

A G E N D A
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, February 14, 2005
7:00 p.m. – CALL TO ORDER

I. APPROVAL OF MINUTES

January 10, 2005 and February 3, 2005

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 05 – 016.** To hear report from Code Enforcement Officer William Longley and set public hearing date to consider and act on amendments to schedule of building and planning fees and fines.
- 05 – 017.** To consider and act on the Automobile Graveyard and/or Junkyard Permit for Thomas S. Greenlaw, d/b/a Greenlaw's Salvage, 1 Longwoods Road.
- 05 – 018.** To set public hearing re: license to Mr. Neil Vining to make public improvements to Range Way between Harris Road and Longwoods Road.
- 05 – 019.** To consider and act on amendments to the Twin Brook Recreation Area Policies and Rules re: charcoal fires, cooking fires, and gas grills.
- 05 – 020.** To consider and act on the renaming of the library's Cumberland Wing to the Pawle Wing.
- 05 – 021.** To set public hearing date to consider and act on an Off-Premise Retailer with Malt & Wine license and Victualer's license for Basil Provisions, 137 Main Street.
- 05 – 022.** To set public hearing date to consider and act on amendments to the Subdivision and Site Plan Submission Policies and Procedures.

V. NEW BUSINESS

VI. EXECUTIVE SESSION - 1 MRSA, Section 405(6)(F) re: tax abatement requests.

VII. ADJOURN

MEMBERS OF THE TOWN COUNCIL

William Stiles, Chair	829-6679	wcestiles@maine.rr.com	Donna Damon	846-5140	publicservant1@aol.com
Mark Kuntz	829-8127	mkuntz1@maine.rr.com	Harland Storey	829-3939	cstorey@gwi.net
Michael Savasuk	781-3061	mxslaw@maine.rr.com	Jeffrey Porter	829-4129	mesit5@maine.rr.com
Stephen Moriarty	829-5095	smoriarty@nhdlaw.com		web:	www.cumberlandmaine.com

MEETING REBROADCAST SCHEDULE ON REVERSE SIDE

ots. The girls' have been great with it. It's uncharted territory for them and for me. It is a little bit of a surprise. Everyone picked us for a few years. The last three teams were all quality teams that could have won it."

Nearing the top

Title contention is nothing new for the Clippers. Yarmouth has reached the Western B semifinals in three of the past four seasons. The program has never played in a regional final (not to mention a state final), however, and all indications sug-

Sports report

mouth made the Clippers 17-0 (20-0 if you count three holiday tournament victories) on the season. Yarmouth has only had a few close calls.

On Jan. 7, the Clippers won 56-50 at York. The following night, they had to rally in the second half to win at defending Class B state champion Greely (the team that eliminated them from last year's tournament) 56-48. On Jan. 14, Yarmouth pulled away down the stretch to hold off Gorham 52-38. The stiffest test of all came Jan. 25 at Fryeburg,

NOTICE CUMBERLAND TOWN COUNCIL MEETING Town Hall, 290 Tuttle Road MONDAY, February 14, 2005

The Cumberland Town Council will meet at 7:00 p.m., Monday, February 14, 2005 at Cumberland Town Hall. The agenda may include, but is not limited to, the following items:

- To consider and act on Automobile Graveyard/Junkyard Permit for Thomas S. Greenlaw, d/b/a Greenlaw's Salvage, 1 Longwoods Road;
- To hear report from CEO re: increases to various building fees and fines;
- Amendment to Twin Brook Policy re: fires and/or grills;
- License to improve Range Way between Harris and Longwoods Road;
- Set public hearing re: subdivision and site plan submissions;
- Appointment of Chandler's Cove Committee;
- Set public hearing re: Basil Provisions Liquor license; and
- Executive Session re: tax abatement requests.

These items are subject to change. A complete and final agenda is available online at www.cumberlandmaine.com and at the Office of the Town Manager. Opportunity for public comment will be provided.

2-10-05
edition

Fiberglass-free home

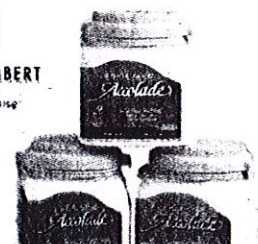


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Never Compromise...



M I N U T E S
CUMBERLAND TOWN COUNCIL MEETING
Town Hall, 290 Tuttle Road
Monday, January 10, 2005

7:00 p.m. – CALL TO ORDER

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

Excused: Councilor Kuntz arrived at 7:28 p.m.

I. APPROVAL OF MINUTES

a) December 27, 2004

Councilor Porter moved, seconded by Councilor Moriarty, to approve the minutes as presented.
VOTE: UNANIMOUS

II. MANAGER'S REPORT

Greely Middle School Students – recycling update.

Town Manager Shane reported the presentation has been postponed until February. The water damage at Prince Memorial has been determined to be in excess of \$20,000. We are in the process of installing temperature alarms on the first floor.

III. PUBLIC DISCUSSION

Phil Clifford spoke on behalf of the Cumberland Farmers Market to extend thanks for the council's support last year, a year he described as "a growing year. We saw a lot of new faces along with the regulars." With the town council's assistance, they were able to hire a public relations officer. Mr. Clifford is stepping down as President this year, and will be replaced by Roxanne McGee. The market intends to request financial support from the town again in this year's budget cycle.

IV. LEGISLATION AND POLICY

05 – 001. To consider and act on a Right of First Refusal for the Curit property.

Councilor Moriarty explained a Conservation Easement was approved at the last town council meeting with respect to the lower portion of the property. "We've been considering various drafts to acquire a similar conservation easement on the upper 6.2 acreage parcel." The Right of First Refusal extends for five years, with the "right to create house lots in the upper portion, at an affordable or market rate as we may determine. The Right of First Refusal can only be triggered by the town's desire to extend that right to the trust, in writing, and the trust has one year to raise the money to purchase the easement. If the trust acquires a conservation easement in the upper portion, it will be along the identical terms and conditions we used for the waterfront portion. At the end of five years the town can extend or renew the right of first refusal."

Councilor Storey expressed a concern with the sale of the property at \$100,000, stating he felt it should instead be sold at its highest and best price. "Nobody knows what land values are going to be ten years down the road. I would rather the town own it and sit on it rather than have a dollar figure." Chairman Stiles expressed similar reservations, noting "you tie the hands of anybody else for what they might want to do." However, councilors Damon and Moriarty felt the opposite, explaining the property was bought for less than fair market value two and a half years ago "so we could in turn pursue affordable housing and preservation of open space." Councilor Damon views this as a "moral issue." "It doesn't seem fair, considering it's a partnership, to charge more money. This would not have happened if the Trust had not been involved and we were able to sell it as a partnership."

Town Manager Shane added that the soils on the property may be "gravelly" and usable for road materials. He has asked the Department of Public Works to conduct an evaluation of the area in order to determine by spring whether the property can be developed. "If the raw material is on that site, than that moves the project forward."

Rob Crawford, CMIT President, stated "the vision was to make sure if the town was not interested, we could put it in a holding pattern or put in place the original partnership. We were initially thinking about buying the entire parcel, but it made more sense to create the opportunity to raise the money to keep the upper portion in conservation for the best interests of the community and town."

Motion by Councilor Porter, seconded by Councilor Damon, to authorize the Town Manager to execute a Right of First Refusal and Easement Option Agreement with the Cumberland Mainland Islands Trust, Inc. related to property known as the Curit property, Chebeague Island.
VOTE: 5-2 (Councilors Stiles and Storey)

05 - 002. To consider and act on an amendment to the Order Establishing the Val Halla Golf and Recreation Center.

The Town Manager explained the revisions were discussed by the council in workshop recently. The Order was originally created in 1997 and updated in the early 1990's. Rick Doane, Chair of the Board of Trustees was present to respond to questions. Councilor Porter noted the recreational value of the facility, calling it a "great resource." Councilor Moriarty requested the original order be amended as appropriate, rather than substituted with a new document.

Councilor Porter moved, seconded by Councilor Damon, to adopt the proposed amendments to the Order Establishing the Val Halla Golf & Recreation Center Board of Trustees.
VOTE: UNANIMOUS

05 - 003. To set date for public hearing re: addition of Section 7, *Hours of Use, Chandlers Cove property, Chebeague Island*, to Cumberland's Ordinance Relating to Roads and Town Owned Property.

05 - 004. To set date for public hearing re: addition of Article 18, *Golf Cart Use on Chebeague Island*, to the Cumberland Traffic Ordinance.

05 - 005. To set date for public hearing re: Chebeague Island Inn Off-Premise and Class XI Liquor Licenses.

Motion by Councilor Kuntz, and seconded by Councilor Kuntz, to set a public hearing date of January 24, 2005 for items 3, 4 and 5.

VOTE: PASSAGE 7-0

05 – 006. To set dates for public hearings re: pay-as-you-throw program.

Town Manager Shane noted the town's solid waste budget "is three times the size of our Library budget at nearly a million dollars...and growing fast." He believes "it's time to get the public's input on the pay-as-you-throw program. We need to make a decision," requesting public hearing dates be set for January 24, 2005 on Chebeague Island and two subsequent meetings in February and March on the mainland. Councilor Moriarty recommended a council workshop in advance of the public hearings. A workshop was determined to be held on Wednesday, January 19, 2005 at 5:00 p.m. at Val Halla, prior to the Regionalization Retreat.

Councilor Porter moved, and Councilor Damon seconded, to set January 24, 2005, February 28, 2005 and March 14, 2005, if needed, as public hearings dates to consider a pay-as-you-throw program.

VOTE: UNANIMOUS

05 – 007. Board and Committee appointments for 2005.

Councilor Porter explained the Nominating Committee met Tuesday evening, January 4, 2005 and interviewed a dozen candidates. As a result, the committee wishes to forward the following nominations:

Board/Committee	Name
Bd of Adjustments & Appeals	Andrew Black Adrian Kendall Matthew Manahan
Bd of Assessment Review	Robert Crawford
Bd of Sewer Appeals	Donald McKenna, Jr. Michael Holmes Don Miller
Housing Authority	W. Scott Fox Susan Larrabee (assoc. mbr)
Planning Board	William Ward Thomas Powers Bill Richards
Rines Property	Henry Milburn Victor Otley William Richards
Val Halla Board of Trustees	Mark Stauber

Motion by Councilor Porter, seconded by Councilor Moriarty, to appoint the board and committee members as nominated by the Nominating Committee.

VOTE: UNANIMOUS

05 – 008. To hear report from the Town Manager re: Regional Dispatch Services.

Manager Shane explained he has worked with Yarmouth over the last several months regarding consolidation of dispatch services. Both communities are now “fast approaching the need to add one more person to a shift. By combining our resources, we could probably hold steady with 7 to 8 in the near future.” He sought authorization to submit a grant application to the state to fund \$200,000 for the purchase of terminal hardware and software, installation of vehicle locators in Police and rescue units in order to dispatch the closest unit to a call. “On an optimistic time frame, this could be implemented as early as July 1, but realistically it will probably be closer to the fall.” The Manager also suggested public hearings be held in January and February. In response to questions posed by the council, the Manager replied that the council must accept any grant monies at a public meeting; the \$200,000 is split equally among both Yarmouth and Cumberland; there are no matching funds required; and the application will be a joint application.

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to submit a grant application to the state.

VOTE: UNANIMOUS 6-0-1 (Councilor Porter recused himself due to his involvement with the grant committee)

Motion by Councilor Moriarty, seconded by Councilor Kuntz, to include as an item a discussion of this application and desire to receive public input at the 1-24-05 Chebeague Island meeting.

VOTE: UNANIMOUS 7-0

05 – 009. To consider and act on building permit and application fees.

The Town Manager distributed a fee comparison showing various building and electrical fees among neighboring communities and recommended we advertise these on the web site. The town has not received much feedback up to now and he recommended a public hearing date in early March.

VI. EXECUTIVE SESSION re: real property pursuant to MRSA, Title 1, Section 405(6)(c)

Councilor Porter moved, seconded by Councilor Kuntz, to go into Executive Session, pursuant to MRSA, Title 1, Section 405(6)(c), to discuss real property and economic development.

VOTE: UNANIMOUS

TIME: 8:15 p.m.

Councilor Porter moved, seconded by Councilor Kuntz, to return from Executive Session.

VOTE: UNANIMOUS

TIME: 9:10 p.m.

Councilor Kuntz moved, seconded by Councilor Storey to adjourn.

VOTE: UNANIMOUS

TIME: 9:10 p.m.

Respectfully submitted,
Nadeen M. Daniels, CMC
Town Clerk

MINUTES
Cumberland Town Council
SPECIAL MEETING
Thursday, February 3, 2005
7:03 p.m. – Call To Order

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

I. APPROVAL OF MINUTES

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

V. NEW BUSINESS

VI. EXECUTIVE SESSION – Pursuant to 1 MRSA, Subsection 405 (6) (c) re:
economic development opportunities along Route One.

Motion by Councilor Kuntz, seconded by Councilor Moriarty to go into Executive Session pursuant to 1 MRSA, Subsection 405 (6) (c) re: economic development opportunities along Route One.

VOTE: UNANIMOUS 5-0 (Councilor Damon out)

TIME: 7:05 p.m.

Motion by Councilor Kuntz, seconded by Councilor Moriarty to return from Executive Session.

VOTE: UNANIMOUS 6-0 (Councilor Damon arrived 7:06 p.m.)

TIME: 8:20 p.m.

VII. ADJOURN

Motion by Councilor Kuntz, seconded by Councilor Moriarty to adjourn.

VOTE: UNANIMOUS 6-0

TIME: 8:45 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk

January 26, 2005

William R. Shane
Town Manager
Town of Cumberland
Cumberland, ME 04021

Dear Mr. Shane,

My mother has always told me it's never too late to thank someone for a good deed done, and it is that spirit that I want to **thank you** and The Town for lighting the flagpole on Main Street sometime during the past year.

Our daughter Susan is married to a Lieutenant in the United States Navy currently stationed in Jacksonville FL. She noted some time ago that the flag was not illuminated at night.

In checking with the Cemetery Association and Herb Foster, a good friend, it seems that although the pole was wired and fixtured there was no power. I also shared my concern with Ron Bancroft an Annapolis grad knowing he would be into flag protocol. Lastly, I spoke with Bob Storey retired CMP friend about the issue.

My dilemma is I'm not sure who to thank, except it would appear the Town did the job and is paying for the automatic lighting which is most professional.

I will, therefore, thank you and those mentioned above by copy of this letter for a job well done. I will also share this letter with Mother who will be very pleased. By the way, she was Bill Stiles' Sunday school teacher when he was a boy!

Judy and I live at 23 Hillcrest Drive and always pay our taxes on time and recycle our trash. We have lived in Cumberland since 1965 and plan to retire to the Town's Senior Housing project when our names come up.!

At the risk of taking advantage of the goodwill I hopefully have generated with this letter, the next time the public works boys are in the neighborhood – in warmer weather – the street sign marking Carol Street at the corner of Hillcrest is facing the wrong direction. They will need an allen wrench and some WD 40 to do the job.

Thank you again for getting the job done.

Sincerely,



Kenneth A. McAfee

**STATE OF MAINE
INTRA-DEPARTMENTAL MEMORANDUM**

Date: August 25, 2004

To: Roger Gobeil, Director of Maintenance & Operations **Department:** Transportation

From: Bruce A. Ibarguen, State Traffic Engineer **Department:** Transportation

Subject: Speed Zoning - Greely Road (town way) - Cumberland

☐ New ☒ ^{Portion} Lower ☐ Raise ☐ No Change ☐ Correction
☐ Arterial ☐ Mobility Arterial ☐ Retrograde Arterial ☒ Other

Subject to your approval, the following ITEM is submitted for the Commissioner's Record:

ITEM: The Director of Maintenance and Operations concurred with a recommendation by the State Traffic Engineer that the following speed zoning be adopted for Greely Road in the Town of Cumberland as described below:

REVIEWED AND
APPROVED BY
Roger Gobeil
DIRECTOR, MAINTENANCE & OPERATIONS

RESCIND: 45 MPH Zone - 1.50 miles and 35 MPH Zone - 1.70 miles.

11-10-04
(Date)

ADOPT: 45 MPH beginning at the junction with Middle Road (Node 02338) and extending westerly to a point 0.06 miles beyond the junction with Hillside Street (Node 02345), a total distance of 1.27 miles, and

35 MPH beginning at a point 0.06 miles west of the junction with Hillside Street (Node 02345) and extending westerly to the junction with Route 9 (a/k/a Main Street) at the Town of Cumberland/Town of North Yarmouth town line (Node 05292), a total distance of 1.83 miles.

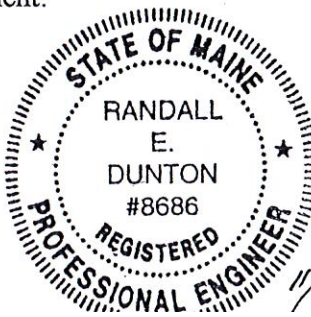
REVIEWED AND
APPROVED BY
C. R. [Signature]
POLICE

Bruce A. Ibarguen
Bruce A. Ibarguen, P.E.
State Traffic Engineer
AWARDED BY
CONCURRED +
NOTED

COMMENT:

COMMISSIONER OF
TRANSPORTATION
12/1/04

A speed zone review was requested by William R. Shane, Manager for the Town of Cumberland. The official speed limits for Greely Road, according to Maine D.O.T. records, are 45 MPH and 35 MPH. After conducting the review, it is recommended that the 45 MPH speed zone be shortened in length and the 35 MPH speed zone be extended in length. An adjustment was made in the total mileage for this road in order to accurately reflect Maine D.O.T. records. These recommendations are based on engineering standards that include: 85th percentile, test runs, crash history, access points, municipal input and engineering judgment.



Randall E. Dunton
Randall E. Dunton, P.E., P.T.O.E.
Southern Region Traffic Engineer

cc: file

Nadeen Daniels

From: William Shane
Sent: Thursday, January 27, 2005 9:17 AM
To: Steve Moriarty ; Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); Harland Storey (cstorey@gwi.net); Jeff Porter - Home; Jeffrey Porter; Mark Kuntz ; Mike Savasuk ; William Shane; Alyssa Daniels; Nadeen Daniels
Subject: Chandler's Cove Fire

Dear Councilors:

I have **mandated that no fire permits** be issued on Public Properties on Chebeague Island until after I receive a report and recommendation from the Fire Chief and the committee has had a chance to develop a recommendation to the Town Council (May 9th meeting) .

I spoke to Fire Chief Dan Small yesterday regarding the concerns raised at our meeting Monday evening about fires at Chandler's Cove. He supports the burn permit mandate and will provide me with a detailed recommendation on how the issuance of fire permits on public property should proceed.

Dan is leery about issuing any permits in the open field area and may recommend that the fires be restricted to the areas between high tide and low tide. This may be somewhat controversial, but he is concerned with limited fire suppression capacity on the island, the materials used in the fire, and the proximity of the bon fire to the woods. Dan informed me this morning that the existing location of the bon fires would not be permitted and that he has a detailed list of how and where burn piles should be placed.

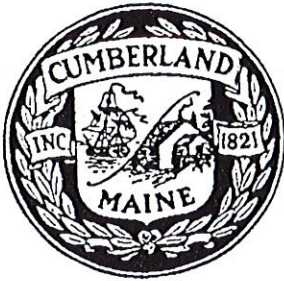
I will have this Item announced under "Manager's Report" at our February 14th agenda and ask the Chandler Cove Committee to work with fire department to develop criteria for any future fires. I will work with Steve and Donna to develop a charge for this committee.

Please call me if you have any questions.

Bill

William R. Shane , Town Manager
290 Tuttle Road
Cumberland, Maine 04021
207-829-2205

2/4/2005



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

February 7, 2005

Mr. Jay Clement
U.S. Army Corps of Engineers
675 Western Avenue
Manchester, ME 04333

Dear Mr. Clement:

The Cumberland Planning Board has been presented with a Shoreland Zoning Permit request for the construction of a private pier on Chebeague Island. The property owners are John Turner and Harriet Tee Tagart. Charles Poole of Custom Float Services is representing the owners.

The Planning Board held a public hearing at its January meeting on this proposal. Many residents of Chebeague Island either spoke at the meeting or sent emails to the Planning Board expressing concerns about the construction of this pier. The Board asked me to summarize their concerns in a letter to you and the other reviewing State agencies: the Department of Conservation, Maine DEP, and the Historic Preservation Commission. The Board felt it was important that the concerns that have been expressed are known by these agencies. Another reason the Board has asked me to contact you is that the Town is currently without a harbormaster or other staff person who is qualified to advise the Board on how well this application meets the provisions of our ordinances. As such, the Board will be relying more heavily on the findings made by your agency in permit review, the DEP in its NRPA review, and the Department of Conservation and the Historic Preservation Commission's reviews.

The concerns expressed are:

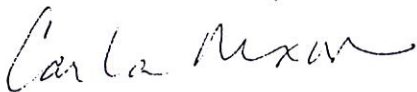
- That Hamilton Beach and the cove are used by the public for swimming, walking and near-shore kayaking and rowing. Some letters have indicated that this beach is the most heavily-used beach on the Island.
- That there is a Town road (Soule Road) that leads to the shore and is used by the public for shore access.
- That there has been considerable erosion in the area where the pier will be located and that the pier will come off a "very unstable bank."

- That there has been a “proliferation” of private piers that have affected the use of the shore on Chebeague for walking and boating, and that this proliferation will continue as more and more of the shore properties are sold to wealthy individuals who will have the financial means to construct private piers. This will negatively affect the views from the shore and the location of moorings and navigation in the near-shore areas.
- The area has been identified as a potential Native American site. Various artifacts have been found in this area (an arrow head, shell heaps, a grave with a peace pipe.)
- This area is used for mooring of many boats (24-30) belonging to those residents of the east end of the Island.
- The impact of the pier in allowing for the “safe passage” of sailboats leaving or approaching their moorings.
- That there is a public pier at a “not unreasonable” distance from the property that could be used by the Applicants.
- That the other piers that have been constructed around the Island are in areas that are not popular beach destinations and which have access through just the property owner’s land.
- The pier would “significantly bifurcate a protected cove, due to the length which must accommodate the tidal range and a significant inter-tidal area”.
- That there are “many young lobsters throughout the eel grass area” and that there has been “an increasing amount of young lobsters each year as well as the return of brittle stars and eels.”

I would like to also note that there have been several letters of support as well for this proposal.

Please let me know if there is any information that the Town can provide to assist in your review of this proposal.

Sincerely,



Carla Nixon

Planning Director

Town of Cumberland

Cc: Cumberland Planning Board
William Shane, Town Manager

Please note: A similar letter was sent to each of these agencies.

Mr. Doug Burdick
Maine Department of Environmental Protection
312 Canco Rd.
Portland, ME 04103

(MDEP will be reviewing the plan under the Natural Resources Protection Act (NRPA))

Mr. Jay Clement
U.S. Army Corps of Engineers
675 Western Ave. #3
Manchester, ME 04351

-- (He will be reviewing for a U.S. Army Corp Permit)

Ms. Carol DiBello
Maine Department of Conservation
Bureau of Public Lands
22 State House Station
Augusta, ME 04333-0022

(Carol will be reviewing to determine if a submerged lands lease is necessary)

Mr. Mike Johnson
Review and Compliance Coordinator
Maine Historic Preservation Commission
55 Capital St.
65 State House Station
Augusta, ME 04333

-- (He will be reviewing to determine if the pier will affect any historic resources.)

In speaking with Charlie Poole of Custom Float Services, it looks like the DEP review will take 3-4 months. The pier application will not come before the Planning Board again until all these agencies have responded.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

February 15, 2005

Re: Brown Tail Moth – 2005

Dear Cumberland Residents:

This letter is to inform you that the Cumberland Town Council will once again follow the recommendation of Mr. Richard Bradbury, the State of Maine's Entomologist, and **Not Aerial Spray for Brown Tail Moths** this year. Mr. Bradbury will be at the Town Council meeting on March 14, 2005 (Town Hall at 7:00 PM in the Town Council Chambers) to give his final update to the Town Council. You are encouraged to ask questions of the Town Council and of Mr. Bradbury at this meeting or send your questions or comments to me prior to the meeting date.

Attached to this letter is information from last year related to Brown Tail Moths and a list of certified Ground Spray Applicators. Most of the Applicators schedules will be filled by early March, so I urge you to schedule your individual ground spraying as soon as possible and even consider working with your neighbors to perhaps capture a quantity discount.

Please contact Nadeen Daniels in my office (829-2205) if you have any questions related to the upcoming Town Council meeting.

Sincerely,

William R. Shane
Town Manager

wshane@cumberlandmaine.com

cc: Nadeen Daniels, Town Clerk / Human Resources Director

*Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021*

PRSRT STD
US POSTAGE PAID
CUMBERLAND, ME 04021
PERMIT 35
ECRWSS
POSTAL CUSTOMER LOCAL

CUMBERLAND RESIDENT

2004 Winter Browntail Moth Caterpillar Update



Mature caterpillar (Maine Forest Service photo)

For more information on the browntail moth caterpillar and precautions you should take, please read the contents of this bulletin.

The Maine Forest Service recommends:

- *Landowners within 3 or 4 air miles of the ocean should proceed with plans to hire a licensed pesticide applicator if they wish to control the problem in 2004.*
- *Landowners 4 or more miles inland should expect a reduction in numbers of the browntail, and if you have low numbers of webs on your property at this time, they are not likely to need to treat in 2004. Very sensitive individuals or those with very high numbers of wintering webs on their property should allow a licensed applicator to make the final assessment as to whether you need to treat on a case by case basis.*

BULLETIN

Browntail Moth Health Alert

Prepare for the Browntails Now!

A good method of management around the home is to clip the webs during the winter months while the caterpillars are still inside their webs.

- Webs occur upright on branch tips. Many are within easy reach of hand clippers or pole pruners
- Check shrubs and trees including oak, apple, shadbush, and cherry
- Clip all webs within reach
- Kill larvae by soaking webs in a water/detergent solution
- Caterpillars will come out of webs in mid-April so clipping is of little value from mid-April through August

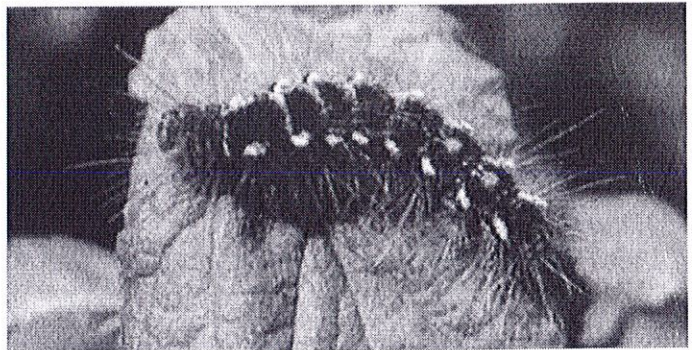
This brochure was produced by the combined efforts of the Town of Cumberland and the Maine Forest Service. Much of the information in this health alert is taken from articles written by Dick Bradbury of the Maine Forest Service and other materials prepared by the Maine Forest Service. This assistance and these resources are gratefully acknowledged.

BROWNTAIL MOTH PRECAUTIONS

During the spring and early summer, coastal Maine residents may experience a persistent rash following outdoor activities in which they may have had direct or indirect contact with the Browntail moth caterpillar. Areas along the coast of Cumberland are infested with the Browntail moth and it is important for residents to be able to recognize these caterpillars and take necessary precautions.

The Browntail moth has tiny 2-3 mm poisonous hairs that cause dermatitis similar to poison ivy. The hairs easily break off the larvae or from the cast skins the insects leave behind when they molt and this material then becomes airborne. The rash can be severe and persist for weeks in sensitive individuals. The rash is caused by both a chemical reaction to the toxin in the setae and a physical irritation as the barbed setae become embedded in the skin. Respiratory distress from inhaling the hairs has been reported and can be serious.

The following precautions may help people living in browntail moth infested areas during the period from June through August:



Mature caterpillars are 1.5" long & easily identified by two conspicuous orange spots on their back & broken white stripes running down either side.

- Avoid places heavily infested by caterpillars whenever possible.
- Take a cool shower and change clothes after any activity that might involve contact with the browntail moth hairs.
- Dry laundry inside during June and July to avoid the hairs becoming impregnated in the clothing.
- Wear respirator, goggles and coveralls tightly closed at neck, wrists and ankles when performing activities that stir up caterpillar hairs such as: mowing, raking, weed whacking and removing pupal webbing from eaves and boats.
- Contact with hairs can be minimized doing tasks such as above by working on damp days or wetting down materials with a hose or damp cloth as moisture helps keep the hairs from becoming airborne.
- Use caution cleaning debris left by the caterpillars because the toxin is extremely stable and remains a hazard for a number of years.
- Consult your physician if you develop a severe reaction to the browntail moth.

Ground Spray Applicators

(This is not an all inclusive listing. For more contractors, check under "Arborists" or "Tree Service" in the yellow pages)

Bartlett Tree Service

Pat Lindsey

PO Box 6828

Scarborough, ME 04070-6828

883-3340

Keystone Horticulturists

Tom Sulky

PO Box 637

Kennebunk, ME 04043

797-8733

Lucas Trees

Marty Folsom

636 Riverside Street

Portland, ME 04103

797-7294 x 142

Rare Earth

Michael Cantlin

PO Box 10547

Portland, ME 04104

882-8433

WellTree

Jeff Gillis

35 Noble Street

Brunswick, ME 04011

721-9210

Whitney Tree Service

David MacDonald

199 Portland Road

Gray, Maine 04039

657-3256

IDENTIFYING BROWNTAIL MOTH WINTER NESTS

The browntail moth overwinters as larvae in colonies that are enclosed within webbed nests of white silk, tightly woven around a leaf in trees or shrubs. The nests are spun in early fall and contain 25-400 larvae.

- 2-5 inches long
- white silk tightly woven around a leaf or leaves
- wrap of white silk tying leaf petiole to twig
- small brown hairy larvae



Overwintering web (Maine Forest Service photo)

WHAT IS THE BROWNTAIL RASH?

Contact with toxic hairs found on mature caterpillars may result in a severe rash on sensitive individuals that may last for hours or days. Contact with the Browntail moth caterpillar's toxic hairs is most frequently from windborne hairs and not from direct contact with the caterpillars.

The rash is a dry reddening of the skin

often described as being similar in appearance to chicken pox or poison ivy. Bathing the affected area with cool water or application of topical antihistamine creams may alleviate the itching but in severe cases, afflicted individuals should consult their doctor. In the rare case of respiratory distress, contact your doctor immediately.

No Municipal Spray Program in 2004

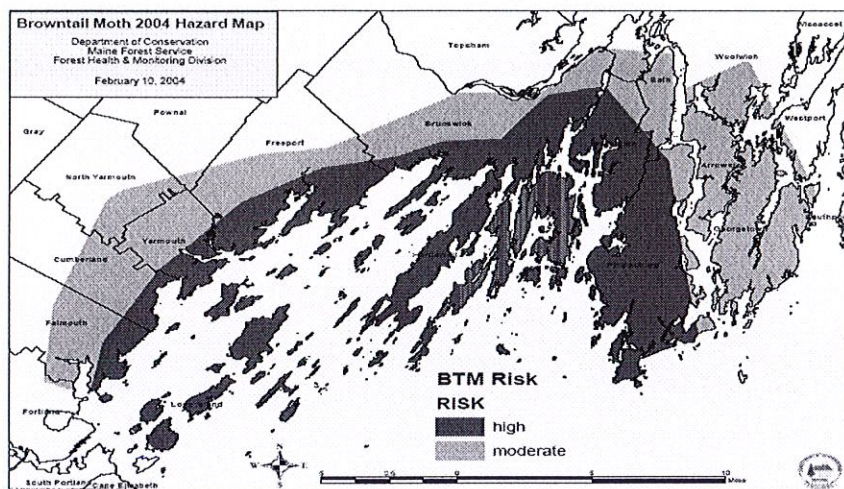
The Town of Cumberland will NOT be conducting a spray program to control brown-tail moth caterpillars in the Spring of 2004. Residents should check their properties for infestation levels and determine if control methods are warranted.

If you want to have your property sprayed, the Town recommends that you act soon in order to ensure that you will be able to be treated. The Town also recommends that you coordinate your efforts with neighbors in order to reduce the cost and increase the effectiveness of the ground spraying. A list of licensed ground spray applicators is located to the left.

Browntail Moth 2004 Hazard Map

Department of Conservation, Maine Forest Service

Forest Health & Monitoring Division—February 10, 2004



WILL TREES DEFOLIATED BY THESE CATERPILLARS SURVIVE?

The browntail moth caterpillars feed on the foliage of a wide variety of deciduous trees and shrubs. Over 200 species have been documented, with red oaks, apple, and shadbush being favored in Maine. Feeding by high numbers of browntail moth caterpillars may completely strip even large oaks of all their leaves by early June. Loss of more than two-thirds of the foliage will cause otherwise healthy trees to grow a new set of leaves.

Most trees, while stressed by the feeding, exhibit very few symptoms of long term damage. Mature red

oaks have been known to be completely defoliated for three consecutive years without serious consequence. Landowners can help valued shade trees by fertilizing them in early spring by simply broadcasting a small amount (1 lb. per inch of tree diameter) of a complete fertilizer (i.e. 10-10-10) under the tree crown. Licensed arborists may be hired to do this service for a fee. Note: DO NOT FERTILIZE trees in Maine from June 15th through leaf drop. Fertilization at this time of year will damage the tree.

BTM CHECK LIST

NOW—MARCH 30

✓ Contact licensed pesticide applicator if webs are beyond reach

✓ Coordinate control efforts with neighbors to maximize effectiveness & reduce costs

NOW—APRIL 15

✓ Check for webs to determine a problem

✓ Clip webs within reach

MAY 1 – MAY 24

✓ Chemical treatment needs to be completed

JUNE—JULY

✓ Take personal precautions in heavily infested areas



FOR MORE INFORMATION:

Pesticide Background Information:

www.epa.gov/pesticides/reregistration/status.html

<http://ace.orst.edu/info/extoxnet/ghindex.html>

Browntail Information:

www.state.me.us/doc/mfs/btm.html



M E M O R A N
D U M

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

To: Cumberland Area Builders
From: William C. Longley Jr. CEO *we*
Subject: New Building Code adopted & New Fees Proposed
Date: 02-15-05
CC: William Shane, Town Manager
File

Please be advised that recently the Cumberland Council adopted the new International Residential Code 2003 version for all new or modified one and two family dwellings, and the International Building Code 2003 version for all other construction. These codes are available at the Prince Memorial Library or can be purchased from the International Code Council their website is www.iccsafe.org.

The Cumberland Council has scheduled a Public Hearing at the Council chambers on Monday March 14th at 7:00 PM to hear comments on the proposed fee changes. I have enclosed copies of the proposed new fees for your review. If there are any questions please contact me at 207-829-2207 on either Tuesday or Thursday or you can leave a voice mail message and I will return your call. I am also available by e-mail at wlongley@cumberlandmaine.com.

Town of Cumberland Fees and Fines

Board of Adjustment and Appeals

Application and Notice fee \$ 100.00

Building Permits

Residential :

Minimum Fee \$ 50.00

New Construction Finished Areas \$.25 / per sq. ft.
Unfinished Areas \$.10 / per sq. ft.

Note: Including all floor levels from the lowest floor to the highest floor level.

Renovation and Alteration \$ 10.00 per \$1,000.
(Include written cost estimate)

Commercial :

Minimum Fee \$ 100.00

New Construction Finished Areas \$.30 / per sq. ft.
Unfinished Areas \$.10 / per sq. ft.

Note: Including all floor levels from the lowest floor to the highest floor level.

Renovation and Alteration \$ 10.00 per \$1,000.
(Include written cost estimate)

\$ 50.00

Change of Use:

(no charge if permit issued)

Decks and Sheds:

\$ 25.00

(up to 400 sq. ft then .10 per sq. ft. additional)

Demolition Permits :

\$ 25.00

Electrical Permits : New Construction / Addition / Renovations: \$.05 sq. ft.
(\$25.00 Minimum inspection fee)
New Service / Upgrade \$ 25.00

Swimming Pool

\$ 25.00

Administrative Fee (Required on all permits)

\$ 25.00

Note: \$50.00 Minimum fee for electrical permits

Fines for Construction without permit: 1st Offense Double Fee
2nd Offense Triple Fee
3rd and subsequent Offenses Min. \$2,500.00 Fine

Note: Based on twelve month permit activity for individual, contractor or company.
This includes Building, Plumbing and Electrical permits.

Plumbing Permit :

Internal Fees : \$ 9.00 per fixture Minimum Fee \$ 36.00

External Fees:	For Complete Systems
<p>Installation: \$1000</p> <p>Training: \$1000</p> <p>Documentation: \$1000</p> <p>Hardware: \$1000</p> <p>Software: \$1000</p> <p>Support: \$1000</p>	<p>Installation: \$1000</p> <p>Training: \$1000</p> <p>Documentation: \$1000</p> <p>Hardware: \$1000</p> <p>Software: \$1000</p> <p>Support: \$1000</p>

Engineered system	\$ 300.00
Non-engineered system	\$ 150.00
Primitive system	\$ 150.00
Separate Laundry	\$ 52.50
Seasonal Conversion	\$ 75.00
Variance	\$ 30.00

For Separate parts of systems

Alternate Toilet only	\$ 75.00
Disposal field (eng.)	\$ 225.00
Disposal field (non-eng)	\$ 112.50
Treatment Tank only (non-eng.)	\$ 75.00
Treatment Tank only (eng.)	\$ 120.00
Holding Tank	\$ 150.00
Other Components	\$ 45.00
Variance	\$ 30.00

<u>Re-Inspection Fee :</u>	Building, Plumbing and Electrical	\$ 25.00 1 st
		\$ 50.00 2 nd
		\$ 100.00 3 rd or more

Note: Re-inspection fees are assessed at the discretion of the Inspector

<u>Re-Zoning or Contract Zone Fee:</u>	Staff Review Fee	\$	500
	Zoning Map Change	\$	350.00
	Zoning Text Change	\$	350.00
	*Consulting Escrow	\$	800.00

If both a Text and Map change collect for both.

<u>Shoreland Zoning:</u> Staff Issued	\$ 150.00
Planning Board Issued	\$ 250.00

<u>Signs :</u>		\$ 50.00
<u>Site Plan Fees :</u>		
Minor :	Application Fee	\$ 100.00
	Up to 5000 sq. ft Fee	\$ 350.00
	*Consulting Escrow:	\$ 1000.00
Major :	Application Fee	\$ 100.00
	Up to 10,000. sq. ft. Fee	\$ 500.00
	Per 1,000 sq. ft. over 10,000.	\$ 50.00
	*Consulting Escrow:	\$ 1500.00

Stop Work Order or other Violation :
See 30-A M.S.R.A. ss 4452: \$100 to \$2,500. per violation

<u>Subdivision Fees :</u>		
Minor:	Application Fee	\$ 100.00
	Planning Review Fee	\$ 500.00
	Per lot Fee	\$ 25.00
	*Consulting Escrow: \$100 per lot or dwelling unit	
Major:	Application Fee	\$ 100.00
	Planning Review Fee	\$ 1,500.00
	Per lot Fee	\$ 100.00
	*Consulting Escrow: \$100 per lot or dwelling unit	
Revision:	Application Fee	\$ 100.00
	Per Revised Lot Fee	\$ 150.00
	*Consulting Escrow: \$350	

Swimming Pools above/below \$ 100.00

*Consulting Escrow is the initial deposit made by the applicant to cover the costs of outside review including, but not limited to, engineering, legal, environmental, and traffic issues. Additional funds may be required, as needed.

Existing Fees

TOWN OF CUMBERLAND Fees and Fines

Board of Adjustment and Appeals
Application and notice fee \$75.00

Building Permits

RESIDENTIAL

Minimum Fee \$10.00

Finished Areas \$.15 per square foot;

Unfinished Areas \$.05 per square foot. Including all floor levels from the first floor to the highest floor level.

Finished Basement Areas \$.15 per square foot.

Unfinished Basement and Crawl Areas \$.05 per square foot when separate permit is issued.

Alterations and Renovations including Decks : Estimated Cost of Construction

less than \$1,000 to \$1,000 = \$10.00

\$1,001 to \$5,000 = \$20.00

\$5,001 to \$10,000 = \$30.00

Greater than \$10,000 = \$30.00 + \$2.00 per \$1,000

\$70 / \$120

Pools Above and below ground \$.10 per square foot. Wood decking use estimated cost schedule. No fee for concrete apron.

COMMERCIAL

Finished Areas \$.20 per square foot;

Unfinished Areas \$.10 per square foot. Includes all floor levels from the basement to the highest floor level.

Unfinished Basements and Crawl Areas \$.10 per square foot when separate permit is issued.

Alterations and Renovations : Estimated Cost of Construction less than

\$1,000 to \$1,000 = \$20.00

\$1,001 to \$5,000 = \$30.00

\$5,001 to \$10,000 = \$40.00

Greater than \$10,000 = \$40.00 + \$3.00 per \$1,000

BELETED PERMITS

In addition to the cost of a permit, all belated permits will be subject to a fine of twice the permit fee, plus \$5.00 for each day after notice of violation has been given by the Code Enforcement Officer.

Building permit violations - not less than \$25.00 and nor more than \$100.00. Each day such violation is permitted to exist after notification thereof by the Code Enforcement Officer shall constitute a separate offense.

Residential Care Facilities
See Appendix B of the Subdivision Ordinance
no event shall the total municipal staff review

Signs

Each sign \$25.00

Temporary political campaign signs which
\$15.00

Violations - no less than \$10.00 nor more

Site Plan Review

Application and notice fee \$75.00

Engineering Escrow fee at the discretion of the Town Engineer
\$2,000.

Use Permit

Fee \$4.00

Demolition Permit

Fee \$10.00

Excavation of Land and Removal of Earth Products

Application fee - \$300

Violations- Penalties not to exceed \$1,000 per day

Shoreland Zoning Permits

Application fee - \$75.00

Subdivision Fees

Minor Subdivision

- Application and notice fee: \$75

- Staff review fee: \$500 plus \$25 per lot, not to exceed \$1,000

- Town Engineer review escrow
or per dwelling unit for multi-family units shall be deposited
into an escrow account established by the Town Engineer
be used to pay the cost of review of the subdivision
which cost shall be calculated by the Town Engineer
Engineer in review of the subdivision

remaining in the escrow account at the time of the Planning Board's final decision on the application and not spent on the Town Engineer's review of the application shall be returned to the applicant within thirty (30) days after the Planning Board's final decision; provided, however, that where the cost of the Town Engineer's review exceeds the amount of monies in the escrow account the applicant shall pay to the Town prior to the Planning Board's final decision the amount by which the actual cost of the Town Engineer's review exceeds the amount of monies in the escrow account. [Amended; Effective 5/14/90]

Major Subdivision (due at time of Preliminary Plan application subdivision)

- Application and notice fee: \$75
- Staff review fee: \$1000 plus \$100 per lot or dwelling unit for multi-family buildings.
- Town Engineer review escrow account: The applicant shall pay \$150 per lot or per dwelling unit for multi-family buildings, which amount shall be deposited into an escrow account established by the Town. This escrow account shall be used to pay the cost of review of the application by the Town Engineer, which cost shall be calculated on the basis of hours spent by the Town Engineer in review of the application times the hourly rate of \$40. Monies remaining in the escrow account at the time of the Planning Board's final decision on the application and not spent on the Town Engineer's review of the application shall be returned to the applicant within thirty (30) days after the Planning Board's final decision; provided, however, that where the cost of the Town Engineer's review exceeds the amount of monies in the escrow account the applicant shall pay to the Town prior to the Planning Board's final decision the amount by which the actual cost of the Town Engineer's review exceeds the amount of monies in the escrow account. [Amended; effective 5/14/90]

Subdivision Revision

- Application and notice fee: \$75.
- Staff review fee: \$250 plus (a) for proposals amending previously approved plans, which under the current ordinance would constitute a minor subdivision both prior to and subsequent to the amendment, no additional fee; (b) otherwise, \$25 per lot or unit for each lot the applicant proposes to add, delete, or relocate from a previously approved plan, and \$25 for each lot the applicant proposes to make any adjustments to previously approved lot boundary lines.
- Town Engineer review escrow account: The applicant shall pay \$75 per lot or per dwelling unit for multi-family buildings, which amount shall be deposited into an escrow account established by the Town. This escrow account shall be used to pay the cost of review of the application by the Town Engineer, which cost shall be calculated

on the basis of hours spent by the Town Engineer in review of the application times the hourly rate of \$40. Monies remaining in the escrow account at the time of the Planning Board's final decision on the application and not spent on the Town Engineer's review of the application shall be returned to the applicant within thirty (30) days after the Planning Board's final decision; provided, however, that where the cost of the Town Engineer's review exceeds the amount of monies in the escrow account the applicant shall pay to the Town prior to the Planning Board's final decision the amount by which the actual cost of the Town Engineer's review exceeds the amount of monies in the escrow account. [Amended; effective 5/14/90]

Town of Cumberland Fees and Fines

Application and Notice fee	\$ 100.00
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Residential :	Minimum Fee	\$ 50.00
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Note: Including all floor levels from the lowest floor to the highest floor level.

Commercial :	Minimum Fee	\$ 100.00
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Note: Including all floor levels from the lowest floor to the highest floor level.

Change of Use:

Demolition Permits : **\$ 25.00**

New Service / Upgrade	\$ 25.00
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Administrative Fee	(Required on all permits)	\$ 25.00
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Fines for Construction without permit: 1st Offense Double Fee

2nd Offense Triple Fee

3rd and subsequent Offenses Min. \$2,500.00 Fine

Note: Based on twelve month permit activity for individual, contractor or company.

This includes Building, Plumbing and Electrical permits.

Plumbing Permit :

Internal Fees : \$ 9.00 per fixture Minimum Fee \$ 36.00

External Fees: For Complete Systems

Engineered system	\$ 300.00
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Non-engineered system	\$ 150.00
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Primitive system	\$ 150.00
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Separate Laundry	\$ 52.50
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Seasonal Conversion	\$ 75.00
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Variance **\$ 30.00**

For Separate parts of systems

Alternate Toilet only	\$ 75.00
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Disposal field (eng.)	\$ 225.00
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Disposal field (non-eng)	\$ 112.50
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Treatment Tank only (non-eng.)	\$ 75.00
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Treatment Tank only (eng.)	\$ 120.00
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Holding Tank	\$ 150.00
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Other Components	\$ 45.00
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Variance	\$ 30.00
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Re-Inspection Fee : Building, Plumbing and Electrical

\$ 25.00 1st

\$ 50.00 2nd

\$ 100.00 3rd or more

Note: Re-inspection fees are assessed at the discretion of the Inspector

Re-Zoning or Contract Zone Fee:

Staff Review Fee

\$ 500

Zoning Map Change

\$ 350.00

Zoning Text Change

\$ 350.00

*Consulting Escrow

\$ 800.00

If both a Text and Map change collect for both.

Shoreland Zoning: Staff Issued

\$ 150.00

Planning Board Issued

\$ 250.00

Signs : \$ 50.00

Site Plan Fees :

Minor :	Application Fee	\$ 100.00
	Up to 5000 sq. ft Fee	\$ 350.00
	*Consulting Escrow:	\$ 1000.00
Major :	Application Fee	\$ 100.00
	Up to 10,000. sq. ft. Fee	\$ 500.00
	Per 1,000 sq. ft. over 10,000.	\$ 50.00
	*Consulting Escrow:	\$ 1500.00

Stop Work Order or other Violation :

See 30-A M.S.R.A. ss 4452: \$100 to \$2,500. per violation

Subdivision Fees :

Minor:	Application Fee	\$ 100.00
	Planning Review Fee	\$ 500.00
	Per lot Fee	\$ 25.00
	*Consulting Escrow: \$100 per lot or dwelling unit	
Major:	Application Fee	\$ 100.00
	Planning Review Fee	\$ 1,500.00
	Per lot Fee	\$ 100.00
	*Consulting Escrow: \$100 per lot or dwelling unit	
Revision:	Application Fee	\$ 100.00
	Per Revised Lot Fee	\$ 150.00
	*Consulting Escrow: \$350	

Swimming Pools above/below \$ 100.00

*Consulting Escrow is the initial deposit made by the applicant to cover the costs of outside review including, but not limited to, engineering, legal, environmental, and traffic issues. Additional funds may be required, as needed.

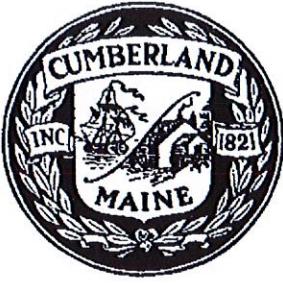
REGIONAL PLANNING BOARD FEE SCHEDULE TABLE

Town/City	Subdivision Review	Site Plan Review	Shoreland Zone	Rezoning	Other
Falmouth	\$40 publishing/notification fee \$200 (first 3 lots) \$50 (each addt. lot) \$100 escrow per lot \$100 pre-app review fee \$25 inspection fee per approved lot	\$40 publishing/notification fee \$250 flat fee \$20 per 1,000 sq ft \$50 per 1,000 sq ft (escrow, in excess of 2,000 sq ft) \$50 signs in excess of 20 sq ft	\$40	\$250	Private Way review and notification fee: \$140
Biddeford	<p>Minor Subdivision: \$500.00 + \$100.00 per lot or dwelling unit; \$100.00 for minor revisions to approved plans.</p> <p>Major Subdivision: \$500.00 + \$100.00 per lot or dwelling unit; \$500.00 for final approval; \$100.00 for minor revisions to approved plans.</p> <p>In the event that a more detailed review is needed, a minimum of \$1,500 shall be deposited into a draw account to cover the additional review costs. When this account is drawn down to a level of \$500.00 or less, the applicant shall be required to deposit an additional \$1,500.00.</p>	<p>Administrative fee: \$20</p> <p>Minor site plan (Change of use, increase in size of non-residential structure 2,000 square feet or more, or other construction and expansion as outlined in Article XI): \$500.00</p> <p>Major Site Plan (Any new building):</p> <p>Up to 10,000 sq ft: \$1,000; 10,000 - 50,000 sq ft: \$2,000 Over 50,000 sq ft: \$3,000</p> <p>In the event that a more detailed review is needed, a minimum of \$1,500 shall be deposited into a draw account to cover the additional review costs. When this account is drawn down to a level of \$500.00 or less, the applicant shall be required to deposit an additional \$1,500.00.</p>	\$120.00: \$100 review fee + \$20 administrative fee	\$1,000.00 plus legal and engineering expenses incurred by the City in reviewing plans	Reviews for home occupations, private right of way, minor lot line revision, and change of use: \$200 with no engineer review; \$500 with engineer review.
Cape Elizabeth	\$125 per lot/unit	\$200 flat fee		\$100	Private Way: \$200 Wetlands alteration permit: \$200

Cumberland	<p>Application/Notification: \$75</p> <p>Minor subdivision: \$500 + \$25 per lot or du for multi-family buildings</p> <p>Town Engineer review escrow: \$100 per lot or du for multi-family buildings</p> <p>Major subdivision: \$1,000 + \$100 per lot or du for multi-family buildings</p> <p>Town Engineer review escrow: \$150 per lot or du for multi-family buildings</p> <p>Revision: \$250 + \$25 per lot/unit (\$25 per lot/unit fee is waived if proposal constitutes a minor sub. both prior to and subsequent to the amendment)</p>	<p>Application/Notification: \$75</p> <p>Engineering escrow at the discretion of the Town Planner shall not exceed \$2,000</p>	\$75		Private Way: \$200
Freeport	<p>Minor subdivision: \$100 per lot/unit</p> <p>Major subdivision (prelim): \$100 per lot/unit</p> <p>Major subdivision final approval: \$75 per lot/unit</p> <p>Performance guarantee administrative fee: 2% of the total cost of required improvements</p>	<p>Minor Site Plan: \$150</p> <p>Major Site Plan: \$300 - \$3,000: \$300 for up to 3,000 sq ft gross floor area, and \$50 per addt. 1,000 sq ft up to \$3,000 max.</p> <p>For outdoor uses when a building or structure is not part of the site plan, the fee shall be \$300 for the first 3 acres of outdoor use, and \$50 per additional acre of outdoor use, all to a maximum of \$3,000.</p> <p>Performance guarantee administrative fee: 2% of the total cost of required improvements</p>		\$350 + addt. \$350 if zoning map change is needed	<p>Advertising of Public Hearing - Planning Board: \$90</p> <p>Other applications to Planning Board: \$100</p>
Gorham	<p>Residential Subdivision: \$700 first 3 lots + \$300 each addt lot</p> <p>Commercial or Industrial subdivision: \$500</p> <p>Consulting escrow: \$100/unit</p> <p>Publication/notification fee:</p>	<p>Minor Site Plan: \$40 pub/notice fee;</p> <p>Consulting escrow: as needed;</p> <p>Non-residential w/new construction: \$150 < 2,000sf + \$20/ea addt. 1,000sf to max of \$500;</p>	<p>Review fee: \$50</p> <p>Pub/Notice fee: \$40</p> <p>Consulting escrow: As needed</p>	<p>Review fee: \$300</p> <p>Pub/Notice fee: \$40 + legal ad</p> <p>Consulting escrow: \$250</p>	<p>Private Way: \$40 pub/notice;</p> <p>Consulting escrow fee: \$150;</p> <p>Review fee: \$250;</p> <p>Amendments: \$125</p>

	estimate for performance guarantee	shoreland zoning improvements: 3% of estimate for performance guarantee			
Westbrook	\$100 (first 2 lots); Lots 3-5 = addt \$100 \$100 each addt lot above 5 lots	\$500/\$1,200 after the fact \$250 (Conditional Use) \$2.50 (Maps)		\$250	
Windham	Pre-app Sketch Plan: \$15/lot First 2 lots: \$600 Each additional lot: \$300 ~However, should the expenses associated with review of the development be appreciably higher than the applicable fee, the applicant shall be billed the difference and shall pay additional expenses to the Town prior to final approval.	\$700 minimum fee for up to a 2,000 sq ft building. \$200 for each additional 1,000 sq ft or fraction thereof. \$300 for land development over 25,000 square feet ~However, should the expenses associated with review of the development be appreciably higher than \$300, the applicant shall be billed and shall pay said expenses to the Town prior to final approval.	Proposals requiring Planning Board Review: \$100 Proposals requiring a Public Hearing: \$150	\$300	Revisions for Site Plan or Subdivision: \$300
Yarmouth	\$250 per lot/unit \$100 per amended or revised lot Inspection fee: 2% of the cost of the required improvements	Projects up to 1500 sq ft: \$100 Projects 1500 to 2500 sq ft: \$500 Projects over 2500 sq ft: \$800	Application for a shoreland review to the Planning Department: \$50 Application for a shoreland review to the Yarmouth Planning Board: \$100	\$250	Notice mailing fee: \$1.00 per addressee The Planning Board may require the applicant for a subdivision or site plan review to deposit in an escrow account with the Town funds sufficient to cover 90% of the cost of an independent professional review of any plan.

	Cumberland Proposed Fees 1-04-05	Cumberland Current Fees 1-01-05	Yarmouth Current Fees 1-01-05	Falmouth Current Fees 1-01-05
Board of Adjustments and Appeals	\$100.00	\$75.00	\$100.00 but \$20.00 for HO	\$50.00 Adm./ \$100. Board \$25.00 for HO
Building Permits: Min. Fee	\$50.00	\$10.00	\$20.00	\$25.00
Residential NEW	New finished \$.25 per sq.ft. New Unfin \$.10 per sq.ft.	New finished \$.15 per sq.ft. New Unfin \$.05 per sq.ft.	\$4.00 per 1,000 up to 250K then \$1.00 per \$1,000.00	New finished \$.25 per sq.ft. New Unfin \$.05 per sq.ft.
Renovations	\$10.00 per \$1,000. of cost	\$30. up to 10K then \$2 per K	Same as above	\$5.00 per \$1,000
Commercial Min. fee	\$100.00	\$20.00	\$20.00	\$25.00
NEW	New finished \$.30 per sq.ft.	New finished \$.20 per sq.ft.	Same as above	\$10.00 per \$1,000. of cost
Renovations	\$10.00 per \$1,000. of cost	\$40. up to 10K then \$3 per K	Same as above	\$7.00 per \$1,000. of cost
Change of Use " Certificate of OC" (no charge if permit is issued)	\$50.00	N/A	N/A	\$75.00
Decks and Sheds	\$25.00 up to 400 sq. ft \$.10 for additional Sq.ft.	N/A	N/A	N/A
Demolition Permits	\$25.00	\$10.00	\$20.00	\$25.00
Electrical Permits				
New Construction/Renovation	\$.05 per sq. ft.	\$15.00 for 1st 5 rms then \$2 per room	\$.03 per sq. ft.res.\$.05 Comm	\$.03 per sq. ft.
New Service / Upgrade	\$25.00	N/A	\$25.00 - \$45.00	\$25.00
Swimming Pool	\$25.00	\$10.00	\$30.00	\$25.00
Administrative Fee	\$25.00	N/A	N/A	\$25.00
Fines for Construction without permit	1st Offense Double Fee 2nd Offense Triple Fee 3rd + Offenses Min.\$2,500.	Double fee N/A N/A	Double Fee N/A N/A	Fine Min. \$ 100.00 to \$2,500 Same as above Same as above
Plumbing Permit Fees				
Internal Fees	\$9.00 per fixture	\$6.00 per fixture +\$10.00 Adm Fee	\$6.00 per fixture +\$10.00 Adm Fee	\$9.00 per fixture
External Complete System				
Eng. System	\$300.00	\$210.00	\$210.00	\$300.00
Non-Eng. System	\$150.00	\$110.00	\$110.00	\$150.00
Primitive System	\$150.00	\$110.00	\$110.00	\$150.00
Separate Laundry	\$52.50	\$45.00	\$45.00	\$52.50
Seasonal Conversion	\$75.00	\$60.00	\$60.00	\$75.00
Variance	\$30.00	\$20.00	\$20.00	\$30.00
Separate parts of a system				
Alternative Toilet	\$75.00	\$60.00	\$60.00	\$75.00
Disposal Field (Eng. only)	\$225.00	\$160.00	\$160.00	\$225.00
Disposal Field (non-eng. Only)	\$112.50	\$85.00	\$85.00	\$112.50
Treatment Tank (non-eng. Only)	\$75.00	\$60.00	\$60.00	\$75.00
Treatment Tank (eng. Only)	\$120.00	\$90.00	\$90.00	\$120.00
Holding Tank	\$150.00	\$110.00	\$110.00	\$150.00
Other Components	\$45.00	\$30.00	\$30.00	\$45.00
Variance	\$30.00	\$20.00	\$2.00	\$30.00
Re-Inspection Fee	1st = \$25.00 2nd=\$50.00 3rd or more \$ 100.00	N/A N/A N/A	N/A N/A N/A	\$25.00 N/A N/A
Re-Zoning or Contract Zone Fee				
Zoning Map Change	\$350.00			
Zoning Text Change	\$350.00			
Legal Escrow	\$800.00			
Shoreland Zoning				
Staff Issued	\$150.00			
Planning Board Issued	\$250.00			
Signs	\$50.00			
Site Plan Fees				
Minor Application Fee	\$100.00			
up to 5000 sq ft	\$350.00			
Major Application Fee	\$100.00			
up to 10,000 sq.ft.	\$500.00			
per 1,000 sq. ft over	\$50.00			
Stop Work Order or other Violations per State Law 30-A M.S.R.A. 4452	\$100.00/\$2,500.	\$100.00/\$2,500.	\$100.00/\$2,500.	\$100.00/\$2,500.
Subdivision Fees				
Minor Application Fee	\$100.00			
Minor Planning Review	\$500.00			
Minor per lot fee	\$25.00			
Major Application Fee	\$100.00			
Major Planning Review	\$1,500.00			
Major per lot fee	\$100.00			
Revision Application Fee	\$100.00			
Revised per lot fee	\$150.00			
Swimming Pools	\$100.00	\$.10 per sq.ft.	\$4.00 per \$1,000 of cost	\$75.00



M E M O R A N
D U M

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

To: Town of Cumberland Council
From: William C. Longley Jr. CEO
Subject: Inspection for "Automobile graveyard" and "Junkyard"
Date: 1-27-05
CC: William Shane, Town Manager
Nadine Daniels, Town Clerk

wey

On or about 12-16-04 an inspection was completed at Green law's Salvage at 1 Longwoods Road (see photos attached) and I met with Mr. Greenlaw who assisted me and answered questions about his operation. He was not sure if he wished to continue to dismantle automobiles or if he just would handle "Junk" only. I asked him to call me and let me know. I received a call from him on Tuesday 1-25-05 and he stated that he wished to continue with a Public Hearing and a permit for an "Automobile Graveyard" and a "Junkyard". I discussed his request with the Town clerk and was advised that a Public Hearing could be scheduled for 2-14-05. My report to the Council is to recommend that a six month permit to allow Mr. Greenlaw to move all auto's associated with his business and other junk back behind the fence to properly screen all from view of Longwood's Road or the general public. I believe this six month time period would also allow Mr. Greenlaw to come into compliance with State issues at his property.

An additional set of photos were taken on 1-25-05 to show that auto's are still parked or stored outside of the fenced area. I would recommend that Mr., Greenlaw attend the hearing to answer any question that the Council may have of him, and I will also plan to attend as well.

Application For Automobile Graveyard and/or Junkyard Permit

MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing _____

Application Received 12-8-04

Time of Hearing _____

Permit No. _____

Place of Hearing _____

Fee Paid \$ 50.00

Notifications sent by _____

Date _____

To the City/Town Cumblund County Cumberland Maine

I/We _____ hereby make application (in quadruplicate) for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751 to 3760, Chapter 183, Public Laws 1988.

Answer all questions in full. .

1. Give location of Automobile Graveyard and/or Junkyard _____

1 Longwoods Rd. Cumberland Me. 04021

2. Is this application made by or for a company, partnership, corporation-individual? _____

3. Is this property leased? NO Property owned by Thomas A. Greenlaw

Address: _____

4. How is "yard" screened? -- Fence? (Type) Wood Height 10 FT. Trees? (Type) Assorted

Embankment? _____ Gully? _____ Hill? _____ Other? _____

5. How far is edge of "yard" from center of highway? 130 Feet.

6. Can junk be seen from any part of highway? Yes _____ No ✓

7. Was Junkyard Law, Requirements and Fees explained to you? Yes ✓ No _____

8. Is any portion of this "yard" on public property? Yes _____ No ✓

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No ✓

10. When was "yard" established? _____ By Whom? James Villacci

11. When was last permit issued? 2003 To Whom? Thomas S. Greenlaw

1 copy of Application to City/Town

1 copy of Application to Applicant

1 Copy of Application to State Police, Augusta

1 Copy of Application to Department of Transportation, Augusta

1 Copy of Application to Motor Vehicle Division, Secretary of State

(over)

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [Signature] For: Greenham Salvage
Name of Company - Corporation, Partnership, Indiv.

Address: 1 Longwoods Rd Cumberland Cty. Me. 04021

Make complete sketch of "yard." Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. _____ Circle Correct Direction N _____
E _____
W _____
S _____
Lot No. _____
Zone _____

LONGWOODS RD RT. 9

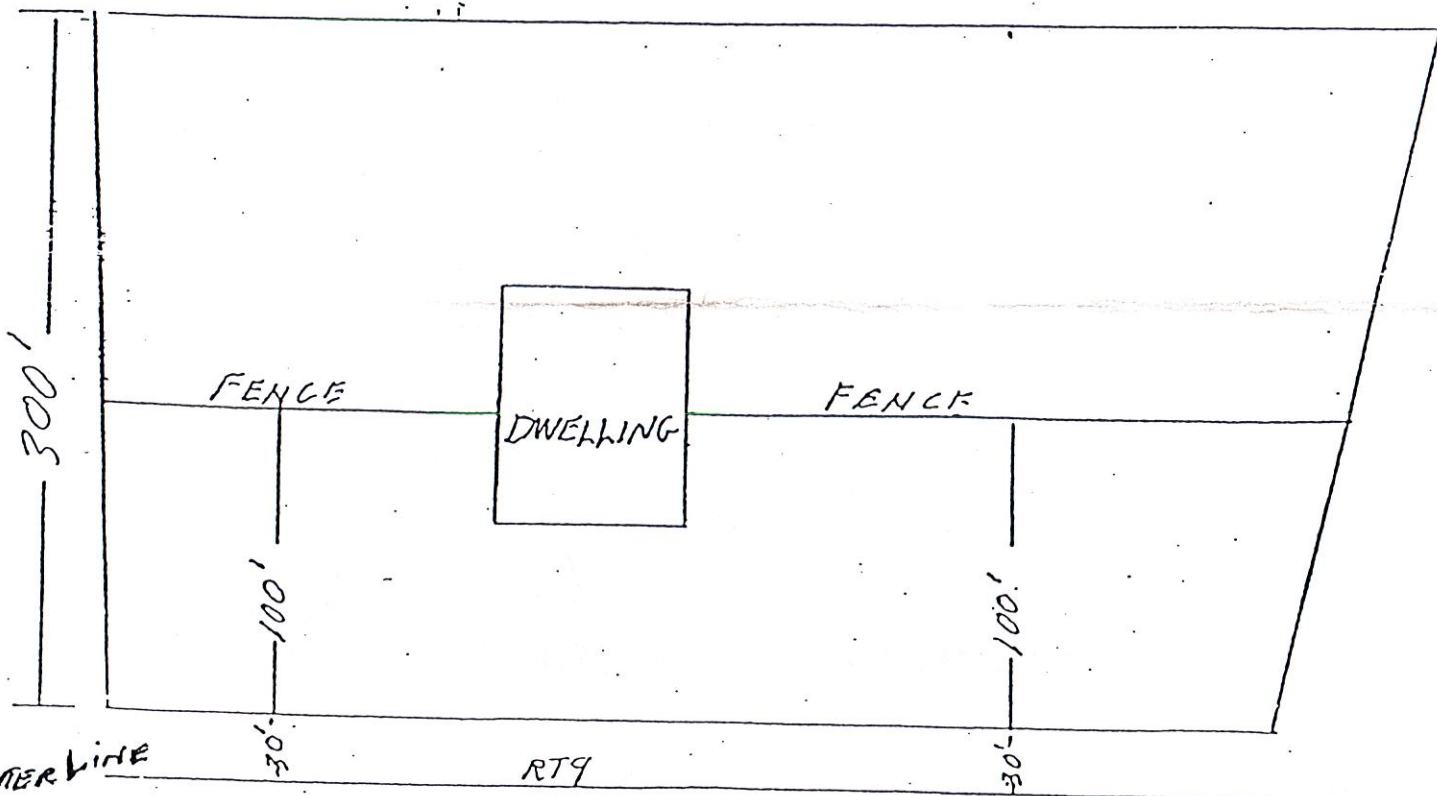
Road Name

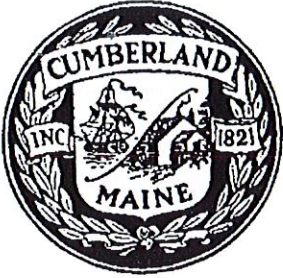
or

Route No.

CUMB To

To FAL.





MEMORANDUM
CODE
ENFORCEMENT
OFFICE

To: Town of Cumberland Council
From: William C. Longley Jr. CEO
Subject: Inspection for "Automobile graveyard"
Date: 12-09-04
CC: William Shane, Town Manager
Nadine Daniels, Town Clerk

WCL

On 12-07-04 an inspection was completed at Cumberland Salvage as per E-mail dated 11-24-04 from the Town Clerk. I see no reason to withhold the renewal of this license and recommend to the Council that this location is substantially in compliance.

However no inspection was completed at Greenlaw's Salvage because the State Inspector Everett Kaherl of the Motor Vehicle Division has found violations of the State requirements and did not issue a license last year and advised that the Town should not re-issue until the State violations are cured.

Nadeen Daniels

From: Longley
Sent: Wednesday, December 08, 2004 2:41 PM
To: Nadeen Daniels
Subject: RE: Greenlaw's

Spoke to Mr.. Kaherl he is issuing a summons on Friday or Monday..(a copy will be forwarded to us).. for Violation of Title 29 and the Town should not issue license until Mr.. Greenlaw is found to be in compliance...
Thanks,
Bill

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

From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Tuesday, December 07, 2004 12:48 PM
To: William Longley
Subject: Greenlaw's

Hi,
Would you mind calling Mr. Evereett Kaherl, at 759-7748 to find out what happened with his visit to Greenlaw's last Friday. IF a summons was issued, can we get a copy of it? Thanks

Nadeen Daniels

Town Clerk

Human Resources Director

Town of Cumberland

12-16-04



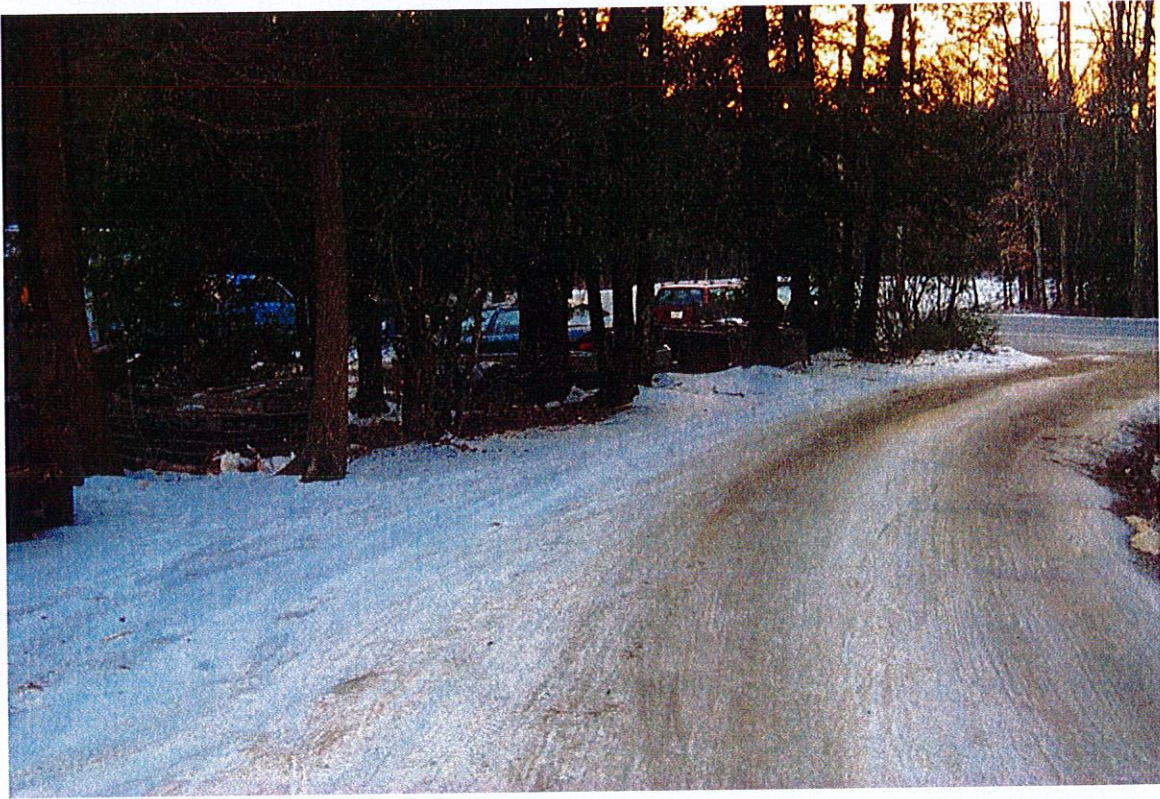
12-16-04



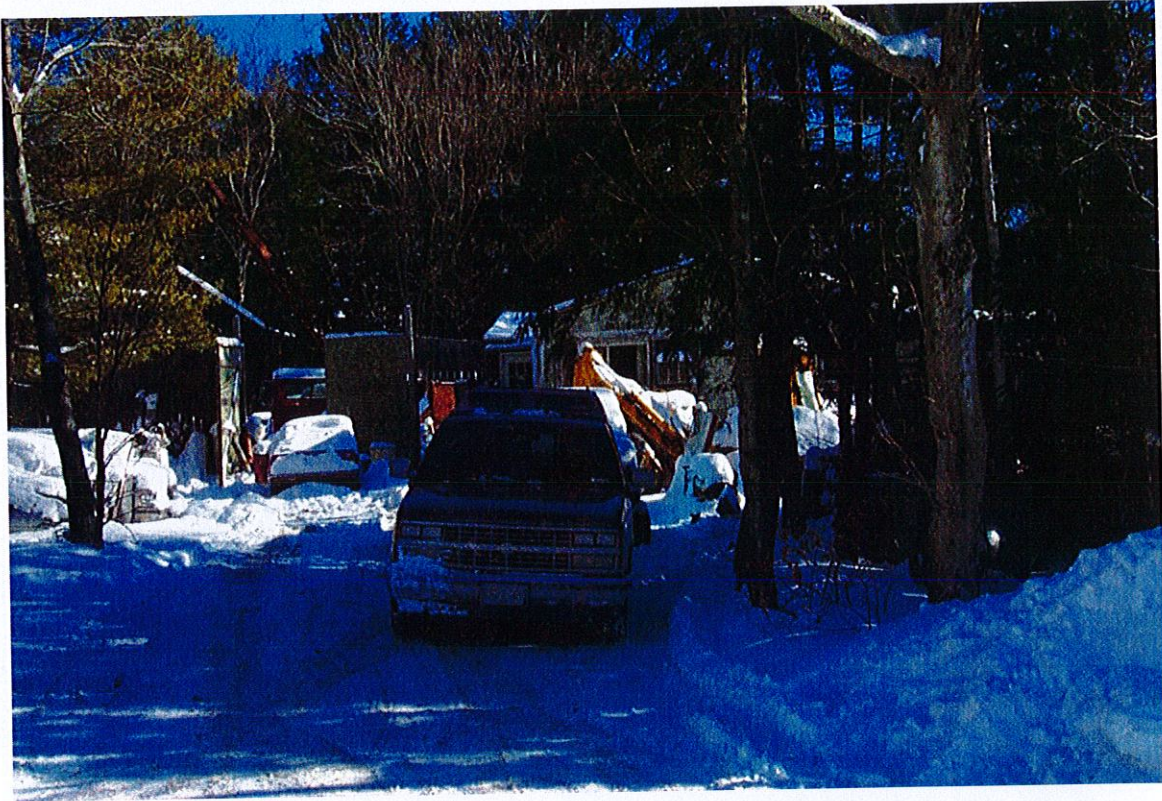
12-16-04



12-16-04



1-25-05



30-A MRSA §3752

**TITLE 30-A
CHAPTER 183, SUBCHAPTER 1
JUNKYARDS AND AUTOMOBILE GRAVEYARDS**

30-A MRSA §3751. Purpose

Junkyards and so-called "auto graveyards" have been steadily expanding and frequently encroach upon highways. These junkyards and graveyards have become a nuisance and a menace to safe travel on public ways, often distracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junkyards and automobile graveyards are a nuisance and are properly subject to regulation and control.

It is recognized that recycling of automobiles is a business enterprise that, when conducted in accordance with certain standards, differs from the enterprise of an automobile graveyard and that adoption of uniform state standards for this type of business enterprise would assist in development and regulation of that business.

Junkyards, automobile graveyards and automobile recycling businesses pose potential risks to the environment, particularly to groundwater and surface water quality if gasoline, oil or other fluids are not managed and disposed of properly. Proper location and operation of these facilities are critical to ensure protection of groundwater and surface water quality, other natural resources and the health and welfare of Maine citizens. These facilities may create nuisance conditions potentially affecting abutting landowners and others if not located and operated properly. For these reasons, it is declared that these facilities are appropriately subject to certain environmental and operational standards and to appropriate municipal and state regulation.

30-A MRSA §3752. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Automobile graveyard.** "Automobile graveyard" means a yard, field or other area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A. "Automobile graveyard" does not include:

- (1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- (2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. For the purpose of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- (3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- (4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;

30-A MRSA §3752

- (5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851.
- (6) An area used for storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- (7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of the receipt of title by the business; or
- (8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

1-A. Automobile recycling business. "Automobile recycling business" means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C, is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

- (1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;
- (2) Insurance companies licensed to do business in the State;
- (3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or
- (4) That portion of the business premises that is used for the temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

2. Highway. "Highway" means any public way.

3. Interstate System. "Interstate System" means those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

4. Junkyard. "Junkyard" means a yard, field or other outside area used to store, dismantle or otherwise handle:

- A.** Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
- B.** Discarded, scrap and junked lumber; and
- C.** Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

5. **Primary System.** "Primary System" means that portion of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

30-A MRSA § 3753. Permit required

A person may not establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard without first obtaining a nontransferable permit from the municipal officers of the municipality in which the automobile graveyard, automobile recycling business or junkyard is to be located, or from the county commissioners of the county of any unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. Permits issued to an automobile graveyard or junkyard under this section are valid until the first day of the following year; except that, beginning in calendar year 2004, permits issued to an automobile graveyard or junkyard under this section are valid until the first day of October of the following year. Permits issued to an automobile recycling business under this section are valid for 5 years from the date of issuance and are renewable provided that the permit holder furnishes a sworn statement, annually, on the anniversary date of the granting of the permit, that the facility complies with the standards of operation applicable at the time of issuance of the permit. A person operating a business that involves the recycling of automobiles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business.

30-A MRSA § 3754. Hearings

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and may hold public hearings annually regarding the relicensing of these facilities. Municipal officers or county commissioners shall require an applicant to provide proof of mailing the notice to abutting property owners of an application. Municipal officers or county commissioners shall also post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written notice of the application to establish a new automobile graveyard or automobile recycling business to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles by mailing a copy of the application at least 7 and not more than 14 days before the hearing.

30-A MRSA § 3754-A. Limitations on graveyard, automobile recycling and junkyard permits

1. **Highways; Interstate System and Primary System.** A permit may not be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:
 - A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:
 - (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
 - (2) Well constructed and properly maintained at a minimum height of 6 feet;
 - (3) Placed outside of the highway right-of-way; and
 - (4) Acceptable to the municipal officers or county commissioners; and
 - B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System.

2. **Limitation on new permits.** A permit may not be granted for an automobile graveyard or junkyard established after October 3, 1973 and located within 100 feet of any highway.
3. **Public facilities.** A new permit may not be granted for an automobile graveyard or junkyard that is:
 - A. Located within 300 feet of a public facility, including, but not limited to, a public park, public playground, public bathing beach, school, church or cemetery; and
 - B. Within ordinary view from a public facility under paragraph A.
4. **Public and private water supplies.** A permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business has already received a permit under section 3753.

Automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to the effective date of this subsection and handling junk, scrap metal, vehicles or other solid waste within 300 feet of wells that serve as public or private water supplies may continue to operate in those locations under the terms of those permits. Municipal officers or county commissioners may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs and there is no evidence of contamination of the well.
5. **Operating standards.** All automobile graveyards and junkyards permitted pursuant to section 3753 are required to comply with the following standards:
 - A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;
 - B. A vehicle containing fluids may not be stored or dismantled;
 - (1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;
 - (2) Within the 100-year floodplain; or
 - (3) Over a mapped sand and gravel aquifer;
 - C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; and
 - D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use.
6. **Rules.** A permit, other than a limited-term permit as described in this section, may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. Municipal officers or county commissioners may award a limited-term permit conditioned upon an automobile graveyard's or automobile recycling business's demonstrating

30-A MRSA § 3755-A

compliance with the provisions of Title 29-A, chapter 9 within 90 calendar days of the issuance of the municipal or county limited-term permit.

7. **Local ordinances.** This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that the municipality determines reasonable, including, but not limited to, ordinances concerning:
- A. Compliance with state and federal solid waste and hazardous waste regulations;
 - B. Fire and traffic safety;
 - C. Levels of noise that can be heard outside the premises;
 - D. Distance from existing residential or institutional uses;
 - E. The effect on groundwater and surface water, as long as municipal ordinances on groundwater are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection; and
 - F. Best management practices for automobile graveyards, junkyards and automobile recycling businesses developed by the Department of Environmental Protection.

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to a permit.

8. **Applicability.** Municipalities may apply local ordinances adopted previously under subsection 7 pertaining to automobile graveyards and junkyards to an automobile recycling business without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.
9. **Right of entry.** Municipal officers or their designees may, to carry out the provisions of this subchapter or to determine compliance with any laws, ordinances, license or permit approvals, decisions or conditions:
- A. Enter any automobile graveyard, junkyard or automobile recycling business property and inspect all outside areas, equipment and activities at reasonable hours for compliance with the laws or ordinances set forth in accordance with this subchapter; and
 - B. Enter any building on the property with the consent of the owner, occupant or agent to inspect the building and activities within the building for compliance with the laws or ordinances set forth in accordance with this subchapter.

A municipal officer's or designee's entry onto property under this subsection is not a trespass.

30-A MRSA § 3755. Repealed. Laws 2003, c. 312, § 10.

30-A MRSA § 3755-A. Automobile recycling business permits; operation standards

1. **Application.** An application for an automobile recycling business permit must include the following information:
- A. The name and address of the property owner;
 - B. The name and address of the person or entity who will operate the site; and
 - C. A site plan, including:

- (1) Property boundary lines;
 - (2) A description of the soils on the property;
 - (3) The location of any sand and gravel aquifer recharge areas;
 - (4) The location of any residence or school within 500 feet of where the cars will be stored;
 - (5) The location of any body of water on the property or within 200 feet of the property lines;
 - (6) The boundaries of the 100-year flood plain;
 - (7) The location of all roads within 1,000 feet of the site;
 - (8) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and
 - (9) The location within the property boundary lines where vehicles are drained, dismantled or stored.
2. **Standards for permit.** The municipality may issue a permit to an automobile recycling business if the business demonstrates that the business meets the operation standards set forth in subsection 3.
3. **Operation standards.** An automobile recycling business licensed under this section must meet the following standards.
- A. The site of the yard must be enclosed by a visual screen that complies with the screening requirements of section 3754-A.
 - B. A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland, as defined by 38 MRSA, section 436-A, subsection 5.
 - C. A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.
 - D. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.
 - E. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.
 - F. Except as provided in subsection 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.
 - G. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.
 - H. Dismantling of a vehicle must be performed in accordance with the following standards.
 - (1) The battery must be removed.
 - (2) Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.
 - (3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
 - (4) The recycling operation must comply with all applicable federal or state laws related to hazardous materials.

30-A MRSA § 3758-A

4. **Revocation or suspension of permit.** For purposes of section 3758, subsection 3, each of the standards set forth in this section are conditions of a permit.
5. **Relationship to automobile graveyard permit.** A person who recycles automobiles but does not qualify for, or loses, an automobile recycling business permit may apply for an automobile graveyard permit.

30-A MRSA § 3756. Permit fees

The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:

1. **Graveyard or junkyard.** Fifty dollars for each application for an automobile graveyard or junkyard;
2. **Deleted.** Laws 2003, c. 312, §12.
3. **Recycling business.** Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754; or
4. **Fee.** A fee as otherwise established by municipal ordinance or rule.

30-A MRSA § 3757. Provisions regarding nuisances unaffected

This subchapter shall not be construed as in any way repealing, invalidating or abrogating 17 MRSA, section 2802, or limiting the right of prosecutions under that section. Violation of this subchapter in the establishment, maintenance or operation of any automobile graveyard or junkyard constitutes prima facie evidence that the yard is a nuisance as defined in 17 MRSA, section 2802.

30-A MRSA § 3758. Repealed. Laws 2003, c. 312, § 13. Provisions regarding nuisances unaffected

30-A MRSA § 3758-A. Violation

1. **Enforcement.** All state, county and local law enforcement officers shall enforce the provisions of this subchapter.
2. **Municipal authority.** Municipal officers or their designees may enforce the provisions of this subchapter pursuant to:
 - A. The enforcement of land use laws and ordinances under section 4452;
 - B. The litter control provisions of Title 17, chapter 80; or
 - C. The abatement of nuisance provisions of Title 17, chapter 91.
3. **Penalties.** Violations of this subchapter are subject to the penalty provisions of section 4452; Title 17, sections 2264-A and 2264-B; or Title 17, chapter 91. Each day that the violation continues constitutes a separate offense.
4. **Abatement.** If the municipality is the prevailing party in an action taken pursuant to the provisions of this Title or Title 17 as outlined in subsection 2 and the violator does not complete any ordered correction or abatement in accordance with the ordered schedule, the municipal officers or designated agent may enter the property and may act to abate the site in compliance with the order. To recover any actual and direct expenses incurred by the municipality in the abatement of the nuisance, the municipality may:
 - A. File a civil action against the owner to recover the cost of abatement, including the expense of court costs and reasonable attorney's fees necessary to file and conduct the action;
 - B. File a lien on real estate where the junkyard, automobile graveyard or automobile recycling business is located; or

30-A MRSA § 3760

- C. Assess a special tax on real estate where the junkyard, automobile graveyard or automobile recycling business is located. This amount must be included in the next annual warrant to the tax collector of the municipality, for collection in the same manner as other state, county and municipal taxes are collected. Interest as determined by the municipality pursuant to Title 36, section 505 in the year in which the special tax is assessed accrues on all unpaid balances of the special tax beginning on the 60th day after the day of commitment of the special tax to the collector. The interest must be added to and becomes a part of the tax.
5. **Revocation or suspension of permit.** Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. A permit may not be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, automobile recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.
6. **Removal of all materials after permit denial or revocation.** The owner or operator of a junkyard, automobile graveyard or automobile recycling business for which a permit has been denied or revoked shall, not later than 90 days after all appeals have been denied, begin the removal of all vehicles, vehicle parts and materials associated with the operation of that junkyard, automobile graveyard or automobile recycling business. The property must be free of all scrapped or junked vehicles and materials not later than 180 days after denial of all appeals. An alternative schedule for removal of junk or vehicles may be employed if specifically approved by the municipal officers or county commissioners.

30-A MRSA § 3759. Repealed. Laws 2003, c. 213, §3759.

30-A MRSA § 3760. Relocation, removal, disposal, compensation and condemnation

1. **Acquisition of land.** If the Department of Transportation determines that the topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems does not permit adequate screening under section 3754-A, subsection 1 or that adequate screening is not economically feasible, it may acquire by gift, purchase or condemnation any interests in property that are necessary to secure the relocation, removal or disposal of the automobile graveyards or junkyards.
2. **Compensation.** In the case of such acquisition, just compensation shall be paid to the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards:
 - A. Those which were operating and in existence on May 11, 1966 and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems, which exceed federal restrictions and for which federal funds are available to defray the costs;
 - B. Those in operation along any highway made a part of the Interstate or Primary Systems on or after May 11, 1966; and
 - C. Those in operation and established on or after May 11, 1966.
3. **Procedures.** The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and 23 MRSA, sections 153-A to 159.
4. **Use of federal funds.** This section does not prevent the department from participating with the owner when federal funds are available to defray costs of screening junkyards whenever it is determined to be more feasible to screen rather than to be involved in the cost or impact of acquisition and relocation.

FINAL SITE INSPECTION

FOR

HARRIS ROAD DISPOSAL AREA
Cumberland, Maine

CERCLIS No. MED0000025536

Submitted By:
Mary Kate Dwire
Maine Department of Environmental Protection

July 5, 1995

Table of Contents
Site Inspection
Harris Road Disposal Area - Cumberland Maine

1.0 Introduction	Page 1
2.0 Site Location and Description	1
3.0 Site History and Investigations	4
4.0 Waste Characterization/Source Sampling	5
5.0 Groundwater Pathway	9
6.0 Surface Water Pathway	13
7.0 Soil Exposure and Air Migration Pathway	17
8.0 Summary	18
References	
Appendices	

Tables

Table 1 Potential Source Areas	Page 6
Table 2 Soil Semi-Volatile Compound Laboratory Analyses	8
Table 3 Soil Metal Laboratory Analyses	9
Table 4 Residential Groundwater Laboratory Analyses	11
Table 5 Population Utilizing Private Wells	12
Table 6 Fifteen Mile Target Distance Limit	16
Table 7 Population Living Within Four Miles	18

Figures

Figure 1 - Site Location Map	Page 2
Figure 2 - Regional Map	3
Figure 3 - Potential Source Areas and Sampling Locations	7
Figure 4 - Site Plan With Features	14
Figure 5 - 15-Mile Target Distance Limit.....	15

1.0 INTRODUCTION

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Maine Department of Environmental Protection (ME DEP), in accordance with the Multi-Site Cooperative Agreement Site Assessment Program (Assistance I.D. Number V001736017), conducted a Site Inspection (SI) for the Harris Road Disposal Area site (CERCLIS No. ME0000025536), located in Cumberland County, Maine. The purpose of this study was to compile and evaluate information regarding site conditions to determine the necessity for further action under CERCLA.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Site Location

The Harris Road Disposal Area site (site) is located on Harris Road in Cumberland, Maine. The site is approximately 500 feet northwest of the intersection of Harris Road and Longwoods Road, and is adjacent to the boundary of the Towns of Cumberland and Falmouth, Maine (Figure 1). The geographical coordinates of the site are 43° 45' 33" North latitude and 70° 14' 33" West longitude (4: p.1).

2.2 Site Description

The site was the location of an auto and miscellaneous waste junkyard from the early 1950s until the 1970s (4: p. 2). The exact boundaries of the site are not known. The area encompassing the site, approximately five acres, has been estimated from discussions with ME DEP staff members, community officials, and citizens (12, 31, 33, 34).

The area designated as the site has been inoperative for many years, and is heavily vegetated (35). The site has gone from wooded unused land (when the junkyard was being used), to an area now subdivided into residential lots. The site is comprised of what is now portions of three residential lots. (Figure 2). The site partially covers lots 20, 20A and 20E, and is in the midst of more than thirty residential lots (Figure 2).

A residence exists on each of the three lots which make up the site (6). The houses are single-family structures, some with similarly constructed outbuildings used as garages or for storage. The site is currently covered with vegetation, gravel driveways, and structures. Vegetation consists of grass near the residences and outbuildings, and trees and undergrowth on the areas not maintained. Although the majority of the junk has been removed from the site to an unknown location(s), some auto parts remain partially buried, protruding from ground cover. No other materials, drums or miscellaneous refuse are evident (6). There are no paved areas onsite. Access to the site is unrestricted (4: p. 7).

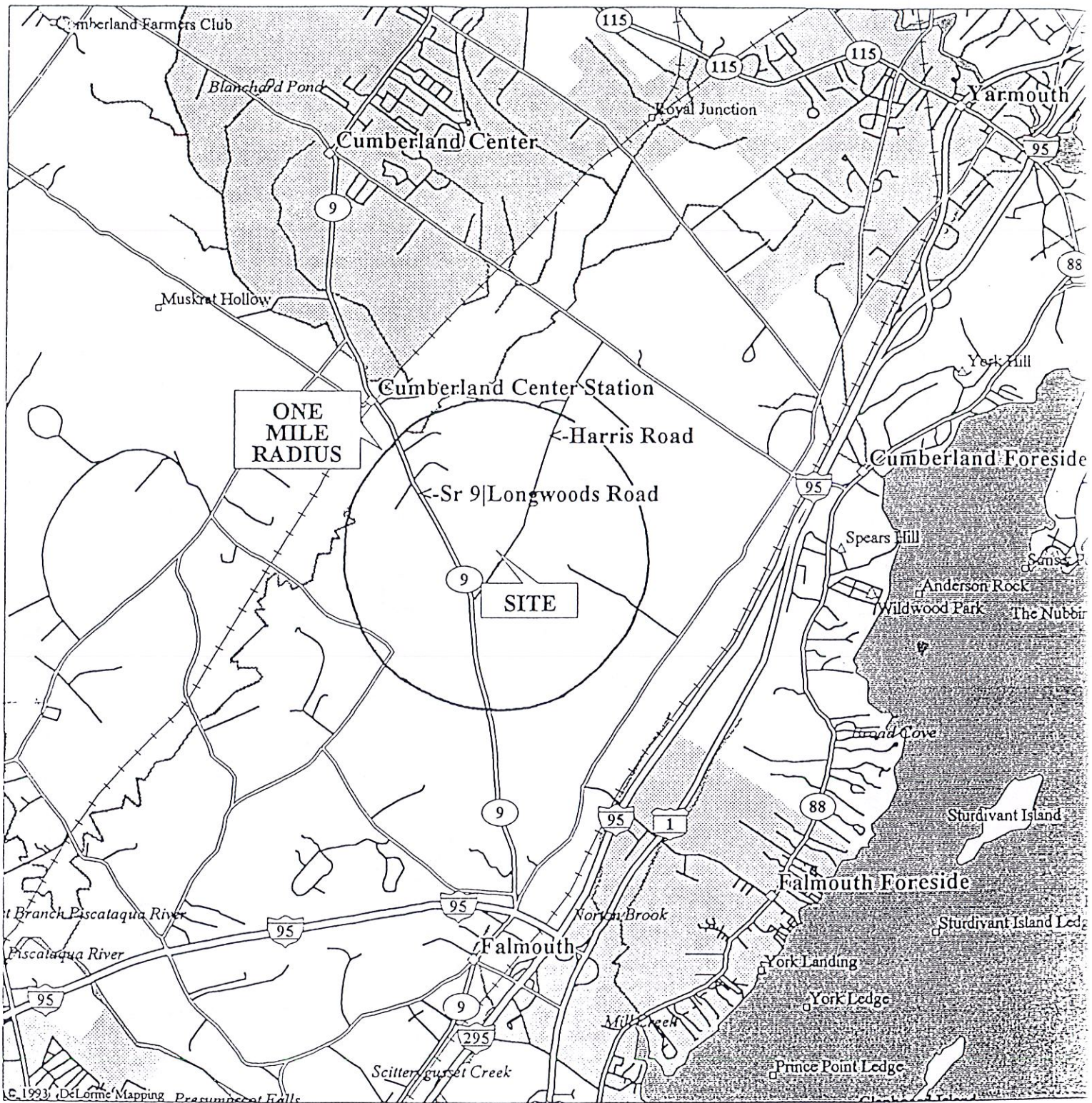
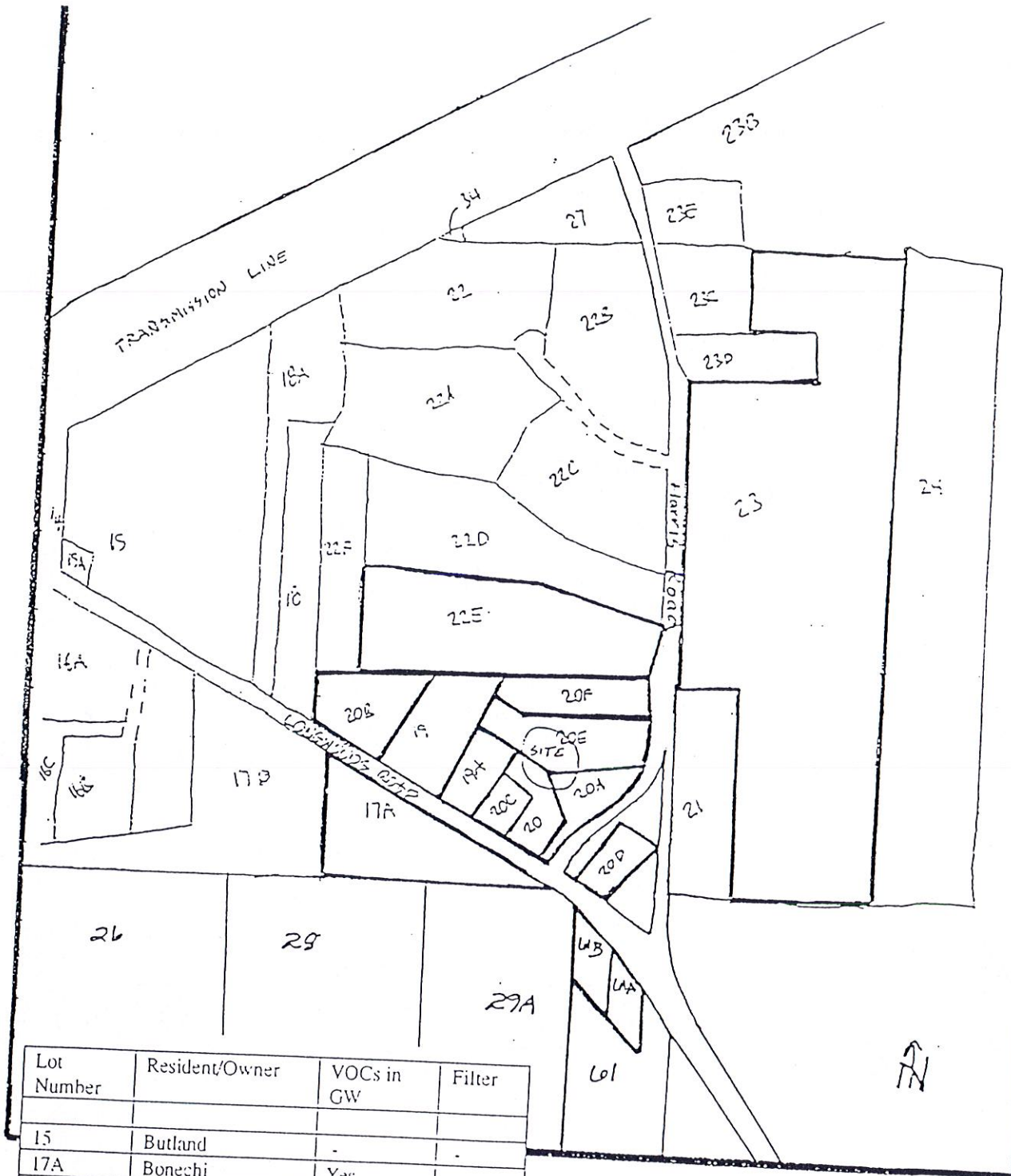


FIGURE 1
SITE LOCATION MAP
Harris Road Disposal Area - Cumberland, Maine



Lot Number	Resident/Owner	VOCs in GW	Filter
15	Butland	-	-
17A	Bonechi	Yes	-
18A	Wood	-	-
19	Villaci/Thibeau	- 0	-
19A	Carv	Yes	Yes
20	Gribbin	-	-
20A	Chamoff/Price	Yes	-
20B	Shaw	Yes	Yes
20C	Bourque/Meuse	Yes	Yes
20D	Greenlaw	-	-
20E	Grant	Yes	Yes
20F	Penselee	Yes	-
22	Bragg	-	-
22A	Kennedy	- 0	-
22E	Strazzella	Yes	-
23	Price	Yes	-
60	Bonnie	-	-
61A	Saucier	-	-
61B	Greenwood	Yes	-

FIGURE 2
REGIONAL MAP
Harris Road Disposal Area - Cumberland, Maine

The site is located on the west side of a ridge which slopes gently down to the west. The local topographical high point is where Harris Road meets Longwoods Road, approximately 500 feet south of the site (1).

Current land use in the area is primarily residential. The exceptions are a small auto and truck repair/junkyard operating on Lot # 20D, a small farm operating on Lot #s 17A and 17B, and designated tree farms on lots #s 26, 28 and 21 (38).

3.0 SITE HISTORY AND INVESTIGATIONS

3.1 Site History

Prior to 1987, the site was a small portion of a larger parcel of land. This portion was reportedly utilized as an unofficial, unlicensed, auto/miscellaneous junkyard from the early 1950s and continued into the 1970s. Discussions with residents and town officials indicate that the center of an auto salvage area was located on what is now lot 20A (Figure 2). Auto carcasses were reportedly visible close to Harris Road, and miscellaneous debris was seen during excavation for construction of the Grant residence on lot 20E (34). Miscellaneous junk is currently visible in the rear portion of lot 20A, and on lot 20E as well. In 1987, J. Price purchased lot 20A from a Mr. Chachenko, and then subdivided the lot into what is now lots 20E and 20F (33).

Both miscellaneous junk and abandoned vehicles were reportedly stored onsite. However, the amounts and types of materials, and the number of junked autos brought to the junkyard are unknown. The number of vehicles reportedly onsite ranges from 5 or 6 to several hundred (35). At the present time, no vehicles are located onsite (6).

A removal of miscellaneous junk materials took place in 1990, during the improvement of Harris Road in 1990. The junk materials, consisting of household rubbish, tires, and 5-gallon containers used for unknown liquids, were collected by the Town of Cumberland work crews, and taken to an unknown location (12, 30).

3.2 Site Investigations

The initial investigation of the area was the result of an anonymous complaint concerning the current operations of an auto/salvage yard located on Lot # 20D. Lot 20D is currently owned by a Mr. Greenlaw. The ME DEP confirmed that the operation had a history of petroleum spills (18).

In February 1993, the Grants (lot 20E), notified the ME DEP regarding the laboratory analysis of the well water (19). The laboratory tests confirmed that their groundwater was contaminated with volatile organic compounds (VOCs) (19: p. 4-6). The ME DEP confirmed the presence of VOCs in the Grant's private well on February 25, 1993. The contaminants included 1,1 dichloroethene (11 DCE), 1,1 dichloroethane (1,1 DCA) and 1,1,1 trichloroethane (111 TCA). The concentration of 1,1-dichloroethene, 12.7 ppb, exceeded the EPA Maximum Contaminant Levels (MCLs) for drinking water (7:(A)1). During this sampling event, the wells on lot 20D were also sampled; the groundwater was

analyzed for VOCs, fuel oil and gasoline. Lot 20D has both a dug well and a drilled well onsite; both wells were sampled. VOCs were not detected; however, a trace of hydrocarbons was found in the bedrock well on lot 20D (7:(A)1, p. 4).

As a result of the groundwater contamination, the ME DEP sampled all the residences within one half mile of the site in March and April 1993 (7:(A)2-5). A total of nineteen residences have been sampled. Ten of the residences have detectable levels of VOCs in their groundwater (Table 4). The groundwater from four of the residences, lots 19A, 20B, 20C, and 20E (the Grants), have VOC concentrations exceeding the MCLs. Activated carbon filters were installed by the ME DEP at each of these four residences in 1993 (35). Sixteen residences are now part of the ME DEP quarterly monitoring program (4: p. 3).

In September and October 1994, the ME DEP performed groundwater and soil sampling as part of this SI (8). During the September sampling event, the groundwater from 14 residential wells was sampled and analyzed for metals; the four residents with filters were also sampled and analyzed for semi-volatile compounds. The groundwater from only one residence, the Grant residence, contained lead above the MCL. Semi-volatile compounds were not detected in the four wells sampled (9:(A)3).

During the October sampling event, source sampling was performed at the four potential source areas discussed below. The results of this sampling event are discussed in the following section.

4.0 WASTE CHARACTERIZATION AND SOURCE SAMPLING

4.1 Waste Description

At first, VOC-contaminated groundwater from residential wells was the only indication of a contamination problem in the area. The currently operating junkyard on lot 20D was initially considered the source of the VOCs in the groundwater (13). The junkyard has had a reported oil spill, and has poor maintenance practices (18, p. 2). However, VOCs are not generally associated with petroleum products, and groundwater analytical results from the two wells onsite did not contain VOCs (7:(A)1, p. 5).

Discussions with residents and town officials indicated that the center of an auto salvage area was located on what is now lot 20A. The disposal area reportedly extended away from Harris Road toward lot 19, now occupied by Thibau. Auto carcasses were reportedly visible close to Harris Road, and miscellaneous debris was seen during excavation for construction of the Grant residence on lot 20E (34). Miscellaneous junk is currently visible in the back of this property and on lot 20E as well.

The amounts and types of materials, and the number of junked autos brought to the junkyard are unknown. However, during the 1990 improvement of Harris Road, Cumberland road-work crew hauled auto parts, 5-gallon cans, tires, and other rubbish to an unknown location.

On September 27, 1994, Mr. Cary, a lifetime resident of the area, showed ME DEP personnel four locations where he remembered seeing disposal of solid waste and/or dumping of unknown substances take place (6).

The first location is on the rear portion of what is now lot 20A (Figure 3). Mr. Cary remembered seeing approximately eight to ten drums stored near a garage onsite. Neither the drums nor the garage are onsite now. The contents of the drums are unknown; however, Mr. Cary stated that the drums may have contained cleaning fluid or possibly waste oil, with most of it "being burnt in a furnace." Mr. Cary believes dumping may have taken place behind the existing shed (6).

The second location is in the back section of lot 20E, the Grant residence. Mr. Cary remembers old cars being burned in this "area" when it was used as an unofficial junkyard and auto graveyard. Stained soil and miscellaneous debris is present in the rear portion of lot 20E (6).

The third location was directly behind the active junkyard fence on lot 20D. Mr. Cary remembers the drivers of trucks "opening up their spigots, and letting septage spill out" in this location, when "Harris Road was barely passable." (6).

The fourth location was on lot 21, along Harris Road, across from the Peaselee residence (lot 20F) (see Figure 2). Mr. Cary said that this location was a common dumping area for miscellaneous solid waste, debris, appliances, etc., before Harris Road was improved in 1990 (6). Cans and other miscellaneous junk is still visible in the underbrush. Bedrock was visible at the ground surface at this location (10). Table 1 lists the potential source areas for the site.

Table 1
Potential Source Areas
Harris Road Disposal Site - Cumberland, Maine

Potential Source Area	Hazardous Substance	Quantity	Containment
Contaminated soil - Lot 20A	unknown	unknown	none
Contaminated soil - Lot 20E	unknown	unknown	none
Contaminated soil - Lot 20D	unknown	unknown	none
Contaminated soil - Lot 21	unknown	unknown	none

4.2 Source Sampling

On October 12, 1994, source sampling was performed at each of these potential source areas. Soil samples were on taken lot 20A (Source Location (SL) #1 - behind the garage), lot 20E (SL #2 - in alleged junkyard area behind the Grant residence), lot 20D (SL#3 - behind the fence of the active junkyard), and lot 21 (SL #4 - along Harris Road, where visible solid waste is located). Figure 3 identifies each of these sampling locations.

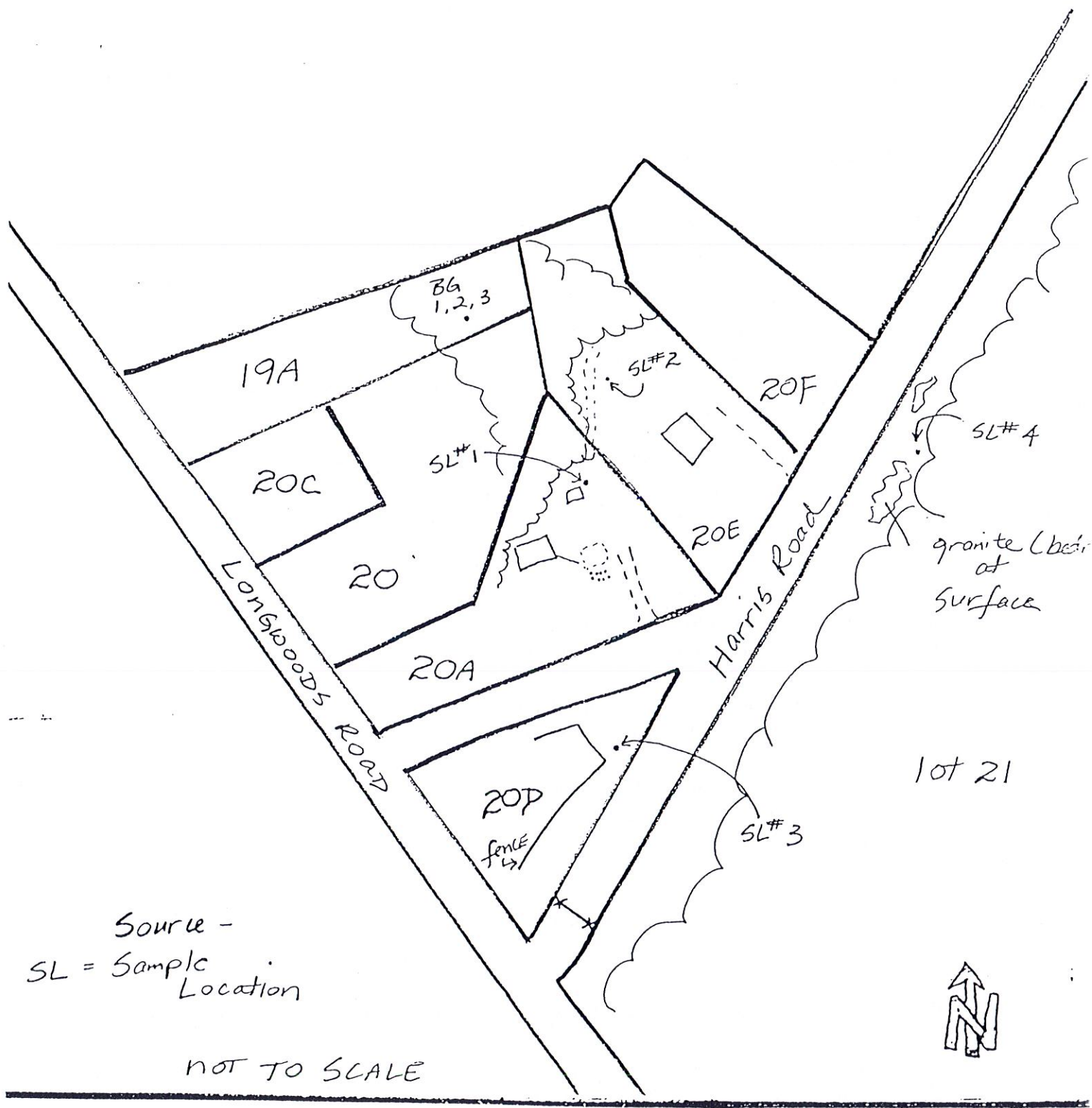


FIGURE 3
POTENTIAL SOURCE AREAS AND SAMPLE LOCATIONS
Harris Road Disposal Area Site - Cumberland, Maine

Background soil samples were taken from lot 19A (BG #1). Each of the samples was analyzed for VOCs, semi-volatile organic compounds and metals. Two VOAs, acetone and chloroform, were detected at SL#3; only acetone was detected at SL#1 and SL#2. SL#4 did not contain VOCs (10:(A)2).

Elevated levels of flouranthene, pyrene and chrysene were detected at SL #2 (lot 20E). Table 2 outlines the semi-volatile compounds detected at each sampling location.

Table 2
Soil Semi-Volatile Compound Analytical Results - October 12, 1994
Harris Road Disposal Area - Cumberland, Maine

Results in ug/mg (ppb)	SL#1 lot 20A	SL#2 lot 20E	SL#3 lot 20D	SL#4 lot 21	BG#1 lot 19
	sample # 04229	sample # 02278	sample # 02742	sample # 04228	sample # 04224
Semi-VOAs					
phenanthrene	BDL	800	250	BDL	BDL
fluoranthene	BDL	2,000	520	BDL	BDL
pyrene	BDL	1800	320	BDL	BDL
benzo(a) anthracene	BDL	930	120	BDL	BDL
chrysene	BDL	1,500	280	BDL	BDL
naphthalene	BDL	120	BDL	BDL	BDL
2 methyl naphthalene	BDL	110	BDL	BDL	BDL
acenaphthylene	BDL	660	BDL	BDL	BDL
anthracene	BDL	150	BDL	BDL	BDL
dibutyl phthalate	BDL	150	BDL	BDL	BDL
butyl benzyl phthalate	BDL	250	BDL	140	BDL
di(2ethylhexyl) phthalate	160	780	780	510	860
benzo(b) fluoranthene	BDL	1,200	BDL	BDL	BDL
benzo(k) fluoranthene	BDL	1,200	BDL	BDL	BDL
benzo(a) pyrene	BDL	870	BDL	BDL	BDL

Samples containing semi-volatile compounds in concentrations at least three times the background concentrations or detection limit (500 ppb) are bold typed.

BDL - Below Detection Limit
(10:(A)3).

Elevated metals concentrations, including barium, lead, chromium and cadmium, were detected at SL #2, 3 and 4. Table 3 outlines the metal analyses for the source samples taken on October 12, 1994.

Table 3
Soil Metal Analytical Results - October 12, 1994
Harris Road Disposal Area - Cumberland, Maine

Results in ug/mg (ppb)	SL#1 lot 20A	SL#2 lot 20E	SL#3 lot 20D	SL#4 lot 21	BG#1 lot 19	BG#2 lot 19	BG#3 lot 19
Sample #	SN02279	SN02278	SN02742	SN02274	SN02272	SN02280	SN02277
Metals							
mercury	30	140	160	140	100	70	60
arsenic	2,000	BDL	5,000	4,000	BDL	BDL	3,000
barium	22,000	110,000	140,000	42,000	12,000	15,000	26,000
cadmium	BDL	800	100	500	BDL	BDL	BDL
chromium	7,000	71,000	49,000	19,000	4,000	5,000	16,000
lead	3,000	81,000	83,000	69,000	9,000	20,000	7,000
silver	BDL	BDL	BDL	BDL	BDL	BDL	BDL
selenium	BDL	BDL	BDL	BDL	BDL	BDL	BDL

Samples containing metals in concentrations at least three times the background concentrations are bold typed.

BDL = Below detection limit

(10:(A)3)

4.3 Waste Characterization Conclusions

Elevated semi-volatile organic compounds and metals have been detected in the soil from areas considered potential source areas by a local resident. However, VOCs that have been detected in residential groundwater, 11 DCE, 11 DCA and 111 TCA, have not been detected in the soil. Therefore, a source for the VOC contamination in the bedrock wells has not been confirmed.

5.0 GROUNDWATER PATHWAY

5.1 Hydrogeologic Setting

This area of Cumberland County is made up of primarily glaciomarine deposits, mostly silt, clay, and sand with minor amounts of gravel. The silt is of the Presumpscot Formation and predominantly sand underlain in some places by finer-grained sediments (24).

The topography is flat, and gently slopes to the west. Based on the assumption that the topography usually reflects the configuration of the bedrock surface, groundwater flows west, toward the East Branch of the Piscataqua River.

The shallow subsurface is characterized by areas of bedrock outcrops and thin surficial deposits (10). The bedrock underlying this area of Cumberland County is comprised

mostly of a granite of the Sebago Pluton, with greater than 50% metasedimentary inclusions (36).

The southern edge of a mapped significant sand and gravel aquifer is located approximately two miles north of the site. This aquifer extends northward approximately six miles, and has a western branch which extends approximately 3 miles (37).

5.2 Groundwater Analytical Results

Residential well sampling and analysis was initiated by the ME DEP in 1993, and has been conducted for the residents within 0.50 miles of the site on a quarterly basis since then. Table 4 on the following page is a compilation of all the VOC analyses conducted as of June 1994 at the nineteen residences. The three common VOCs detected in the groundwater from the residential wells are 11 DCE, 11 DCA and 111 TCA. The residences with the highest concentration of these compounds are located on Lots 19A, 20B, 20C and 20E.

The groundwater from lot 22D, the Strazzella residence, contains petroleum byproducts such as benzene, ethyl benzene and xylenes (7:(A) 4). Elevated levels of toluene and acetone have also been detected (7:(A)8). The groundwater from the other residents included in the sampling program does not contain these contaminants.

The private water supply well for the Greenlaw residence, the location of the currently operating auto/salvage yard, was sampled and analyzed for VOCs, fuel oil and gasoline in 1993. Only a trace of a hydrocarbon mixture was detected in the Greenlaw's groundwater.

Groundwater sampling was performed at 10 residences on September 27, 1994. All ten residences were sampled and analyzed for metals. The four residences with the highest VOC concentrations were also sampled and analyzed for semi-volatile organic compounds. No semi-volatile organic compounds were detected. The groundwater from only one residence, the Grant residence, contained lead at 63 ppb, exceeding the MCL of 15 ppb.

5.3 Groundwater Targets

Portions of three towns, Cumberland, Yarmouth and Falmouth, exist within the four mile radius of the site (Figure 5). The drinking water for the residents living within four miles of the site are supplied by either groundwater sources (public wells or private), or Sebago Lake, which is located approximately 13 miles west of the site (26).

The Yarmouth Water District utilizes two production wells for the town's water supply. These two wells are located due north from the site, approximately 4.75 and 5.4 miles from the site (27). These wells are located outside of the four-mile radius from the site (27).

15

12 DCB = Dichlorobenzene
11 DCA = 11 Dichloroethane
12 DCA = 12 Dichloroethane
11 DCE = 11 Dichloroethene
MC = methylene chloride
MTBE = methy tert butyl ether
PCE = Tetrachloroethene
TCE = Trichloroethene
111 TCA = 111 trichloroethane
112 TCM = 112 trichloromethane

The water for the residents of Cumberland Center, a portion of Cumberland, receive water from two wells located three miles north of the site (26). Neither the wells utilized in Yarmouth, nor the wells utilized in Cumberland are apportioned or part of a blended system (26).

The remainder of the population, those not served by Sebago Lake or the production wells in Yarmouth and Cumberland, are served by either private wells or Sebago Lake. Table 5 summarizes the drinking water sources within four miles of the site (5).

Table 5
Drinking Water Sources Within Four Miles of the Site
Harris Road Disposal Area - Cumberland, Maine

Distance From Site	Portland Sebago Lake	WD Cumb. wells	Yarmouth WD	Private Wells
0.00 - 0.25	0	0	0	38
0.25 - 0.50	0	0	0	29
0.50 - 1.00	20	0	0	117
1.00 - 2.00	667	130	0	374
2.00 - 3.00	3,286	1,183	92	248
3.00 - 4.00	2,447	1,570	1,933	641
TOTAL:	6,420	2,883	2,025	1447

Well log data is not available for many of the private wells (25, 30). However, information from the residents confirm that most of the wells are drilled and vary in depth. Drilled wells in the area vary in depth from 130 to a maximum of 540 feet (23, p. 4). Reportedly, the Bonechi well (lot 17A) is a 20' dug well, and the Greenlaw well (lot 20D) is an 11' dug well (23, p. 4).

Nineteen residential wells have been sampled; ten have detectable levels of VOCs in their household water supplies; four of these have levels of contamination greater than the MCLs (Table 4). Consequently, the ME DEP installed filters on these water systems. A quarterly sampling program is being conducted at sixteen residences.

5.4 Groundwater Pathway Conclusions

A release of VOCs to the groundwater at ten out of nineteen residences within 1/2 mile of the site has been confirmed by residential well sampling and subsequent laboratory analysis. The groundwater from four wells has concentrations of VOCs greater than the federal MCLs. The groundwater from lot 20E contains lead at levels exceeding the MCL. Groundwater flow is in a westerly direction, toward the East Branch of the Piscataqua River, located approximately one mile west of the site. The highest concentrations of contaminants in the groundwater are on lots located onsite or adjacent to it (lot 20E), or downgradient from of the site.

6.0 SURFACE WATER PATHWAY

6.1 Hydrologic Setting

The topography of the site is gently sloping from east to west, with the intersection of Longwoods Road and Harris Road being a local topographic high point. The gradual downhill trend continues west approximately one mile to the East Branch of the Piscataqua River which flows predominantly north to south.

A groundwater-fed spring exists within a drainage ditch in front of the Cary residence (10) (Figure 4). The spring is located in a small pool of water within the ditch. Because of the exposed ledge along Longwoods Road and other exposed bedrock outcrops in the area, the source of the spring water is most likely the shallow bedrock in the area (10; Figure 4). According to Mr. Cary, other springs exist on the property across Longwoods Road (lot 29A).

Surface water run-off from the site does not follow a defined drainage path (10). Overland flow from the area, however, most likely flows to a drainage ditch which runs along both sides of Longwoods Road. When storm water flows within this ditch, it would flow downhill, toward the East Branch of the Piscataqua River. However, this drainage ditch loses its definition along Longwoods Road approximately 0.25 miles west of the site, when the topography levels out. Therefore, the probable point of entry (PPE) to the closest surface water body, the East Branch of the Piscataqua located one mile west of the site, would not be an overland flow release (Figure 5).

Because of the distance from the site to the East Branch of the Piscataqua, a release of groundwater from the site to the surface water is unlikely. However, the PPE would also be into the East Branch of the Piscataqua River (Figure 4). A groundwater to surface water release would be unlikely, however, because: 1) the PPE is one mile from the site, and 2) the highest concentrations of contaminants have only been detected in the bedrock aquifer.

From the PPE, the East Branch of the Piscataqua flows approximately 3.5 miles, where it joins the main stem of the Piscataqua River (15). The Piscataqua River flows approximately 0.25 to the Presumpscot River, which empties into Casco Bay, approximately 7.75 miles downstream from the site. The fifteen-mile downstream target distance from the site extends radially outward from this point to encompass many of the islands in Casco Bay and the Atlantic Ocean (Figure 5). Table 6 outlines the 15-mile target distance limit from the site.

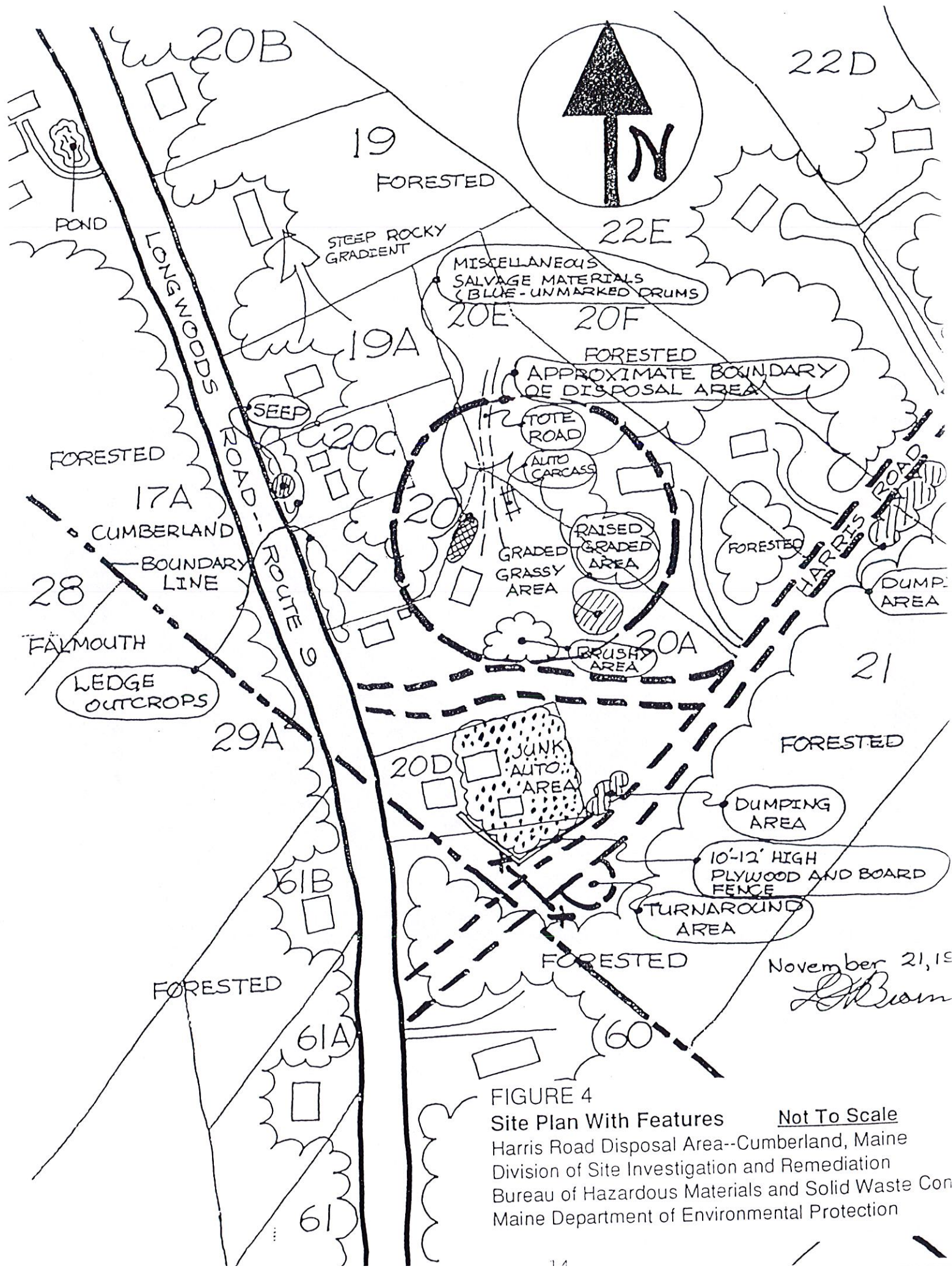


FIGURE 4

Site Plan With Features

Not To Scale

Harris Road Disposal Area--Cumberland, Maine
 Division of Site Investigation and Remediation
 Bureau of Hazardous Materials and Solid Waste Con
 Maine Department of Environmental Protection

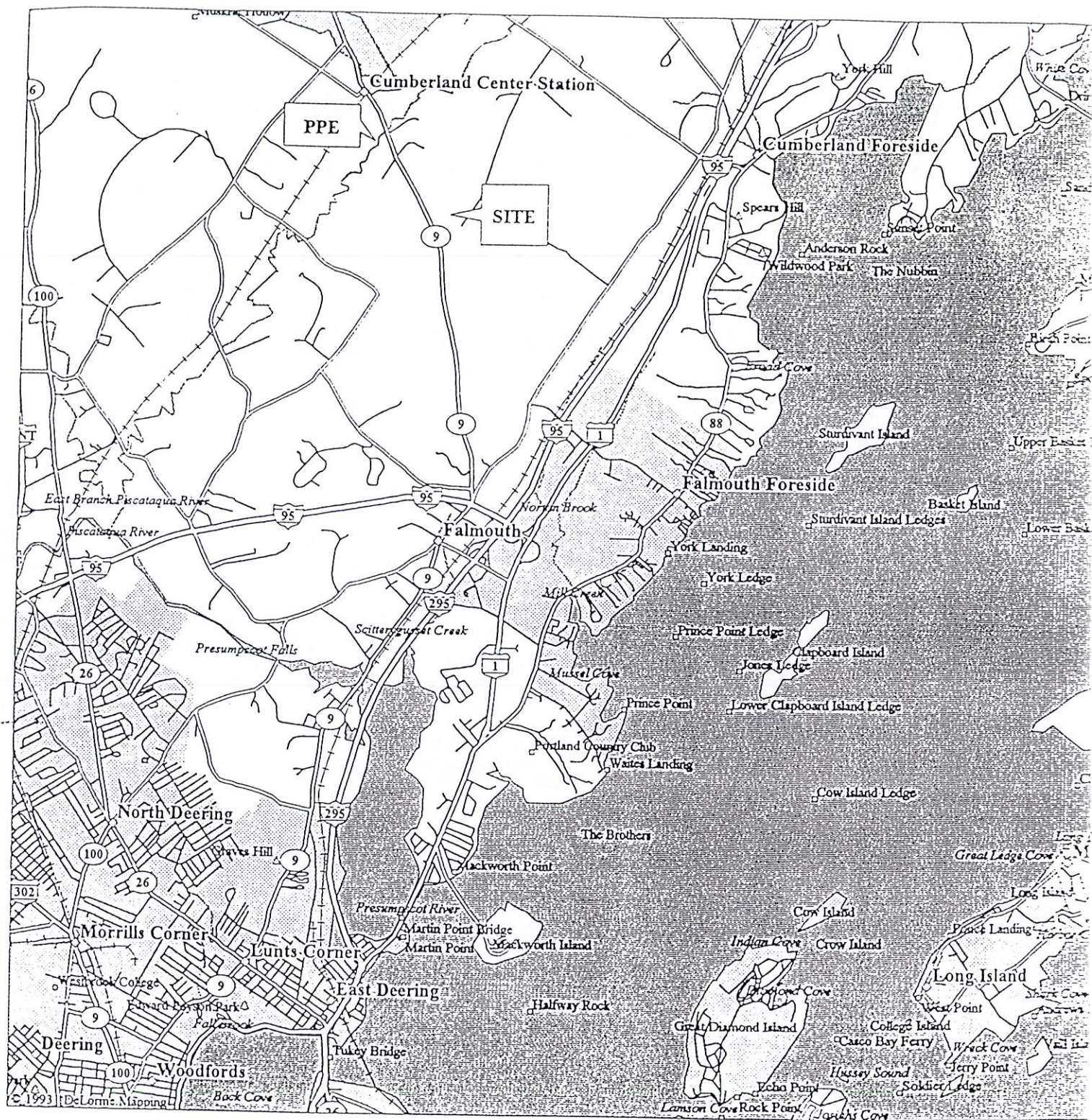


FIGURE 5
15-Mile Downstream Target Distance Limit:
Harris Road Disposal Area - Cumberland, Maine

Table 6
 Fifteen Mile Surface Water Target Distance Limit
 Harris Road Disposal Area Site - Cumberland, Maine

Surface Water Body	Distance from Site (miles)
PPE (E. Branch Piscataqua River)	1.00 west of site
E. Branch Piscataqua to Piscataqua River	0.00 - 3.50 = 3.5 miles
Piscataqua River to Presumpscot River	3.50 - 3.75 = 0.25 miles
Presumpscot River to Atlantic Ocean	3.75 - 7.75 = 4 miles
Atlantic Ocean	7.75 - 15.00 = 7.25 miles
Total:	15 miles downstream pathway

6.2 Analytical Results

During the October 12, 1994 sampling event, the ME DEP took a water sample from the spring located along Longwoods Road, in front of the Cary property (lot 20C). The spring sample was analyzed for VOCs and metals. VOCs were not detected in the sample (9:(A)2). Lead was detected in this sample at 74 ppb (9:(A)1). Mr. Cary identified another spring, located across Longwoods Road on Lot 29A. ME DEP took a background sample from this location, and had the sample analyzed for VOCs and metals. Neither VOCs nor elevated metal concentrations were detected in this sample (9:(A)1, 2).

6.3 Surface Water Targets

There are no surface water intakes located within the fifteen mile downstream distance from the site (4, 26). Water is supplied by private wells, or by the Portland Water District system which pumps water from Sebago Lake, 13 miles west of the Site.

Approximately 18.25 miles of wetlands exist along the 15-mile downstream pathway (15). The closest wetlands to the site are located approximately 500 and 1,00 feet south (and upgradient) of the site. In the Preliminary Assessment (PA), these wetlands were called wetland #1 and wetland #2, respectively. These wetlands are not located within the 15-mile pathway, and therefore were not included as a sensitive environment along the 15-mile pathway. Other sensitive environments within the 15-mile downstream pathway include sedges, mountain laurel, honeysuckle and fringed gentian (25).

Eagle habitat has been recorded in Casco Bay (28); roseate terns, common terns, and spotted turtles also inhabit portions of the 15-mile pathway from the site.

The Maine Department of Inland Fish and Wildlife identified each segment of the 15-mile downstream pathway a fishery. The downstream lengths of the rivers to the dam at Presumpscot Falls in the Presumpscot River are warm water fisheries supporting bass, pickerel, suckers, eels. Brown Trout are stocked in the Piscataqua River. Below the dam the primary fish of concern are striped bass and bluefish, which become plentiful in the tidal portion of the Presumpscot River and in Casco Bay during the warm months of the year (29).

6.4 Surface Water Conclusions

Surface water run-off from the site does not follow a defined drainage path. Overland flow from the area, however, most likely flows to a drainage ditch which runs along both sides of Longwoods Road. The potential release of contaminants from the site to the surface water pathway may be a groundwater to surface water release. However, a release of contaminants from the site is unlikely, because: 1) the PPE is one mile west of the site, and 2) the highest concentrations of contaminants have only been detected in the bedrock aquifer.

A water sample taken from a spring along Longwoods Road contained lead at 74 ppb. A background sample taken from a spring on an adjacent property did not contain elevated levels of lead.

No drinking water intakes exist along the 15-mile downstream pathway from the site. Both sensitive environments and critical habitat exist along the 15 mile target distance limit.

7.0 SOIL EXPOSURE AND AIR MIGRATION PATHWAY

7.1 Physical Description

This area of Cumberland County is made up of primarily glaciomarine deposits, mostly silt, clay, and sand with minor amounts of gravel. The silt is of the Presumpscot Formation and predominantly sand underlain in some places by finer-grained sediments (24).

A residence exists on each of the three lots which make up the site. The houses are single-family structures, some with similarly constructed outbuildings used as garages and for storage. The site is currently covered with vegetation, gravel driveways, and structures. Vegetation consists of grass near the residences and outbuildings, and trees and undergrowth on the areas not maintained. There are no paved areas on the site. Access to the site is unrestricted. Although the majority of the junk has been removed from the site, some auto parts remain onsite, partially buried, protruding from ground cover. No other materials, drums or miscellaneous refuse are evident.

7.2 Soil Analytical Results

During the October 12, 1994 SI sampling, soil samples were taken on lots 20, 20A, adjacent to lot 20D, 20E, and 19A (background). These soil samples were considered source samples, based on a conversation with Mr. Cary, a local resident. Two VOCs, acetone and chloroform, were detected at three of the four sample locations. Elevated levels of semi-volatile compounds were detected at SL#2. Elevated metal concentrations were detected at SL#2, #3, and #4. See Tables 2 and 3 for a summary of the soil analytical results.

7.3 Soil and Air Targets

There are no workers onsite (6). Three residences are located onsite, at least one with children (Lot # 20E, Grant). No school or daycare facilities exist onsite, or within 200 feet of a source area (38). Table 7 summarizes the population living within four miles of the site.

Table 7
Population Within Four Miles of the Site
Harris Road Disposal Area - Cumberland, Maine

Distance from Site	Population
onsite	8
0.00 - 0.25	30
0.25 - 0.50	29
0.50 - 1.00	137
1.00 - 2.00	1171
2.00 - 3.00	4,809
3.00 - 4.00	6,592
TOTAL	12,776

7.4 Soil Exposure and Air Pathway Conclusions

Because the site is accessible and not paved, a potential contact risk to contaminated soil exists for residents living on or near the site. No VOCs have been detected in the shallow subsurface; therefore, no apparent threat exists to any population by a release of hazardous substances to air. No odors have been detected by either residents or ME DEP staff.

8.0 SUMMARY

An auto junkyard and miscellaneous refuse disposal area was operated at the site. The operation started as early as 1950 and continued into the 1970s. The quantity and types of wastes are unknown. The majority of the waste has been removed; the site is comprised of a portion of three residential lots in a large subdivision.

Residential well sampling has confirmed the presence of VOCs in the private wells supplying water to ten households. The groundwater from one household contains concentrations of lead exceeding the MCL. The groundwater from four residents is filtered due to VOC contamination greater than MCLs.

Elevated semi-volatile organic compounds and metals have been detected in the soil from areas considered potential source areas by a local resident. However, VOCs that have been detected in residential groundwater, 11 DCE, 11 DCA and 111 TCA, have not been detected in the soil. Therefore, a source for the VOC contamination in the bedrock wells has not been confirmed.

A release from the site to the closest surface water body, located one mile west of the site, is unlikely. No drinking water intakes exist along the 15-mile downstream pathway from the site. Both sensitive environments and critical habitat exist along the 15 mile target distance limit.

There are no workers onsite. Three residences are located on the site, at least one with children (Lot # 20E, Grant). No school or daycare facilities exist onsite, or within 200 feet of a source area.

REFERENCES

Harris Road Disposal Area - Cumberland, Maine

1. United States Geological Survey, 7.5 Series Topographical Map, Yarmouth, Maine quadrangle. Photo-revised 1970; Photo-inspected - 1975.
2. Federal Register Vol. 55, No. 241. Appendix A to Part 300. The Hazard Ranking System. December 14, 1990.
3. Town of Cumberland, Maine, Property Tax Map R-3. Revised April 1, 1993.
4. Brown, L., ME DEP. 1994. Final Preliminary Assessment for the Harris Road Disposal Area Site. November 21.
5. Brown, L., ME DEP. 1994. Memorandum to File, RE: Harris Road Disposal Site, Re: Population (Groundwater Use) Calculations. November 18.
6. Dwire, M.K., ME DEP. 1994. Trip Report for September 27, 1994 SIP groundwater sampling - Harris Road Disposal Area. October 25.
7. Health and Environmental Testing Laboratory (HETL), Analytical groundwater data for residential sampling rounds for February 25, 1993, March 17, 1993, April 8, 1993, April 15, 1993, April 30, 1993, May 3, 1993, May 7, 1993, May 13, 1993, June 14, 1993, July 7, 1993, July 16, 1993, July 29, 1993, August 4, 1993, August 13, 1993, November 4, 1993, November 8-9, 1993, January 19, 1994, March 1, 1994, and April 12, 1994.
8. Dwire, M.K., ME DEP. 1994. Site Inspection (SI) sampling plan - Harris Road Disposal Area Site - Cumberland, Maine. September 14.
9. HETL Analytical groundwater data for SIP residential sampling on September 27, 1994.
10. Dwire, M.K., ME DEP. 1994. Trip report for potential source sampling event at Harris Road Disposal Area Site - Cumberland, Maine on October 14. October 19. October 12. October 14.
11. HETL analytical soil data for SIP source sampling on October 14, 1994 at the Harris Road Disposal Area Site - Cumberland, Maine.
12. Brown, L. ME DEP. 1994. Telecon with Phil Wentworth, Town of Cumberland Official, Re: information relative to the junkyard on Harris Road. April 4.

REFERENCES (Cont)

Harris Road Disposal Area site - Cumberland, Maine

13. Hench, D., Portland Press Herald. 1994. Newspaper article entitled, "Chemicals found in Cumberland well". April 7.
14. Mitnik, P., ME DEP. 1994. Memorandum to Mary Kate Dwire, ME DEP, re: flows for Piscataqua and Presumpscot Rivers. January 6.
15. United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Maps: Yarmouth, Cumberland Center, Portland East and Portland West quadrangles.
16. Firth, J., ME DEP. 1993. Memorandum to Division of Site Investigation and Remediation (DSIR), Re: Well head protection areas in the State of Maine. September 21.
17. Superfund Chemical Data Matrix, Appendix B Tables. June 1994.
18. Brezinski, S., ME DEP. 1992. Spill Report No. P/276/92, Re: Thomas Greenlaw junkyard. October.
19. Brezinski, S., ME DEP. 1993. Initial Spill Information Report Form, Ellen (Peterson) Grant, Spill No. P-101-93. February 21.
20. Cyr, S., ME DEP. 1993. Memorandum to Spill Number P/101/93 Harris Road and Longwoods Road/Route 9, Re: Initial investigation by SIR DIR. February 25.
21. Cyr, S., ME DEP. 1993. Memorandum to spill number P/101/93, Re: filter installation and follow-up investigation findings. March 11.
22. Cyr, S., ME DEP. 1993. Memorandum to Harris Rd/Longwoods Road Cumberland Site File, Re: Chronology of events. May 17.
23. Cyr, S., ME DEP. 1993. Memorandum to Gordon Fuller, ME DEP, Re: Harris Road/Longwoods Road site file status and referral. May 18.
24. State of Maine, Department of Conservation, Surficial Geologic Map of Maine. 1985.
25. Brown, L., ME DEP. 1994. Memorandum to Harris Road Disposal site File, Re: Sensitive environments within 15-mile pathway of site. July 7.

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Harris Road Disposal Area site - Cumberland, Maine

26. Brown, L., ME DEP. 1994. Minutes of meeting with T. McMullen, Portland Water District, Re: water systems of Yarmouth, Falmouth and Cumberland. March 16.
27. Brown, L., ME DEP. 1994. Minutes of meeting with Robert MacKinnon, Yarmouth Water District, Re: location of Yarmouth wells. March 16.
28. Maine Department of Inland Fisheries and Wildlife, 1993. Atlas of Essential Wildlife Habitats For Maine's Endangered and Threatened Species.
29. Brown, L., ME DEP. 1994. Minutes of meeting with John Boland, Department of Inland Fisheries and Wildlife, Re: Fisheries. May 3.
30. Brown, L., ME DEP. 1994. Memorandum to Harris Road Disposal Area Site File, Re: Aquifer Depth. July 6.
31. Brown, L., ME DEP. 1994. Telecon with R. Littlefield, Town of Cumberland, Re: information regarding junkyard in area of Harris Road. April 5.
32. Brown, L., ME DEP. 1994. Memorandum to Harris Road Disposal Area site File, Re: Household count. March 17.
33. Brown, L., ME DEP. 1994. Minutes of a meeting with D. Harris, Falmouth Town Manager, Re: junkyard activities on Harris Road. March 7.
34. Brown, L., ME DEP. 1994. Memorandum to Harris Road Disposal Area File, Re: Waste Quantity Calculations. July 13.
35. Cyr, S., ME DEP. 1993. Memorandum to Harris Road Disposal Area File, Re: Sampling activities on 4/8/93. April 13.
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37. Maine Geologic Survey, Department of Conservation, Significant Sand and Gravel Aquifer Map, Map 5, Cumberland and York Counties, Maine. 1979.
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39. Dwire, M.K., ME DEP. 1994. Telecon with Cumberland Tax Assessor, Re: Ownership history of the site. January 18.

21 January 2005

Mr. William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, ME 04021

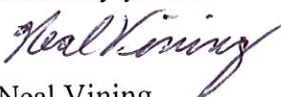
Dear Mr. Shane:

I own land on the Range Way which runs between Harris Road and Longwoods Road (Tax Map R08 / 27). I would like to build a house using the Range Way for access. I would like permission from the Town to improve approximately 500 to 800 feet of the Range Way from Harris Road. I understand from talking with you and Adam Ogden that the Town of Cumberland may grant a license to utilize this road but may require the improvements to the Range Way be built to some standard.

I would appreciate a letter from the Town of Cumberland stating that I can use the Range Way to access my property and that I have permission to improve and maintain it.

It is my understanding that the Range Way is a public way and the public has a right to use it. I am asking the Town of Cumberland's Council for permission to use this access.

Sincerely yours,


Neal Vining

63 Eagle Lane
Yarmouth, Maine 04096

21 January 2005

Mr. William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, ME 04021

Dear Mr. Shane:

I own land on the Range Way which runs between Harris Road and Longwoods Road (Tax Map R08 / 27). I would like to build a house using the Range Way for access. I would like permission from the Town to improve approximately 500 to 800 feet of the Range Way from Harris Road. I understand from talking with you and Adam Ogden that the Town of Cumberland may grant a license to utilize this road but may require the improvements to the Range Way be built to some standard.

I would appreciate a letter from the Town of Cumberland stating that I can use the Range Way to access my property and that I have permission to improve and maintain it.

It is my understanding that the Range Way is a public way and the public has a right to use it. I am asking the Town of Cumberland's Council for permission to use this access.

Sincerely yours,

Neal Vining

63 Eagle Lane
Yarmouth, Maine 04096

DRAFT

COPY

FYI

(A)

MR. Vining said he
will stop by on
Monday to sign an
entrance permit and
this
letter
#

Bk 13500 pg 278

75766

WARRANTY DEED
(Maine Statutory Short Form)

Whitetail Rd

KNOW ALL PERSONS BY THESE PRESENTS, that We, WILLIAM WEICKERT and MARY WEICKERT, both of 153 Harris Road, Cumberland, Maine, and BRIAN E. LEIGHTON and KATHLEEN B. LEIGHTON, both of 147 Harris Road, Cumberland, Maine, for consideration paid, grant to the INHABITANTS OF THE TOWN OF CUMBERLAND, a municipal corporation organized and existing under the laws of the State of Maine, with a mailing address of 12 Drowne Road, Cumberland Center, Maine 04021-0128, with WARRANTY COVENANTS, the following described property situated in the Town of Cumberland, County of Cumberland, State of Maine:

All that certain lot or parcel of land (being presently a private road) situated on the Northwestern side of Harris Road in said Town of Cumberland shown on a plan entitled "Final Subdivision Plan, Cumberland View Subdivision" prepared by Howard F. Babbidge, dated June 1989, recorded on May 17, 1990 at Cumberland County Registry of Deeds, Plan Book 185, Page 21, as amended by a plan entitled "Final Subdivision Plan, Amended Plan, Cumberland View Subdivision" prepared Howard F. Babbidge, dated June 1989, as approved by the Town of Cumberland Planning Board on August 20, 1991 and recorded in said Registry of Deeds in Plan Book 191, Page 87 (herein, as amended, the "Plan"), said lot or parcel of land being a sixty (60) foot wide strip of land, together with the cul-de-sac ending, as shown on said Plan as a "60' wide access easement for lots of Henry R. and Betty J. Kennedy and Louis C. Wood and Henry R. Kennedy", the centerline of said strip of land (except for the cul-de-sac portion of the northerly terminus thereof) being described as follows:

Beginning at an iron rod set in the Northwestern side of said Harris Road at the common boundary line between Lot 3 and Lot 4 as shown on said Plan, which iron rod is situated on a course of N 18°00" E along said Harris Road a distance of Nine Hundred (900') feet from property now or formerly of Jacqueline Laird Price as shown on said Plan;

Thence in a Northerly direction on a curve to the right having a radius of Three Hundred Thirty (330') feet an arc distance of 270.70 feet to a point of tangency;

Thence on a course of N 07°18' E a distance of Two Hundred Thirty-Seven and Sixty-Six Hundredths (237.66) feet to a point at the Northeasterly corner of the Lot 3 as shown on said Plan;

* RANGE WAY OFF HARRIS ROAD

* VINING - R03/27

Bk 13500 pg 279

Thence continuing on said course to a point which would be directly opposite, when measured at right angles, from a point of tangency of a curve on the Southeasterly sideline of said right-of-way which extends in a Northerly and Northeasterly direction at the beginning of the southerly sideline of the cul-de-sac as shown on said Plan, and which point of tangency is formed by the intersection of the straight southerly sideline of said right-of-way and an extension southwesterly of the northwesterly sideline of Lot 4 as shown on said Plan, which point marks the end of the 60 foot wide portion of said right-of-way. The strip of land herein conveyed is located and includes the area extending 30 feet on each side of the above-described centerline as measured at right angles thereto.

Also hereby conveying all that certain lot or parcel of land situated adjacent to and Northerly of the foregoing sixty (60') foot strip of land and being shown on said Plan as the cul-de-sac area of said right-of way and which is generally the essentially circular area of land having a radius of sixty (60') feet, all as shown more particularly and specifically on said Plan, and the boundaries as shown on said Plan shall control the boundaries of the premises herein conveyed.

Meaning and intending to convey, by the Weickerts, all that portion of Lot 3 on the Plan as is situated within said sixty (60') foot wide right-of-way and is located at Southwesterly and Westerly side of said centerline, and the covenants of title by the Weckerts are limited to such area only.

Meaning and intending to convey, by the Leightons, all that portion of Lot 4 on the Plan as is located within said sixty (60') wide right-of-way, including the cul-de-sac area, and is situated generally Easterly and Northerly of said centerline and extending to the Southeasterly boundary line and Southwesterly boundary of said properties now or formerly of Betty and Henry Kennedy and Louis Wood as shown on the Plan, and the covenants of title made by the Leightons are limited to such area only.

The within premises are hereby conveyed and subject to rights of ingress and egress and for such other purposes as set forth in deeds to Henry R. and Betty J Kennedy recorded in said Registry of Deeds, Book 8878, Page 33 and to Louis C. Wood and Henry R. Kennedy by a deed recorded in said Registry in Book 8971, Page 347.

The within deed is hereby made without claim for damage or compensation by the Grantors herein.

Bk 13500 pg 280

WITNESS our hands and seals on November 26, 1997.

WITNESS:

Joel R. Ham
Joel R. Ham
Joel R. Ham
Joel R. Ham

Wm. N. Weickert
 WILLIAM WEICKERT
Mary Weickert
 MARY WEICKERT
Brian E. Leighton
 BRIAN E. LEIGHTON
Kathleen B. Leighton
 KATHLEEN B. LEIGHTON

STATE OF MAINE,
 COUNTY OF CUMBERLAND ss.

November 26, 1997

Then personally appeared the above named William Weickert and Mary Weickert and acknowledged the foregoing instrument to be their free act and deed.

Date: 11-26-97

Before me,

Suzanne M. Ullenbruch
 NOTARY PUBLIC
 Notary Public, Maine
 My Commission Expires May 3, 2002

STATE OF MAINE,
 COUNTY OF CUMBERLAND ss.

November 26, 1997

Then personally appeared the above named BRIAN E. LEIGHTON and KATHLEEN B. LEIGHTON and acknowledged the foregoing instrument to be their free act and deed.

Date: 11-26-97

Before me,

Suzanne M. Ullenbruch
 NOTARY PUBLIC
 SUZANNE M. ULLENBRUCH
 Notary Public, Maine
 My Commission Expires May 3, 2002

LEL/CUMBERLAND VIEW/Kennedy - Leighton

RECEIVED
 RECORDED - CLERK OF DEEDS
 1997 DEC 17 PM 12:43

Jensen Baird
Gardner & Henry

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

LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA G. CORRADINI
J. COLBY WALLACE
JAMES D. LIDDELL

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MERTON G. HENRY
WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)

KENNETH BAIRD
(1914-1987)

M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE

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

February 9, 2005

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bill:

Pursuant to your request, I have prepared a draft License Agreement between the Town of Cumberland and Neil and Claire Vining regarding improvement of the rangeway adjoining their land on Harris Road. If you have any questions concerning this License Agreement, please call me at your convenience.

Very truly yours,


Kenneth M. Cole III

KMC/ab
Enclosures

LICENSE AGREEMENT

This Agreement made this day of , 2005, by and between the **Town of Cumberland**, a municipal corporation with a place of business in the Town of Cumberland, County of Cumberland and State of Maine, and **Neil D. Vining** and **Claire I. Vining**, 85 Tuttle Road, in said Town of Cumberland, County of Cumberland and State of Maine.

WHEREAS, the said Vinings own land fronting on the Harris Road in said Cumberland, but not practically accessible therefrom; and

WHEREAS, Cumberland owns a rangeway which adjoins said land and which would provide appropriate vehicular access; and

WHEREAS, the Town and the Vinings are willing to enter into an agreement to permit Vinings to improve said rangeway.

NOW THEREFORE, in consideration of the foregoing premises, the parties hereto hereby agree as follows:

1. The Town agrees to allow Vinings to improve, at their sole cost, said rangeway to a depth of no more than 800 feet from said Harris Road, said improvement to be in compliance with the private road standards of the Town's Zoning Ordinance and to include specifically a 16 foot graveled right of way with associated drainage, all as approved and supervised by the Town Public Works Director. Said improved right of way shall be used by Vinings for access to one single family residence on their 3.3 acre adjoining lot and for installation of utilities as they may be required, except that any utility easement must first be further approved by the Town.
2. Vinings acknowledge the Town's ownership of said adjoining rangeway and agree that this license merely allows them to improve and use said right of way but that said right is in common with the public use thereof which Vinings shall not impede or hinder.
3. Vinings agree to defend, indemnify and hold harmless the Town, its agents, officers and employees from any claim for property damage and/or personal injury arising from the use of said rangeway by themselves, and their family, guests, employees and/or invitees.
4. This license shall be for an indefinite term but shall be terminable by vote of the Town Council giving Vinings 90 days notice thereof.

5. This agreement shall be binding upon the parties hereto, their successors, heirs and assigns except that the Vinings shall not have the right to assign their rights specifically under said license without the prior written consent of the Town. This agreement shall further shall be construed and enforced according to the laws of the State of Maine.

TOWN OF CUMBERLAND

Witness

By: _____
Its

Witness

Neil D. Vining

Claire I. Vining

TWIN BROOK RECREATION AREA POLICIES AND RULES

1. General. The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. Priorities. Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. Field Use. There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

4. Cancellation. The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. Applications. No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance must be provided, and all other stipulations must be met before the permit is issued. If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an

unusually compelling reason for such a cancellation. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. Insurance. The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than \$1,000,000 per person/\$2,000,000 per occurrence) and property damage (not less than \$25,000) before receiving a facility permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. Indemnity. The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney's fees, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

8. Modifications. The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. Fees. The Cumberland Town Council shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Miscellaneous.

a. MSAD 51 and the Cumberland Recreation Department are only expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use, needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the Cumberland Recreation Department is in agreement, the user shall be charged accordingly in an amount to be determined by the Cumberland Recreation Department.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must be obtained in advance and in writing.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department. If security is deemed to be necessary,

arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The use, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (e.g, casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. Except as provided below, the use of open flames, charcoal fires, cooking fires, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area.

Gas Grills shall be permitted in the Parking area known as the Bus Turnaround or Parking Area 2. It is the second parking lot from Tuttle Road and depicted on a map attached to this document in Appendix A.

Bonfires may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council (and/or designee) and the Cumberland Fire Department, subject to the following conditions:

1. The sponsor must arrange for fire protection through the Cumberland Fire Department;
2. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
3. The sponsor must clean up the area impacted by the bonfire;
4. Public participation in the bonfire must conclude no later than 8:00 p.m.

j. Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event), but may not be walked on the playing fields. During the winter months, dogs may be walked or sledged in any area except for groomed ski trails.

The person in charge of a dog is responsible for cleaning up waste released by the dog and will be strictly liable for any personal harm or damage caused by the dog.

k. Horses may be ridden along the perimeters of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

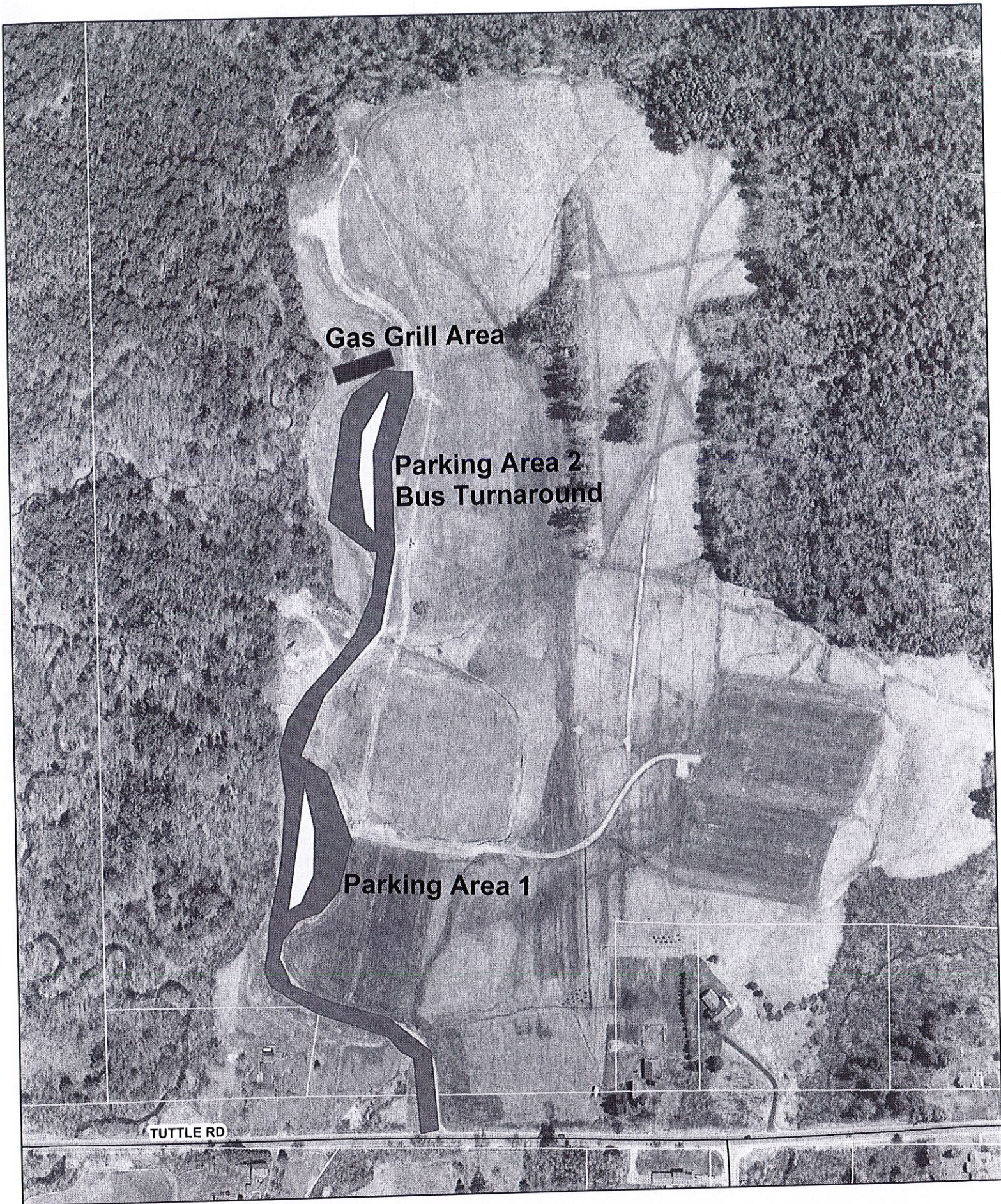
m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities.

n. Picnicking is welcome while the facilities are open, and picnickers are responsible for cleaning up after themselves. Open fires as well as heat sources for barbecuing or grilling are not permitted.

o. The facilities shall be open during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.

p. All permit applications must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only, except for mountain biking as permitted under subparagraph l. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles (except as provided in subsection (l) above) and motorcycles are prohibited.

q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.

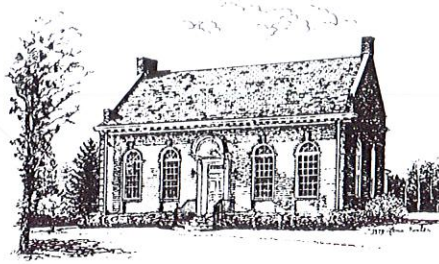


200 100 0 200 Feet



**Twin Brooks Recreation Area
Attachment A**

Prince Memorial Library
266 Main Street
Cumberland, Maine
04021-9754



Tel: (207) 829-2215
Fax: (207) 829-2221
www.princememorial.lib.me.us
inquiry@princememorial.lib.me.us

To: Bill Shane, Town Manager
From: Thomas C. Bennett, Library Director
Date: January 26, 2005
Re: Martha "Pete" Pawle

Martha "Pete" Pawle, Library Director at Prince Memorial Library from 1970-1995, passed away on January 6. The Library Advisory Board, at its January 19 meeting, recommended that the library's Cumberland Wing be renamed after Mrs. Pawle. Mrs. Pawle was the driving force behind the 1987 addition that is known as the Cumberland Wing, and renaming it after her would be fitting.

Department of Public Safety
Liquor Licensing &
Inspection Division



BUREAU USE ONLY

License No. Assigned:

Deposit Date:

Amount Deposited:

CK/MO/CASH:

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

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

PRESENT LICENSE EXPIRES 3-3-05

- ☐ Off-Premise Retailer – Malt Liquor \$200.00
☐ Off-Premise Retailer – Table Wine \$200.00
☐ Filing Fee \$ 10.00

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

Check Payable: Treasurer State of Maine

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Sheila Donofrio</u> DOB: <u>10/5/74</u>		2. Business Name (D/B/A) <u>Basil Provisions, LLC</u>	
DOB:		<u>* 137 Main St. B</u>	
DOB:		Location (Street Address)	
Address <u>53-55 Westminster Ave.</u>		<u>Cumberland ME 04021</u>	
City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04102</u>		City/Town <u>PO Box 374</u> State <u>ME</u> Zip Code <u>04021</u>	
Telephone Number <u>207-650-0108</u> Fax Number <u>829-3799</u>		Mailing Address <u>Cumberland Center ME 04021</u>	
Business Telephone Number <u>829-3799</u> Fax Number <u>829-3797</u>		City/Town <u>Portland</u> State <u>ME</u> Zip Code <u>04102</u>	
Federal I.D. #		Seller Certificate # <u>1068324</u>	

3. List of Wholesale Value and Types of Merchandise in inventory: (Must be answered)

Edible Foods \$ 31000.00 Tobacco Products \$ 0 Paper Goods \$ 1000.00
 Greeting Cards, Magazines, Newspapers \$ 500.00 Total of all other merchandise in inventory \$ 1000.00

4. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: Yes ☒ No ☐ (If Yes complete Supplementary Questionnaire)

5. If manager is to be employed, give name: N/A

6. If business is NEW indicate opening date: N/A Business Hours: _____

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

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

New location as of march 2005

164 State House Station
Augusta ME 04333-0164

OffPremRetailApp / 2003

Tel: (207) 624-8745

Fax: (207) 624-8767

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

Name in Full (Print Clearly)	DOB	Place of Birth
Sheila Donofrio	10/5/74	Rochester NY

Residence address on all of the above for previous 5 years (Limit answer to city & state)

1st Current 53/55 Westminster Ave Portland, ME 04102
4th Previous 1490 Broadway S. Portland ME 04106

Use a separate sheet of paper if necessary.

10. Has applicant(s) or manager(s) ever been convicted of any violation of the law, other than minor traffic violations of any

State of the United States? Yes ☐ No ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

11. Will any law enforcement official benefit financially either directly or indirectly in our license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

12. Has applicant(s) formerly held a Maine liquor license? Yes ☒ No ☐ re apply because we are moving.

13. Do applicant(s) own the premises? Yes ☒ No ☐ If No, give name and address of owner: _____

beer & wine has designated area in back of store
14. Describe in detail where liquor will be stored: (Supplemental On/Off Premise Diagram Required) _____

15. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? Yes ☐ No ☒ If Yes, give details: _____

mortgage w/ Bank North

16. Has any other person have any interest directly or indirectly in your business? Yes ☐ No ☒ If Yes, give details: _____

PAYMENTS TO THE DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING & INSPECTION DIVISION BY
CHECK SUBJECT TO PENALTY PROVIDED BY SECTION 3 OF TITLE 28A, MAINE REVISED STATUTES

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$500.00 or by both."

Dated at: Cumberland, ME on 2/8/05, 20____
City/Town Date Year

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

Print Name of Applicant(s) or Corporate Officer(s)

164 State House Station
Augusta ME 04333-0164

OffPremRetailApp / 2003

Tel: (207) 624-8745

Fax: (207) 624-8767

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



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

1. Exact Corporate Name: Basil Provisions, LLC
Business D/B/A Name: _____
2. Date of Incorporation: Dec
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Sheila Donofrio	53-55 Westminster Av Portland	10/5/74	100	owner
(prior address)	1490 Broadway S. Portland			

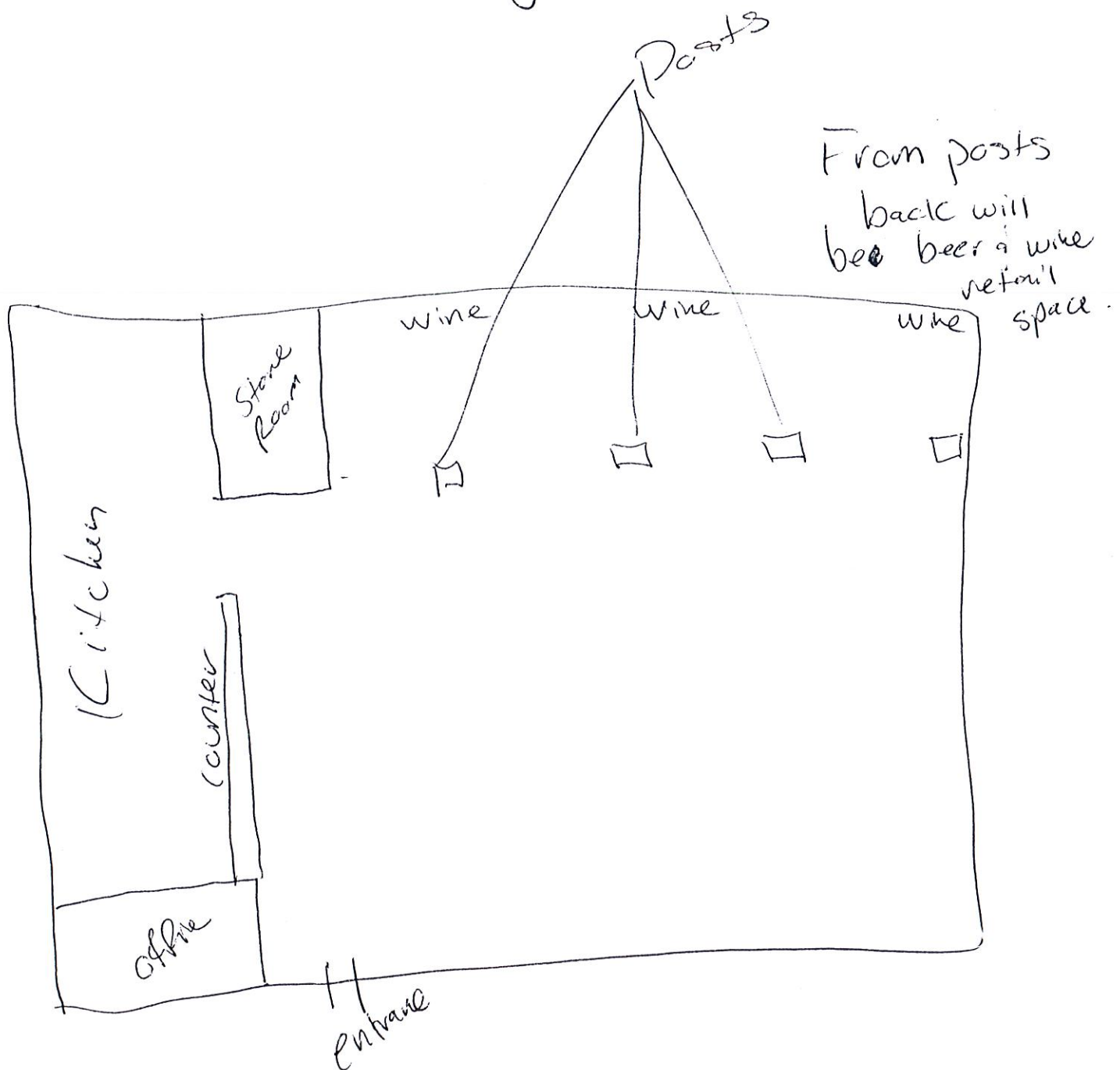
6. What is the amount of authorized stock? NA Outstanding Stock? NA
7. Is any principal officer of the corporation a law enforcement official? Yes ☐ No ☒
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes ☐ No ☒
9. If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ On: _____
City/Town Date

Signature of Duly Authorized Officer

Date

Print Name of Duly Authorized Officer

Supplemental Diagram



TOWN OF CUMBERLAND, MAINE
APPLICATION FOR VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Basil Provisions, LLC
Business Address: ~~2024~~ 137 Main Street
Name of Manager: Orlela Dondio Bus. Phone: 207-829-3799
Date of Event or New License: 3/05
Signature of Authorized Person: [Signature] Date: 2/8/05

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

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

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021


Application Rec'd: 2-10-05 Date of Issuance 2-14-05 Cert No. _____

1688

BASIL PROVISIONS

20 BLANCHARD ROAD
CUMBERLAND, ME 04021
PH. (207) 829-3799

DATE 2/8/05 52-7445-2112

Town of Cumberland
PAY TO THE ORDER OF Twenty five dollars and 00/100 \$ 25.00
DOLLARS  Security Features Included. Details on Back.

Peoples
A division of Banknorth, N.A.
One Portland Square
Portland, ME 04101

FOR

⑈001688⑈ ⑆211274450⑆ ⑈0241055252⑈

MP


GENTRY

1687

BASIL PROVISIONS

20 BLANCHARD ROAD
CUMBERLAND, ME 04021
PH. (207) 829-3799

DATE 2/8/05 52-7445-2112

Treasurer State of Maine
PAY TO THE ORDER OF Four Hundred Ten 00/100 \$ 410.00
DOLLARS  Security Features Included. Details on Back.

Peoples
A division of Banknorth, N.A.
One Portland Square
Portland, ME 04101

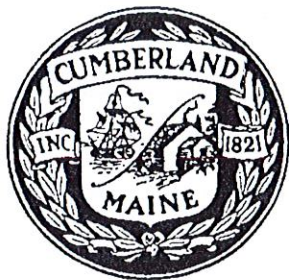
FOR

Liquor License

⑈001687⑈ ⑆211274450⑆ ⑈0241055252⑈

MP

GENTRY



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: December 16, 2004
To: Cumberland Planning Board
From: Carla Nixon, Planning Director
Subject: Workshop on Policies and Procedures

Attached to this memo is a draft of a proposed revised application process. There are two main changes:

1. Application completeness would be determined by staff prior to bringing it to the Board for review. The benefits are: less meetings for applicants and their engineers to attend (less cost); a possible savings of one month in review process; shorter agendas.
2. Final approval would not be scheduled until all outside permits are in hand. We would also expect all declarations, agreements, easements to be completed, reviewed and approved by the Town. This would greatly reduce the number of conditions of approval that are needed, and would enable the mylar to be signed the night of the meeting since no plan changes would be required.

If you have any questions prior to the meeting, do not hesitate to call.

Carla

PROPOSED APPLICATION PROCESS:

Step 1: Sketch Plan/Pre-Application/Site Walk

- Applicant presents conceptual plan (or plans, as required by ordinance)
- Planner recommends this step for all types of applications, though only required for major subdivisions.
- Board provides input on design, entrance locations, etc., if possible.
- Board schedules site walk (if needed.)

Step 2: Application Completeness

- To be determined by the Town Planner, with input from the Town Engineer, as needed.
- Once application is found to be complete, preliminary plan information (or general plan information in the case of minor subdivisions and site plans) is submitted to the Planner prior to the required deadline, and the Applicant is placed on the next Board agenda.

Step 3: Public Hearings and Reviews

- Board conducts Preliminary Plan review for major subdivisions; plan review for minor subdivisions (which have no preliminary approval step); and site plan review for site plans.
- This process continues for as many meetings as required for positive findings of fact to be made by the Board (for both Preliminary and Final Approvals.)

Step 4: Final Public Hearing, Review and Approval

- When Staff determines that all items required for final plan review and approval are in order (e.g., written Federal and State approvals; declarations, agreements, CCSWCD approval, easements, etc.) a public hearing is scheduled. The Applicant brings the mylar to the meeting for signatures. Conditions of approval will be limited to standard conditions, that fees are paid, and performance bond acquisition.

Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email dsmall@cumberlandmaine.com

Daniel R. Small

Chief

REPORT FOR JANUARY, 2005

The Cumberland Fire Department responded to 40 incidents during the month of January 2005. Mutual Aid was given fourteen times, and received three times.

On January 20th Engine 3 and Squad 1 with the Rapid Intervention Team responded to 41 Woodbury Street in the town of Yarmouth for a structure fire in their community.

On January 22nd and 23rd, Fire Department personnel staffed all three stations due to the heavy snow.

On January 24th our personnel were dispatched to 84 Forest Lake Road in Gray for a reported structure fire as part of our automatic response agreement with their community. Crews from Engine 5 and Engine 2 were first on scene, and aggressively attacked the fire located in the garage. They were able to stop the fire at the garage and prevent it from spreading to the attached residence. Later that day, Engine 3 responded to New Gloucester to assist them with a structure fire in their community.

On January 29th the Fire and Rescue Departments responded to a sledding accident in a gravel pit off Doughty Road with reported injuries. Captain Stewart was working a detail at Val Halla with the snowmobile and rescue sled, and was able to arrive on scene within minutes. Personnel from the Fire and Rescue Departments worked together to remove the two patients from the gravel pit and move them to the ambulance for transport and evaluation.

On January 29th and 30th the Fire Department conducted a public service detail at Val Halla with the snowmobile and rescue sled. The personnel provided information to those using the golf course about using the appropriate areas of the course for their recreation.

On January 20th, the pipes at West Station located in the attic area over the Officer's room froze. One of our per diems doing their routine building checks arrived at the station and found that the building was completely charged with steam. There was damage to the carpets, the walls, floors, the alarm panel, and the computer equipment located in the meeting room area of the building. We are currently working with the insurance company to finalize the claim and begin work to repair the damage to the building.

Mainland training for the month of January was the Annual Mandatory training including sexual harassment, bloodborne and airborne pathogens, HAZMAT awareness, confidentiality, standards of conduct, violence in the workplace, and hazard communication. Special Operations training for the month was training with the snowmobile and rescue sled. Chebeague Island Station prepared their training schedule for 2005, including topics ranging from pre-planning to water rescue.

CUMBERLAND FIRE DEPARTMENT

2005 RUN STATISTICS AS OF JANUARY 31, 2005

LEGEND- *LYT = Last Year Total* *LYTD = Last Year to Date*
 YTD = Year to Date *TFCM = Total for Current Month*

NUMBER OF RUNS ASSIGNED PER COMPANY

		LYT	LYTD	YTD	TFCM
Engine 1	=	137	016	009	009
Engine 2	=	107	011	008	008
Engine 3	=	143	017	011	011
Engine 4	=	025	002	002	002
Engine 5	=	119	013	007	007
Engine 6	=	009	000	001	001
Engine 8	=	013	000	001	001
Engine 9	=	009	000	001	001
Engine 17	=	011	000	000	000
Forestry 2	=	008	000	000	000
Ladder 7	=	137	019	015	015
Marine 1	=	000	000	000	000
Squad 1	=	236	027	017	017
Tank 1	=	009	000	001	001
FF/EMT	=	080	007	004	004
FD/PD	=	074	007	005	005
SERV1	=	----	----	003	003

TYPE OF INCIDENTS REPORTED

		LYT	LYTD	YTD	TFCM
Structure Fire/Smoke in bldg.	=	034	004	002	002
Chimney Fire	=	005	001	000	000
Motor Vehicle Crash	=	042	002	002	002
Vehicle Fire	=	010	000	001	001
Mutual Aid	=	080	008	009	009
RIT	=	059	008	005	005
Fire Alarm Activation	=	055	008	003	003
Flammable Liquid Spills	=	006	000	001	001
Grass/Brush/Woods Fire	=	042	001	002	002
Water Rescue	=	001	000	000	000
EMS	=	068	006	005	005
Carbon Monoxide	=	009	004	002	002
Water Problem	=	009	001	001	001
Outside Electrical Problem	=	020	001	001	001
Public Assistance	=	022	002	000	000
LP Gas Problem	=	005	000	001	001
Interior Electrical Problem	=	005	002	000	000
Station Staffing	=	000	000	003	003
Outside Event Coverage	=	036	003	002	002
Other	=	007	000	000	000
TOTALS	=	515	051	040	040

MSAD 51
Performance Data Committee
Annual Report 2003-2004
May, 2004

Betts Gorsky, Co-Chair and Board Member
David Hughes, Co-Chair and Community Member
Robert Hasson, Jr., Superintendent
Peter Bingham, Board Member
Suzanne Godin, Principal
Becky Foley, Principal
Grace Leavitt, Teacher
Kimberly Brandt, Teacher
Karen Herold, Community Member
Rob Gardiner, Community Member

Contents

Introduction.....	2
Executive Summary.....	3
Community Indicators.....	6
Resource Indicators.....	8
School Process Indicators.....	11
Outcome Indicators.....	15

The Performance Data Committee wishes to acknowledge and thank Dr. David Silvernail and his staff at the Center for Education Policy, Applied Research and Evaluation at the University of Southern Maine for their invaluable assistance in the Committee's work

MSAD #51 Cumberland and North Yarmouth

Introduction

The Performance Data Committee, composed of teachers, administrators, community members, and members of the Board of Directors, is charged by the MSAD #51 Board of Directors to define and collect information in areas that, when aggregated, present a balanced view of the District's progress towards attaining its mission. This report is intended to provide information to the community, parents, Board of Directors, administration and staff as a foundation for decision-making and to allow assessment of the success of the District's mission over time.

The Performance Data Committee is working to focus its measurement efforts on the Mission and Goals of the District as established by the Board of Directors. The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence and discover and attain their personal bests. In furtherance of the District's mission, the Board has set the following goals for the 2003-2004 school year: (1) Effectively engage students in learning to ensure that each student meets or exceeds the District's Content Standards and Performance Indicators toward attaining his/her personal best; (2) Implement accountability systems for providing, assessing and supporting student learning; (3) Promote community involvement in education; and (4) Provide a quality learning and working environment to support our educational mission.

In 1996, the Board of Directors authorized the creation of the Performance Data Committee to develop a system of empirical indicators for assessing the performance of the school district on a regular basis. The Committee identified a variety of educational indicators for examining and measuring the effectiveness of the District. Examples include per pupil expenditures, student-teacher ratios, and student achievement as evidenced by Maine Educational Assessments. This report has organized these educational indicators in the following format:

- **Community Indicators** – Indicators that describe the community characteristics that may have impact on student learning. Community indicators include information such as community income, poverty levels, parent involvement and school enrollment.

- **Resource Indicators** – Indicators that describe school resources that may influence student learning. These indicators include staff and student characteristics, educational expenditures and perceptions about District facilities.
- **School Process Indicators** – Indicators that describe school programs and other school offerings that are used in helping students learn and stakeholder perceptions of school quality, teacher efficacy and climate that influence student learning. School process indicators include perceptions about school climate, class size and extra and co-curricular opportunities.
- **Outcome Indicators** – Indicators that describe student learning and aspirations. Outcome indicators include student attitudes and aspirations, student achievement results, and post-secondary education choices.

In addition to providing the most current information available for each indicator, historical information is used to identify trends and patterns over time, and data from neighboring communities and the state is used to provide meaningful comparisons. Such historical and comparative data is presented here whenever possible.

An additional set of educational data consists of a series of surveys designed to collect evidence about the perceptions of parents, community members, educators, recent graduates and junior high and high school students. The surveys have been administered on a regular, revolving schedule in order to ascertain if the survey respondents thought the District was making progress in fulfilling its mission. Each year since 1997, the Committee has worked with the Center for Education Policy, Applied Research and Evaluation at the University of Southern Maine in designing, administering, and interpreting the survey results. Other data sources include Department of Education, US 2000 Census, and internal school district data. Complete survey results are available in the District's Central Office.

Executive Summary

This report contains the indicators for the 2003-2004 school year with the following highlights:

❖ Community Indicators:

- There has been a significant population increase in North Yarmouth and Cumberland in the past two decades.
- There has been a 50% increase in student enrollment since 1990-1991.

- 50.3% of Cumberland residents and 45% of North Yarmouth residents have a four-year college degree compared to 22.9% statewide.
- Median household income in Cumberland ranks 2nd in Maine and is 80% higher than the State's median household income.
- Median household income in North Yarmouth ranks 4th in Maine and is 63% greater than the State's median household income.

❖ **Resource Indicators:**

- In regards to per pupil expenditures for 2002-2003, the District ranks 112 out of 261 Maine school districts, exceeding the State average by \$289 per pupil and ranking below the per pupil expenditures in Falmouth, Yarmouth, and Freeport.
- Percentage of the District's budget devoted to instruction has increased from 63.93% in 1993-1994 to 68.1% in 2003-2004.
- 60% of the District's teachers have an advanced degree.
- Percentage of identified special education students to total student enrollment at 6.00% is significantly lower than the state average of 18.10% as well as the average in Falmouth, Yarmouth, Cape Elizabeth and Freeport.
- Almost half of Greely High School teachers (47%) believe that the high school facilities are "Poor" and 82% of the teachers at Greely Junior High School describe their facilities as "Poor," compared to 0% at Drowne Road School, 23% at North Yarmouth Memorial School, 20% at Chebeague Island School and 3% at Mabel Wilson (Performance Data Committee ("PDC"), Survey 2002).
- There has been increase in the percentage of parents from 10% in 1997 to 35% in 2002 who consider the high school facilities to be "Poor."

❖ **School Process Indicators:**

- K-6 Student-Teacher ratios in 2003-2004 range from 16:1 in Kindergarten to 22:1 in Sixth Grade.
- 90% of the District's teachers report they believe that all students can learn and achieve to high standards. This compares favorably with a statewide survey showing that a majority of teachers (55.5%) in Maine do not think that their schools will be able to achieve the *Learning Results*' stated goals for all students (MEA, Maine Educational Policy Research Institute, 2002).
- 80% of the District's parents report their children are receiving a good education and a similar percentage assigns grades of A or B to their children's schools (PDC,

Survey 2002). This compares favorably to a national poll indicating that 51% of suburbanites and 53% of rural residents gave their schools a grade of A or B (Rose & Gallup, 2002). Parent perceptions have improved for some District schools but have declined for others since the prior survey.

- 40% of community members with no children in school graded the district with an A or B (PDC, Survey 2001), an increase of 5% from 1998. This result is similar to a national poll that found 44% of community members with no children in school gave their public schools an A or B (Rose & Gallup, 2002).
- 81% of Greely High School graduates who planned to attend college after high school assigned the District either an A or B (PDC, Survey 1999).
- Although many junior and senior high students report feeling challenged to do their best work, still only about one-third of these students report that their classes are “Usually” or “Almost Always” interesting. And about 1 in 5 reports that their classes are rarely interesting.

❖ **Outcome Indicators:**

- Eight out ten of both junior high and high school students believe if they try hard they can succeed at whatever they do, and over two-thirds of the students report feeling good about themselves as a student in their schools (PDC, Survey 2002).
- Based on the MEA Results, the District’s schools can be characterized as “value-added” in most content areas – the schools “add value” to the performance level of students above what would be predicted based on community characteristics and prior student performance (CEPARE Report, 2001).
- Results from the performance of 4th grade students on the 2002-2003 Maine Education Assessments (“MEA’s”) and the performance of 3rd grade students on the Terra Nova assessment evidence improvement in student achievement in mathematics following one year of implementation of the Everyday Math program.
- Greely High School graduates attending four and two-year colleges have increased from 76% in 1999 to 92% in 2003.

I. Community Indicators

Community Indicators describe community characteristics that may have an impact on student learning. This section provides information on population growth, median household income, poverty rates, adult educational attainment, school lunch program eligibility, parent involvement in the schools, public school enrollment and private school enrollment.

North Yarmouth and Cumberland Demographics

Population	Cumberland	North Yarmouth	State
2000 Census	7,159*	3,210**	
1990 Census	5,836	2,429	
1980 Census	5,284	1,919	
Households with Children under age 18:	44%	47%	32%
Percentage of Citizens 65 years or older	11%	7.6%	15.5%
Residents with a four-year college degree	50.3%	45%	22.9%
Median Household Income	\$67,556	\$60,850	\$37,240
Families below the poverty level:	2.4%	0.6%	7.8%
Percentage of Students Eligible for Free/Reduced Lunch Program:	3.56%	5.26%	32.74%

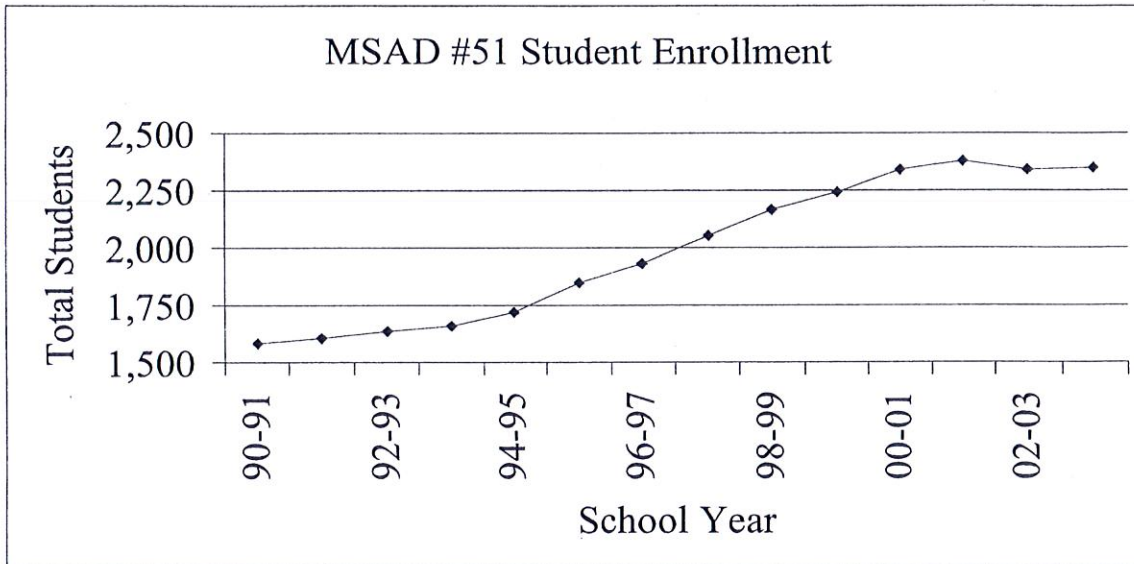
Data from the 2000 US Census

*35.5% increase from 1980, 22.7% increase from 1990

**67.3% increase from 1980, 32.2% increase from 1990

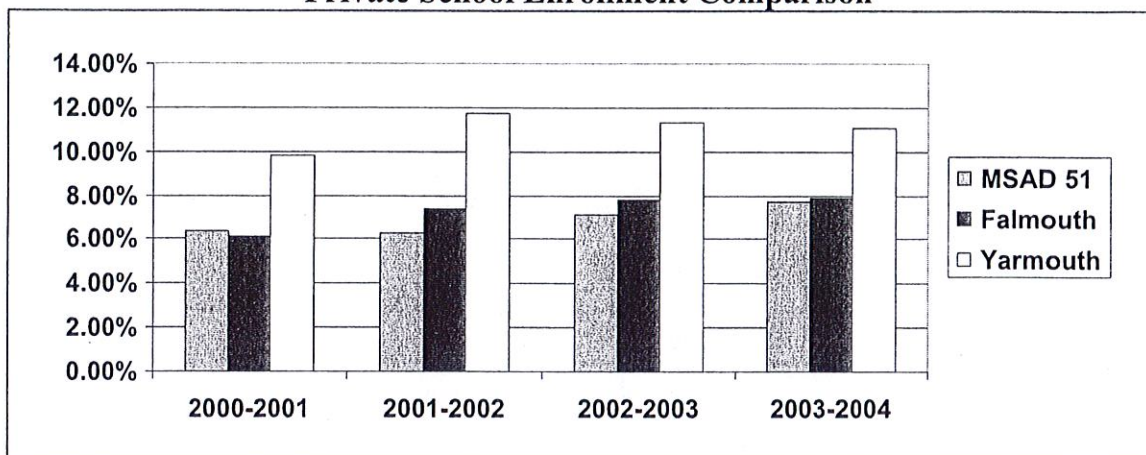
Volunteer Hours

Year	Number of Volunteers	Number of Hours
1994-1995	420	18,468
1995-1996	469	26,676
1996-1997	450	30,947
1997-1998	500	34,850
1998-1999	1000	53,578
1999-2000	1000	59,500
2000-2001	850	66,634
2001-2002	840	65,480
2002-2003	925	62,575



Student enrollment has risen from 1,584 in 1990-1991 to 2,338 in 2003-2004.

Private School Enrollment Comparison



II. Resource Indicators

Resource Indicators describe school resources, student characteristics and facility qualities that may influence student learning. Information is provided on the following indicators: per pupil operating expenditures, percentage of the District budget devoted to instruction, educational attainment of teachers and administrators, percentage of special education students, number of students identified as gifted and talented and educator and parent perceptions of the quality of District facilities.

Per Pupil Operating Costs for 2002-2003

- MSAD #51 per pupil operating costs - \$7,308
- State of Maine average per pupil operating costs - \$7,019
- Ranks 112 in the State out of 261 school districts

Comparisons with Neighbor Communities

Community	Educational Attainment*	Median Household Income	2002- 2003 Per Pupil Expenditures^	2002-2003 Per Pupil Expenditures State Rank**
Cumberland	50.30%	\$67,556	\$7,308	112
North Yarmouth	45%	\$60,850	\$7,308	112
Yarmouth	57.20%	\$58,030	\$8,862	33
Freeport	38.30%	\$52,023	\$8,028	64
Cape Elizabeth	58.70%	\$72,359	\$7,293	116
Falmouth	53.20%	\$66,855	\$7,920	70

Based on Maine Department of Education Data

*Percentage of Residents over the age of 25 with 4-year degrees or higher based on 2000 US Census Data

** Data from Maine State Department of Education. Total of 261 school units reporting.

^Does not include transportation and debt services.

Percentage of the District Budget Devoted to Instruction

- 68.1% for 2003-2004
- Increase from 63.92% in 1993-1994
- State Average: 66.9%
- Maine is second in the nation for percentage of state education dollars devoted to instruction

District-Wide Staff Characteristics

2003-2004

Superintendent of Schools: 1

Building Administrators: 7

Teachers: 207

Guidance (FTE): 8

Librarians: 1

Technology: 4

Volunteer Coordinator (FTE): .5

Director of Instructional Support: 1

Director of Finance, HR and Operations: 1

Social Workers: 2

Secretaries: 9

Nurses (FTE): 2.8

Ed. Tech (FTE): 82

Athletic Director: 1

District Instructional Staff and Administrator Educational Attainment

	MSAD #51		STATE	
	Masters Degree	Certificate of Advanced Studies or Doctorate	Masters Degree	Certificate of Advanced Studies or Doctorate
Instructional Staff <small>Includes classroom teachers</small>	58%	2%	34%	2%
Instructional Support Staff <small>Includes Guidance Counselors, Social Workers and Library/Media Specialists (does not include Ed. Techs)</small>	91%	0%	82%	10%
Administrators	60%	30%	59%	25%

Special Education 2003-2004 Comparative Data

School System	Total District Enrollment	Special Education Enrollment	Percentage Special Education to Total
MSAD #51	2,338	162	6%
Cape Elizabeth	1,807	230	13%
Falmouth	2,184	258	11%
Freeport	1,321	188	14%
Yarmouth	1,432	155	10%
State Average			18.10%

Gifted and Talented

	Grades K-3		Grades 4-8		Grades 9-12	
	Total Enrollment	Number of Identified Students*	Total Enrollment	Number of Identified Students	Total Enrollment	Number of Identified Students
Mathematics/Language Arts	682	17	978	117	657	93
Artistic Ability	682	N/A	978	22	657	12

*No formal identification K-1

Perception of School Facilities

- Almost half of Greely High School teachers (47%) believe that the high school facilities are "Poor" and 82% of the junior high teachers describe the Greely Junior High School as "Poor," compared to 0% at Drowne Road School, 23% at North Yarmouth Memorial School, 20% at Chebeague Island School and 3% at Mabel Wilson (PDC, Survey 2002).
- 35% of parents describe the high school facilities as "Poor," 67% describe Greely Junior High facilities as "Poor," 38% describe Drowne Road School as "Poor," whereas 1% describe North Yarmouth Memorial School, 22% describe Chebeague Island School and 0% describe Mabel Wilson as "Poor" (PDC, Survey 2002). There has been an increase in the percentage of parents who consider the high school facilities to be "Poor" – increasing from 10% in 1997 to 29% in 1999 and then to 35% in 2002.

III. School Process Indicators

School Process Indicators describe school programs and other school offerings that are used in helping students learn and stakeholder perceptions of school quality, teacher efficacy and climate that influence student learning. School process indicators include student-teacher ratios, perceptions of school climate, Advanced Placement (AP) courses, co-curricular and extra-curricular opportunities.

Student-Classroom Teacher Ratios K-6 (2003-2004)

	Students	Ratio*
Kindergarten	162	16:1
First Grade	168	19:1
Second Grade	163	18:1
Third Grade	167	21:1
Fourth Grade	176	20:1
Fifth Grade	144	21:1
Multiage 5/6	77	19:1
Sixth Grade	175	22:1
Chebeague Island School		
Kindergarten - Second Grade	14	14:1
Grades 3-5	11	11:1

*Number of students is equivalent to class size.

School Climate

- 90% of teachers report they believe that all students can learn and achieve to high standards. This compares favorably with a statewide survey showing that a majority of teachers (55.5%) in Maine do not think that their schools will be able to achieve the *Learning Results*' stated goals for all students (MEA, Maine Educational Policy Research Institute, 2002).
- Over 80% of the teachers district-wide report that they feel their students' parents share their belief in the importance of student learning, and that parents support them in their work (PDC, Survey 2002).
- Almost 90% of the teachers report they believe that their fellow teachers treat students fairly and consistently, and that students treat them and other students with respect (PDC, Survey 2002).
- 90% of parents believe that the District schools provide a safe and secure environment for their children and that their children enjoy school (PDC, Survey 2002).
- At both Greely High School and Greely Junior High School there have been substantial increases in the percent of students who indicate that their school "Almost Always" or "Usually" provides a safe and secure environment. In 2002, three-quarters of the students at both schools felt this way (PDC, Survey 2002).

- Over 80% of teachers, district-wide, believe that administrators are providing effective leadership in their school (PDC, Survey 2002).

Stakeholder Perceptions about School Quality

- 80% of the District's parents report their children are receiving a good education and a similar percentage assigns grades of A or B to their children's schools (PDC, Survey 2002). This compares favorably to a national poll indicating that 51% of suburbanites and 53% of rural residents gave their schools a grade of A or B (Rose & Gallup, 2002). Parent perceptions have improved for some schools but have declined for others.
- 40% of community members with no children in school graded the District with an A or B (PDC, Survey 2001), an increase of 5% from 1998. This result is similar to a national poll that found 44% of community members with no children in school gave their public schools an A or B (Rose & Gallup, 2002).
- 81% of Greely High School graduates who planned to attend college after high school graded the district with either an A or B (PDC, Survey 1999).
- With respect to various disciplines, views of parents of elementary age children remain positive, but overall they are slightly less positive in more disciplines than in prior surveys (PDC, Survey 2002).
- 90% of junior and high school students feel their schools are providing a good education for them in all disciplines, except visual and performing arts, and health (PDC, Survey 2002).
- Although many junior and senior high students report feeling challenged to do their best work, still only about one-third of these students report that their classes are "Usually" or "Almost Always" interesting. And about 1 in 5 reports that their classes are rarely interesting.

Stakeholder Perceptions about Academic Rigor and Meeting Needs of Individual Students

- Approximately 80% of parents believe that teachers set high, realistic goals and expectations for their children and a similar number feel their children are being challenged academically. This result is approximately 10% higher than the national average (Gallup Poll, 2002).
- Two-thirds of Greely High School students and almost 80% of Greely Junior High students report that their teachers are setting high, realistic goals and expectations for them. The ratio has not changed much at the high school but is somewhat higher at the junior high (PDC, Survey 2002).

- Over 90% of teachers believe they are setting high, realistic goals for students, and this is a slight increase in percentage from previous survey years (PDC, Survey 2002).
- Two-thirds or more of the parents district-wide indicate that they think the schools are doing a good job of meeting the particular needs of students and there is at least one adult in the schools who knows their child well (PDC, Survey 2002).
- Approximately 50% of the teachers believe that their school “Usually” does a good job meeting particular needs of students, another quarter of the teachers think this is “Sometimes” the case (PDC, Survey 2002).
- In 1997, only about 26-33% of junior high and high school students felt they could “Almost Always” count on getting extra help at the school when they needed it. This percent increased in 1999 and reached 40% at Greely High School and 57% at Greely Junior High School by 2002 (PDC, Survey 2002).

Advanced Placement Courses for 2002-2003*

No AP courses were offered in 1993-1994

Course Offered*	Number of Enrolled Students	AP Exams Taken**
Economics	20	30
Calculus B/C	21	2
Modern European History	26	28
French V	20	7
Spanish V	21	14
United States History	16	14
English AP Strand	N/A	3

*AP Biology offered commencing 2003-2004

**Students also took AP Exams in Music (1) and World History (1); 67% achieved a 3 or better on AP exams; and there were 2 AP Scholars and 2 AP Scholars with Honors

Co-Curricular and Extra-Curricular Offerings

High School Visual and Performing Arts Opportunities:

- _ Theatre: Fall Musical and Spring Maine One-Act Play Festival
- _ Vocal Music Program: Concert Choir, Madrigal Choir
- _ Band Program: Concert Band, Jazz Band and Ska Band
- _ Visual Arts Program: Student work is displayed in various local and state exhibits and includes an Honors Art Program.

High School Co-Curriculars

Drama Club	Natural Helpers
Art/Literary Magazine (Inkwell)	Yearbook (Shield)
Newspaper (Greely Times)	Student Council
Debate Team	Math Team
Science Fair Club	Model United Nations
Students Against Violence Everywhere	Students Take Part
Investment Club	

High School Athletics

Approximately 71 percent of Greely High Students participated in the athletic program in 2002-2003 that is comprised of 40 athletic teams, 26 of which are varsity:

Soccer	Cross Country Running
Football	Lacrosse
Field Hockey	Tennis
Volleyball	Softball
Basketball	Baseball
Track and Field	Outdoor Track and Field
Ice Hockey	Swimming
Alpine Skiing	Golf
Nordic Skiing	Cheering

IV. Outcome Indicators

Outcome indicators provide the tools to measure the effectiveness of the District schools. Outcome indicators include student attitudes and aspirations, student achievement results on standardized assessments, percentage of students continuing on to post-secondary schools and college selection.

Student Attitudes and Aspirations

- Eight out ten of both junior high and high school students believe if they try hard they can succeed at whatever they do, and over two-thirds of the students report feeling good about themselves as a student in their schools (PDC, Survey 2002).

Maine Educational Assessment

The Maine Educational Assessment (MEA) has been redesigned to align with and measure Maine's *Learning Results*. The MEA produces individual student results that are reported to parents,

and produces summary results for schools and districts that are made public. Based on variables which influence student achievement (50% Community and Parental Characteristics; 25% Previous Student Achievement and 25% Other School Characteristics), the State can predict the expected District level MEA performance. The following table illustrates whether District performance meets or exceeds predicted results. In those instances in which the District exceeds expectations, those results may be attributed, at least in part, to school value-added effects.

MSAD #51 Average Three Year MEA Average (2000-2003)
4th Grade Results

Content Area	Scale Score	Comparison to State	Comparison to Predicted Result based on Community and Parental Characteristics and Prior Student Performance
Reading	Increasing	1/2 s.d. above state	Slightly higher
Writing	Increasing	1 s.d. above state	Higher
Mathematics	Increasing	1/2 s.d. above state	Slightly higher
Science	Flat	1/2 s.d. above state	As expected
Social Science	Increasing	1/2 s.d. above state	As expected
Visual/Performing Arts	Increasing	2+ s.d. above state	As expected
Health	Flat	Par with state	Lower

8th Grade Results

Content Area	Scale Score	Comparison to State	Comparison to Predicted Result based on Community and Parental Characteristics and Prior Student Performance
Reading	Flat	1 s.d. above state	As expected
Writing	Declining	1 s.d. above state	Higher
Mathematics	Declining	1/2 s.d. above state	As expected
Science	Flat	1+ s.d. above state	Higher
Social Science	Flat	1 s.d. above state	Higher
Visual/Performing Arts	Flat	2 s.d. above state	As expected
Health	Flat	1/2 s.d. above state	Higher

11th Grade Results

Content Area	Scale Score	Comparison to State	Comparison to Predicted Result based on Community and Parental Characteristics and Prior Student Performance
Reading	Flat	1/2 s.d. above state	Higher
Writing	Flat	1/2 s.d. above state	Higher
Mathematics	Flat	1/2 s.d. above state	Higher
Science	Increasing	1 s.d. above state	Higher
Social Science	Flat	1 s.d. above state	Higher
Visual/Performing Arts	Flat	2 s.d. above state	Higher
Health	Flat	Par with state	Higher

Comparative 2002-2003 MEA Data

4th Grade MEA	Reading	Statewide Rank	Writing	Statewide Rank	Math	Statewide Rank
SAD 51	545	3	536	2	539	5
Yarmouth	545	3	537	1	543	2
Freeport	541	7	533	4	536	8
Cape Elizabeth	547	2	537	1	541	3
Falmouth	549	1	536	2	544	1
8th Grade MEA						
SAD 51	546	2	546	2	533	6
Yarmouth	549	1	548	1	537	3
Freeport	540	8	537	10	528	10
Cape Elizabeth	545	3	543	4	538	2
Falmouth	546	2	542	5	539	1
11th Grade MEA						
SAD 51	545	4	544	4	536	5
Yarmouth	549	2	547	1	535	6
Freeport	542	7	540	8	530	11
Cape Elizabeth	546	3	545	3	539	3
Falmouth	546	3	543	5	536	5

At each ranking level there may be more than one school.
 4th and 8th Grade rankings are based on schools with over 75 students.

Terra Nova Tests

3rd Grade Norm-Referenced Results

The Terra Nova, a standardized achievement test, is given to all MSAD 51 Third Graders each April. The content areas of Reading, Language Arts and Mathematics are assessed. Our District uses the median national percentile, the middle value for our group achievement, to compare our students to other students of the same grade nationally. By definition, the median for a norm-referenced test is 50. This chart contains the median national percentile in our school District for the past three years.

	2001	2002	2003
Reading	68.2	73.0	78.0
Language Arts	62.3	66.4	65.4
Mathematics	56.9	60.3	69.8

In the fall of 2002, the District implemented the Everyday Math program K-5.
Terra Nova and MEA results in mathematics for 2002-2003 are as follows:

Mathematics	MSAD #51 Pre -Implementation Median Average (2000-2002)	District Median Following Implementation of Everyday Math 2003	Change
Math Concepts	62%	74%	+13%
Math Computation	44%	51%	+7%
Math Composite	55%	70%	+15%

*MEA scaled score for 2002-2003 increased 3 points from 536 to 539.
Percentage of 4th grade students in the MEA Exceeds and Meets categories for mathematics increased from 33% to 43%.*

Scholastic Assessment Tests

	Mathematics		Verbal	
	2002	2003	2002	2003
Greely High School	519	557	532	573
Maine	502	501	506	503
National	516	519	504	507

National Merit Scholar Program

2002- 2003

Semi Finalists: 4

Commended: 12

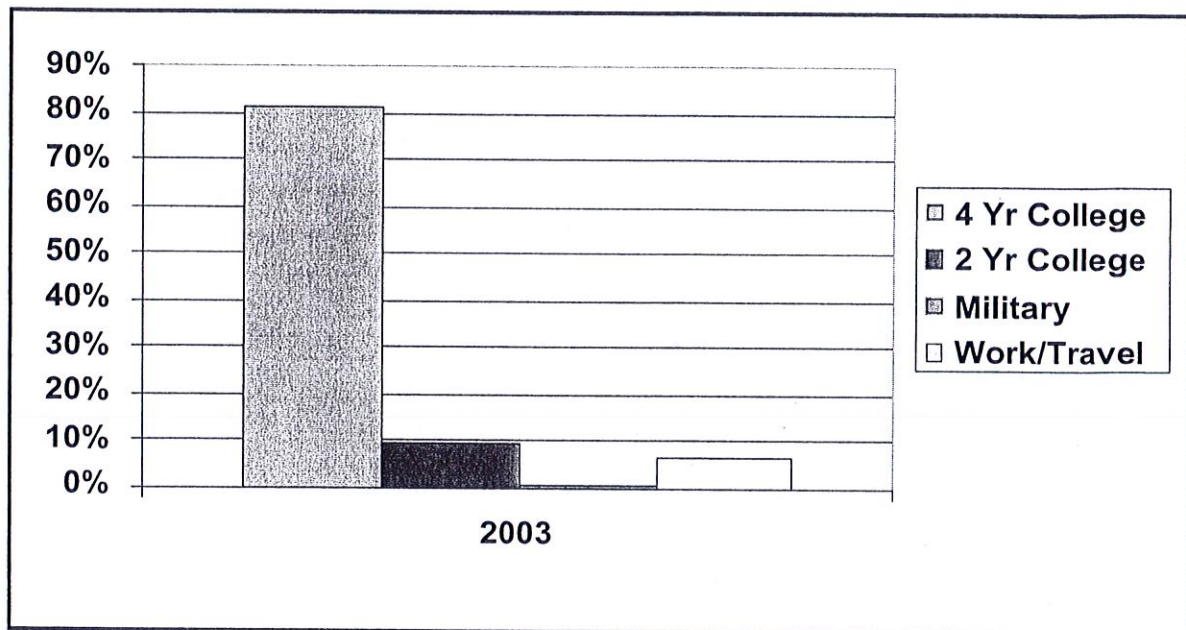
2003-2004

Finalists: 2

Commended: 6

Class of 2003 Post Secondary Plans

Post-Secondary Enrollment in College: 92% - Increase from 75.9% in 1999 and 79% in 2000



High School Drop-Out Rate

School Year	MSAD 51 Dropout Rate	Falmouth	Yarmouth	State
1998-1999	1.15%	0.23%	0.21%	3.33%
1999-2000	0.45%	0.21%	0.20%	3.29%
2000-2001	0.46%	0.00%	0.83%	3.14%
2001-2002	1.05%	0.52%	0.42%	2.89%

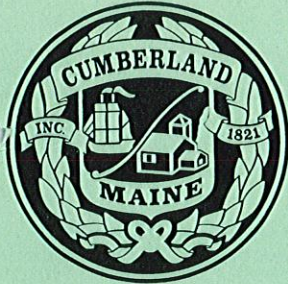
College Placements

- 84% of Greely High School graduates were satisfied with the selection of colleges they were offered (PDC, Survey 1999).

Colleges selected by Graduating Classes of 2001, 2002 and 2003

Alexandra Tech College	1	Philadelphia Biblical University	1
Allegheny College	1	Plymouth State College	4
Anderson College	2	Pomona College	1
Assumption College	1	Pratt Institute	1
Babson College	2	Providence College	2
Bard College	1	Purdue University	1
Barnard College	1	Quinnipiac College	1
Bates College	3	Reed College	1
Bennington College	1	Rensselaer Polytechnic Institute	3
Bentley	5	Rivier College	1
Boston College	3	Roanoke College	2
Boston University	5	Rochester Institute of Technology	3
Bowdoin	2	Rockport College	2
Bowling Green State	1	Rogers and Williams	1
Broward Community College	1	Rollins College	1
Bryant College	1	Sarah Lawrence College	1
Bucknell University	3	Sierra Nevada College	1
Carleton College	3	Simmons College	1
Castleton College	1	Skidmore College	2
Champlain College	1	Southern Maine Technical College	16
Clark University	1	Springfield College	3
Clarkson University	2		
CMTC	7	St. Anselm	1
Colby College	6	St. Joseph's College	4
Colby-Sawyer College	5	St. Lawrence University	5
Colgate University	1	St. Michael's College	1
College of St. Elizabeth	1		
Colorado College	1	St. Olaf College	1
Columbia University	1	Stonehill College	1
Connecticut College	5	Susquehanna University	4
Cornell University	1	Syracuse University	3
Dalhousie University	4		
Dartmouth College	3	Texas Tech University	1
Denison University	1	Thomas College	1
Drew University	1	Trinity College	1
Eckerd College	6	Tufts University	1
Elmira College	3	U Mass @ Amherst	1

Emerson College	1	Union College	2
Emory University	1	Unity College	1
Endicott College	4		
Franklin & Marshall	1	University of Colorado	1
Georgetown University	1	University of Delaware	1
Gettysburg College	3	University of Denver	1
Gordon College	2	University of Denver	1
Goucher College	2	University of Illinois	1
Guilford University	1	University of Maine @ Farmington	15
Hampshire College	1	University of Maine @ Orono	31
Hartwick College	1	University of Maryland	2
Harvard University	1	University of New England	2
Haverford College	1	University of New Hampshire	12
Hobart & William Smith Colleges	4	University of New Haven	1
Hofstra University	2	University of North Carolina	2
Husson College	2	University of Pittsburgh	1
Ithaca College	1	University of Rhode Island	1
Johnson & Wales University	3	University of Richmond	1
Keene State College	2	University of Rochester	1
Kenyon	2	University of Southern Maine	28
Lafayette	1	University of Tampa	1
LeHigh University	1	University of Tampa	2
Lockhaven	1	University of Virginia	1
Loyola College	1	University of West Florida	1
Lynchburg College	1	University of Vermont	3
Maine College of Art	2	Villanova University	1
Manhattanville College	3	Virginia Tech	1
Marist College	1	Webster University	1
Mary Washington College	1	Wentworth Institute of Technology	4
McGill University	2	West Virginia University	1
Messiah College	2	Western New England College	1
Middlebury College	1	Westfield State College	1
Montano State University	1	Westminster Choral	1
Mount Holyoke	1	Wheaton College	3
NC State University	1	Wheelock College	1
NE Culinary Institute	1	William and Mary College	1
New England College	1	William Woods College	1
New York University	1	Willamette University	1
NMTC	1	Williams College	1
Northeastern University	4	Yale University	1
Norwich University	1		



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

1230
mailing
sent

February 15, 2005

Re: Brown Tail Moth – 2005

Dear Cumberland Residents:

likely follow

This letter is to inform you that the Cumberland Town Council will once again follow the recommendation of Mr. Richard Bradbury, the State of Maine's Entomologist, and **Not Aerial Spray for Brown Tail Moths** this year. Mr. Bradbury will be at the Town Council meeting on March 14, 2005 (Town Hall at 7:00 PM in the Town Council Chambers) to give his final update to the Town Council. You are encouraged to ask questions of the Town Council and of Mr. Bradbury at this meeting or send your questions or comments to me prior to the meeting date.

Attached to this letter is information from last year related to Brown Tail Moths and a list of certified Ground Spray Applicators. Most of the Applicators schedules will be filled by early March, so I urge you to schedule your individual ground spraying as soon as possible and even consider working with your neighbors to perhaps capture a quantity discount.

Please contact Nadeen Daniels in my office (829-2205) if you have any questions related to the upcoming Town Council meeting.

Sincerely,

William R. Shane
Town Manager

wshane@cumberlandmaine.com

cc: Nadeen Daniels, Town Clerk / Human Resources Director

Drainage
Easement
From -
CUMBERLAND
VIEW SUBDIVIS

R03

R01

R03

These maps are intended for use use for
Property Tax Assessments and should not
be used for conveyances.

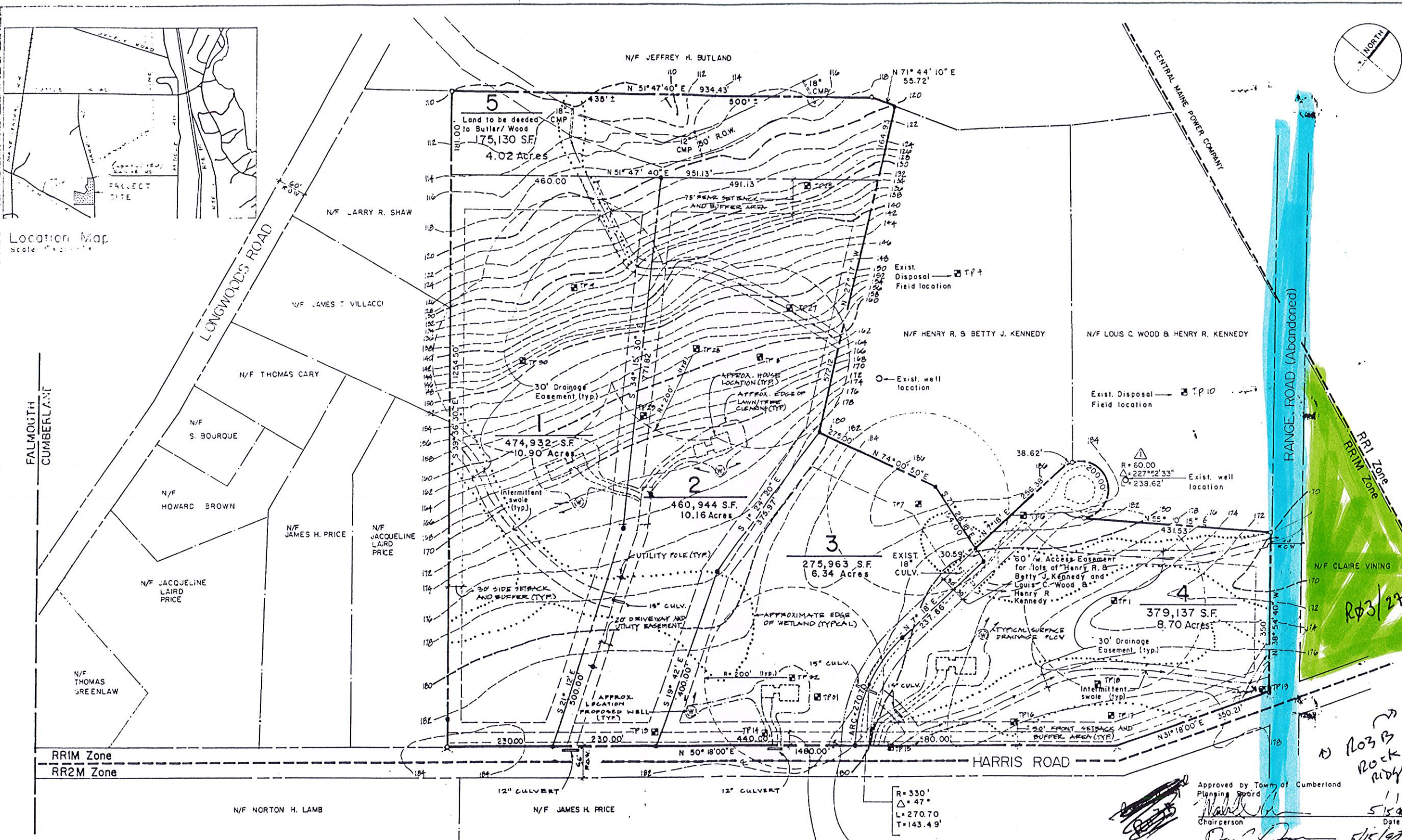
These maps are based on original base maps
produced by James W Sewall Co, April 1954.
Updated as of April 1, 2002



Town of Cumberland - Property Tax Map

Scale: 1" = 500'

Map R03B



Notes

- Boundary survey prepared by Delta Engineering, Inc., Yarmouth, Maine.
- Total area of parcel is 36.11 acres.
- The parcel lies within the Rural Residential 1 (Manufactured Housing) (RR1M) Zone.
- Location of drainage courses is approximate, based on field reconnaissance. Drainage easements as indicated shall follow actual drainage course locations as determined in field.
- Buffer areas along lot lines to be as follows: 50' front, 30' side, and 50' rear. No cutting or removal of vegetation, except for the removal of fallen trees, limbs, and accumulated debris, shall be permitted within the buffer areas.
- Further subdivision of lots or changes in the subdivision plan as approved by the Cumberland Planning Board shall not be permitted.
- 60-foot wide access easement for lots of Henry R. and Betty J. Kennedy and Louis C. Wood and Henry R. Kennedy is a private drive to be maintained by the lot owners.
- Any home within the subdivision is required to install a residential sprinkler system throughout the structure to meet state fire codes; no building permit may be issued without approval by the Town Fire Chief of the sprinkler system.
- Drainage improvements are shown on this plan, and erosion control measures are shown on a plan entitled "Erosion Control Details", dated Feb. 1990, and filed with the Cumberland Planning Board. In developing the lots in this subdivision, the lot owners shall install and maintain drainage improvements, and utilize applicable erosion and sediment control measures, so as not to create erosion, drainage, or runoff problems in either the subdivision or adjacent properties.
- 10' wide Access Easement to be granted to Town of Cumberland for non-motorized public access.
- 30' wide Maintenance Easement to be granted to Town of Cumberland for maintenance of Harris Road.

State of Maine, Cumberland Co.
Registry of Deeds
Recorded May 17, 1990
at 2:26 P.M. and recorded in
Plan Book 185 Page 21
Attest _____
Recorder

Approved by Town of Cumberland Planning Board
Chairperson _____
Date 5/15/90
Nancy Michalek 5-15-90

CERTIFICATION:
THE PERIMETER BOUNDARY OF THIS
SUBDIVISION CONFORMS TO THE CURRENT
MAINE BOARD OF REGISTRATION FOR
LAND SURVEYORS STANDARDS FOR
CATEGORY I CONDITION III.

Surveyor's Seal