

# AGENDA

## CUMBERLAND TOWN COUNCIL MEETING

Town Council Chambers – 290 Tuttle Road

### Monday, August 25, 2003

7:00 p.m. - TOWN COUNCIL MEETING

**I. APPROVAL OF MINUTES**

- a. July 28, 2003
- b. August 4, 2003

**II. MANAGER'S REPORT**

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

- 03 – 084.** To hold *public hearing* to consider and act on a proposed amendment to Section 413, Height Regulations, of the Cumberland Zoning Ordinance to clarify that the Board of Appeals may grant a dimensional change as a variance, and not as a special exception.
- 03 – 085.** To hold *public hearing* to consider and act on a proposed amendment to Section 608.7, Outside Consulting Fees, of the Cumberland Zoning Ordinance to add language prohibiting the issuance of a building permit, certificate of occupancy, or release of a subdivision plat when any amount of fees assessed under this section are owed the Town of Cumberland.
- 03 – 086.** To appoint William Ward, 128 Longwoods Road, to the Cumberland Planning Board for an unexpired term to end December 31, 2004.
- 03 – 087.** To set date for public hearing to consider and act on a Mass Gathering Permit application by the Cumberland Farmers Club to hold the 132<sup>nd</sup> Cumberland Fair at the Cumberland Fairgrounds, September 21 through 28, 2003.
- 03 – 088.** To reappoint William Healey as the Cumberland Tax Assessor for a three-year period beginning August 7, 2003.
- 03 – 089.** To authorize the Town Manager to transfer \$40,000 from the undesignated fund balance to fund paving projects on Chebeague Island.

**V. CORRESPONDENCE**

**VI. NEW BUSINESS**

**VII. WORKSHOP – Revision to Growth Management Ordinance re: Growth Permits**

**MEMBERS OF THE TOWN COUNCIL**

Jeffrey Porter, Chairman	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Stephen Moriarty	829-5095	web: <a href="http://www.cumberlandmaine.com">www.cumberlandmaine.com</a>	

check on  
ms agency  
for Cumb Frunds

## MOTIONS

ph notify mail again  
for the 8th

- 03 - 084. I move to adopt an amendment to Section 413, Height Regulations, of the Cumberland Zoning Ordinance, as recommended by the Planning Board at its meeting of July 15, 2003.

M: BD  
S: BS 6-0

- 03 - 085. I move to adopt an amendment to Section 608.7, Outside Consulting Fees, of the Cumberland Zoning Ordinance, as recommended by the Planning Board at its meeting of July 15, 2003.

M: MK  
S: WS 6-0

- 03 - 086. I move to appoint William Ward, 128 Longwoods Road, to the Cumberland Planning Board, to fill an unexpired term to end December 31, 2004.

M: MK  
S: HS 6-0

- 03 - 087. I move to set a date of Monday, September 8, 2003 to hold a public hearing on the Mass Gathering Permit application by the Cumberland Farmers Club to hold the 132<sup>nd</sup> Cumberland Fair, September 21 through 28, 2003.

M: CD  
S: WS 6-0

- 03 - 088. I move to reappoint William Healey as the Cumberland Tax Assessor for a three-year period beginning August 7, 2003.

M: CWS  
S: CMR 5-1 CD

- 03 - 089. I move to authorize the Town Manager to transfer \$40,000 from the undesignated fund balance to fund paving projects on Chebeague Island.

M: WS  
S: MS Unan

exceed the  
bud. amt  
by 40 % amt  
the paving proj  
as described

Use the funds orig from the undesignated fund balance later date

Minutes  
7/28 M: CD  
S: JP Unan 5-0

8/04 M: CK  
S: CS Unan



**TOWN OF CUMBERLAND  
TOWN COUNCIL MEETING AGENDA  
Cumberland Town Council Chambers  
MONDAY, July 28, 2003**

DRAFT

**7:00 p.m. - TOWN COUNCIL MEETING**

Attendance: Present were Council Chairman Porter, and Councilors Savasuk, Damon, Moriarty, and Stiles. Councilors Storey and Kuntz were excused.

**I. APPROVAL OF MINUTES**

**a) July 14, 2003**

Motion by Councilor Savasuk to accept the minutes as amended;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 5-0

**II. MANAGER'S REPORT**

Manager Shane announced that the Cumberland/No. Yarmouth 13 and 14 year old boys' junior baseball team recently won a district championship. The team played in the state championship this past weekend and after beating them once lost to Bucksport in the final game. Manager Shane commended the team for their supreme level of sportsmanship both on and off the field and expressed pride in their efforts and accomplishments.

**III. PUBLIC DISCUSSION**

Mr. Shawn McBreairty, 1 Willow Lane, informed the Town Council of his concerns with the use of "jake brakes" by heavy equipment traversing Tuttle Road or exiting the middle school project site. He requested the Council consider a noise ordinance and post "no engine brake" signs near his home. Manager Shane described this issue as "pervasive", explaining signs can be seen throughout many communities. However, they are only "courtesy" in nature, and not easily enforced. Since Tuttle Road is a state-aid road, Mr. Shane will contact the state to request permission to place a no-engine sign on Tuttle Road, and will speak with the middle school contractor regarding the use of jake brakes by subcontractors of the project. Mr. McBreairty will contact the superintendent's office regarding concerns with hours of school refuse disposal.

**IV. LEGISLATION AND POLICY**

- 03 - 073. To hold public hearing to consider and act on the application for the 34<sup>th</sup> Annual Cumberland Craft Show, Cumberland Fairgrounds, August 7 - 10, 2003, from 10:00 a.m. to 5:00 p.m.**

Motion by Councilor Moriarty to grant the Mass Gathering Permit for the 34<sup>th</sup> Annual Cumberland Craft Show, August 7-10, 2003;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 5-0

**03 – 074. To approve victualers licenses for the Cumberland Craft Show,  
August 7 – 10, 2003.**

Motion by Councilor Stiles to approve the victualers licenses for the  
2003 Cumberland Craft Show;  
Seconded by Councilor Moriarty.  
VOTE: UNANIMOUS 5-0

**03 – 075. Nominating Committee appointments.**

Motion by Councilor Stiles to table item 03-075;  
Seconded by Councilor Damon.  
VOTE: UNANIMOUS 5-0

**03 – 076. Town Council assignments.**

Motion by Councilor Moriarty to approve the following Town Council  
assignments for 2003/04, with a request to review the status of two committees  
as noted below;  
Seconded by Councilor Savasuk.  
VOTE: UNANIMOUS 5-0

Archangel Committee – Robert Humphreys (review status)  
Chebeague Island Library Board of Trustees – Councilor Damon  
Cumberland/Yarmouth Joint Standing Committee – Councilors Damon  
And Moriarty  
CPGOG – Councilor Moriarty  
Nominating Committee – Councilors Storey, Kuntz and Porter  
Prince Memorial Library Advisory Board – Councilor Moriarty  
Recreation/Community Education Advisory Board – Councilor Savasuk  
Regional Waste Systems Board – Susan McGinty  
Budget Committee – Councilor Stiles  
Val Halla Board of Trustees – Councilor Kuntz  
Liaison to Board of Appeals – Councilor Storey  
Liaison to Conservation Committee – Councilor Moriarty  
Liaison to Falmouth/Cumberland Chamber of Commerce – Manager Shane  
Liaison to Planning Board – Councilor Porter  
Liaison to Recycling Committee – Councilor Porter  
Liaison to CHAT (SAD 51) – (review status)  
Liaison to Islands Committee – Councilor Damon  
Liaison to Cable TV Regulatory Board – Councilor Porter  
Cousins Island/Wharf Agreement Committee – Councilors Moriarty and Damon  
Housing Commission – Councilor Stiles  
County Budget Committee – Councilor Kuntz  
Stone Wharf Committee – Councilors Moriarty, Damon and Savasuk



- 03 – 077. To set the date for a public hearing to consider and act on a Mass Gathering Permit application for the Cumberland Soccer Club Labor Day Tournament, August 30 & 31, 2003, at Twin Brook, 7:00 a.m. to 7:00 p.m.
- 03 – 078. To set the date for a public hearing to consider and act on a Mass Gathering Permit application by Wildfire Motorsports, to hold the World Series Monster Trucks Show at the Cumberland Fairgrounds, August 22 & 23, 2003, from 7:30 to 10:00 p.m.

Councilor Stiles moved to set Monday, August 4, 2003, at 7:00 p.m. as the public hearing date for items 03-077 and 03-078;  
Seconded by Councilor Moriarty.  
VOTE: UNANIMOUS 5-0

## V. CORRESPONDENCE

**Councilor Savasuk** – none

**Councilor Damon** – letter from Betty Tellinghuisen regarding the <sup>Senks</sup>Jakes Landing Road concerning the removal of property markers as part of the road widening - requested the town manager meet with Betty to review her concerns; CMIT is “very, very close” to meeting the MBNA match.

**Chairman Porter** – fire dept annual lobster dinner August 7 at 6:30 p.m.; received a thank you note from Patricia Olds, recipient of the Kimball award.

**Councilor Moriarty** – referred to recent Rines property appraisal, noting it “fulfills the condition” in the motion made at last Town Council meeting requiring the appraisal meet or exceed the purchase price - “there’s no further contingency to be met on that motion.”

**Councilor Stiles** – referenced correspondence received regarding island dredging.

**Manager Shane** – MDOT will allow us to install a traffic signal at Route 100 and Skillings Road; thanked Councilor Kuntz for his diligence in this matter.

## VI. NEW BUSINESS

**Councilor Savasuk** – none

**Councilor Damon** – the Islands Committee held their first meeting recently and there was a “great turnout”; thanked Town Planner Carla Nixon for helping to “focus” the committee; committee will meet again in early August with Town Manager Shane in attendance to “talk about roads”; inquired about the schedule for mowing roadsides, plans for “cutting out of town right-of-ways to the shore,” and grading of dirt roads on Chebeague.

**Chairman Porter** – receipt of email from Nat Tupper, Yarmouth Town Manager, regarding joint meeting of two town councils on Tuesday, August 26<sup>th</sup>.

**Councilor Moriarty** – none

**Councilor Stiles** – none

**VII. WORKSHOP – re: GROWTH PERMITS**

Upon conclusion of the workshop, Town Manager William Shane indicated he would create a draft revision of the Growth Management Ordinance reflecting this evening's comments related to allocations for Chebeague Island, subdivisions and non-subdivisions; transferability of permits; and reissuance of expired permits. This draft will be reviewed with the Planning Board and Islands Committee prior to the Town Council's review in September.

**VIII. EXECUTIVE SESSION re: property acquisition, hardship abatement and personnel matter.**

Motion made by Councilor Stiles to move into Executive Session;  
Seconded by Councilor Damon.

VOTE: UNANIMOUS 5-0 VOTE  
TIME: 9:32 p.m.

Motion by Councilor Stiles to return from Executive Session;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 5-0 VOTE  
TIME: 10:35 p.m.

Motion by Councilor Savasuk to table the hardship abatement request to a later date;  
Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 5-0 vote  
TIME: 10:36 p.m.

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

VOTE: UNANIMOUS 5-0 vote  
TIME: 10:37 p.m.

Respectfully submitted,



Nadeen Daniels, CMC  
Town Clerk



**MINUTES**  
**TOWN OF CUMBERLAND**  
**TOWN COUNCIL MEETING AGENDA**  
**Cumberland Town Council Chambers**  
**MONDAY, August 4, 2003**

**DRAFT**

<b>7:00 p.m. - TOWN COUNCIL MEETING</b>
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Attendance: Chairman Porter and Councilors Savasuk, Damon, Kuntz, Moriarty and Stiles were present. Councilor Storey was excused.

**I. APPROVAL OF MINUTES**

**II. MANAGER'S REPORT**

In response to inquiries, Manager Shane explained that all notices of public hearings can be found at the town web site, [www.cumberlandmaine.com](http://www.cumberlandmaine.com). The web site also provides a subscription service for interested parties to automatically receive emails of all informational updates to the site. Chairman Porter requested the posting on Channel 2 and Town Hall bulletin boards of the availability of this subscription service.

**III. PUBLIC DISCUSSION:**

Sally Merrill, Sunrise Acres Farm, spoke on behalf of the Cumberland Farmers' Market to request a \$500 financial support from the town to offset advertising costs incurred by the market. The membership numbers have dropped, resulting in fewer advertising dollars. The market has studied and "pinpointed" the products of greatest interest to their consumers, i.e. tomatoes, corn, blueberries, pumpkins and peas. Twenty five graphic signs, five per product, were produced at a cost of \$500 and have been placed "at strategic spots throughout the town." On behalf of the Farmers' Market, Ms. Merrill "respectfully ask(ed) for the Council to consider supporting this expenditure." Councilor Moriarty and Chairman Porter each referenced the history of the council's financial support of the market, stating the council was informed several years ago there was no longer a need for this funding. Nevertheless, there remains an accumulated designated reserve fund of approximately \$1,500 +/- . The fund is "earmarked for ... the Farmers' group." Manager Shane and staff will work with the Farmers' Market to reimburse this expenditure.

Councilor Moriarty moved to authorize an expenditure from the reserve fund to the Cumberland Farmers Market in the amount of \$500 to offset the acquisition costs of the new signs;

Seconded by Councilor Damon.

VOTE: UANIMOUS 6-0

#### IV. LEGISLATION AND POLICY

##### 03 – 079. Nominating Committee appointments.

Motion made by Councilor Kuntz to nominate Robert Couillard, 55 Lower Methodist Road to the Planning Board for a term to expire 12/31/05, and John Raeke, 229 Range Road, to the Housing Authority for a term to expire 12/31/05;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

##### 03 – 080. Public hearing to consider and act on a Mass Gathering Permit application for the Cumberland Soccer Club Labor Day Tournament, August 30 & 31, 2003, at Twin Brook, 7:00 a.m. to 7:00 p.m.

Mr. John Andrews addressed the Council in response to specific questions by the Council. The tournament will consist of 176 teams this year; 19 of which are from Cumberland. The Rescue, Police and Fire Chiefs have been contacted and arrangements are in place for an ambulance and two medics, as well as two police officers for parking control, with the added assistance of explorers if necessary. Councilor Stiles commented on the professional manner in which this tournament has been managed in the past.

Motion by Councilor Moriarty to approve the application for a Mass Gathering Permit for the Cumberland Soccer Club Labor Day Tournament, at Twin Brook, on August 30 & 31 from 7:00 a.m. to 7:00 p.m. both days, assuming all pre-conditions have been met;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

##### 03 – 081. Public hearing to consider and act on a Mass Gathering Permit application by WildFire Motor Sports, to hold the World Series Monster Trucks event at the Cumberland Fairgrounds, August 22 & 23, 2003, from 7:30 to 10:00 p.m. (CANCELED)

Manager Shane explained this application has been denied, and the public hearing canceled, subsequent to an internal review of the Fairgrounds Overlay District as recommended during the previous council meeting. The ordinance stipulates that any use of the fairground, as determined at the discretion of the Code Enforcement Officer, must be “similar in size, scope, type and impact” to those otherwise identified in the ordinance. Additionally, Mr. Shane and staff met with Francis Small, representative of the Farmers’ Club, to jointly consider which, if any, prior events were similar in scope and/or impact. During the informational meeting, Mr. Small affirmed support of the Code Enforcement Officer’s conclusion that this event did not meet that test.

Several councilors expressed understanding of the Club’s desire to diversify events at the fairgrounds. In fact, the purpose of the Fairgrounds Overlay District, explained Councilor Moriarty, was to “open it up and make it more flexible, while at the same time not making it wide open.” While this use does not meet the conditions of the ordinance, several councilors encouraged the Farmers’ Club to continue its diversification efforts. It was noted that the event promoter has been informed of his rights for appeal.



Due to the cancellation of this event, the council took no action on item 03-081.

- 03 – 082. To set date for a public hearing to consider and act on a proposed amendment to Section 413 - Height Regulations of the Cumberland Zoning Ordinance to clarify that the Board of Appeals may grant a dimensional change as a variance, and not as a special exception.**

Motion by Councilor Moriarty to set August 25, 2003 as the public hearing date for Item 03-082;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

- 03 – 083. To set date for a public hearing to consider and act on a proposed amendment to Section 608.7 - Outside Consulting Fees of the Cumberland Zoning Ordinance to add language prohibiting the issuance of a building permit, certificate of occupancy, or release of a subdivision plat when any amount of fees assessed under this section are owed the Town of Cumberland.**

Motion by Councilor Moriarty to set August 25, 2003 as the public hearing date for  
Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-0

## **V. CORRESPONDENCE**

**Councilor Savasuk** – none

**Councilor Damon** – “commended” Harbormaster Ted Curtis, for contacting her regarding an issue with her son’s boat; inquired about a follow-up review of the mooring ordinance; received information indicating the town of Falmouth “sets” moorings and requested the Manager discover “what kind of services they actually provide.”

**Councilor Kuntz** – none

**Chairman Porter** - reminder re: the Cumberland Fire Department’s Annual Dinner, Thursday, August 7<sup>th</sup>; thanked Joe Taylor for his dedicated service to the Town of Cumberland both as our State Representative and Planning Board member - he will be missed.

**Councilor Moriarty** – none

**Councilor Stiles** – correspondence from Joanne Jordan regarding the sprinkler system ordinance review. Item will be brought back to the Council in a workshop format at the council’s first September meeting, and at the second September meeting as an action item with recommendations from staff.

**Manager Shane** – he and Assessor met to review discussions raised at the workshop related to the Growth Management Ordinance. Past practice has been to tax all lots within a subdivision “even though technically, you can only build on four.” Mr. Healey has adopted a new policy, effective immediately, that assesses a subdivision based on four lots, with the fifth assessed as “aggregate land.” Four lots will be added to the assessment each subsequent year until all the lots are sold off. A draft revision to the Growth Management Ordinance will be presented at the August 25<sup>th</sup> meeting in a WORKSHOP format.

## VI. NEW BUSINESS

**Councilor Savasuk** – none

**Councilor Damon** - inquired as to the “orange arrows” painted on several roads on Chebeague Island. Manager will look into this request.

**Councilor Kuntz** – the guide wire from the pole that was hit during the most recent accident at Route 100 and Skillings Road has not been replaced - requested CMP be contacted for replacement; commended the Brunswick and Falmouth Police Department for their professional assistance during the accident.

**Chairman Porter** – none

**Councilor Moriarty** – none

**Councilor Stiles** – none

## VII. EXECUTIVE SESSION re: hardship abatement and personnel matter.

Motion by Councilor Kuntz to recess to Executive Session;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

TIME: 7:35 p.m.

Motion by Councilor Kuntz to return from Executive Session;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 5-0 (Councilor Savasuk out)

TIME: 8:47 p.m.

Motion by Councilor Stiles to grant an abatement request pursuant to 36 MRSA, Subsection 841(2), in the sum of \$1,097.36;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 5-0 (Councilor Savasuk out)

Motion by Councilor Kuntz to adjourn;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 5-0 (Councilor Savasuk out)

TIME: 8:47 p.m.

Respectfully submitted,



Nadeen Daniels, CMC  
Town Clerk



## **TOWN of CUMBERLAND TOWN COUNCIL PUBLIC HEARING Monday, August 25, 2003**

The Cumberland Town Council will hold a public hearing on Monday, August 25, 2003, at 7:00 p.m. in the Town Council Chambers, 290 Tuttle Road to consider and act upon the following matters:

1. A proposed amendment to Section 413, Height Regulations, of the Cumberland Zoning Ordinance. This amendment will make it clear that the Board of Appeals may grant a dimensional change as a variance, and not as a special exception as is now stated in Section 413 of the ordinance.
2. A proposed amendment to Section 608.7, Outside Consulting Fees, of the Cumberland Zoning Ordinance to add language stating that any person, partnership, or corporation owing fees assessed under this section for any project under the Zoning or Subdivision Ordinances, shall not be issued any building permit or certificate of occupancy, or have a subdivision plat released for any other building or development in Town until all such outstanding amounts have been paid in full. An appeal under this section may be brought to the Board of Adjustment and Appeals.
3. WORKSHOP – Will be held upon conclusion of the regular meeting. The purpose of the workshop is to review a draft revision to Section 6 of the Cumberland Growth Management Ordinance as it relates to the regulation and issuance of growth permits.

These proposed amendments are on file and available for public review at the Town Offices during regular business hours.

Jeffrey Porter,  
Council Chairman

8/21

**TOWN of CUMBERLAND**  
**TOWN COUNCIL PUBLIC HEARING**  
**Monday, August 25, 2003**

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Jeffrey Porter,  
Council Chairman

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to add this...



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at the Town Offices during regular business hours.

Jeffrey Porter,  
Council Chairman

3. WORKSHOP

ADN 7/31

## NOTICE CUMBERLAND TOWN COUNCIL

*the* The Cumberland Town Council will meet at the following dates and times to discuss the application by Sunrise Acres Farm, located at the corner of Winn and Range Roads, to the Land For Maine's Future (LMF) Program for purchase of farm's development rights. As currently proposed, the acquisition of development rights for Sunrise Acres would require substantial local funding from the Town of Cumberland.

### Meeting Dates and Times:

- a) WORKSHOP - Informational Meeting, Tuesday, September 2, 2003 at 7:00 p.m.
- b) PUBLIC HEARING - Monday, September 8, 2003, at 7:00 p.m.

The Town Council may take action on this item at the conclusion of the public hearing of September 8, 2003. Both meetings will be held at the Cumberland Town Council Chambers, Town Hall, 290 Tuttle Road. Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Jeffrey Porter,  
Council Chairman

*to be advertised 8/21*



# *the* FORECASTER

FAX 2  
Number of pages  
including cover

Forecaster Publishing, Inc.  
317 Foreside Road  
P.O. Box 66797  
Falmouth, Maine 04105  
207-781-3661 fax: 207-781-2060

Date: 8-18-03

To: Nadeem From: Dotti

Good morning! Here's your proof.  
Please get back to me today with  
any changes. Thank you!

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
08/15 01:53	98795567		0304	TRANSMIT ECM	3	OK 01'12
08/15 03:03			5233	AUTO RX ECM	1	OK 00'45
08/15 03:27			5234	AUTO RX ECM	1	OK 00'15
08/15 04:48	2079478013		5235	AUTO RX ECM	1	OK 01'08
08/15 17:04			5236	AUTO RX ECM	2	OK 01'33
08/15 21:01	97918000		0305	TRANSMIT ECM	2	OK 00'32
08/15 21:15			5237	AUTO RX ECM	2	OK 00'46
08/15 21:19			5238	AUTO RX ECM	3	OK 01'02
08/15 23:12	207 287 3165		5239	AUTO RX G3	4	OK 02'45
08/16 04:23	4380 1		5240	AUTO RX G3	1	OK 00'46
08/16 07:46			5241	AUTO RX G3	1	OK 01'17
08/17 01:39			5242	AUTO RX ECM	1	OK 00'47
08/17 01:41			5243	AUTO RX ECM	1	OK 00'47
08/17 16:48			5244	AUTO RX ECM	0	NG 01'39
					0	
08/17 18:38			5245	AUTO RX ECM	1	OK 00'48
08/18 20:24			5246	AUTO RX ECM	1	OK 00'48
08/18 20:52			5247	AUTO RX ECM	1	OK 00'48
08/18 21:07	97918000		0306	TRANSMIT ECM	4	OK 00'52
08/18 21:12			5248	AUTO RX ECM	6	OK 02'58
08/18 22:14	97757935		0307	TRANSMIT ECM	7	OK 01'11



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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*08/15 03:27			5234	AUTO RX ECM	1	OK 00'15
*08/15 04:48	2079478013		5235	AUTO RX ECM	1	OK 01'08
*08/15 17:04			5236	AUTO RX ECM	2	OK 01'33
*08/15 21:01	97918000		0305	TRANSMIT ECM	2	OK 00'32
*08/15 21:15			5237	AUTO RX ECM	2	OK 00'46
*08/15 21:19			5238	AUTO RX ECM	3	OK 01'02
*08/15 23:12	207 287 3165		5239	AUTO RX G3	4	OK 02'45
*08/16 04:23	4380 1		5240	AUTO RX G3	1	OK 00'46
*08/16 07:46			5241	AUTO RX G3	1	OK 01'17
*08/17 01:39			5242	AUTO RX ECM	1	OK 00'47
*08/17 01:41			5243	AUTO RX ECM	1	OK 00'47
*08/17 16:48			5244	AUTO RX ECM	0	NG 01'39
					0	
*08/17 18:38			5245	AUTO RX ECM	1	OK 00'48
*08/18 20:24			5246	AUTO RX ECM	1	OK 00'48
*08/18 20:52			5247	AUTO RX ECM	1	OK 00'48
*08/18 21:07	97918000		0306	TRANSMIT ECM	4	OK 00'52
*08/18 21:12			5248	AUTO RX ECM	6	OK 02'58
*08/18 22:14	97757935		0307	TRANSMIT ECM	7	OK 01'11
08/18 23:41	7812060		5249	AUTO RX ECM	2	OK 00'35
08/19 01:52	97812060		0308	TRANSMIT ECM	1	OK 00'28

# *the* FORECASTER

FAX 3Number of pages  
including cover

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317 Foreside Road  
P.O. Box 66797  
Falmouth, Maine 04105  
207-781-3661 fax: 207-781-2060

Date: 7-29-03To: Nadum From: Dotti

Good morning! Here are the  
two ads with the date changes  
that you requested. Have a great  
day!



**TOWN OF CUMBERLAND  
TOWN COUNCIL  
PUBLIC HEARING**

The Cumberland Town Council will hold a public hearing on Monday, August 11, 2003, at 7:00 p.m., to consider and act upon the following matters: 25

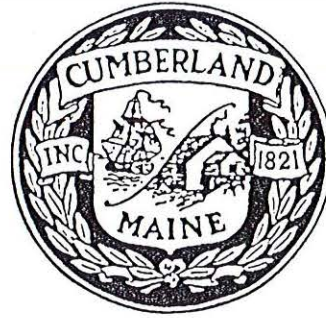
1. A proposed amendment to Section 413, Height Regulations, of the Cumberland Zoning Ordinance. This amendment will make it clear that the Board of Appeals may grant a dimensional change as a variance, and not as a special exception as is now stated in Section 413 of the ordinance.
2. A proposed amendment to Section 608.7, Outside Consulting Fees, of the Cumberland Zoning Ordinance to add language stating that any person, partnership, or corporation owing fees assessed under this section for any project under the Zoning or Subdivision Ordinances, shall not be issued any building permit or certificate of occupancy, or have a subdivision plat released for any other building or development in Town until all such outstanding amounts have been paid in full. An appeal under this section may be brought to the Board of Adjustment and Appeals.

These proposed amendments are on file and available for public review at the Town Offices during regular business hours.

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

*Dottie*

Fax number:

*781-2060*

☒ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

From

*Nadeen*

Phone: 207-829-2205

Fax: 207-829-2224

Web: www.cumberlandmaine.com

Date sent:

*7-24-03*

Time sent:

*4:50pm*

Number of pages including cover page: *2*

Message:

*Hi Dottie -  
Can you please print  
this ad ~~August~~ July 31st*

*Thanks*

*Nadeen*

*\* corrected version*



\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/23 04:45	8609741668		5156	AUTO RX ECM	1	OK 01'04
*07/23 05:01	98464956		0220	TRANSMIT G3	1	OK 00'41
*07/23 09:16	96673480		0221	TRANSMIT ECM	1	OK 00'22
*07/23 13:36			5157	AUTO RX ECM	1	OK 00'49
*07/23 19:02			5158	AUTO RX ECM	1	OK 00'51
*07/23 21:11	97618599	GOVERNMENT BANKI	0222	TRANSMIT ECM	3	OK 00'40
*07/23 23:26	97812060		0223	TRANSMIT ECM	2	OK 00'39
*07/23 23:32	98780888		0224	TRANSMIT G3	2	OK 01'09
*07/23 23:34	97918000		0225	TRANSMIT ECM	1	OK 00'24
*07/23 23:57	97918000		0226	TRANSMIT	0	NG 00'00
					0	#018
*07/24 02:53	97918000		0227	TRANSMIT ECM	1	OK 00'24
*07/24 04:03	97757935		0228	TRANSMIT ECM	1	OK 00'16
*07/24 04:28	2076576912	GORRILL PALMER	5159	AUTO RX ECM	2	OK 00'55
*07/24 04:47	97812060		0229	TRANSMIT ECM	1	OK 00'29
*07/24 04:51	97757935		0230	TRANSMIT ECM	1	OK 00'18
*07/24 04:53	97916920	PRESS HERALD NEW	0232	TRANSMIT ECM	1	OK 00'17
*07/24 04:53	98466828		0233	TRANSMIT ECM	1	OK 00'38
*07/24 04:55	97916920	PRESS HERALD NEW	0231	TRANSMIT ECM	1	OK 00'18
07/24 04:56	97812060		0234	TRANSMIT ECM	2	OK 00'40
07/24 05:00	97812060	corrected	0235	TRANSMIT ECM	2	OK 00'41

**ITEM 03 - 084**



# M E M O R A N D U M

P L A N N I N G   D E P A R T M E N T  
T O W N   O F   C U M B E R L A N D ,   M A I N E

---

Date: July 9, 2003  
To: Cumberland Planning Board  
From: Carla Nixon, Planning Director  
Subject: Ordinance Change re: Height Regulations

Barbara McPheters, Code Enforcement Officer, acting upon a request from the Board of Adjustment and Appeals, has requested that the Planning Board recommend a corrective change to Section 413 of the Zoning Ordinance. Currently, Section 603.2.2 – Variances, states that a variance is required for a change in the height of a structure, however Section 413 –3 Height Regulations, states that the Board of Adjustment and Appeals may allow a greater height as a *special exception*. She is requesting that we correct this conflict between the two sections by changing Section 413 to read *variance* instead of *special exception*. The Board of Appeals may not grant a dimensional change as a special exception, only as a variance.



### **ORDINANCE CHANGES:**

5. Public Hearing – Zoning Amendment Section 608.7 Outside Consulting Fees – If any person owes to the Town any amount for fees assessed under this section for any project, the Town will not accept for review any new applications from that person for any other building or development in Town until all such outstanding amounts for all projects in Town have been paid in full.

6. Public Hearing – Zoning Amendment – Section 413 Height Regulations – Height limitations for all districts shall be 35 feet, except that the Board of Adjustment and Appeals may allow a greater height as a ~~special exception~~ variance, upon a finding that the proposed height will not adversely affect other property in the same district and neighborhood.....

### Notice of Decision

**Date:** July 17, 2003

**To:** Barbara McPheters  
Code Enforcement Officer  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Re: **Zoning Amendment** - Section 413 Height Regulations – Height limitations for all districts shall be 35 feet, except that the Board of Adjustment and Appeals may allow a greater height as a ~~special exception~~ variance, upon a finding that the proposed height will not adversely affect other property in the same district and neighborhood.....

This is to advise you that on July 15, 2003 the Planning Board voted forward the proposed amendments to Section 413 Height Regulations to the Town Council for adoption.

**Findings of Fact:** None

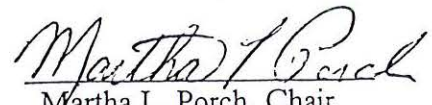
**Waivers granted:** None

**Waivers Denied:** None

### **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

  
Martha L. Porch, Chair



- 411.1 No garden apartment building shall be allowed on a site less than three acres in size.
- 411.2 There shall be no more than eight dwelling units per structure and where there is more than one building, the average number of dwelling units per structure shall be no greater than six.
- 411.3 No garden apartment building shall have living quarters on more than two (2) floors;
- 411.4 All buildings and parking areas shall be set back at least 75 feet from any property line, and driveways shall be set back at least 25 feet from side and rear lot lines;
- 411.5 All major access ways shall be at least fifty foot rights-of-way, with a paved surface not less than 24 feet wide constructed according to town standards. All other driveway, parking areas, and walkways shall be constructed according to the standards in the Subdivision Ordinance.

**Sec. 412 Guest Houses**

A guest house may be constructed provided the lot standards and setback requirements for the district in which it is located are met for each guest house.

**Sec. 413 Height Regulations**

Height limitations for all districts shall be 35 feet, except that the Board of Adjustment and Appeals may allow a greater height as a ~~special exception~~ <sup>variance</sup>, upon a finding that the proposed height will not adversely affect other property in the same district and neighborhood, that the granting of such approval by the Board will not substantially depart from the intent and purposes of this ordinance where it is consistent with the objectives of the Comprehensive Plan, and is in a scale with its environs. These regulations shall not apply to silos for the storage of feed crops, nor to steeples.

**Sec. 414 Home Occupations**

- 414.1 Any home occupation such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a residential building as a bed & breakfast inn, day care home, or as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant or similar uses may be approved as a special exception by the Board of Adjustment and Appeals if: [Amended, effective 12/13/89]



**ITEM 03 - 085**

## Notice of Decision

**Date:** July 17, 2003

**To:** Barbara McPheters  
Code Enforcement Officer  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

**Re:** Zoning Amendment – Section 608.7 – Outside Consulting Fees – This section shall be administered initially by the Town employee or board responsible for enforcing the ordinance under which review is sought. If any person, or any entity or corporation in which said person is a principal owes the Town any amount for fees assessed under this section for any project under this ordinance or the Subdivision Ordinance, such person shall not be issued any building permit or certificate of occupancy, or have a subdivision plat released for any other building or development in Town until all such outstanding amounts have been paid in full. An appeal under this section may be brought to the Board of Adjustment and Appeals.

This is to advise you that on July 15, 2003 the Planning Board voted to forward the proposed amendments to Section 608.7 Outside Consulting Fees to the Town Council for adoption.

**Findings of Fact:** None

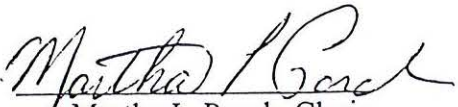
**Waivers granted:** None

**Waivers Denied:** None

### **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

  
Martha L. Porch, Chair

**PROPOSED AMENDMENT TO ZONING ORDINANCE  
§ 608(7) RE: OUTSTANDING OUTSIDE CONSULTING FEES**

Sec. 608      Outside Consulting Fees

Notwithstanding any other ordinance provision to the contrary and in addition to such fees as are otherwise specified by law, the Town shall assess a fee to cover 100 percent of its costs for outside engineering, planning, legal and similar professional consulting services. Such fees shall be subject to the following limitations:

.7 Where the amount of such fee may exceed \$1,000, reasonable provision must be made in advance to guarantee payment. If the balance in the special account shall be drawn down by 75%, the Town shall notify the applicant, require that an additional amount be deposited to cover the remaining work, and no portion of the project review, for which the additional consulting fee is required, may go forward unless the applicant has paid or otherwise made satisfactory provision therefor. The Town shall continue to notify the applicant and require an additional amount be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any excess amount deposited in advance shall be promptly refunded after final action on the application.

This section shall be administered initially by the Town employee or board responsible for enforcing the ordinance under which review is sought. No building permit or certificate of occupancy may be issued, nor subdivision plat released for recording until all fees hereunder have been paid in full. If any person, partnership or corporation owes the Town any amount for fees assessed under this section for any project under this Ordinance or the Subdivision Ordinance, such person, partnership or corporation shall not be issued any building permit or certificate of occupancy, or have a subdivision plat released for any other building or development in Town until all such outstanding amounts for have been paid in full.



**ITEM 03 - 086**



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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August 8, 2003

Mr. William Ward  
128 Longwoods Road  
Cumberland, ME 04021

Dear Mr. Ward:

As we discussed on the phone this morning, the Town Council's Nominating Committee has selected you as their choice to fill the recent vacancy on the Planning Board. The term of this vacant seat will expire December 31, 2004.

The Council's Nominating Committee will forward your appointment to the full Town Council for action at their August 25, 2003 meeting.

In the interim, you have agreed to attend the August 19<sup>th</sup> Planning Board meeting. By copy of this letter, I am notifying Martha Porph, Planning Board Chair, to anticipate your attendance at that meeting. Since your official appointment will not occur until August 25<sup>th</sup>, however, you will be unable to vote or participate in an official capacity.

Upon appointment, and at your convenience, please stop by my office to complete your oath of office. Please contact Carla Nixon, Town Planner, 829-2206 regarding process and material related to your board duties.

On behalf of the Nominating Committee, thank you for your interest and willingness to serve the Town of Cumberland in this important capacity. And, congratulations!

Sincerely,

Nadeen Daniels  
Town Clerk

Cc: Martha Porph  
Nominating Committee



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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August 8, 2003

Mr. Steven Whipple  
3 Heritage Lane  
Cumberland, ME 04021

Dear Steven:

On behalf of the Town Council, I would like to convey our thanks for your contributions to the community as a member of the Planning Board.

We are extremely fortunate in Cumberland to have many citizens such as yourself who so generously donate their personal time to our community.

Please accept the enclosed paperweight as a token of our appreciation for your valued service.

Sincerely,

William Shane  
Town Manager

CC: Martha Porch, Chair  
Carla Nixon, Planner  
Town Council  
Town Clerk



**ITEM 03 - 087**

# TOWN OF CUMBERLAND

Publication dates: \_\_\_\_\_

Publication names: \_\_\_\_\_

Date filed: 6-24-03

Fee rec'd: 6-24-03

Date Ordinance received: \_\_\_\_\_

Issued: \_\_\_\_\_

Denied: \_\_\_\_\_

## Mass Gathering Application -- Minor Large Outdoor Event (1,000 - 4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of \$250.

Name of applicant: Cumberland Farmers Club

Address of applicant: 194 Blanchard Rd Tel. # 829-5531

Name of event: Cumberland Fair 132<sup>nd</sup> year 2003

Facility where the event will be held: Cumberland Fair Grounds

Is the facility owned by the applicant: X yes; \_\_\_\_\_ no, (if no, attach a copy of the contract with the owner which allows use of the property)

Name of promoter (if different from above): N.A.

Telephone number: 829-5531 Fax 829-3205

Date of event: Sept 21-28 Time (start and finish times): Each day 7:00 AM to 11:00 PM

Number of tickets available 5,000 +

Expected attendance 45,000 for 7 days And 1 day of Racing on Sept 28

Description of event: Our 132<sup>nd</sup> year Agricultural Fair ex pulling  
4 Horse pulling Rides Games Horse Racing Exhibition Hall  
Show Cattle - Dairy, Beef Sheep Goats Pigs Show Horses  
Pig Races Entertainment & Demonstrations of all kinds - museum  
Greenhouse Truck pull's Tractor pull's Demo Durby maine app Day

Will any food vendors be serving at the event? X yes, \_\_\_\_\_ no (if yes, how many, and what types)

AT least 20 Booths All Types PIZZA  
Hot dog French Fry Cotton Candy Bake Beans  
Pig Roast Fry Dough ETC.

Will any alcohol vendors be serving at the event? X yes, \_\_\_\_\_ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served) IN The Clubhouse  
Y Beer Garden State Approved

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. N.A.

2. \_\_\_\_\_

3. \_\_\_\_\_

**Description of facility:**

- A. Seating capacity: 5,000 permanent; 300 temporary
- B. Other seating capacity: 100 festival; N.A. standing room only (sq. ft)
- C. Number of toilets available: 40 permanent; 25 portable
- D. Number of parking spaces available: 8,000 on-site; 2500 off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)  
X yes; \_\_\_\_\_ no, if no, which lots are not lighted \_\_\_\_\_
- F. Source of potable water: Portland Water District
- G. Refuse containers available, number and size: 500 55 gal drums  
with plastic liners
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)  
Pine Tree Waste Inc.
- I. When will refuse be picked up? Before 8:00 AM Daily

**Public Safety:**

- J. Describe first aid facilities: 8-10' Building Staffed By  
Comb Rescue Dep.



- K. Describe emergency facilities: Cumb Fire Dep, Cumb Rescue Dep, Sat + Sunday Fire Truck, ON Grounds, Also Fire Truck at Special Events Truck + Tractor pull's + Demo Derby.
- L. Describe communication facilities: 2 Way Radios 40 UNITS  
18 Golf Carts  
Audio Sound INC.
- M. Number of certified police officers: Cumberland police Dep.  
+ some State police at Gates
- N. Other security personnel (include company name and qualifications): IN House Staff Some State + Fire officers
- O. Describe fire personnel: Cumb Fire Dep.

Other

- P. Name of liability insurance STEVEN'S INSURANCE INC.  
Amount of coverage 1.5 million ; amount of property insurance N.A.
- Q. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)  
\_\_\_\_\_

Francis M. Small President  
Authorized signature

On \_\_\_\_\_ (date), I received a copy of the Cumberland Mass  
Gathering Ordinance. \_\_\_\_\_ (authorized signature)

**ITEM 03 - 088**



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

---

**To:** *File*  
**From:** William R. Shane, Town Manager  
**Date:** August 21, 2003  
**Re:** Bill Healey Annual Evaluation

**Overall:** Excellent Review. Bill is a top performer and a person I have been able to depend upon to perform quality and accurate work. He is personable, has a good working relationship with Team members and subordinates and has the ability to function on multiple levels.

## **Tasks / Goals for Upcoming Year- Manager**

- Be more engaged at Staff meetings, offer opinions and ideas which will add to the discussion or help with better understanding.
- Prepare Sales Reports for the Town Council on monthly or quarterly basis- Assessed vs. Sale
- Offer training in GIS or Excel to support staff or fellow Team members.
- Implement new Software
- Educate and provide semi-annual reports to Council on Assessed Values
- Continue Regionalization Work with Local Assessor's Group.

## **Manager's Recommendation**

I believe Bill has performed well under a great deal of professional stress over the past two years. In all my dealings to date with Bill, he has been professional and has served as a valued Team member. I would fully endorse and recommend to the Town Council that Bill Healey be re-appointed for another 3- year term.





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

July 19, 2000

William H. Healey  
1 Ridge Road  
Lewiston, ME 04240

Dear Bill:

Congratulations on being selected to fill the position of Assessor for the Town of Cumberland. The purpose of this letter is to outline the terms of our offer, which are as follows:

- You have indicated in your interviews that you would like to provide a two-week notice to your current employer. Given that, we would propose you begin work on Monday, August 7, 2000. I would ask that you contact Paula Jansmann as soon as possible to arrange some time prior to your start date to meet with her. (Her last day of work is August 1, although I understand she will be in the area for a short time after that.) Let me know when you will be in our office, as I will try to arrange your orientation meeting for that time as well.
- Your starting salary will be \$42,600 annually.
- This is a department head position, appointed by the Town Council, but reporting to the Town Manager.
- The Town will pay 100% of the cost of your enrollment in one of the Maine Municipal Employee Health Trust plans (Traditional or Point of Service options). Should you wish to cover any eligible family members, the Town will cover 90% of the cost to do so, and you may opt to pay the remaining 10% with our Maine Choice (pre-tax) program. We also are offering a new incentive plan for employees who do not require the use of the Town's insurance for either themselves or eligible dependents. This will be discussed during your orientation.
- You are also eligible to participate in the Town's ICMA 457 defined contribution retirement plan. The Town currently matches an employee's contribution up to 6% of the employee's salary.
- Other benefits are detailed in the Town's Personnel Policy, which I gave to you on Tuesday.
- As with all offers made by the Town, this offer is conditioned upon the successful completion of a pre-employment physical at Occupational Health and Rehabilitation. You should call OH & R at (207) 774-7751 to schedule an appointment. OH & R is located at 1600 Congress St. in Portland, ½ mile beyond the Westgate Shopping Center on the left. You should plan on spending at least two hours there. The Town will pay for the cost for this physical.
- This offer is also conditioned upon the completion of a positive background investigation.

Bill, if you have any questions regarding your offer, please contact me. We are all looking forward to having you as part of the department head team here in Cumberland. Congratulations again on your selection.

Sincerely,

Carla Nixon, Assistant Town Manager

Cc: Town Council

Robert Benson, Town Manager

Melody Main, Finance Director

**TOWN OF CUMBERLAND**  
**SPECIAL MEETING MINUTES OF THE TOWN COUNCIL**  
**July 18, 2000**

Present: Stephen Moriarty, Mark Kuntz, Peter Bingham, Jeff Porter, Harland Storey,  
Town Manager, Robert Benson, Asst. Town Manager, Carla Nixon  
Absent: John Lambert (excused), James Phipps (excused)

I. The meeting was called to order by Chairman Moriarty at the Cumberland Town Hall at 7:10 p.m.

II. Legislation and Policy

00-69 To vote to enter into an Executive Session to conduct second interviews for Town Assessor.

Councilor Bingham moved to go into Executive Session to conduct second interviews for Town Assessor.

Seconded by Councilor Kuntz. VOTE: UNANIMOUS (5)

Councilor Kuntz moved to come out of Executive Session at 9:00 p.m.

Seconded by Councilor Bingham. VOTE: UNANIMOUS (5)

00-70 To authorize Town Manager to negotiate terms of employment with finalist for Town Assessor position.

Councilor Bingham moved to authorize Town Manager to negotiate terms of employment with finalist for Town Assessor position.

Seconded by Councilor Porter. VOTE: UNANIMOUS (5)

III. Adjourn

No further business conducted. Motion to adjourn at 9:05 p.m.

Respectfully submitted,

*Kathleen Babeu*

Kathleen Babeu  
Administrative Assistant

- Council  
pg 4
- (d) Appoint the Town Assessor for an initial term not to exceed three years, reappoint the Assessor for additional terms not to exceed three years, and remove the Assessor by a majority of Council members.

## ARTICLE III

### Town Manager

#### SECTION 3. Powers and Duties of Town Manager.

pg 8

The Town Manager shall be the chief administrative officer of the town, and shall be responsible to the Council for the direction and administration of all town affairs and of all departments. The Manager shall have the following powers and shall perform the following duties:

- (b) Appoint and remove pursuant to the laws of the State of Maine or town ordinance the Town Clerk and department heads. The Manager shall appoint all other town employees, but may authorize a department head to appoint or remove subordinates in such department or office except as may otherwise be required by statute, by this charter, or by the personnel ordinance adopted by the Council.

#### SECTION 4. Town Council: Appointments.

pg 10

A majority of the Town Council must approve the initial appointment of all department heads when recommended for employment by the Town Manager. Except as specified above, the Council shall not otherwise participate in appointments, and neither the Council nor any of its members shall direct or request the appointment of any person to office by the Manager.

#### SECTION 5. Town Council: Discipline and Removals.

The Council shall not participate in discipline and removals, and Council approval shall not be required for discipline and removals. Neither the Council nor any of its members shall direct or request that disciplinary action or proceedings for removal be undertaken against a department head or employee of the town.



- Canal  
pg 4
- (d) Appoint the Town Assessor for an initial term not to exceed three years, reappoint the Assessor for additional terms not to exceed three years, and remove the Assessor by a majority of Council members.

## ARTICLE III

### Town Manager

#### SECTION 3. Powers and Duties of Town Manager.

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#### SECTION 5. Town Council: Discipline and Removals.

The Council shall not participate in discipline and removals, and Council approval shall not be required for discipline and removals. Neither the Council nor any of its members shall direct or request that disciplinary action or proceedings for removal be undertaken against a department head or employee of the town.

**ITEM 03 - 089**



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

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**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** August 21, 2003  
**Re:** **Supplemental Paving Appropriation**

Chebeague Island Paving is tentatively schedule to occur September 13- 23. Barging schedules, tides, weather, paving conditions, etc. are all variables when trying to coordinate work on the Island. We are optimistic that all of the variables will come together to pull off our schedule.

I would recommend we pave at least 1 mile of roadway while we are mobilized. The roads considered for paving have been *South Road*, a portion of *John Small Road*, and a portion of *Fire House Road*. All roads are legitimate candidates for paving. The Island's committee would like to see the South Road paved at least past the Library area.

Presently \$42,000 is available in a reserve account for paving. I will need an additional \$40,000 appropriation from undesignated fund balance to complete the plan listed above.

Our paving on the Mainland this year has averaged \$ 32 per ton for street paving, \$125 per ton for the railroad track repairs and miscellaneous repairs have cost \$85 per ton. The Island Paving will be about \$80 per ton to complete. Our paving budget this year on the mainland was \$140,000. We maintain 80 miles of roadway on the mainland and nearly 20 miles on the Island.



### Notice of Decision

**Date:** August 21, 2003

**To:** William Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

**Re:** Discussion – of proposed amendments to the Growth Management Ordinance.

This is to advise you that on August 19, 2003 the Planning Board discussed the proposed amendments to the Growth Management Ordinance. The Planning Board took no action. The Board was in favor of the changes based on testimony that the Cumberland Islands Committee supported the proposed amendments.

**Findings of Fact:** None

**Waivers granted:** None

**Waivers Denied:** None

### **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

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Martha L. Porch, Chair

# DRAFT 08-06-03

## **GROWTH MANAGEMENT ORDINANCE**

### 101.    **TITLE**

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

### 102.    **LEGAL AUTHORITY**

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

### 103.    **PURPOSE**

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

103.1A.        To provide for the immediate housing needs of the existing residents of Cumberland.

103.2B.        To ensure fairness in the allocation of Building Permits.

103.3C.        To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.

103.4D.        Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town's capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

### 104.16 **DEFINITIONS**

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

**Calendar Year:** The period of time comprised of fifty-two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]

# DRAFT 08-06-03

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

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

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

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

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

**Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision. Adopted June 28, 2000 [Amended 3/26/01] [Amended 12/17/01, effective 1/1/02]

## 1054. APPLICABILITY

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

## 1065. EXEMPTIONS

This Ordinance shall not apply to the following:



# DRAFT 08-06-03

A.106.1 The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.

B.106.2 Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.

C.106.3 Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.

D.106.4 Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.

E.106.5 Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board or equivalent body prior to the adoption of this Ordinance. [Amended, effective 3/26/01, amended, 12/17/01, effective 01/01/02]

## 1076. ADMINISTRATION

### 107.1A. Maximum Number of Dwelling Units

107.1.1+. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued from January 1, 2002 to December 31, 2002 and annually thereafter, shall be forty-four (44), ~~plus a five year \* rolling average of four (4) additional Growth Permits that per year that~~ shall be reserved for dwelling units located on Chebeague Island, plus two (2) additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization. [Amended, 12/17/01, effective 01/01/02]

\*Year

1—10

2—2

3—0

4—1

5—Year Five would allow for 20 total over a 5 year period; therefore, in year 5 seven permits would be available. I recommend that this average be calculated beginning at July-Dec 2001. This would allow for up to 9 permits being issued in 2003( presently 4 have been issued).

# DRAFT 08-06-03

107.1.22. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions except as permitted in Section 107.3.5. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A.1. [Amended 12/17/01, effective 01/01/02]

107.1.33. No more than twenty (20) permits~~four (4)~~ Growth Permits over a ~~rolling 5 year period~~ shall be issued on Chebeague Island in ~~any calendar year.~~ [Amended 12/17/01, effective 01/01/02]

107.1.44. All Growth Permits shall be issued in accordance with the issuance procedure described in Section 6.C of this Ordinance. [Amended 12/17/01, 01/01/02]

## 107.2B. Application Procedure

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

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

107.2.33. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200 or equivalent), and/or confirmation for eligibility of a sewer user unit. [Amended 12/17/01, effective 01/01/02]

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

## 107.3C. ISSUANCE PROCEDURE

107.3.14. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From the time of the adoption of this Ordinance onward, Applications will be



# DRAFT 08-06-03

accepted, and Growth Permits issued, as provided for in this  
~~Section 6.C.3.~~ [Amended 12/17/01, effective 01/01/02]

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

107.3.3.13. i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO, and the CEO shall notify the applicant in writing of the date of the expiration of said thirty (30) days. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire. [Amended 12/17/01, effective 01/01/02]

107.3.3.2ii. Expired Growth Permits shall be available for reissue during the same calendar year.

107.3.3.3iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.

107.3.3.3.1a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, ~~in the order in which the Applications were deemed to be complete.~~

107.3.3.44. With respect to Growth Permits sought for property located within a subdivision ~~approved by the Planning Board of the Town,~~ no more than four (4) Growth Permits shall be issued during any calendar year for the building of dwellings in a single subdivision. No person, partnership, or corporation shall be entitled in any calendar year to more than two (2) of the four (4) Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership. [Amended 12/17/01, effective 01/01/02]



# DRAFT 08-06-03

With respect to Growth Permits sought for property not located within a subdivision ~~approved by the Planning Board of the Town~~, no more than two (2) Growth Permits shall be issued during any calendar year to any one person, partnership or corporation. [Amended 12/17/01, effective 01/01/02]

## 107.3.3.55.

Commencing January 1, 2002, and annually thereafter, all Growth Permits shall be issued on the basis of the calendar year (January 1 through December 31), and in accordance with the following issuance schedule [Amended 12/17/01, effective 01/01/02]

The number of Growth Permits to be issued annually in the "subdivision" category is twenty-two (22), and the number of Growth Permits to be issued annually in the "non-subdivision" category is twenty-two (22), for a total town-wide issuance of forty-four (44) Growth Permits. In addition, four (4) additional Growth Permits shall be reserved for dwelling units located on Chebeague Island, plus two (2) additional Growth Permits shall be reserved for affordable housing constructed by Habitat for Humanity or a similar not-for-profit organization. [Amended 12/17/01, effective 01/01/02]

Further, unused growth permits in the "subdivision" category shall be reallocated to the ~~"non-subdivision" category~~ as follows: At 5 p.m. on the last day of the second calendar quarter of each year, 2 additional non-corporate permits per subdivision shall be allowed, then one third (33%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non-subdivision" category. At 5 p.m. on the last day of the third calendar quarter of each year, 2 additional non-corporate permits per subdivision shall be allowed, then for a total not to exceed 8 non-corporate for any one subdivision in any given calendar year, then one half (50%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non-subdivision" category. In cases where fractional numbers of permits result, the fractional numbers shall be rounded down to the nearest whole number. [Amended 12/17/01, effective 01/01/02]

107.3.3.66. If, at the end of any calendar year, there are any unissued Growth Permits still available, they shall not be carried over to the next year, except as permitted in Section 107.5. [Amended 12/17/01, effective 01/01/02]

## 107.4D.

### **Replacement with building permit and expiration**

# DRAFT 08-06-03

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

2. ~~Expired Permits shall be available for reissuance.~~

## 107.5E. **Transferability**

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

Re-issuance of an expired Growth permit from a previous calendar year to the same party or lot identified on the original application shall not be counted toward the annual allocation in any category. A \$50 administrative re-instatement fee shall be assessed to the applicant.

## 1087. **CONFLICT WITH OTHER ORDINANCES**

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

## 1098. **SEPARABILITY**

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

## 1109. **EFFECTIVE DATE**

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



# DRAFT 08-06-03

## 111+0. REVIEW PROCEDURE

This Ordinance shall be reviewed by the Town Council in June 2002 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11. [Amended 12/17/01, effective 01/01/02]

## 112+1. AMENDMENTS

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

112.1.1(A) The Planning Board.

112.1.2(B) The Town Council.

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

## 113+2. VIOLATIONS

113.1A. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.

113.2B. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

## 114+3. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The



# DRAFT 08-06-03

remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

## 11544. PENALTIES

115.1A. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.

115.2B. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 14 A. of this Ordinance.

## 11645. APPEALS

116.1A. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

## 16. DEFINITIONS

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

~~**Calendar Year:** The period of time comprised of fifty two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]~~

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

## DRAFT 08-06-03

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

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

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

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

**Subdivision:** ~~A subdivision shall be defined by 30 A.M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision. Adopted June 28, 2000 [Amended 3/26/01] [Amended 12/17/01, effective 1/1/02]~~



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2206 FAX: 829-2224

---

**To:** William R. Shane, Town Manager  
**From:** William Healey, Town Assessor *WH*  
**Date:** July 29, 2003  
**Re:** Impact of Growth Management Ordinance on Subdivision Lots

In an attempt to address developer questions and concerns regarding Town of Cumberland assessment procedures for subdivisions, I have studied the assessment policies of other communities with growth management ordinances in place pertaining to undeveloped subdivision lots.

Based on my findings, it is my opinion that the best way to assess subdivisions in the Town of Cumberland encumbered by the Growth Management Ordinance, is to assess the 4 lots that can be built within a given year separately while assessing the remaining lots as aggregate land. Providing enough growth permits are available, I would then "parcel out" and assess 4 more lots from the aggregate land each year thereafter until the lots all assessed separately.

Obviously, I would review this policy each year in an attempt to make sure it continues to be fair and equitable to the subdivision owners as well as all taxpayers in the Town of Cumberland.

Please see me with any questions.



[illegible]



#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Accept by Date	Bldg Appl Due	Building Permit	Date Issued
1			Habitat												
2			Habitat												
1	01/03/03	11:30 AM	Island		Todd	Andrew	I01	13	Cottage Road	01/27/03	11:53 AM	02/27/03	04/27/03	03-030	04/01/03
2	02/14/03	8:56 AM	Island		Legg	Ben & Kyle	I07	27	Juniper Lodge	02/24/03	10:31 AM	03/24/03	05/24/03	03-021	02/24/03
3	05/14/03	4:10 PM	Island		Hunter	John Samuel	I04	118	Hamilton Hots	05/27/03	11:35 AM	06/27/03			
4	05/19/03	12:11 PM	Island		Horner	David	I03	10C	North Road	05/27/03	11:39 AM	06/27/03			
1	01/10/03	8:00 AM	Non-subdiv		Jensen	Richard & Carol	U16	6	Range Road	01/23/03	3:36 PM	02/23/03	04/23/03	03-010	01/27/03
2	01/10/03	8:00 AM	Non-subdiv		Jensen	Richard & Carol	U16	6	Range Road	01/23/03	3:37 PM	02/23/03	04/23/03	03-010	01/27/03
3	01/16/03	2:45 PM	Non-subdiv		McBrierty	Christian & Allisc	U18	3	Lower Methoc	01/23/03	5:43 PM	02/23/03	04/23/03	03-009	01/24/03
4	02/05/03	11:49 AM	Non-subdiv		Doane	Richard L.	R04	4A	Tuttle Road	03/17/03	11:23 AM	04/17/03	06/17/03	03-026	03/17/03
5	02/11/03	12:20 PM	Non-subdiv		Lee	Adam & Diana	R03	46A	Harris Road	02/26/03	2:25 PM	03/26/03	05/26/03	03-043	04/08/03
6	02/26/03	11:32 AM	Non-subdiv		Cacoulidis	John	I09	2	Hope Island	03/24/03	4:30 PM	04/24/03	06/24/03	99-157	03/26/03
7	02/26/03	11:32 AM	Non-subdiv		Cacoulidis	John	I09	2	Hope Island	03/24/03	4:30 PM	04/24/03	06/24/03	97-148	03/26/03
8	03/11/03	3:07 PM	Non-subdiv		Dalton	William	R07C	16A	Wilson Road	04/22/03	1:10 PM	05/22/03	07/22/03	03-051	04/22/03
9	03/26/03	9:31 AM	Non-subdiv		Rawnsley	Mark	R03	21A	Harris Road	04/04/03	11:27 AM	05/04/03	07/04/03	03-070	05/14/03
10	03/28/03	11:14 AM	Non-subdiv		Hilton	Brad & Bette	U12	7A	Blanchard Rd	04/18/03	12:30 PM	05/18/03	07/18/03		
11	04/28/03	11:57 AM	Non-subdiv		Littlefield	Kristin & Stephen	R04	19A	Tuttle Road	05/12/03	3:37 PM	06/12/03	08/12/03		
12	04/30/03	4:10 PM	Non-subdiv		Axelson	Stephanie	R06	17A	Greely Rd Ext	05/12/03	3:42 AM	06/12/03	08/12/03	03-094	05/21/03
13	05/09/03	11:20 AM	Non-subdiv		Dunnett	Robin	U12	11	Treleaven Wa	05/12/03	3:48 AM	06/12/03	08/12/03		
14	05/29/03	2:50 PM	Non-subdiv		Simonds	Robert	R08A	57	Bruce Hill Rd	06/30/03	11:00 AM	07/30/03	09/30/03	03-124	07/01/03
15	06/10/03	12:51 PM	Non-subdiv		Bullens-Crewe	Reid E.	R01	60B	Jessie's Lane	06/30/03	11:53 AM	07/30/03	09/30/03		
16	06/24/03	10:09 AM	Non-subdiv		Gooch	Susan	U20	70C	River Way	07/22/03	10:38 AM	08/22/03	10/22/03		
17	06/24/03	10:09 AM	Non-subdiv		Gooch	Susan	U20	70C	River Way	07/22/03	10:39 AM	08/22/03	10/22/03		
18	07/01/03	4:44 PM	Non-subdiv		Thurston	Scott & Susan	R08	85	Astrid Drive	07/10/03	12:10 PM	08/10/03	10/10/03		
19	07/09/03	5:00 PM	Non-subdiv		LPH Builders Inc		R08	85	Valley Road	07/10/03	8:30 AM	08/10/03			
20	07/25/03	10:12 AM	Non-subdiv		Poor	Robert	R08	12	Pleasant Valle	07/28/03	11:33 AM	08/28/03			
21			Non-subdiv												
22			Non-subdiv												
23			Non-subdiv												
24			Non-subdiv												
25			Non-subdiv												
26			Non-subdiv												
27			Non-subdiv												
28			Non-subdiv												
1	02/20/03	11:40 AM	Subdivision	Fairmeadow	Stiles	Deborah	U14	136	Hedgerow Dr	03/10/03	8:48 AM	04/10/03	06/10/03	03-097	05/23/03
2	04/23/03	12:01 PM	Subdivision	Falmouth Cou	Poulin	Christopher & Lo	R03A	23	Birkdale Road	05/12/03	3:22 PM	06/12/03	08/12/03	03-079	05/16/03
3			Subdivision												
4			Subdivision												
5			Subdivision												
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14			Subdivision												
15			Subdivision												
16			Subdivision												





# MEMORANDUM

## CODE ENFORCEMENT OFFICE

Date: July 24, 2003  
To: Nadeen Daniels, Town Clerk  
From: Barbara McPheters, Code Officer  
Subject: Growth ordinance workshop

As requested I am providing copies of the following documents for the Town Council Workshop:

- ✓ Growth Management Ordinance – Amended 12/17/01, effective 1/1/02
- ✓ Growth Permit Log – Last update 07/22/2003
- ✓ Letter from F. William Marshall Jr. and Barbara B. Marshall dated May 29, 2003
- ✓ Letter from Chase Custom Homes & Finance, Inc. dated May 28, 2003
- ✓

For your information, the ordinance was adopted June 28, 2000 and became effective on July 1, 2000. On March 26, 2001 the ordinance was amended to exempt all subdivision lots on Chebeague and allocate unused subdivision permits to the waiting list (this would have included all categories). The amendment eliminated the waiting list for twenty-three (23) permits for new homes on Chebeague. The ordinance was again amended on December 17, 2001, effective January 1, 2002 to change from fiscal year to calendar year and the change the reallocation formula to the non-subdivision category only on a different schedule and increase the number of permits on Chebeague to four.

The total permits issued have been:	FY <sup>126</sup> 2001	Jul-Dec 2001	<sup>cy</sup> 2002	<sup>cy</sup> 2003
Habitat	0	0	0	0
Island	13	3	0	4
Non-subdivision	22	15	16	19
Subdivision	8	1	3	2

Research prior to the initial adoption of the ordinance showed that an average of 3.33 permits were issued on Chebeague from 1976 to 1999. This was used as justification to raise the limit on Chebeague to 4 per year.

Initially, I identified a concern about spot zoning or discrimination relating to the Chebeague limit and was advised that islands could be considered a separate category. The Chebeague Long Range Plan identifies the need to control growth by a number of proposed options. If it is the intent to treat Chebeague the same as the mainland, the category could be eliminated and the permits reallocated to the subdivision and non-subdivision categories. I would suggest that this be reviewed carefully with input from the Cumberland Islands Committee and the Cumberland Planning Board.

I hope this information is useful during the Town Council's review of these requests.



**PUBLIC HEARING NOTICE  
TOWN OF CUMBERLAND  
MONDAY, JULY 28, 2003**

The Town of Cumberland will hold a public hearing in the Town Council Chambers, 290 Tuttle Road, Monday, July 28, 2003, on the following items:

- a) 7:00 p.m. – Mass Gathering Permit application for the 34<sup>th</sup> Annual Cumberland Craft Show, Cumberland Fairgrounds, August 7-10, 2003; and
- b) WORKSHOP – to be held upon the conclusion of the regularly scheduled 7:00 p.m. meeting. The purpose of the workshop is to review Section 6 of the Cumberland Growth Management Ordinance as it relates to the regulation of the issuance of growth permits.

The application and ordinance language may be viewed at the office of the Town Clerk during regular office hours or by calling 829-22205.

Jeffrey Porter  
Council Chairman



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

---

August 11, 2003

Dear Interested Party:

Please be advised that the Cumberland Town Council will hold a second WORKSHOP to review a draft revision to Section 6 of the Cumberland Growth Management Ordinance as prepared by the Town Manager in response to issues raised at the first council workshop held July 28, 2003.

The WORKSHOP will follow the regularly scheduled meeting of Monday, August 25, 2003 in the Town Council Chambers, 290 Tuttle Road. The regular meeting is scheduled to begin at 7:00 p.m.

Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Sincerely,

Jeffrey Porter  
Council Chairman



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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Dear Interested Party:

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The WORKSHOP will follow the regularly scheduled meeting of Monday, August 25, 2003 in the Town Council Chambers, 290 Tuttle Road. The regular meeting is scheduled to begin at 7:00 p.m.

Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Sincerely,

Jeffrey Porter  
Council Chairman



email: fwmarshall@aol.com 7-17-03 3:46 pm

mailed 14 <sup>again</sup> - 8/11/03

✓ Jerome + Carol Watts  
619 Pleasant Valley Rd  
Cumberland, ME 04021

✓ Girdi Real Estate  
P.O. Box 10715  
Portland, ME 04104

✓ ~~Spt~~ Spaldero Co LLC  
PO Box 402  
Cumberland ME 04021

~~Custom Design & Building  
PO Box 232  
Cumb ME 04021~~

~~LSH Holding Inc  
PO Box 470  
Cumb ME 04021~~

✓ Joanne Jordan  
PO Box 19  
Cumb. ME 04021

✓ Denna Damon  
✓ Bill Marshall 330 South Rd, CI and  
87 Ely Road, Longmeadow, MA 01106

✓ Terry Bragg, Inc.  
44 Old mill Rd.  
Falmouth, ME 04105

✓ Peter Kennedy  
18 Carroll St.  
Falmouth, ME 04105

~~Steph~~  
✓ Stephen Goodrich  
875 Princess Pt. Rd.  
YARMOUTH, ME 04096.

✓ Normand Berube Builders, Inc.  
10410 Portland Rd. Suite 2  
Saco, ME 04072.

✓ Julie Jordan  
2 Balsam Dr.  
Cumberland, ME 04021

✓ Chase Custom Homes, Inc.  
1 Percy Hawkes Rd. John Chase  
Windham, ME 04062

✓ LSH Holdings, Inc.  
P.O. Box 470  
Cumberland, ME 04021

# DRAFT 08-21-03

## **GROWTH MANAGEMENT ORDINANCE**

### **101. TITLE**

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

### **102. LEGAL AUTHORITY**

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

### **103. PURPOSE**

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland ~~by through~~-placing limitations on residential development and meeting the following: (Amended 09/22/03, Effective 09/23/03)

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

103.2. To ensure fairness in ~~the~~ allocation of Building Permits. (Amended 09/22/03, Effective 09/23/03)

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

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

### **104. DEFINITIONS**

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

**Calendar Year:** The period of time comprised of fifty-two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]



# DRAFT 08-21-03

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

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

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

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

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

**Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision. Adopted June 28, 2000 [Amended 3/26/01] [Amended 12/17/01, effective 1/1/02]

## 105. **APPLICABILITY**

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

## 106. **EXEMPTIONS**

This Ordinance shall not apply to the following:

# DRAFT 08-21-03

- 106.1 The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.
- 106.2 Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.
- 106.3 Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.
- 106.4 Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.
- 106.5 Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board or equivalent body prior to the adoption of this Ordinance. [Amended, effective 3/26/01, amended, 12/17/01, effective 01/01/02]

## 107. ADMINISTRATION

### 107.1. Maximum Number of Dwelling Units

- 107.1.1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued from January 1, 2002 to December 31, 2002 and annually thereafter, shall be forty-four (44), plus four (4) additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island, plus two (2) additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization. [Amended, 12/17/01, effective 01/01/02]
- 107.1.2. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions except as permitted in Section 107.3.5. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A.1. [Amended 12/17/01, effective 01/01/02] . (Amended 09/22/03, Effective 09/23/03)
- 107.1.3. No more than twenty (20) ~~permitsfour (4)~~ Growth Permits over a 5 year period ,beginning on July 1, 2001, shall be issued on



# DRAFT 08-21-03

Chebeague Island ~~in any calendar year.~~ [Amended 12/17/01, effective 01/01/02]. (Amended 09/22/03, Effective 09/23/03)

107.1.4. All Growth Permits shall be issued in accordance with the issuance procedure described in Section 6.C of this Ordinance. [Amended 12/17/01, 01/01/02]

## 107.2. Application Procedure

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

107.2.2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt, ~~when said Application is complete.~~ The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted. (Amended 09/22/03, Effective 09/23/03)

107.2.3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200 or equivalent), and/or confirmation for eligibility of a sewer user unit. [Amended 12/17/01, effective 01/01/02]

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

## 107.3. ISSUANCE PROCEDURE

107.3.1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From the time of the adoption of this Ordinance onward, Applications will be accepted, and Growth Permits issued, as provided for in this Section 6.C.3. [Amended 12/17/01, effective 01/01/02]. (Amended 09/22/03, Effective 09/23/03)



## DRAFT 08-21-03

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

107.3.3.1. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO, and the CEO shall notify the applicant in writing of the date of the expiration of said thirty (30) days. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire. [Amended 12/17/01, effective 01/01/02]

107.3.3.2. Expired Growth Permits shall be available for reissue during the same calendar year. . (Amended 09/22/03, Effective 09/23/03)

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

107.3.3.3.1. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year; in the order in which the Applications were deemed to be complete. . (Amended 09/22/03, Effective 09/23/03)

107.3.3.4. With respect to Growth Permits sought for property located within a subdivision approved by the Planning Board of the Town, no more than four (4) Growth Permits shall be issued during any calendar year for the building of dwellings in a single subdivision. No person, partnership, or corporation shall be entitled in any calendar year to more than two (2) of the four (4) Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership. [Amended 12/17/01, effective 01/01/02] . (Amended 09/22/03, Effective 09/23/03)

# DRAFT 08-21-03

With respect to Growth Permits sought for property not located within a subdivision ~~approved by the Planning Board of the Town~~, no more than two (2) Growth Permits shall be issued during any calendar year to any one person, partnership or corporation. [Amended 12/17/01, effective 01/01/02] (Amended 09/22/03, Effective 09/23/03)

- 107.3.3.5. Commencing January 1, 2002, and annually thereafter, all Growth Permits shall be issued on the basis of the calendar year (January 1 through December 31), and in accordance with the following issuance schedule [Amended 12/17/01, effective 01/01/02]

The number of Growth Permits to be issued annually in the "subdivision" category is twenty-two (22), and the number of Growth Permits to be issued annually in the "non-subdivision" category is twenty-two (22), for a total town-wide issuance of forty-four (44) Growth Permits. In addition, four (4) additional Growth Permits shall be reserved for dwelling units located on Chebeague Island, plus two (2) additional Growth Permits shall be reserved for affordable housing constructed by Habitat for Humanity or a similar not-for-profit organization. [Amended 12/17/01, effective 01/01/02]

Further, unused growth permits in the "subdivision" category shall be reallocated ~~to the "non-subdivision" category~~ as follows: At 5 p.m. on the last day of the second calendar quarter of each year, 2 additional non-corporate permits per subdivision shall be allowed, then one third (33%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non-subdivision" category. At 5 p.m. on the last day of the third calendar quarter of each year, 2 additional non-corporate permits per subdivision shall be allowed, for a total not to exceed 8 non-corporate for any one subdivision in any given calendar year, then one half (50%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non-subdivision" category. In cases where fractional numbers of permits result, the fractional numbers shall be rounded down to the nearest whole number. [Amended 12/17/01, effective 01/01/02] (Amended 09/22/03, Effective 09/23/03)



## DRAFT 08-21-03

- 107.3.3.6. If, at the end of any calendar year, there are any unissued Growth Permits still available, they shall not be carried over to the next year, except as permitted in Section 107.5. [Amended 12/17/01, effective 01/01/02] . (Amended 09/22/03, Effective 09/23/03)

### **107.4. Replacement with building permit and expiration**

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

Re-issuance of an expired Growth permit from a previous calendar year shall not be counted toward the annual allocation in any category. A \$50 administrative re-instatement fee shall be assessed to the applicant. . (Amended 09/22/03, Effective 09/23/03)

~~2. — Expired Permits shall be available for reissuance.~~

### **107.5. Transferability**

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

## **108. CONFLICT WITH OTHER ORDINANCES**

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

## **109. SEPARABILITY**



## DRAFT 08-21-03

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

### 110. **EFFECTIVE DATE**

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

### 111. **REVIEW PROCEDURE**

This Ordinance shall be reviewed by the Town Council in June 2002 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11. [Amended 12/17/01, effective 01/01/02]

### 112. **AMENDMENTS**

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

112.1.1 The Planning Board.

112.1.2 The Town Council.

112.1.3 The residents, pursuant to Article X, Section 2 of the Town Charter.

### 113. **VIOLATIONS**

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

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

## **114. NOTICES OF VIOLATIONS; LEGAL ACTION**

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

## **115. PENALTIES**

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

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

## **116. APPEALS**

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



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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July 17, 2003

Dear Developer:

Please be advised the Cumberland Town Council will hold a **WORKSHOP** to review Section 6 of the Cumberland Growth Management Ordinance as it relates to the regulation and issuance of growth permits.

The Workshop will follow the regularly scheduled meeting, Monday, July 28<sup>th</sup>, 2003 in the Town Council Chambers, 290 Tuttle Road. The regular meeting is scheduled to begin at 7:00 p.m.

Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Sincerely,

Jeffrey Porter  
Council Chairman





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Jeffrey Porter  
Council Chairman

*mailed 7-17-03 to 11 developers, Donna Damon,  
and Bill Marshall*

August 11, 2003

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Sincerely,

Jeffrey Porter  
Council Chairman

LOUIS J. CROCE  
CARMEL M. CROCE  
49 FOREST AVE. PH. 207-892-3124  
WINDHAM, ME 04062

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DATE  7/3/03

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*WJ*

Donation



## Nadeen Daniels

---

**From:** D Small  
**Sent:** Thursday, June 26, 2003 1:44 PM  
**To:** Nadeen Daniels  
**Subject:** donation checks

Nadeen,

The following is a list of donation checks for the fire department:

From Jim and Liz Order = \$100  
From John and Kathlenn Crawford = \$25  
From North Coast Litho, Inc. = \$200  
From Ronald and Lana Testa = \$30  
From Cumberland County Riding Club = \$75  
From Carol Holmes = \$25  
From R & R Spinners = \$325  
From Stuart and Muriel Orr = \$15

Will these names be published? Some people ask not to be recognized for their donations.

Dan

Daniel R. Small, Chief  
Cumberland Fire Department  
366 Tuttle Road  
Cumberland, ME 04021

Office # (207) 829-5421  
Pager # (207) 821-5187  
Fax # (207) 829-4256

[www.cumberlandmaine.com](http://www.cumberlandmaine.com)  
[www.cfdsquad1.com](http://www.cfdsquad1.com)

6/26/2003

Mark B. Lapping  
12 Acorn Lane  
Cumberland Center, Maine 04021  
207-829-5521

August 20, 2003

Jeff Porter, Chair  
Cumberland Town Council  
37 Crossing Brook Rd.  
Cumberland, Maine 04021

Dear Mr. Porter:

I am writing you in your capacity as Chair of the Cumberland Town Council. I am aware of the proposal for Cumberland to participate in the funding of the development rights for Sunrise Acres Farm. I write to offer my enthusiastic and wholehearted support for this undertaking. It is one of the most important opportunities our community will have to preserve a working agricultural here in Cumberland.

I am a planner by profession and much of my life's work has been devoted to agricultural issues. I am a coauthor of the American Planning Association's official *Small Town Planning Handbook*, amongst other books, and have been a consultant throughout the nation and abroad on rural planning and agricultural problems. I served as a staff member for the National Agricultural Lands Study for the President's Council on Environmental Quality and have helped to write several important pieces of federal and state legislation, both here in Maine and elsewhere. Most recently I served on the Maine Department of Agriculture's Farmland Preservation Task Force. I was asked by the previous gubernatorial administration to serve as Commissioner of Agriculture but declined further consideration because of a chronic health problem. I have been teaching planning at the University of Southern Maine for a decade's time. Prior to that I was the founding Dean of the School of Planning & Public Policy at Rutgers University where I also served as Associate Director of the New Jersey Agricultural Experiment Station. And before that I founded the School of Rural Planning and Development at Ontario's University of Guelph, often described as "Canada's Cornell".

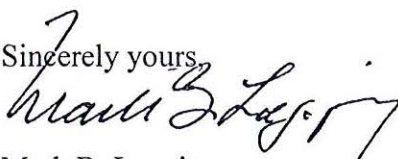
In general I am not overly enthusiastic about saving the last farm in a town. What is important, however, is to preserve a "critical mass" of farms so that the economic viability of agriculture and its necessary support businesses and services can be maintained. We in Cumberland are indeed fortunate in that we have such a critical mass and thus have maintained a 'working rural landscape' which provides livelihood and community for all those who live here. The particular farm in question is, as I see it, a linchpin in a strategy to maintain and enhance such a working agricultural community. The farm itself has been something of a pioneer in supporting a flourishing Farmer's

Market as well as a CSA. Its turn to organic production is a successful attempt to carve out an important niche market while, at the same time, preventing environmental degradation. In a word, it is a model of what we ought to be encouraging, a farm that is integral to the community, which has developed a sustainable market for its produce, supports others in their efforts to enhance the local food system, and provides numerous benefits for all of us in Cumberland, including scenic values, wildlife habitat, biodiversity and clean air and water.

If we fail to support the purchase of these development rights we will be sending a profoundly negative message to other members of our farming community. Effectively we will be telling our neighbors that we prefer to see a further proliferation of sprawl as opposed to a land-based form of local economic development. We will also take yet another step in pushing the control of our food system ever farther away from local consumers.

Over the decade that I have been a Cumberland resident I have taken enormous pride in our town's recent land acquisitions. We have provided for important and high quality play fields for our youth, an area for the exercise and health of our pets, a natural area which will provide high quality recreational opportunities as well as solitude and natural areas, and we now are on the verge of making a most important decision about how we will treat our farms and open spaces.

Clearly it is my great hope that we will continue to take a progressive posture for our community's current and long-term viability through our active participation in a project which will reap enormous benefits for all those who live and work in Cumberland. I trust that this proposal will have your wholehearted support. With thanks, I am

Sincerely yours,  
  
Mark B. Lapping