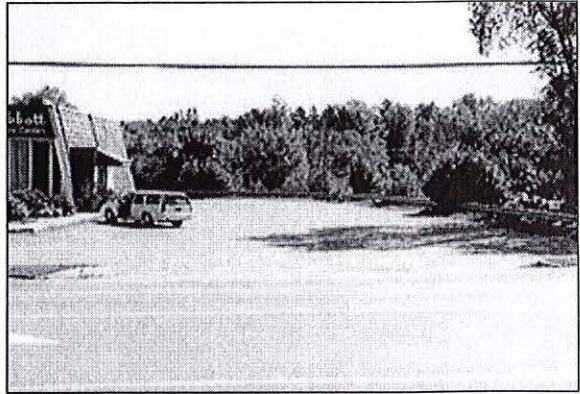
To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route One needs to be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route One. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route One's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

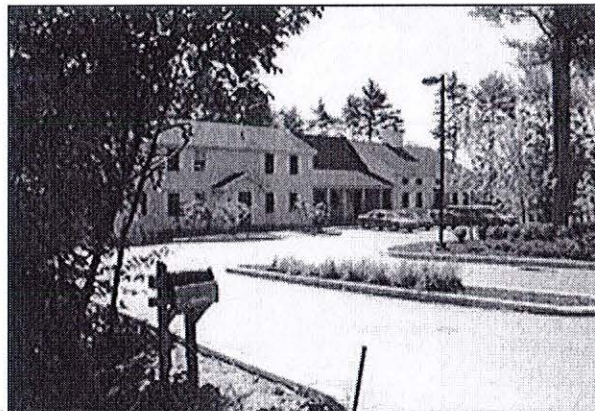
New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will grant no project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required.



Example of a well-designed curb cut: it is no wider than it has to be, the fencing makes its location clearly discernable to the motorist, and it is attractively landscaped.



Example of a poorly designed curb cut: it is far too wide for its purpose, there are no clear cues to the motorist as to its location; and it lacks landscaping all together.



Split entries are to be avoided, however, when necessary, they are to feature a landscaped island with signage located within the island.

1.4.2 Site Circulation

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas are encouraged as much possible.

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement or shown by other suitable methods.



Pedestrian sidewalk and vehicular circulation clearly marked on asphalt

1.4.3 Driveways between parcels

Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route One.

These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner.

All such driveways between parcels should have pedestrian walkways.

1.5 Building Placement

Objective: Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses. Generous setbacks and landscaping are desirable to maintain the wooded character of the Route One corridor.

1.5.1 Location of Building on the Site

In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses.

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route One and should avoid unusual geometry in building placement unless the site requires it.

1.5.2 Building Entrances

The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Route One, the Route One façade should still be made interesting and attractive to drivers on Route One.



The main entrance to this building, clearly the dominant architectural feature, is indicated by changes in materials and roof lines, and the introduction of columns.

1.5.3 Building Setbacks

If adjacent building facades are parallel with Route One and buildings have consistent setbacks from Route One, the visual effect from the road will be orderly and attractive. The pattern of the buildings will also be more "legible" to users.

Side and rear building setbacks must conform to the requirements of the underlying zone. A central theme of these guidelines is to encourage the front setback from Route One to be consistent with the 75' buffer discussed in Section 1.3.

1.5.4 Hillside Development

When a proposed development is located on a hillside that is visible from Route One or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment.

Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

1.5.5 Universal Accessibility

Development of all properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards and guidelines of the Americans with Disabilities Act (ADA).

1.6 Parking

Objective: Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route One corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

1.6.1 Location

Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route One if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route One, it should be limited, if at all possible, to only one row of parking spaces.

1.6.2 Landscaping

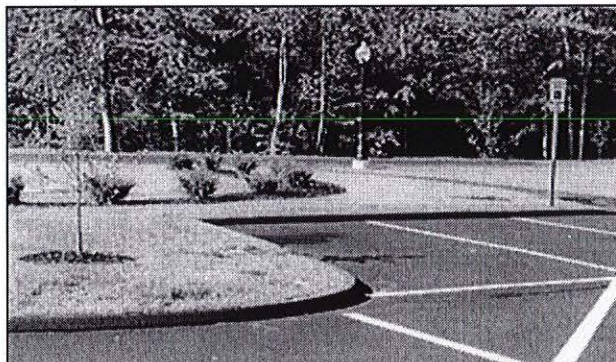
The 75' buffer between Route One and buildings in each development, as well as the location of the parking to the side or rear of the buildings are both intended to insure that views from Route One are not of expanses of asphalt. It is not necessary for parked cars be hidden from Route One, but it is the intent of these guidelines that the impact of their presence be lessened.

The buffer strip along the Route One right of way will also serve to create defined points of access and egress. Where a buffer of trees cannot be provided, a low wall, fence, hedge or berm shall be used to create the buffer and define the entrance and exit points.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide.

Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Developers are encouraged to separate every ten parking spaces by a landscaped plot to break up long runs of parking. Tree plantings between rows of parking are very desirable.

Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.



*Well-landscaped parking area with asphalt curbs.
Granite curbing is preferable.*

1.6.3 Snow Storage

Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The areas used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage or icing during winter months.

1.6.4 Impervious Surfaces

The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space, reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

1.7 Service Areas

Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route One should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

1.7.1 Location

Service areas should, if possible, be located so that they are not visible from Route One or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible.

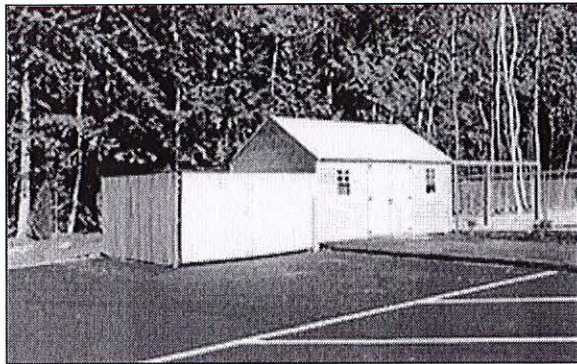
Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

1.7.2 Design

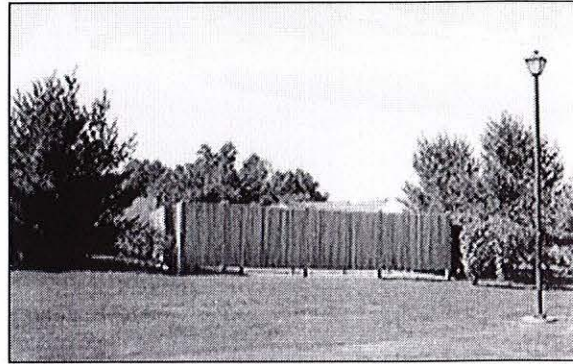
Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes.

Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl. Please don't use plastic slats inserted into chain link.



Fully screened dumpster consolidated with storage shed



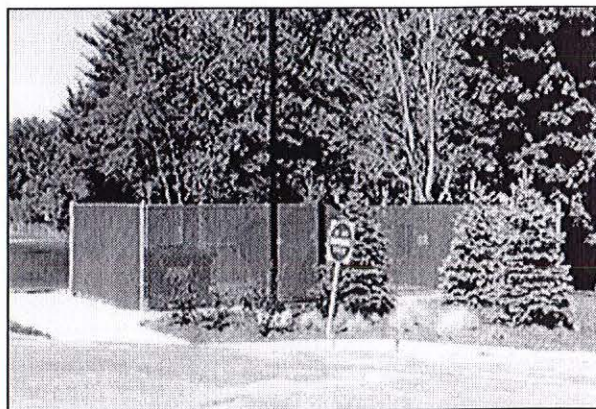
Service area screened and placed in a remote location

1.7.3 Buffering/Screening

Service areas should be screened to minimize visibility from sensitive viewpoints such as Route One, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

Dumpster and recycling area screened by chain link fencing with undesirable plastic slats inserted. More trees would be more attractive.



1.8 Open Space

Objective: In order to provide an attractive, hospitable and usable environment, future development along Route One should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

1.8.1 Internal Walkways

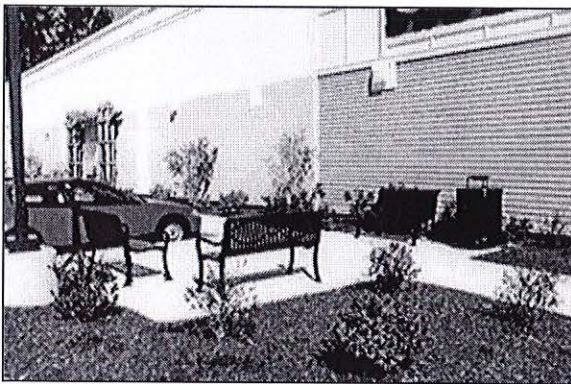
Internal walkways should invite pedestrians onto the property and make them feel welcome.

Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

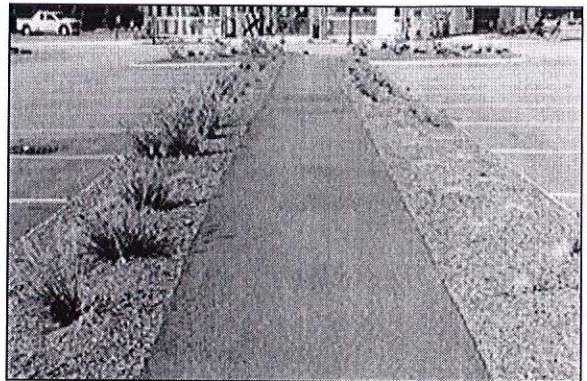
Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum, bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance and low maintenance requirements.

Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.



*Landscaped walkway along building,
with site furniture*

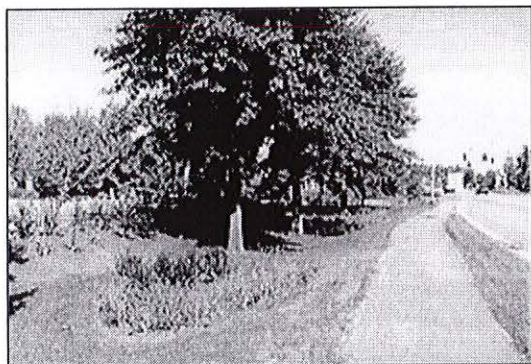


Walkway along landscaped island in parking field.

1.8.2 Landscaping

Where there are trees in the 75' buffer between Route One and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

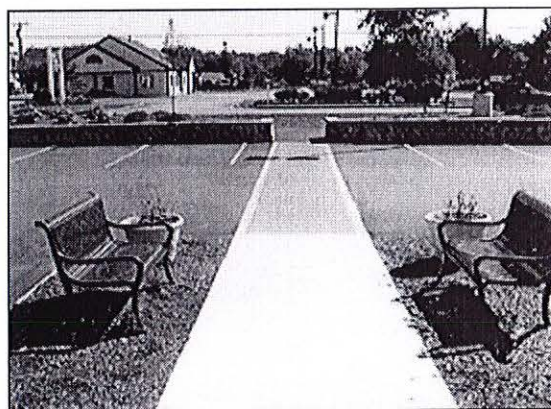


Planted buffer between roadway and parking area features large trees, shrubs and planting beds.

1.8.3 Usable Open Space

Site plans should provide inviting open spaces where people can sit, relax and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

Open space as a landscaped forecourt outside a building entrance. Seating provided for employees or patrons.



1.9 Buffering of Adjacent Uses

Objective: Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance and other means can be used to create the necessary visual and psychological separation.

1.9.1 Appropriateness

The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

1.9.2 Design

Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture,

scale and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms and surface treatment.

1.9.3 Maintenance

Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

1.10 Erosion, Sedimentation and Stormwater Management

Objective: Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

1.10.1 Erosion and Sedimentation

Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to "Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices," produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

1.10.2 Stormwater Management

All stormwater management systems should be designed to create the least visual impact on the site. Open ditches should be avoided. Drainage should be confined to a closed system of pipes. All such measures should fit unobtrusively into the landscape.

1.11 Utilities

Objective: It is important to make efficient use of the utility infrastructure that exists along the Route One corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible. Underground utilities are encouraged whenever possible.

1.11.1 Water and Sewer

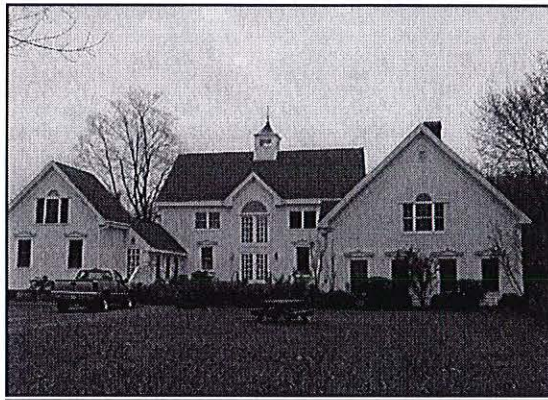
All proposed development along the Route One Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

1.11.2 Electric, Telephone and Cable

Electric, telephone, cable and other wired connections from existing utilities on Route One should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

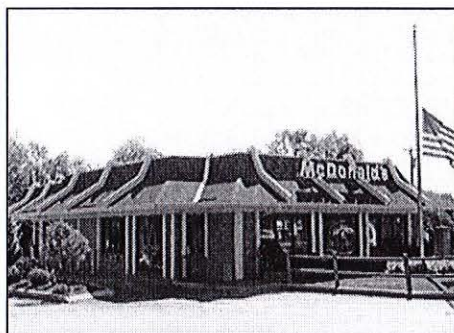
2. Building Types

The purpose of these guidelines is to encourage architectural styles within the Route One corridor that draw their inspiration from traditional New England examples. "Vernacular" or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, one and a half story Greek Revival "capess" with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings. Somewhat more description of each of the above styles is provided in the "definitions" section at the end of these guidelines.

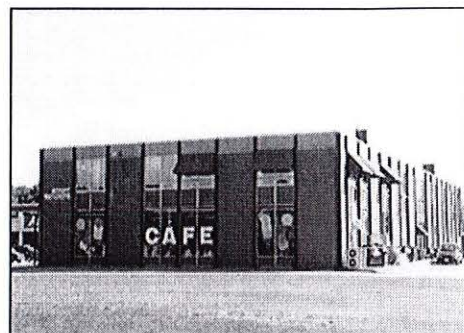


A recently constructed commercial structure located within Yarmouth's Historic Village which reflects the styles of nearby buildings.

Surrounding communities which saw considerable commercial development along Route One in the 1950s, 60s and 70s also have many commercial buildings in either vaguely "international style" or in "big box" or franchise styles from that period which seem old-fashioned or unattractive now. But this is not the case with Cumberland, where Route One has only recently begun to develop. So design guidelines which try to encourage updated but traditional styles can have an impact.



A standard franchise style building



The flat roof and curtain wall reflects international style.

2.1 General Architectural Form

Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles and fads of the 19th century. This is what is meant when people talk about "vernacular architecture". It is the architecture that develops in a particular geographic area. Typically, while there may be architects who work in a particular "vernacular", vernacular architecture evolves over time and is not the product of a particular person's powerful vision.

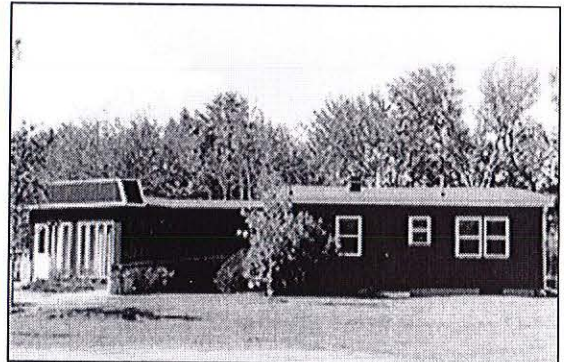
These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

2.1.1 Roofs

Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek Revival style they are often gabled or have dormers, and have decorative "returns" at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are discouraged.



The combination of traditional gable and hipped roof forms make this structure successful.



The flat roof on this single-story building is inappropriate, as is the false parapet on the left (front) of the structure.

2.1.2 Windows

Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical "lights" (rows of small panes of glass) are common over and next to doors. Window frames often have a decorative wood or stone pediment over them.

This duplex unit has horizontal lights over the garage doors.

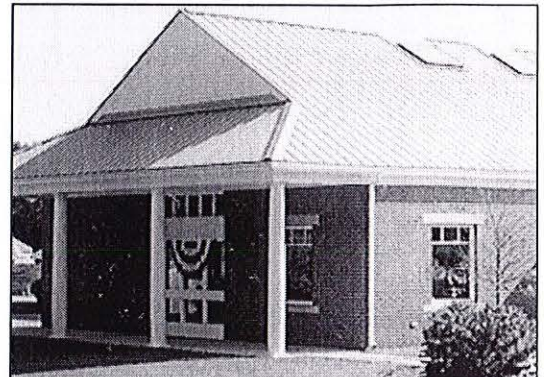


2.1.3 Detailing

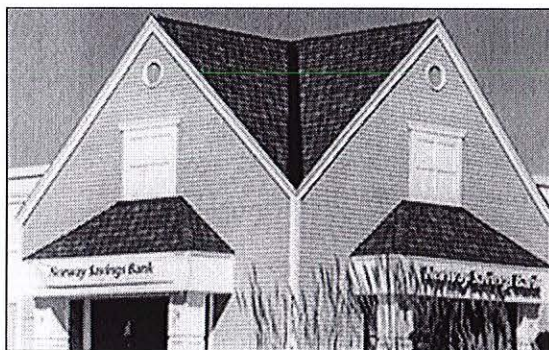
Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across one façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look "busy", and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.



This highly visible structure has plenty of transparency in its façade, giving clues as what goes on inside. Architectural details in cast concrete add visual interest.



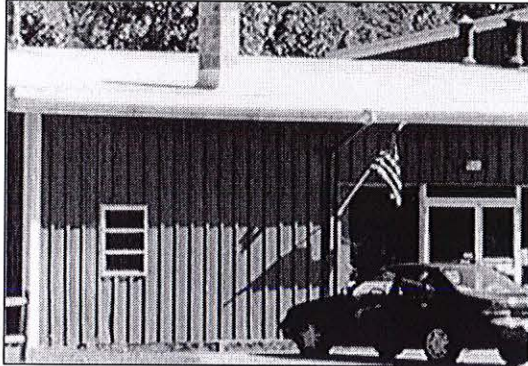
Brick exterior, a portico with columns, and sash windows with a pediment, give this building a traditional feel.



These gables have a steep Victorian pitch.

2.1.4 Building Materials

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is discouraged.

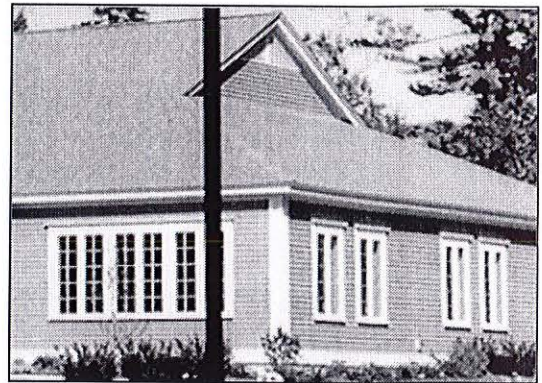


Utilitarian metal cladding such as that pictured here is to be avoided. Bright colors are also undesirable.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building's façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek Revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted "sober" colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red, or weathered shingle.

Windows with multiple panes of glass, the sober beige clapboard and white corner boards make this building appear traditional.



2.2 Large Scale Buildings

Objective: Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route One's visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

2.2.1 Design and Massing

Large structures should be designed so that their large mass is broken up into smaller visual components through the use of clustered volumes, projections, recesses and varied façade treatment. The design should provide variation to add shadow and depth and a feeling of reduced scale.

2.2.2 Site Design

Wherever possible, large buildings should fit into the existing topography and vegetation, and should not require dramatic grade changes around their perimeter. Landscaping, site walls, pedestrian amenities and existing trees can be effective in reducing the apparent scale of large buildings.



Appropriate building form: gable roof, sash windows,, landscaping, and placement of building on site.

2.2.3 Architectural Details

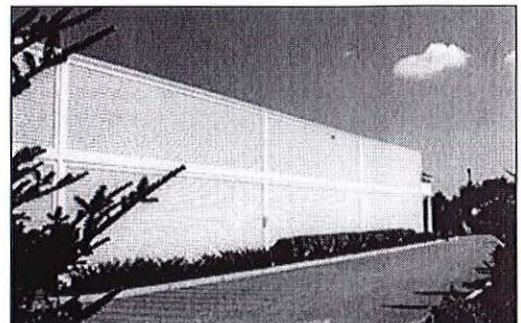
Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route One corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures can be effective means of achieving a human scale.

2.2.4 Facades and Exterior Walls

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route One, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building's height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade's length, and they shall extend for at least 20% of the façade's length.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan.

An attempt has been made to reduce the scale of this wall, but it does not go far enough. A stronger cornice line, modulation of the façade plane, wall openings and landscaping would help.



Facades of commercial buildings that face Route One or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

2.2.5 Building Entrances

Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

2.3 Linear Commercial Buildings

Objective: Linear commercial structures, such as multi-tenant offices or commercial buildings, are appropriate along Route One provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

2.3.1 Design

Buildings with multiple storefronts should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and a uniform signage size and mounting system.

2.3.2 Façade Design

The use of covered walkways, arcades, or open colonnades is strongly encouraged along long facades to provide shelter, encourage people to walk from store to store, and to visually unite the structure. Pedestrian entrances to each business or tenant should be clearly defined and easily accessible.

2.3.3 Focal Points

Linear commercial buildings can include a focal point – such as a raised entranceway or clock tower, or other architectural element – to add visual interest and help reduce the scale of the building.



A clock tower adds a focal point to a long building, and covered walkway provides shelter and visual interest.



Modulated building forms and variation of roofline reduce the scale, while similar materials create cohesiveness.

2.3.4 Façade Offsets

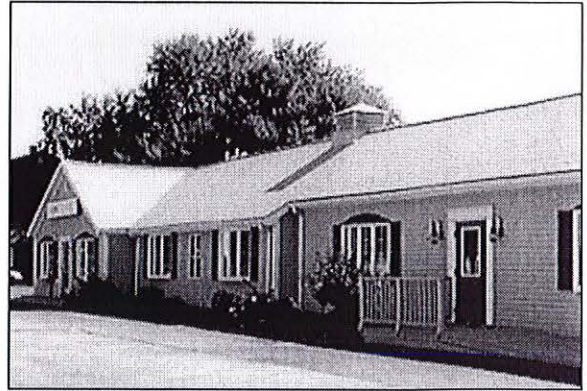
Variations in the plane of the front façade add visual interest. They also create opportunities for common entries, and social or landscaped spaces.

2.3.5 Rooflines

Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear commercial buildings.



The story and a half height and gable roofs reduce the scale and suit the local character.



Façade step-backs and a cupola reduce the scale, trim work and window types fit local character.

2.4 Smaller Freestanding Commercial Buildings

Objective: Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

2.4.1 Single Use Buildings

Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types and roof types should be used throughout.

Non-traditional building form and roof, large vertical windows, and bright colors are inappropriate.

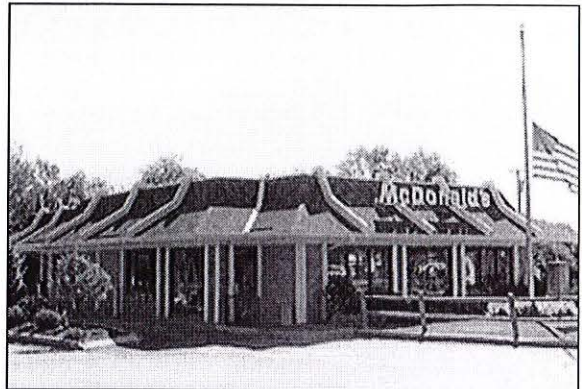


2.4.2 Franchise Design

Franchise architecture with highly contrasting color schemes, non-traditional forms, reflective siding and roof materials are not related to any traditional New England style. They are buildings that are stylized to the point where the structure is a form of advertising. However, franchises have been willing to use existing "vernacular" buildings, and sometimes have designs that somewhat reflect local styles.



A creative applicant can make even a national fast food franchise suit the local character using a handsome existing building.



The "placeless" architecture of a national fast food chain's prototype structure

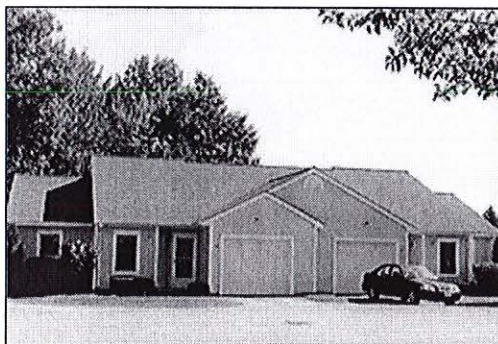
2.4.3. Mixed Use Buildings

Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

2.5 Residential Structures

Objective: Cumberland's future housing stock in the Route One corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of duplex and, even more of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible.

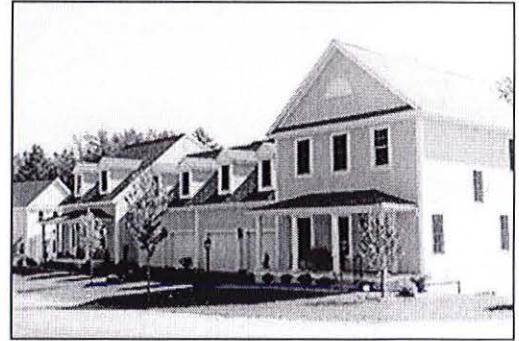


The materials and building forms are appropriate, but the garage is the dominant architectural feature.

Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level "contractor modern" type dwellings do not particularly reflect Maine styles.

Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

This duplex uses traditional New England forms and materials. It has front porches which help to de-emphasize the garages.



2.6 Residential Care Facilities

Objective: Ensure that the future needs of Cumberland's aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

The design of Residential Care Facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms and traditional materials. Landscaping, site design and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.



Human-scale building elements and a generous landscape treatment create a desirable living environment.



Traditional building forms and materials combined with thoughtful site design make this an attractive project.

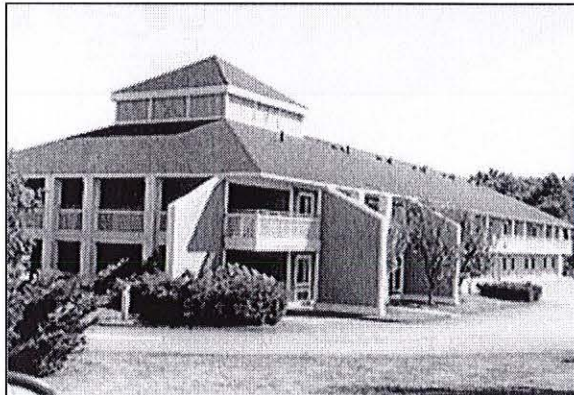
2.7 Hotels and Motels

Objective: To ensure that any future hotels or motels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region.

While it is understood that these uses need to be visible from adjacent roads, effort can be made to ensure that the structures and their signs are not overly dominant. Lots should be designed and landscaped in such a way that the visual impact of the structure is softened, while still affording recognition from automobiles.

Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged.

The signage and lighting guidelines contained in this document will help as well.



Traditional New England seaside style, materials and colors are attractive, as are roof and façade elements that reduce the apparent scale of the structure.



Focal points such as the tower add visual interest and help reduce the apparent scale of larger structures.

2.7.1 All Building Types: Awnings and Canopies

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building.

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color and spacing.

3 Signage

Signs play a central role in providing much-needed information and setting the tone for the Route One corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

3.1 Sign Design

Objective: Commercial uses along Route One in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.1 Signage Plan

For development proposals requiring multiple signs, the Planning Board may, at its discretion, ask that a detailed signage plan be submitted as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording. Where the future tenant of a proposed development is not known at the time of Planning Board review, the applicant should resubmit the signage plan when tenancy has been finalized.

For less complex development proposals where the Planning Board does not require a detailed signage plan, the applicant is still required to submit drawings depicting the design, size, content and location of proposed signs.

3.1.2 Sign Location

Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

3.1.3 Sign Design

The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.4 Sign Colors

Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

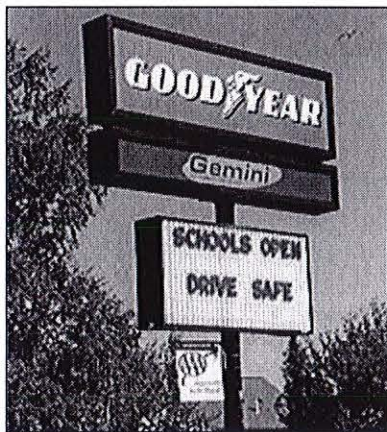
3.1.5 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign.

Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

Don't use variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants'.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.



Reader boards such as this one are discouraged. Also undesirable is that this sign is "non-architectural" and bears no similarity to the structure that it represents.

3.2 Sign Type

Objective: To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

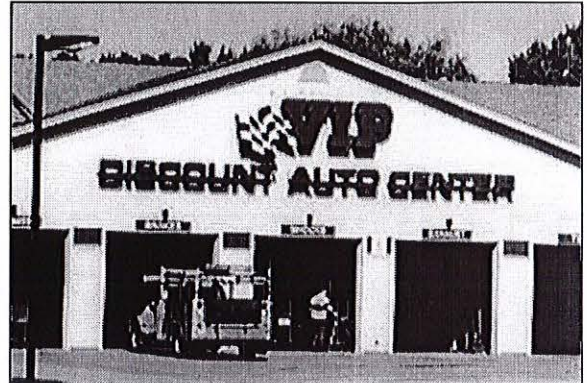
3.2.1 Building Mounted Signs

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18" from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building's architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.



This sign is desirable as it is incorporated into the architecture of the building and employs subtle colors. Also, the lighting is aimed downward, not skyward.



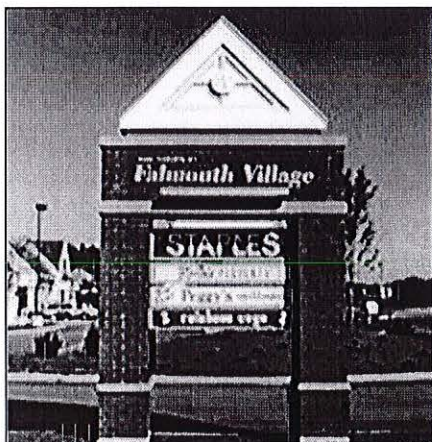
This signage is inappropriate due to its size in proportion to the building. The all upper case lettering is difficult for motorists to read, and when lit it will be a visual blight.

3.2.2 Freestanding Signs

An alternative to a façade-mounted sign is a freestanding "pylon" sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site's vehicular entry point.

As with façade-mounted signage, design and content guidelines shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., address, name of the building or development, primary tenant, other tenants.



This sign is successful because it echoes the architecture and materials of the building, and delivers a clear message.



This playful sign clearly alludes to the use of the building as a child care center, and is generously landscaped.

3.2.3 Wayfinding Signs

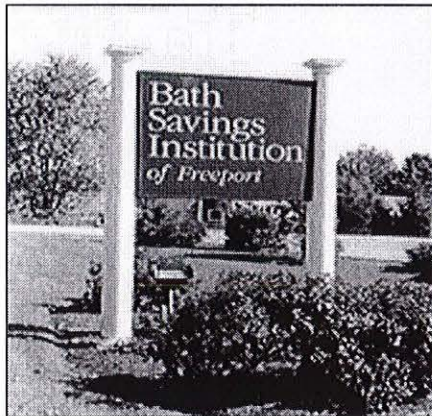
To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes need to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form and finishes.

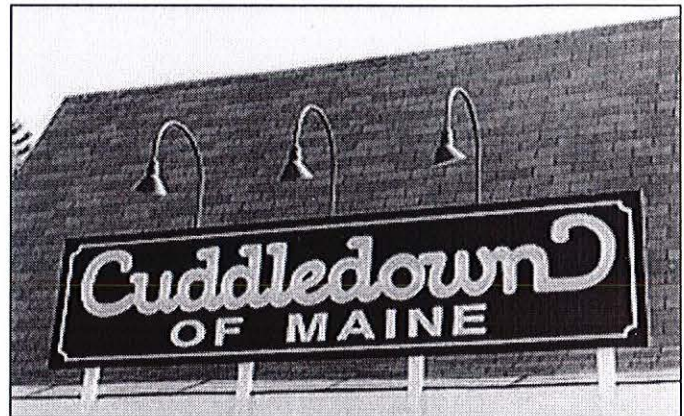
3.3 Sign Illumination

Only externally lit signs are recommended in the Route One corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

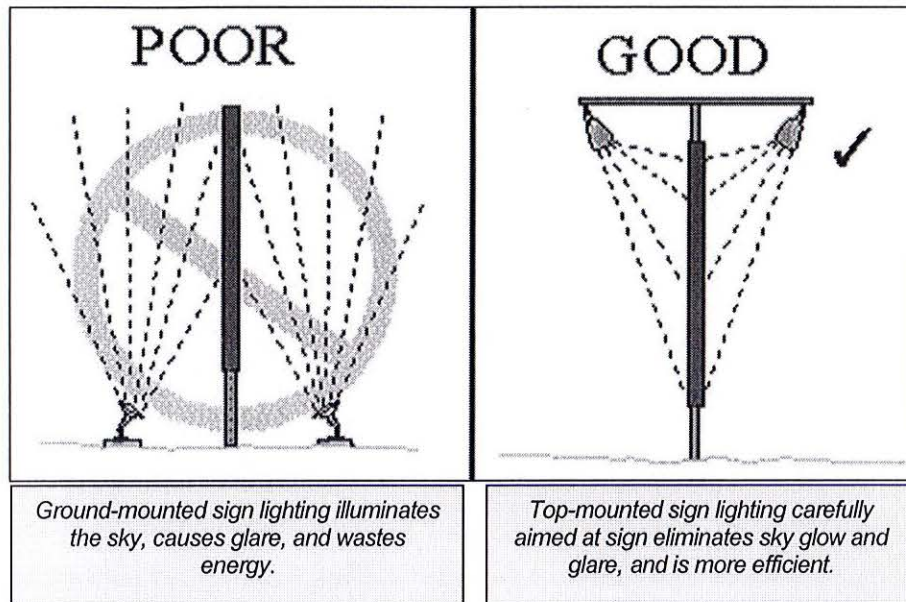
Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.



While the design of this sign is very successful, its illumination is not. Lighting shall not be aimed skyward.



This sign provides an excellent example of good lighting – the fixtures are fully shielded and are aimed downward.



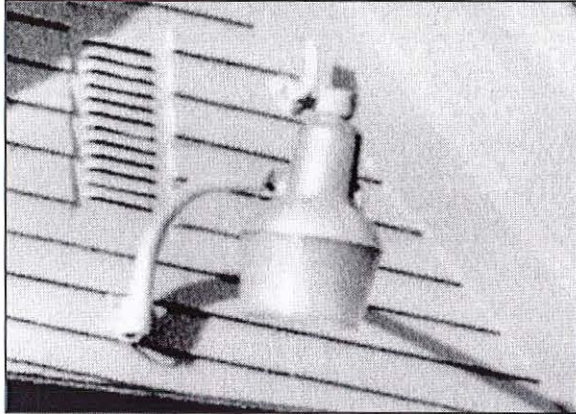
4 Lighting

Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

4.1 Good Lighting

Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal.

The applicant should provide sufficient lighting for the job without over-illuminating. Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded lights produce very little glare, which can dazzle the eyes of motorists and pedestrians.



A bad neighbor: Unshielded, over-powered fixtures such as this one shed light outward and upward, thereby contributing to skyglow, glare, and light trespass.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems.

High efficiency lamps may be a little more expensive initially, but they quickly pay for themselves by saving energy and lasting longer. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don't waste light by casting it outward and upward.

4.2 The Lighting Plan

Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, that describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

If the Planning Board requires a photometric diagram, it should show illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

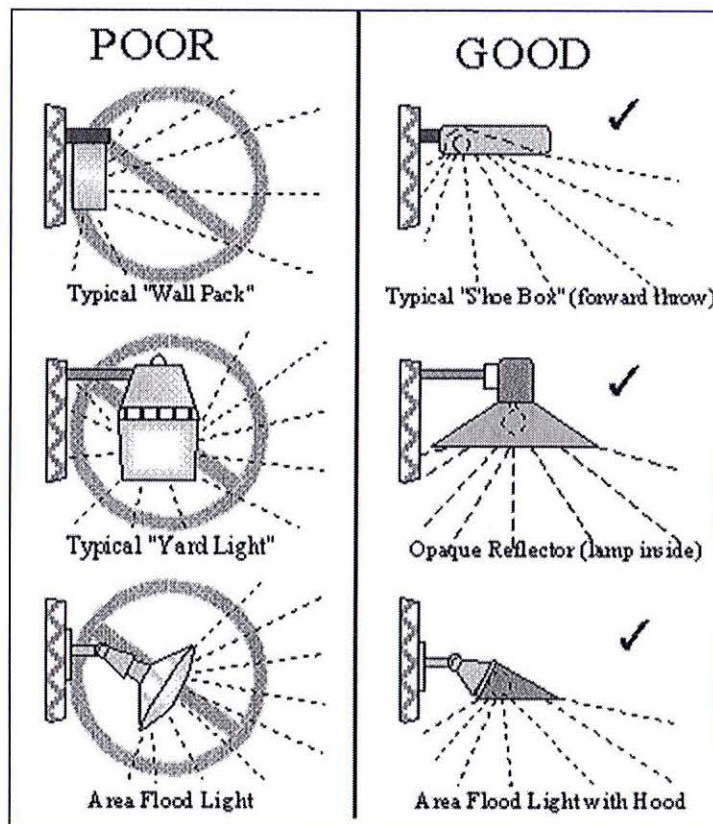
Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

4.3 Types of Lighting

4.3.1 Façade and Landscaping Lighting

Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate skyglow.

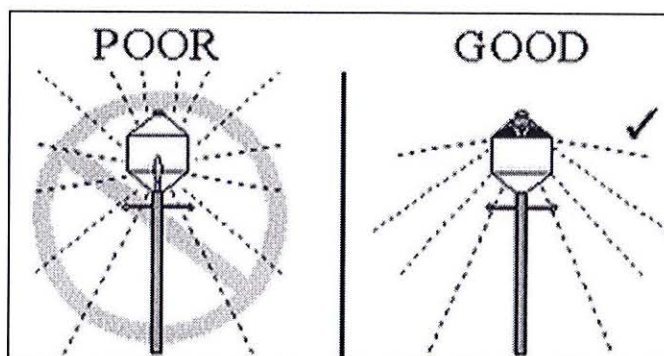


The building-mounted fixtures on the left are unacceptable. The building-mounted fixtures on the right aren't required, but are encouraged and recommended.

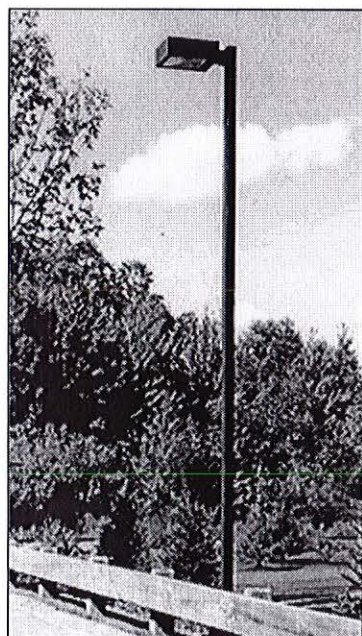
4.3.2 Parking Lot and Driveway Lighting

Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate.

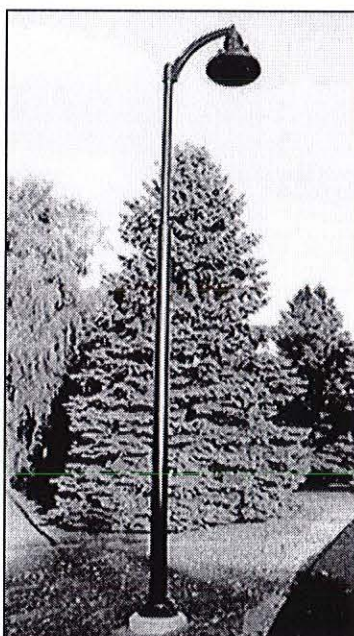
All fixtures should be fully shielded or "cut-off" style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.



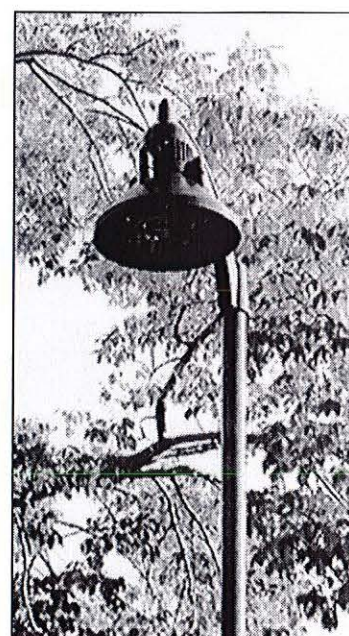
The unacceptable fixture on the left is too bright and sheds light spherically. The desirable fixture on the right has lower output and features a recessed and shielded lighting element



Although not very attractive, this "shoebox" fixture sheds light only downward.



This architecturally designed "bell" fixture is attractive and functional, shedding light only downward.



A close-up of the "bell" fixture shows its recessed lighting element and flat lens – light trespass is eliminated.

4.3.3 Pedestrian Lighting

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3' to 4' in height and ornamental fixtures of up to 12' in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties.



The walkway through this residential community is illuminated with well-designed, unobtrusive, glare-free fixtures.

5 Definitions

ADA. The "Americans with Disabilities Act" is a 1990 federal law intended to bring disabled Americans into the economic mainstream to provide them equal access to jobs, transportation, public facilities and services. The Act outlines the physical requirements for ensuring that buildings, site features, parking areas and the like are accessible.

Applicant. The person, organization, land owner or representative of the same who is seeking Site Plan or Subdivision approval from the Town, or who is seeking any other permit or permission from the Town.

Architectural Feature. A prominent or significant part or element of a building, structure or site.

Board of Adjustment and Appeals. A Town board empowered to grant special exceptions or variances from the Town's Zoning Ordinance.

Bollard. A rigid post protruding from the ground to a height of 30" to 50" intended to protect the corners of buildings, fences or other structures from damage incurred by vehicles, or to separate pedestrian areas from vehicular areas, or for decorative purposes.

Buffer. Any planted or built barrier intended to visually, and in some cases acoustically, separate two adjacent but different uses. Also used to shield an unpleasant use on a site from other uses on the site, such as a dumpster. Buffers are typically vegetated (planted) but can also be in the form of a berm or fence.

Massing. The grouping of three-dimensional forms to achieve variation, as in building forms or landscaping.

Community Character. The image of a community as defined by such factors as its architectural styles,, natural features, open space, and the type and quality of its public facilities and services.

Curb Cut. The interruption of a curb at which point vehicles may enter or leave the roadway.

Cut-off Fixtures. A type of light fixture that prevents most of the light from projecting above the horizontal plane of the fixture.

Developer. The person, organization, land owner or representative of the same who is seeking Site Plan or Subdivision approval from the Town, or who is seeking any other permit or permission from the Town.

Federal Style. As the name indicates, this was the architectural style characteristic of the early years of the United States from about 1780 to 1820. It was primarily a "high" style for large houses. They often had three stories, with a low pitched roof surrounded by a balustrade. Other characteristics included large, multi-paned windows, pillared entryways with sidelights and a fanlight over the door. Brick and flat wood siding to suggest stone were common exterior finishes. In addition to such elaborate federal style houses, older style, two story brick or timber frame, center-chimney houses were also built with federal details such as doors with side and fan lights.



Federal Style

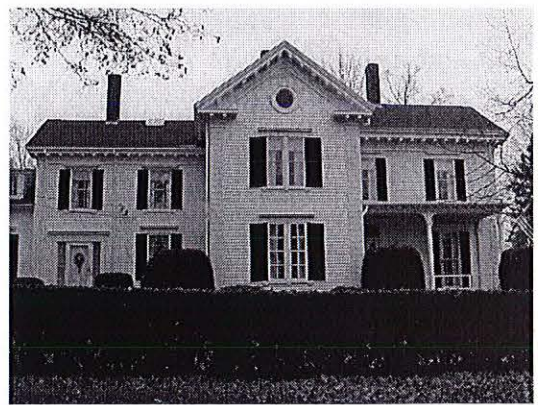
Gable Roof. A roof with two slopes, one on each side of a ridge line, and a gable at each end.

Gambrel Roof. A roof that has two slopes on each side of a ridge line, the lower slope being steeper than the upper.

Greek Revival. This style was popular in Maine from 1820 into the 1860's. Greek revival houses had stylistic elements that adapted the architecture of ancient Greece to the domestic architecture of a democratic society. Typically, the triangular pediment formed by the gable roof is supported by classical columns. In large, fancy houses the columns may actually form a portico or porch. In many smaller houses, particularly story and ½ capes, the pediment is simply suggested by decorative returns at the two ends of the entablature and corner boards in the form of decorative pilasters. The door, often with a heavy post and lintel frame with sidelights, could either be at one side of the gable end or in the center of the non-gable side. The characteristic color is white to suggest marble.



Greek Revival Style



High Greek Revival Style

Impervious Surface. A surface such as a rooftop, a paved area or a graveled area that does not allow water to be absorbed through it into the ground beneath, but rather causes the water to be shed elsewhere.

Landscape Plan. A drawing in a project proposal that identifies the species, quantity and location of all proposed vegetation.

Open Space. Areas of a building site that are left unbuilt to be used for public use of visual enhancement. This can be landscaped or left in a natural state, depending upon the individual project.

Planning Board. A Town board empowered to grant Site Plan approval and Subdivision approval. Any project proposed in the Route One corridor will require Planning Board review and approval.

Peer Review. The review by a qualified professional of certain aspects of an application before a Town board for conformance with the Town's Ordinances.

Performance Guarantee. Any security that may be accepted by the Town to assure that improvements required as part of an approval will be satisfactorily completed.

Route One Corridor. All parcels of land immediately adjacent to, or that are clearly visible from, the U.S. Route One right-of-way.

Scale. The interrelationships of a development, its elements and its surroundings in terms of size, bulk, intensity and aesthetics.

Service Area. A designated area on a development site where a business accommodates its necessary but visually unattractive services such as shipping and delivery, trash storage and pick-up, utility storage and the like.

Setbacks. The mandatory distances from adjacent property lines that all structures, parking areas and driveways must not be built within.

Shed Roof. A flat roof of a single pitch that will shed water and snow away from its high edge toward its lower edge.

Site Furniture. Outdoor objects such as benches, shelters, sculpture, trash receptacles and bicycle racks that can enliven and give variety to an outdoor space used by the public.

Vernacular Architecture. Architectural forms that are indigenous to an area, and that have developed in response to the locale's available materials and its cultural and environmental conditions.

Victorian and Late 19th Century Styles. Victorian styles of architecture began in the 1850's with the gothic revival style which used small, steeply pointed gables, windows and doors shaped like gothic arches and gingerbread trim. This particular style was not very common in Maine, but many houses with plans similar to Greek Revival houses, updated their look with more steeply pitched roofs, porches with turned columns and gingerbread trim. Among other late 19th century styles, the most common in Maine may have been the shingle style which was commonly used for summer houses. It featured multiple gables, turrets, and deep verandahs. The exterior, as the name suggests, was weathered shingle.



Victorian & Late 19th Century Style

January 8, 2003

TO: TOWN COUNCIL MEMBERS

FROM: NADEEN DANIELS, TOWN CLERK 

RE: APPOINTMENT OF REGISTRAR

Item **03-010** will complete your requirement for official appointment of Debbie Flanigan as Cumberland's Registrar of Voters.

Title 21A, Maine Law on Elections, Section 101, mandates the municipal officers of each municipality to appoint in writing a qualified Registrar of Voters January 1st of each odd-numbered year. The statute stipulates the term of the appointment to expire on December 31, 2004.

Upon confirmation of this appointment, I will submit the necessary form to the Secretary of State's office as required. Thank you.

10:10 PM

Page: 1 Document Name: Maine Revenue Services

11/18/02 10:10 MATS : ACCOUNT DETAIL TMLASSE F112 F1M0029
SSN : 006-44-6819/0 NAME: TERISON J GAIL
ACCOUNT TYPE : SALE ACCOUNT ID : 1101312
ACCOUNT NAME : TERISON LOG CABIN
STATUS : INACTIVE GEO CODE : 05060 CUMB TOWN CODE : 22106 CUMB
EFFECTIVE DT: 01/01/2002 SIC CODE : FED PBA :
END DATE : 01/01/2002 FISC MM/DD: 12/31 BUSINESS C: 013 SAND. SHOP
FILING FREQ : 004 QUA Y Y Y Y Y Y Y Y Y Y Y Y COUPON BK : 01
FILED PREV : N J F M A M J J A S O N D COUPON DT : 12/10/2001
LOOKBACK : Y BUS START : 02/01/1999 REPORTING : Y
P&I EXEMPT AG: N BUS END : 12/18/2001 INF ACCT : 1042685
PERM EXTENS : EFT PAYER : SEND CERTF: N
RETURN BOOK : RETURN DTE: ELECT YEAR:

LABOR INDICATOR:

SOURCE OF INFO : 125 LAST UPDATE BY : TMNHOL2
UPDATE REASON : 080 ORG COMB UPDATE DATE /TIME : 01/31/02 08:12

01-HELP 02-LIST 03-END 07-BEFORE 09-SUSPEND 12-CANCEL 14-NOTE
16-ADDR 17-EXEMPT 18-RELATN 20-PERIOD 22-EMAIL 24-TELEDEB
NEXT FUNCTION : DATA :

4-© 1 Sess-1 192.168.10.1 MEDP1584 5/42

Nadeen Daniels

From: Debbie Flanigan
Sent: Wednesday, December 11, 2002 8:56 AM
To: Nadeen Daniels
Subject: registrar

nadeen
the council must reappoint the registrar by jan 1, 2003

deb



Bureau of Corporations, Elections and Commissions

Department of the Secretary of State

Rebecca Wyke
Chief Deputy
Secretary of State

Dan A. Gwadosky
Secretary of State

Julie L. Flynn
Deputy Secretary of State

MEMORANDUM

TO: All Municipal Clerks and Registrars
FROM: Deborah S. Cabana, Director of Elections and Commissions
RE: Registrar Appointment and Petition Certification
DATE: December 11, 2002

Deborah

As you are aware, it is now time for the Municipal Officers to appoint a Registrar for the next 2-year term. Pursuant to Title 21-A, Maine Law on Elections, §101 "The municipal officers of each municipality **shall appoint** in writing a qualified Registrar of voters by January 1st of each odd-numbered year." The Registrar must be sworn in by **January 1, 2003**. If the Clerk also serves as the Registrar, the Clerk must be appointed and sworn in to serve the 2-year term as Registrar.

Once the Registrar has been appointed, the Clerk shall notify the Secretary of State of the name of the Registrar within 10 days after the Registrar is appointed and sworn. To meet this notification requirement of Section 101.4, please complete the attached Municipal Official's List so that we can update our files. **Please be sure to complete both sides of this form.** An envelope is enclosed that you may use to return the Municipal Official's List.

If the Municipal Officers have not already appointed the Registrar, please remind them of this requirement so that they can appoint someone right away. Remember, once a person has been appointed as Registrar, if a vacancy occurs during this 2-year term, the Municipal Officers must appoint a person to fill the vacancy within 15 days of notification of the vacancy. If they do not appoint a replacement, the Clerk may appoint someone to fill the vacancy. Otherwise, the Clerk becomes Registrar Pro Tem.

CERTIFICATION OF PETITIONS:

The total votes cast for Governor in the November 5, 2002 General Election were 505,191. Thus, pursuant to the Maine Constitution, Article IV, Part Third, Section 18, Subsection 2, the number of valid signatures required to file a citizen initiative petition with the Secretary of State is **50,519**.

Thursday, January 23, 2003 is the deadline for citizen initiative petitions to be submitted to the Secretary of State in order to appear on the November 4, 2003 ballot. Pursuant to the Maine Constitution, Article IV, Part Third, Section 20, **the deadline for submitting petitions to the Registrar for certification is by 5:00 p.m. on Monday, January 13, 2003**, which is 10 days before the deadline for filing with the Secretary of State. The Registrar must certify petitions submitted on or before this day within 5 business days of this date, **or by 5:00 p.m. on Tuesday, January 21, 2003** (this date is adjusted for the Martin Luther King, Jr. holiday). *However, if you receive any petitions after the January 13, 2003 deadline, you must make every effort to certify and return the petitions to the circulators before the filing deadline.*

MUNICIPAL OFFICIALS LIST

MUNICIPALITY: CUMBERLAND

COUNTY: CUMBERLAND

MUNICIPAL CLERK: NADEEN DANIELS

MAILING ADDRESS: 290 TUTTLE ROAD

CUMBERLAND, ME 04021

(Municipality and Zip Code)

LOCATION ADDRESS: _____

(Include Street/Road where ballots may be delivered. Ballots cannot be delivered to a P.O.Box Number.)

TELEPHONE NUMBERS: HOME: ()247-6465

WORK: ()829-5559

FAX: ()829-2224

REGISTRAR OF VOTERS: NADEEN DANIELS

MAILING ADDRESS: 290 TUTTLE ROAD

CUMBERLAND, ME 04021

(Municipality and Zip Code)

TELEPHONE NUMBERS: HOME: ()247-6465

WORK: ()829-5559

FAX: ()829-2224

CHAIR OF SELECTPERSONS OR COUNCIL: JEFFREY PORTER

MAILING ADDRESS: 290 TUTTLE ROAD

CUMBERLAND, ME 04021

(Municipality and Zip Code)

TELEPHONE NUMBERS: HOME: ()829-4129

WORK: ()541-7430

FAX: (829)-22-24

Please list any Deputy or Assistant Clerks and/or any Deputy Registrars on the back of this form.

Date: _____

(Municipal Clerk)

STATEWIDE CITIZEN INITIATIVE PETITIONS WHICH MAY BE CIRCULATING

<p><u>1. An Act to Impose Limits on Real and Personal Property Taxes</u> MTAN/Carol Palesky PO Box 454 Topsham, ME 04086 (H) & (W) 725-4539 <i>Date of Issuance: 6/4/02</i> <i>Expires: 6/4/03</i></p>	<p><u>2. An Act Concerning the Possession and Cultivation of Marijuana for Medical Purposes</u> Donald Christen RR 1 Box 169 Madison, ME 04950 (H) 696-8167 <i>Date of Issuance: 6/4/02</i> <i>Expires: 6/4/03</i></p>	<p><u>3. An Act Regarding the Growth and Use of Hemp</u> Donald Christen RR 1 Box 169 Madison, ME 04950 (H) 696-8167 <i>Date of Issuance: 6/4/02</i> <i>Expires: 6/4/03</i></p>	<p><u>4. School Finance and Tax Reform Act of 2003</u> Dana K. Lee 39 Perkins Road Mechanic Falls, ME 04256 (H) 345-3457 (W) 345-2871 <i>Date of Issuance: October 17, 2002</i> <i>Expires: October 17, 2003</i></p>
<p><u>5. An Act to Provide Tax Relief</u> Debi A. Davis PO Box 784 Raymond, ME 04071 (H) 655-2487 <i>Date of Issuance: 10/25/2002</i> <i>Expires: 10/25/2003</i></p>	<p><u>6. The Maine Tribal Gaming Act</u> Kenneth M. Curtis 18 Smugglers Cove Road Cape Elizabeth, ME 04107 (H) 799-3444 (W) 774-9000 <i>Date of Issuance: 10/25/02</i> <i>Expires: 10/25/03</i></p>	<p><u>7. An Act to Prohibit the Importation of Animals for Use in Large Bame Shooting Areas</u> Mona Brann 32 Travis Court Ellsworth, ME 04605 (H) 664-0042 (W) 667-1986 <i>Date of Issuance: 10/31/02</i> <i>Expires: 10/31/03</i></p>	<p><u>8. An Act to Allow Slot Machines at Commercial Horse Racing Tracks</u> Fred Nichols 16 Island View Drive Orrington, ME (H) 825-5559 (W) 947-6744 <i>Date of Issuance: 11/01/02</i> <i>Expires: October 11/01/03</i></p>

The next filing deadline for citizen initiative petitions is January 23, 2003, in order to appear on the November 4, 2003 ballot. The total votes cast for Governor in the November 5, 2002 General Election were 505,191. Thus, pursuant the Maine Constitution, Article IV, Part Third, Section 18, Subsection 2, the number of valid signatures required to file a citizen initiative petition with the Secretary of State is 50,519.

**TOWN OF CUMBERLAND
SPECIAL MEETING OF THE TOWN COUNCIL**

JANUARY 16, 2003

*Cancelled
1-11*

**** SPECIAL MEETING **
Chebeague Island Community Hall**

- I. CALL TO ORDER** at 7:00 p.m. in the Chebeague Island Community Hall.
- II. APPROVAL OF MINUTES**
 - a) January 11, 2003
- III. LEGISLATION AND POLICY**
 - 03 – 011.** To receive report of the Stone Wharf Committee.
- IV. CORRESPONDENCE**
- V. NEW BUSINESS**
- VI. ADJOURN**

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chair
Stephen Moriarty
Harland Storey
Mark Kuntz

829-4129
829-5095
829-3939
829-6482

Donna Damon
William Stiles
Michael Savasuk

846-5140
829-6679
781-3061

January 8, 2003

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN *Nadeen*
RE: SPECIAL MEETING ON CHEBEAGUE 1/16/03

As requested, I contacted Barbara Hamilton to request the placement of a notice in the January Island Calendar announcing your special meeting of January 16, 2003 regarding the Stone Wharf report. A copy of the notice from the Island Calendar is attached.

I also contacted Gloria Brown at the CTC to request a late boat (9:45 p.m.) Please plan to arrive at the Route 1 parking lot no later than 5:45 p.m. to catch the 6:00 pm bus. Doug Ross will meet us on the island to take us over to the Island Community Hall, and back again upon conclusion of the meeting. Thanks.

JANUARY 2003 CHEBEAGUE ISLAND CALENDAR



Jan 08	Sunday	CRC Lost Valley Ski Program begins
Jan 14	Tuesday	Quilting, CIHCC, all day
Jan 15	Wednesday	Senior Luncheon, Parish House, 11:30 a.m., lunch at noon.
Jan 17	Friday	CRC "Winter Festival" begins
Jan 17	Friday	CRC Talent Show, CIHCC, 7 p.m.
Jan 18	Saturday	CRC Polar Bear Plunge at noon, Chili & Chowder Challenge
Jan 18	Saturday	CRC Family Dance with "Sound Lord", 600 – 9:30 p.m.
Jan 20	Friday	CRC Camp Chebeague Registration for Island (summer and winter) residents begin
Jan 22	Wednesday	DEADLINE for the February CALENDAR (must be in by 4 p.m.)
Jan 25	Saturday	CIHCC Pot Luck Supper, 6 p.m.
Jan 27	Monday	Dr. Shannon Meredith (foot doctor)
Jan 28	Tuesday	Quilting, CIHCC, all day

CCR	Chebeague Care Resource	CPA	Chebeague Parents Association
CIC	Chebeague Island Council	CRC	Chebeague Recreation Center
CIHCC	Chebeague Island Hall Community	CISS	Chebeague Island Sailing School
CIHS	Chebeague Island Historical Society	CIYC	Chebeague Island Yacht Club
CIL	Chebeague Island Library	GCGC	Great Chebeague Golf Club

REGULAR MONTHLY EVENTS

LADIES AID meets every Thursday at the Parish House 10 a.m.-2 p.m.
MASSAGE THERAPIST at the clinic every Thursday call 892-0601
PHYSICAL THERAPIST at the clinic every Monday call 415-9435
SUNDAY SCHOOL meets every Sunday at the Parish House, 10 a.m.
YOGA meets every Monday, Wednesday and Friday at CRC from 7 – 8:15 a.m.

CTC HOLIDAY BOAT SCHEDULE – NEW YEAR'S DAY

On New Year's Day we will run a reduced schedule as follows:

New Year's Day	
Leave Chebeague	Leave Cousins
8:00 A.M.	8:15 A.M.
12:00 Noon	12:15 P.M.
3:45 P.M.	4:00 P.M.
6:15 P.M.	6:30 P.M.
8:45 P.M.	9:00 P.M.





CHEBEAGUE ISLAND FUTURE EVENTS

Feb 03	Monday	CRC Camp Chebeague Registration for mainland residents begin
Apr 19	Saturday	CRC 3 rd Annual Easter Egg Hunt and Relays
Jun 07	Saturday	CRC Opening of Pool
Jun 28	Saturday	*CIYC Opening Race, 1 p.m.
Jul 05	Saturday	CIYC Crow Island Picnic (Transportation to be provided), 12 Noon
		CIYC Crow Island Race, 2 p.m.
		CIYC Summer Meeting – Parish House, 6 p.m.
		Commodore's Reception to Follow
Jul 06	Sunday	CIHS Grand Opening – Museum of Chebeague History, 1 p.m.
Jul 12	Saturday	Friends Community Dinner (to benefit the Library)
Jul 12	Saturday	Ocean Race (rafting afterwards), 1 p.m.
Jul 14	Monday	CISS begins First Session (runs through July 25 th)
Jul 15	Tuesday	CIYC Power Night (destination to be announced), 4 p.m.
Jul 19	Saturday	CIYC Hamilton Beach Race (incl. Harper Brown Memorial Trophy for Small Boats), 1 p.m.
Jul 19	Saturday	CRC Inter Island Pool Party
Jul 20	Sunday	CIYC Picnic – Little Whaleboat - Power and Sail, 12 Noon.
Jul 25	Friday	CRC Children's Summer Theater
Jul 26	Saturday	CRC Children's Summer Theater
Jul 26	Saturday	CIYC Indian Point Race, 1 p.m.
Jul 29	Tuesday	An illustrated talk on the artist, Winslow Homer, by Jim Millinger, CIHCC
Jul 29	Tuesday	CIYC Overnight Cruise – Snow Island
Aug 02	Saturday	CIYC Round Island Race, 12 noon
Aug 02	Saturday	CRC Fundraiser
Aug 04	Monday	CISS Second Session begins (runs through August 15 th)
Aug 07	Thursday	Ladies Aid Fair
Aug 09	Saturday	CCR Fabulous Fundraiser Sale, Island Hall
Aug 09	Saturday	CIC Annual Meeting, Parish House
Aug 09	Saturday	CIYC Double Race, 1 p.m.
Aug 10	Sunday	Annual Craft Fair, Chebeague Island Hall
Aug 12	Tuesday	CIYC Power Night (destination to be announced), 4 p.m.
Aug 14	Thursday	CRC Chebeague Island Players
Aug 15	Friday	CRC Chebeague Island Players
Aug 16	Saturday	CRC Chebeague Island Players
Aug 16	Saturday	CIYC Bates Island Picnic, 11 a.m.
Aug 16	Saturday	CIYC Bates Island Race, 2 p.m.
Aug 17	Sunday	Triathlon/Aqua-fest/Awards
Aug 20	Wednesday	CRC Golf Tournament and Dinner
Aug 23	Saturday	CIYC Double Race, 1 p.m.
Aug 30	Saturday	Yacht Club Annual Meeting, Chebeague Island Hall
Aug 30	Saturday	CIYC Annual Meeting, Chebeague Island Hall, 6 p.m.
Aug 31	Sunday	CRC 3 rd Annual Triathlon for ages 10 and up
Sep 20	Saturday	GRANGE Fair

*Races that are cancelled due to weather will be held on Sunday immediately following the scheduled date. Except for the Indian Point and Bates Island Races (July 26 and August 16), races will start and finish at the CIYC mooring near Springettes.

9:00-12:30

***Every Tuesday is blood drawing day. Bring your orders and the**

1:15-5:00PM

****If no one has booked in for 4:30 we will close then so we could**

During Office hours ring 846-4988.

All other times ring 846-9013.

AFTER 6PM I TURN OFF MY PAGER UNTIL THE

FOR EMERGENCIES DIAL 911 RESCUE

SAMARITAN FUND

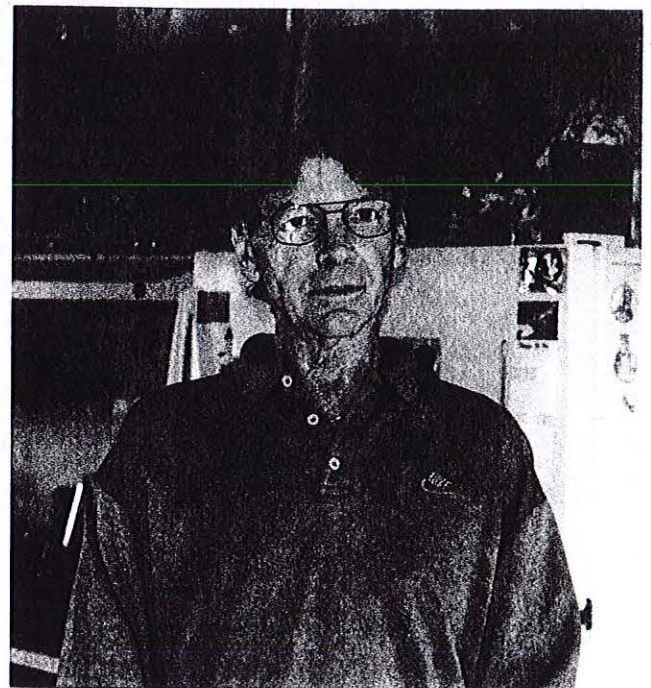
The Samaritan Fund has been set up to help people pay for much needed medicines and for medic alert necklaces. Many of our people have to decide each month whether they can afford their medicine or if they will need their money for heating oil or food. The Island Council maintains this fund and Ginny Ballard, PA, is in charge of obtaining the medicines for those who need it. If you are a person in need of this service, please contact Ginny Ballard at the clinic. **All names are kept strictly confidential.**

If you would like to make a tax-deductible contribution, please send it to Chebeague Island Council, Box 12, Chebeague Island, ME 04017 and mark it for Samaritan Fund in the memo. We sincerely appreciate all of your support. Thank you. Our tax ID number is **01-0283351**.

ISLAND COMMONS

(Program of CCR)

Meet Chuck Lesuer. Chuck has lived on the island since April and is a great addition to the staff at the Commons. He is an LPN who works one day a week and is on call when needed. Chuck served in the Air Force for 4 years and after leaving he became an LPN with experience in EKG and respiratory therapy. He has also had experience in an Alzheimers unit. His experience is valued at the Commons. When asked how he feels about the Commons he said, speaking from his experiences, "I hope the island realizes what a great and dedicated staff there is at the Commons."





CHEBEAGUE CARE RESOURCE

ISLAND COMMONS

The Commons is hosting a noon dinner and activity program available to up to three participants for three hours. Particular days and activities are flexible. Transportation is available upon request. The fee is \$15.00. Please call ahead @ 846-4456 and speak with Jill Hamilton to sign up or for more information.

SENIOR LUNCH

Thanks to Jean Whitaker and Mabel Doughty, Jeanette Hamilton, Jane Abrahamson, and Donna Clark, we had a marvelous stuffed pork dinner (with delicious Grapenut pudding for dessert) in December. Door prize winners were Billy Munroe, Sylvia Ross, and Betsey Ross. The January 15th Senior Lunch will feature a splendid chicken pot pie. Join us! It's lots of fun!

HOLIDAY RAFFLE WINNERS!

Caroline Partlow won one of the two creative Chebeague Santas donated by Ellen Maher. Island Commons won the other one! Some very generous soul bought the winning ticket for 'the Commons'. Thank you, whoever you are; your surprising gift is very much appreciated!

January 2003 Changes to the Phone Book

Chebeague Island Historical Society: The post office box number listed in the front of the phone book is incorrect. It should be P.O. Box 28.

Ballard, Joseph is living full-time on the Island, so delete the address in Winnetka IL.

Stranahan, Carol has a new email address: cstran@infonline.net.

New Listing:

9378 Stranahan, Susan & William Morehouse
33 Fenderson Road
145 Anton Rd.
Wynnewood PA 19096 (610) 649-2167
wmorehouse@wolfblock.com
sstran@voicenet.com



EDITOR

If you would like to place an article or advertisement in the CALENDAR, please send it or drop it to Barbara Hamilton, 57 North Road, Chebeague Island, ME 04017. Or by phone at (207) 846-4455. If you are placing an ad, please have it copy ready and include payment with your submission.

To become a member of the Chebeague Island Council and receive the monthly CALENDAR, please send \$12 (annual fee). Your CALENDAR will be sent by bulk mail. If you wish to have it sent First Class, please enclose an additional \$14 to cover extra postage (total \$26). Send your payment to Chebeague Island Council, ATTN: Membership Chairman, PO box 12, Chebeague Island, ME 04017.

Any membership/donation to the Chebeague Island Council and Samaritan Fund is tax deductible. Our tax ID number is **01-0283351**.

ABOUT THE CALENDAR COVER

The two story building to the right of the Richard (Poochie) Ross house on the John Small Road once had three stories and was used as an Orphanage as you see in this photo. It was run by a Portland based church group; they also had a cemetery lot which still exists in their name. Eventually, John Small acquired the building, reduced it by one story and used it for boat building. This photo was probably taken by George Hicks in the early 1900's from the shore side looking at the Ross house on the right and the orphanage on the left. CIL photo collection.



SPECIAL TOWN COUNCIL MEETING

January 16, 2003

The Cumberland Town Council will hold a Special Meeting at 7 p.m. at the Chebeague Island Hall on Thursday, January 16, 2003 to receive the report of the Stone Wharf Committee. Island residents are encouraged to attend.

Jeffrey Porter,
Council Chair

CUMBERLAND ISLANDS COMMITTEE

Committee Vacancies

The Cumberland Town Council is accepting applications from interested residents who wish to serve on this re-activated committee whose mission will be to consider the various issues relating to the islands of Cumberland, and to recommend strategies for addressing these issues. Areas for consideration include, but are not limited to, environmental, economic, transportation, land use, solid waste, recycling, coastal access, public health, affordable housing and infrastructure development or improvement. For more information, or to request an application form, contact Carla Nixon, Assistant Town Manager, at 829-2205. The application form can be downloaded from www.cumberlandmaine.com and mailed to Cumberland Town Hall, 290 Tuttle Road, Cumberland, ME 04021.



Bruce R. Bowman, Inc. Professional Land Surveyor
199 John Small Road, Chebeague Island, ME 04017
My office has now moved to Chebeague. You can reach me
at 846-1663 or fax to 846-1664.

*Specializing in retracing original lines, senior rights, establishing
boundary lines and all surveying services on Chebeague Island.*



Maine State Police
Traffic Division / Commercial Vehicle Enforcement Unit
State House Station #20
Augusta, Maine 04333
Telephone (207) 624-8939 Fax (207) 624-8945

December 30, 2002

Chief Daniel Small
Cumberland Fire Department
290 Tuttle Road
Cumberland, ME 04021

Dear Chief Small:

On Friday, December 20, 2002, I arrived at the scene of a trash truck fire on Route 100 in Gray, approximately ½ mile north of the Cumberland town line. A Waste Management truck was carrying approximately 8,000 pounds of trash, which caught fire in the body of the truck. Gray Fire Department was called by SP Gray and subsequently Cumberland Fire Department personnel and equipment arrived at the scene.

A Cumberland Police Department cruiser arrived, but left a short time later, leaving me as the only police officer at the scene. Because commuter traffic was heavy and merging traffic from Dutton Hill Road onto Route 100 was substantial, traffic control became a paramount issue. I attempted to obtain assistance from both the State Police and Cumberland County Sheriff's Department, but officers were busy covering accidents. George Small and Tim Moody, members of the Cumberland Fire-Police, arrived and assumed control of the traffic flow, as only one lane of traffic could be moved at a time. This allowed me to complete the investigation without worrying about traffic flows.

I would like to commend both of these individuals for their professional dedication at this scene. Mr. Moody experienced some verbal abuse from an unhappy motorist, but was extremely professional throughout the incident. Without the assistance of Mr. Small and Mr. Moody, I would not have been able to investigate the incident and direct traffic at the same time.

Directing traffic at these scenes can be a thankless and unappreciated job. I commend you for implementing the Fire-Police program, as I can assure you that the program works.

Please extend my sincere appreciation to the Cumberland Fire Department and to Mr. Small and Mr. Moody for their assistance at this scene.

Sincerely,
Bruce Flanigan
Sgt. Bruce Flanigan

Cc: Mr. Robert Benson
Ms. Carla Nixon

Mooring Fees Exhibit
In \$

	Cumberland Current Fees	Stone Wharf Proposed Fees	Coastal Rec'd Fees	Falmouth Fees	Freeport Fees	Yarmouth River Fee	Yarmouth Fees
Resident							
Recreational	20	25	40	50	45	75	50
Punt Storage							
<12'		50					
>12'		250					
Commercial	10	15	25	50	95	25	25
2 nd	5		10				
3 rd	5		10				
Etc.	5		10				
Punt Storage							
<12'		30					
>12'		200					
Senior Citizen				50		25	25
Boat Launch							
Non-resident							
Recreational	20	30	75	175	200	75	150
<12'		75					
>12'		300					
Commercial	10	25	50	175	200	25	125
<12'		50					
>12'		200					
Day Visitors							
>12'		15					
Senior Citizen				175			100
Boat Launch				10			
Miscellaneous							
Late Fee							
>5/31				50			
Marinas					90		
Riparian	10		25				
2 nd	5		10				
3 rd	5		10				
Private Assoc.					45		25
Punt Storage							
<12'					25		
>12'							

Senior

Cumberland Marine Straw Case
Revenue Estimates for 2003

Description	Resident		Non-Resident		Riparian	Visitors
	Recreat.	Comm.	Recreat.	Comm		
Moorings	\$40	\$25	\$75	\$50	\$25	
(CSWC Prop)	(25)	(15)	(30)	(25)	(0)	
Dinghy <12', <10hp	\$50	\$30	\$75	\$50		0
Dinghy >12', >10hp	\$250	\$200	\$300	\$200		\$15

Number of Cumberland Moorings:

- 150 Resident Recreational
- 60 Resident Commercial
- 75 Non-Resident Recreation
- 10 Non-Resident Commercial
- 75 Riparian

Income*

Resident Commercial

Moorings (\$25 X 60)	1,500	
Dinghies <12'	450	
Dinghies >12'	<u>3,000</u>	4,950
		(3,900)

Resident Recreational

Moorings (\$40 X 150)	\$6,000	
Dinghies <12'	1,000	
Dinghies >12'	<u>3,750</u>	10,750
		(5,250)

Non-Resident Recreational and Commercial

Recreational Moorings (\$75 X 75)	5,625	
Commercial Moorings (\$50 X 10)	500	
Dinghies <12'	975	
Dinghies >12'	<u>900</u>	8,000
		(2,265)

Riparian Moorings

Moorings (\$25 X 75)	<u>1,875</u>	1,875
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Transient (Day use of wharf)

<u>900</u>	<u>900</u>
	\$26,475
	* (12,315)

Assumptions

- Coastal Committee and Council approve new mooring and slip rates
- All Cumberland Mooring are registered

* Figures in () are income figures brought forward from Stone Wharf Committee Interim Report dated August 20, 2002



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016



CARLA CROCE
ACTING COMMISSIONER

December 31, 2002

Mr. Robert Benson
290 Tuttle Road
Cumberland, ME 04021

Dear Mr. Benson:

Re: 2004-2005 Candidate Safety Projects

I am pleased to inform you that the Maine Department of Transportation has identified one or more candidate safety improvement projects in your community that qualify for funding in the 2004-2005 Biennial Transportation Improvement Program (BTIP). The attachment to this letter describes the proposed scope of work, asks you to identify any scope or project related issues that you may foresee, and asks you to confirm your support for the project(s). Please review the description(s) and direct any comments or questions you may have to me by January 24, 2003.

Your comment on the proposed project(s) will assist the Department's efforts to streamline delivery of its safety projects. As you know, safety projects are intended to address specific safety issues. Several alternatives for candidate projects are reviewed and the expected safety improvements are compared to their life cycle cost. All potential projects are then prioritized based on their Benefit-to-Cost ratios.

The attached project description(s) proposes a high Benefit-to-Cost solution. Please remember that even minor changes can adversely affect safety performance. For instance, if a proposed traffic island were to be eliminated in order to reduce land takings, it could negatively impact the project safety benefits to the point that the project is no longer viable. That is why the Department seeks your input before a specific project is programmed in the BTIP; it is important for us to receive a level of assurance from the communities that the project description adequately addresses all of the issues likely to emerge in the design process. These issues could range from an expectation of public resistance to historical or environmental issues.

Please note that this correspondence relates only to Hazard Elimination Program (HEP) projects intended to be funded in the 2004-2005 BTIP. Other transportation projects may be funded in your community but are not included in this correspondence. Note also that no local funding is required on HEP projects unless indicated on the attached. Thank you.

Sincerely,

Gerry Audibert, P.E.
Safety Management Coordinator

Attachment



PRINTED ON RECYCLED PAPER

Maine DOT Highway Safety Improvement Program Candidate Projects
2004 - 2005 Biennial Transportation Improvement Program

Town

Cumberland

Route

0026X

Location Description

CUM,RTE 26,BLACKSTRAP,SKILLING

Proposed Scope
of Project:

Intersection improvements at the intersection of Route 26, Blackstrap Road and Skillins Road; consisting of providing a 3' shoulder and installing a raised island approx. 13' wide for 175' along Bill's Auto Sales, installing a raised island approx. 13' wide for 200' along Copp's Motors, relocating the Skillins Road stop sign into new island, adding a second 12" LED flashing beacon, and relocating 3 utility poles to improve sight distance.

Pre Engineering Cost

\$14,000.00

Construction Engineering Cos

\$11,000.00

Construction Cost:

\$55,000.00

Town Cost:

Right Of Way Cost

\$10,000.00

\$0.00

Total Cost

\$90,000.00

Drs. Philip & Carrie Frederick

*12 Aspen Crest Road
Cumberland, Maine 04021
(207) 829-6536*

cc: Chief Bolduc
Chief Charron
Town Council



Robert Benson

Town Manager

Cumberland, Maine 04021

December 4, 2002

Dear Mr. Benson,

We wish to express our sincere thanks to the town Police Department and Rescue Squad for the prompt and professional care they rendered to my father on Sunday, December 1, 2002, while he was visiting over the Thanksgiving holiday. My family was in the process of packing to leave, when my father began to experience severe chest pain. We called 911 and within 3-4 minutes a Cumberland police officer arrived, followed shortly by the rescue squad. All the officers, EMT's and paramedics on the scene performed their duties in a prompt, professional, competent and extremely caring way.

Mr. Dovinski, the paramedic on the scene, demonstrated amazing awareness of the concerns and fears of my young nieces and nephews, who were watching the squad attending to their grandfather. Prior to taking my father to the ambulance, he allowed the children to come and give their grandfather a hug, as well as offered verbal reassurance to the children that their grandfather was going to be OK. His sensitivity to the children's feelings, and the extremely professional way he handled the situation deserves special mention.

As medical professionals we are acutely aware of how much of an impact pre-hospital care can have on a patient's well being. We feel very fortunate to live in a town where the care that is available in emergencies is both extremely timely and highly competent.

Please extend our thanks, once again, to both the Town Police Department and the Town Rescue Squad for the excellent care my father received.

Very Sincerely,

Philip and Carrie Frederick
Drs. Philip and Carrie Frederick

Cc: Chris Bolduc, Chief, Cumberland Rescue

Number	Date	Name	Location	Map	Lot	Area	Rec	Open	Total
02-013	07/01/02	Home Constr&Finance	Orchard Hill Road	R08	63D	2,543	2,212.41	1,246.07	3,458.48
02-014	07/17/02	Scott Verrill	Range Road	R05	17	2,216	1,927.92	1,085.84	3,013.76
02-015	07/30/02	Chase Custom Homes	Stonewall Drive	R07D	1	2,252	1,959.24	1,103.48	3,062.72
02-016	08/30/02	Leighton Philbrick	Joan's Way	R03	15C	1,664	1,447.68	815.36	2,263.04
02-017	09/17/02	Mats Agren	43 Sunnyfield Lane	U12A	8	4,343	3,778.41	2,128.07	5,906.48
02-018	09/26/02	Anne O'Donovan	31 Wasabi Way	U12	11D	3,242	2,820.54	1,588.58	4,409.12
02-019	10/07/02	Kenneth Pelton	Old Cart Road	I07	43	467	406.29	228.83	635.12
02-020	11/06/02	Andrew Berube	Ranger's Way	R05	28C	2,510	2,183.70	1,229.90	3,413.60
02-021	11/13/02	Julia Crane Littlefield	24 Island Pond Rd	R01	16B	2,520	2,192.40	1,234.80	3,427.20
02-022	12/03/02	William Fischer	139 Orchard Road	R08	47	1,306	1,136.22	639.94	1,776.16
02-023	12/11/02	Karen Morgan	217 Bruce Hill Road	R08A	67A	3,153	2,743.11	1,544.97	4,288.08
02-024	12/16/02	Joanne Jordan	23 Sunset Ridge	R03	15D	2,535	2,205.45	1,242.15	3,447.60
02-025	12/31/02	Walter Frank	91 Blanchard Road	R06	55C	1,640	1,426.80	803.60	2,230.40
							0.00	0.00	0.00
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							0.00	0.00	0.00
							0.00	0.00	0.00
							0.00	0.00	0.00
							26,440.17	14,891.59	41,331.76

SOLID WASTE TO R.W.S.

YEAR MONTH	2001	2002	1997	1998	1999	2000
January	211.07	207.21	204.61	192.30	191.10	184.53
February	163.98	170.02	152.55	163.73	167.36	171.20
March	175.61	180.66	164.92	187.13	188.09	193.05
April	211.90	219.91	233.12*	179.17	190.87	181.92
May	331.97*	348.27*	175.02	217.70*	277.75*	304.98*
June	228.57	222.30	201.01	229.98	222.10	229.93
July	248.17	259.46	223.52	224.88	212.91	223.73
August	244.76	227.97	175.55	194.03	251.36	267.61
September	217.00	274.68	247.89	245.27	229.28	225.17
October	277.72*	289.76*	260.72*	273.00*	270.87*	267.31*
November	240.28	206.79	185.99	197.09	209.37	236.55
December	225.56	239.67	214.89	208.16	230.40	195.88
Total	2,776.59	2,846.70	2,439.79	2,512.44	2,641.46	2,681.86

NOTE: All Measurements in tons

* Bulky Waste Pick-up week included

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Accept by Date	Bldg Appl Due	Building Permit	Date Issued
			Habitat												
			Habitat												
1			Island												
2			Island												
3			Island												
4			Island												
1	03/13/02	9:10 AM	Non-subdiv		Orchard Hill Construction Inc		R02	26	189 Middle Rd	03/21/02	8:57 AM	04/21/02	06/21/02	02-030	03/21/02
2	03/28/02	1:17 PM	Non-subdiv		J. S. Wyse Builders Inc		U10	7F	Wyman Way	04/01/02	11:48 AM	05/01/02	07/01/02	02-041	04/09/02
3	04/01/02	12:05 PM	Non-subdiv		Verrill	Robert	R05	17	Range Road	04/05/02	4:05 PM	05/05/02	07/05/02	02-148	07/29/02
4	04/17/02	10:42 AM	Non-subdiv		Stockholm	Eric	R05	13	23 Turkey Ln	04/22/02	9:05 AM	05/22/02	07/22/02	02-063	05/02/02
5	06/04/02	Not shown	Non-subdiv		Quirion	Rene	R06	15D	Laurel Lane	06/06/02	4:30 PM	07/06/02	09/06/02	02-118	06/11/02
6	06/11/02	10:52 AM	Non-subdiv		Home Construction & Finance Inc		R08	63D	Orchard Hill Rd	06/18/02	9:10 AM	07/18/02	09/18/02	02-132	07/02/02
7	06/28/02	8:19 AM	Non-subdiv		White	Ritchie & Karen	R02	34E	39 Greely Rd	07/01/02	1:35 PM	08/01/02	10/01/02	02-157	07/30/02
8	08/15/02	9:29 AM	Non-subdiv		O'Donovan	Dennis	U12	11D	Wasabi Way	08/22/02	8:33 AM	09/22/02	11/22/02	02-214	09/26/02
9	08/16/02	11:38 AM	Non-subdiv		Fischer	William	R08	47	139 Orchard	08/22/02	11:36 AM	09/22/02	11/22/02	02-264	12/04/02
10	09/03/02	8:49 AM	Non-subdiv		Woodbury	Frank	R05	43	163 Bruce Hill	09/17/02	2:46 PM	10/17/02	12/17/02		
11	10/01/02	11:55 AM	Non-subdiv		Dodge, Julia & Hildreth, Malcolm		R04	22A	124 Greely Rd	10/02/02	10:16 AM	11/02/02	01/02/03		
12	10/04/02	9:37 AM	Non-subdiv		Frank	Walter & Judith	R06	55C	Frankie Lane	10/07/02	11:39 AM	11/07/02	01/07/03		
13	10/12/02	11:15 AM	Non-subdiv		Berube	Andrew	R05	28C	Ranger's Way	11/06/02	5:34 PM	12/06/02	02/06/03	02-249	11/08/02
14	10/29/02	8:30 AM	Non-subdiv		Andrews	Samuel & Sheran	U14	63	Val Halla Road	11/12/02	4:25 PM	12/12/02	02/12/03		
15	10/31/02	1:10 PM	Non-subdiv		Littlefield	Julia Crane	R01	16B	Island Pond Rd	11/12/02	4:27 PM	12/12/02	02/12/03	02-252	11/13/02
16	11/07/02	8:46 AM	Non-subdiv		Morgan	Karen	R08A	67A	Bruce Hill Road	11/12/02	4:47 PM	12/12/02			
17	12/05/02	8:19 AM	Non-subdiv		Axelson	Stephanie	R06	17A	Greely Rd Ext	12/18/02	11:54 AM	01/18/03			
18			Non-subdiv												
19			Non-subdiv												
20			Non-subdiv												
21			Non-subdiv												
22			Non-subdiv												
1	08/01/02	2:50 PM	Subdivision	Longwood Meadows	Philbrick	C. Leighton	R03	15C	15 Sunset Ridge	08/22/02	8:31 AM	09/22/02	11/22/02	02-199	09/06/02
2	09/10/02	9:25 AM	Subdivision	Sunnyfield Falls	Agren	Mats	U12A	8	43 Sunnyfield	09/17/02	3:20 PM	10/17/02	12/17/02	02-221	10/08/02
3	11/26/02	10:51 AM	Subdivision	Longwood Meadows	Jordan	Joanne	R03	15D	23 Sunset Ridge	12/14/02	4:04 PM	01/11/03			
4			Subdivision												
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22			Subdivision												

MAINE MUNICIPAL ASSOCIATION

Executive Committee

2003

<u>President:</u>	Susan Lessard, Town Manager, Town of Hampden
<u>Vice President:</u>	Jolene Lovejoy, Selectperson, Town of Rumford
<u>Past President:</u>	Gary Brown, Town Manager, Town of Thompson
<u>Members:</u>	Dana Lee, Town Manager, Town of Mechanic Falls Elaine Aloes, Selectperson, Town of Solon John Rohman, Councilor, City of Bangor Ryan Pelletier, Town Manager, Town of St. Agatha William Bridgeo, City Manager, City of Augusta Timothy King, City Manager, City of Ellsworth Anne Swift-Kayatta, Councilor, Town of Cape Elizabeth Galen Larrabee, Chair of Selectmen, Town of Knox Linda Pagels, City Manager, City of Calais

MMA Contacts:

Christopher Lockwood	Executive Director
Theresa Chavarie	Executive Associate
Charles Jackson	General Counsel
Martin Hanish	Chief Financial Officer
Jeffrey Nevins	Director, Communication & Educational Services
Geoffrey Herman	Director, State & Federal Relations
William Livengood	Director, Legal Services
Christina Redmond	Director, Administration & MIS
Joan Conner	Director, Risk Management Services
Steve Gove	Director, Health Trust Services



Central Maine Power

General Offices, 83 Edison Drive, Augusta, Maine 04336

CC to Council /
(207) 623-3521

www.cmpco.com



January 2, 2003

Attention: Municipalities:

Central Maine Electric Power Company (CMP) operates a continuing tree management program to prevent outages. To keep trees away from utility lines along streets and highways, we must trim the branches of some trees, remove others, and use a very limited amount of federally approved herbicides to prevent growth. On power lines which traverse the countryside away from highways, the objective is to remove and discourage the growth of trees and to encourage the growth of grasses, ferns and bushes. We minimize the use of herbicides as much as possible. All herbicides are applied by hand, directly to the individual tree we need to control by using hand-pressurized backpacks. Additionally, when trees are cut, herbicides are applied directly to the top of the freshly cut stumps to prevent resprouting.

This winter, and continuing throughout 2003 CMP may have contractors working in your area trimming trees that are too close to the conductors or blocking access to the right-of-way. When the snow melts, contract crews will be cutting brush over 8 feet tall and treating the stumps with a herbicide on transmission rights-of-ways. These same rights-of-ways will be selectively treated with herbicides during the growing season.

CMP is undertaking this maintenance program to reduce hazards of brush and trees growing along the Company's lines and to prevent potential service interruptions to our customers.

Landowners who object to the use of herbicides on CMP rights-of-ways may request a landowner's maintenance agreement with CMP, and they must agree to maintain these areas to the Company's specifications. Agreement forms, or additional information may be obtained by writing to: Central Maine Power Company, Vegetation Management Department, 83 Edison Drive, Augusta, Maine 04336, or, by calling **1-800-972-8600**.

It is our intent, that by notifying municipalities of our plans well in advance, your municipal official will have an opportunity to be better prepared to either respond to, or, if they prefer, direct any inquiries about our vegetation management program to my attention.

Sincerely,

Wes Davis

Wes Davis

Manager, Vegetation Management



January 2, 2003

Att: Municipalities:

During the year 2003, Central Maine Power Company (CMP) or its contractors may be in your area conducting tree work as part of the routine maintenance program or for the installation of new poles and wires located in or adjacent to the public rights-of-way. This management work may involve trimming or removing trees, brush and other vegetation within these public rights-of-way to ensure safe and reliable service to our customers. To protect the health of the trees, our contractors use techniques that meet standards endorsed by the National Arborists Association.

Central Maine Power Company would like to inform you that you have the right to consult with CMP before routine work takes place. If you are interested in consulting with CMP about any of this tree work, please contact the CMP Arborist for your area as listed below. If you require assistance in locating the appropriate arborist, contact Karen Greenacre at 621-3857 and she will coordinate any necessary assistance. If trees are causing outages or pose a hazard to safety or service reliability, we may have to trim or remove tree on an emergency basis and we will **not** be able to notify or consult with you before we begin.

Arborist	Area	Phone Number
Norm Lessard	Alfred	490-3071
Tom Irwin	Augusta/Lewiston	626-9474
Robb Cotiaux	Bridgton/Portland	647-1018
John Randall	Brunswick	721-8071
Jeremy Drake	Farmington	779-9171
David Sanford	Rockland/Belfast	594-9608
Mike Hammond	Skowhegan/Dover/Waterville	474-4071

Sincerely,

Wes Davis

Wes Davis

Manager, Vegetation Management

cc: Connie Hayward



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

cc to Council

received
1-6-03

MEMORANDUM

To: Key Municipal Officials

From: Susan Lessard, President, Maine Municipal Association
Town Manager, Hampden

Re: 2003 Maine Municipal Association Dues and Service Program

Date: January 2, 2003

As I begin my term as President of the Maine Municipal Association, I look forward to working with you during the coming year. MMA's mission is clear - *to serve the needs of local governments throughout Maine and to advocate your common interests at the state and national level.* The Association has worked during the past year to maintain and enhance our comprehensive service program, with a solid record of accomplishments and commitment to provide quality professional services day in and day out.

We are enclosing an invoice for your community's 2003 MMA membership dues. In adopting MMA's budget, the Executive Committee recognized the constraints and pressures confronting our members, such as rising insurance costs, the economic downturn, and the on-going demand for local services. The Executive Committee and MMA management made a concerted effort to contain costs (e.g., saving on printing and postage through the electronic availability and distribution of materials), while still enabling the Association to maintain high quality services to our members. The budget process also included a review of alternative revenue sources and adjustments to fee-based services to moderate general dues increases. As a result of these efforts, the budget calls for an average 3.5% dues increase, with a range from 2.625% to 4.375% in accordance with MMA's dues formula.

In addition to providing quality services to our members throughout the year, MMA has taken a leadership role in positioning Maine to address the serious challenges facing our citizens and businesses. MMA's top priority during 2002 was to develop and advance a comprehensive proposal to reduce property taxes statewide, compel tax reform, create investments in structural changes to achieve efficiencies in the delivery of governmental services, and accomplish the development of a comprehensive plan to address Maine's overall tax burden. Through the formation of a political action committee entitled "Citizens to Reduce Local Property Taxes Statewide", MMA has spearheaded the effort to gather the necessary signatures to present this proposal (*School Finance and Tax Reform Act of 2003*) as a citizen-initiated petition to the 121st Legislature for enactment or for approval as a referendum measure on the November 4, 2003 general election ballot. This was a major effort and required extraordinary time and effort on the part of many municipal officials as well as MMA staff. As we enter 2003, advancement of this proposal will continue to be MMA's highest priority.

(over)

10/12/02
10/12/02

We will stress the key role of municipal governments in our intergovernmental system as we work with Governor-elect Baldacci and the 121st Legislature, as well as the members of Maine's Congressional delegation. These are indeed challenging times, and I assure you the Maine Municipal Association is actively engaged in seeking responsible and constructive approaches to the demanding issues we face as governmental officials.

We appreciate your support of the Maine Municipal Association and look forward to serving you in 2003. If you would like more detailed information regarding services MMA provides to your municipality, please contact Chris Lockwood, Executive Director, or Jeff Nevins, Director of Communication and Educational Services, at 1-800-452-8786 (Augusta area at 623-8428). Please accept my best wishes as we begin a new year.

cc: Chief Elected Official

Enclosures: *MMA Dues Invoice*
2003 MMA Executive Committee Listing