

AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, December 12, 2005

7:00 p.m. – CALL TO ORDER

I. APPROVAL OF MINUTES

II. MANAGER'S REPORT

- a. Update on West Cumberland Code Issues- Junk Yard Update
- b. Update on Village Center Plan
- c. Update on Aquaculture Lease Chebeague Island
- d. Snow Date for Cumberland Farmers Market Event at Cumberland Commons

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 05 – 194 To hold a public hearing to consider and act on West Branch Road acceptance.
- 05 – 195 To receive request from Jim Guidi re: a Contract Zone Proposal for six senior (62 and over) condominium units at 326 Main Street.
- 05 – 196 To hold a public hearing to consider and act on changes to the Zoning Ordinance Section 205.1, Lot Frontage, re: Front Setback Measurements
- 05 – 197 To hold a public hearing to consider and act on changes to the Zoning Ordinance Section 423.4 to add new and more inclusive language to the Shoreland Zoning Ordinance in the section referring to – Piers, Docks, Wharves, Floats, Bridges and Other Structures.
- 05 – 198 To hold a public hearing to consider and act on changes to the Zoning Ordinance Section 204.1.1.2 to add as a permitted special exception use "Outdoor Recreational facility" to the RR 1 Zone.
- 05 – 199 To Cancel the December 26, 2005 Town Council meeting and set a public hearing date of January 9, 2006 to consider and act on the following:
 - a. Greely High School Pool License
 - b. Municipal Warrant for prosecuting unlicensed dog owners/keepers
 - c. Renewal of the Chebeague Island Inn Liquor License
 - d. Renewal of the Val Halla Banquet and Recreation Center Liquor License
 - e. Set 2006 Shellfish Allocations
 - f. Rock Ridge Run Road acceptance
 - g. To remove a Yield Sign on Range Road and add a Stop Sign at the intersection of Bruce Hill Road and Range Road.
- 05 – 200 To hear a report from the Finance Committee Chairman, William Stiles, for the period July- Nov FY 2006.

V. NEW BUSINESS

VI. Executive Secession

- a. Pursuant to 1 MRSA Section 405 (6) (c) re: real estate disposition
- b. Pursuant to 1 MRSA Section 405 (6) (a) re: personnel

VII. ADJOURNMENT

REBROADCAST SCHEDULE ON REVERSE SIDE

Oath of Office Ceremony
CUMBERLAND POLICE DEPARTMENT



Monday, December 12, 2005
Cumberland Town Hall, 290 Tuttle Road
6:00 p.m.

- Welcoming Remarks by Town Council Chairman William C. Stiles
- Oath of Office by Officers Antonio Ridge, Francis Demers and Peter Volk performed by Cumberland Town Clerk Nadeen Daniels
- Introductory Remarks by Police Chief Joseph Charron
- Oath of Office by Sergeants Milton Calder, Bradley Rogers and Thomas Burgess performed by Cumberland Town Clerk Nadeen Daniels
- Congratulatory Remarks by Town Manager William R. Shane

AGENDA
CUMBERLAND TOWN COUNCIL
SPECIAL MEETING
Town Council Chambers, 290 Tuttle Road

Tuesday, December 13, 2005
7:00 p.m. – CALL TO ORDER

- I. **APPROVAL OF MINUTES**

- II. **MANAGER'S REPORT**

- III. **PUBLIC DISCUSSION**

- IV. **LEGISLATION AND POLICY**
 - 05 – 201. To hold public hearing to consider and approve the Phase One water main extension from the Cumberland Fairgrounds to Route 100.

- V. **NEW BUSINESS**

- VI. **ADJOURNMENT**

- VII. **EXECUTIVE SESSION** – pursuant to 1 M.R.S.A., Section 405(6)(c) re: real estate disposition.

REBROADCAST SCHEDULE ON REVERSE SIDE

Manager's Report

- a) Update on West Cumberland Code Issues –
Junk Yard Update
- b) Update on Village Center Plan
- c) Update on Aquaculture Lease Chebeague
Island
- d) Snow Date for Cumberland Farmers Market
Event at Cumberland Commons

To the Cumberland Town Council:

We are residents of West Cumberland and we are concerned by the discussion of commercial development in this area. We believe the proposed water main and the commercial development of Route 100 will have a much wider impact at greater cost than is clear at this point.

We would like to slow down this process so that it becomes more inclusive and deliberate and so that whatever happens reflects a great deal of input from the community as a whole and thought on the part of you, our community leaders.

To this end we propose forming an advisory committee to the Town Council whose purpose would be to gather information as well as to represent the different neighborhoods that will inevitably be affected by the changes you are proposing.

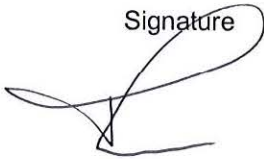
Thank you for your consideration of this proposal.

Sincerely the undersigned:

Signature

Name printed

Address



Russell D. Miller

60 Mill Road

Presented
12-13-05

To the Cumberland Town Council:

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Thank you for your consideration of this proposal.

Sincerely the undersigned:

Signature



Name printed

Eliza N. Miller

Address

60 Mill Rd Cumberland

Dec. 8, 2005

To the Cumberland Town Council:

We are residents of West Cumberland and we are concerned by the discussion of a proposed water main and the concurrent discussion of commercial development in this area.

We are against moving forward with the water main at this point because it is a part of something that has a much larger and wider impact.

We would like to slow down this process so that whatever happens reflects a great deal of input from the community as a whole and thought on the part of you, our community leaders.

To this end we propose a committee to gather, present and represent the different neighborhoods that will inevitably be affected by the changes you are proposing.

Sincerely the undersigned:

Name

Address

Dudley Greeley Dudley Greeley

90 Mill Rd. 04021

David W. Crawford David W. Crawford

18 Mill Ridge Rd

Robert B. Rovner Robert B. Rovner

12 Mill Ridge Rd

Nicholas M Knight Nicholas M Knight

22 Mill Ridge Rd

Craig A. Bramley Craig A. Bramley

9 Mill Ridge Rd.

Douglas Babchuk Douglas Babchuk

21 Mill Ridge Rd.

Ruth Frydman Ruth Frydman

12 Mill Ridge Rd 12/8/05

Shari Chaney Shari Chaney

24 Mill Ridge Rd. 12/8/05

Judith Wohl Judith Wohl

120 Range Road 04021 12/11/05

M. Jane Moriarty M. Jane Moriarty

120 Range Road 04021 12/11/05

HARRIET DUER Harriet Duer

10 Mill Ridge Rd 12/11/05

MARGARET L. DUER

10 Mill Ridge Rd. 12/11/05

GREGG LIPTON

1 Mill Ridge Rd. 12/11/05

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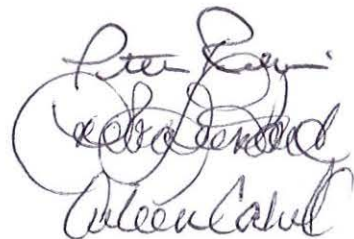
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Signature

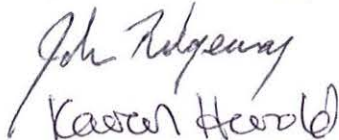
Name printed

Address



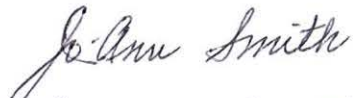
Peter Rubins
DEBRA LUMBARD
Aileen Cahill

247 Blanchard Rd.
250 Blanchard Rd
22 Wild Apple Ln.


Karen Harold

JOHN RIDGEWAY
KAREN HAROLD

22 WILD APPLE LN.
67 wild Apple Lane



Jo Ann Smith

226 Blanchard Rd.


Eve Rubins

Jeffrey Smith
Eve Rubins

226 Blanchard Rd
247 Blanchard Rd.

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Thank you for your consideration of this proposal.

Sincerely the undersigned:

| Signature | Name printed | Address |
|----------------|----------------|------------------|
| Paul Walton | Paul Walton | 14 Mill Ridge Rd |
| Rosalie Walton | ROSALIE WALTON | 14 MILL RIDGE RD |

To the Cumberland Town Council:

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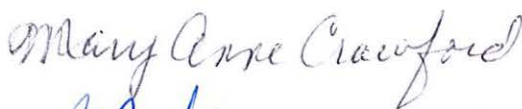
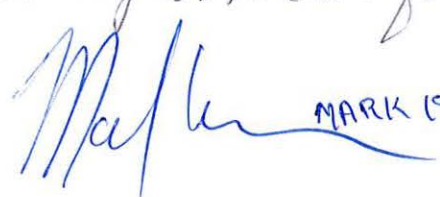
Thank you for your consideration of this proposal.

Sincerely the undersigned:

Signature

Name printed

Address

| | | |
|---|--------------------|-------------------|
|  | MARY ANNE CRAWFORD | 18 Mill Ridge Rd. |
|  | MARK ISACSON | 67 WILD APPLE LN |

To the Cumberland Town Council:

We are residents of West Cumberland and we are concerned by the discussion of a proposed water main and the concurrent discussion of commercial development in this area.

We are against moving forward with the water main at this point because it is a part of something that has a much larger and wider impact.

We would like to slow down this process so that whatever happens reflects a great deal of input from the community as a whole and thought on the part of you, our community leaders.

To this end we propose a committee to gather, present and represent the different neighborhoods that will inevitably be affected by the changes you are proposing.

Sincerely the undersigned:

| | |
|-----------------------------|-----------------------------------|
| Angela Atkinson/Duina | Angela Atkinson Duina |
| Francesca / Duina | 19 Mill Ridge Rd |
| Phillip Carter/Dennis Unger | Francesca Duina |
| | 19 Mill Ridge Rd. |
| | 77 Mill Rd Cumberland |
| | Unger@maine.edu |
| Gregory / | 84 Mill Road |
| Dibi Devine | Cumberland, Maine 04021 |
| Elizabeth King | 99 Mill Rd. Cumb. 04021 |
| Bernie Grant (BERNIE GRANT) | 107 Mill Rd Cumb. |
| Sara Crisp | Sara Crisp 1 Mill Ridge Rd. 04021 |

To the Cumberland Town Council:

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To this end we propose a committee to gather, present and represent the different neighborhoods that will inevitably be affected by the changes you are proposing.

Sincerely the undersigned:

Nancy Artz N — Artz 90 Mill Rd Cumberland ME 04021
Kathy G. 9 Mill Ridge Rd Cumberland ME 04021
Kim Simmons

To the Town Council,

We are Harriet Duer and Sara Crisp, residents of Mill Ridge Road. We are here to night because we can't be here tomorrow night for the special meeting on the proposed water main that will run from the Fairgrounds, up Blanchard, along Skillin to Route 100. We would have like to be here but we couldn't undo previous commitments in under two weeks notice - two weeks notice is not enough time for many of us at this time of year. We do appreciate having this time to speak.

I also think you should know that there are residents of Blanchard Road would heard about the water main not in any official way from the town but from the Forecaster (thank goodness for the Forecaster).

The scheduling and this oversight are just part of what is a more important point and that is the discussion of the water main and of the economic development of west Cumberland need in fact to be more of an open, inclusive, transparent process.

To that end we propose an advisory committee made up of members from our community representing the differing, but hopefully not mutually exclusive interests, such as business, conservation, the school system, the Town Council as well as representatives from the neighborhoods that will ultimately and inevitably be affected and changed by the development you are proposing.

In September 2004 an idea was put forward to form an economic development group to look at development along Route 100. We urge you to take this idea up again and include the people you all represent, and that is the townspeople of Cumberland, not just those with business ties or a business agenda.

It is a good and necessary idea for these changes will determine what our town will be like in the near and distant future. Many of us who have been following the process through town meetings are aware of the pieces, but we have no sense of a greater whole, and this, too, could be part of the committee's duties, putting together a well thought out and researched plan that considers the myriad parts and their affect on, among other things, taxes, the population, the roads, housing, the schools, and ultimately the character of this town.

I have copies of a petition that will be presented in its original and in full tomorrow night. We wanted you each to have a copy, however, so that if you have time, you can look it over beforehand.

Thank you for your time, your attention and your consideration of this proposal.

Sincerely,

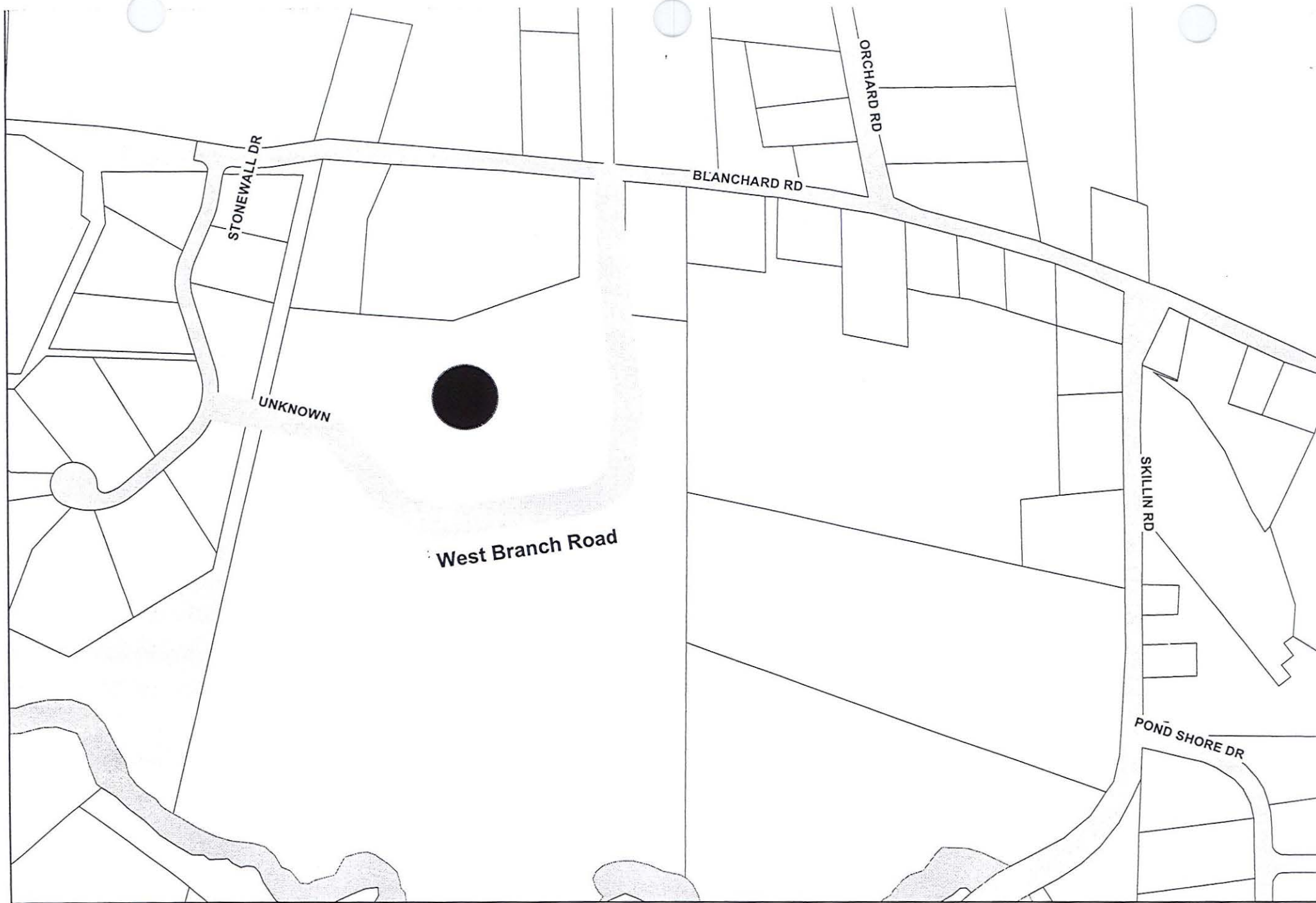
Harriet Duer
10 Mill Ridge Road

Sara Crisp
1 Mill Ridge Road

Item 05-194

Hold a public hearing to consider and act on
West Branch Road acceptance.

- Legal Documents were being reviewed by Ken Cole at the time of packet preparation and will be available at the meeting.



West Branch Road

400 200 0 400 Feet



**JENSEN BAIRD
GARDNER HENRY**

Attorneys at Law

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271 (Phone)
(207) 775-7935 (Fax)

www.jbgh.com

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WALTER E. WEBBER
JAMES E. KAPLAN
CRAIG E. FRANCIS
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE

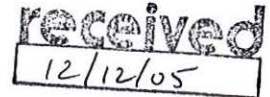
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
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KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
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MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III

PATRICIA M. 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
JASON W. GEORGITIS

December 8, 2005

Richard J. Abbondanza, Esq.
Hopkinson, Abbondanza & Backer
511 Congress Street, Suite 80
Portland, ME 04101



**Re: Westbranch Road
Chase Custom Homes & Finance, Inc. to Town of Cumberland**

Dear Rick:

Thank you for your letter of December 8, 2005 enclosing a copy of the deed from Chase Custom Homes & Finance, Inc. to the Town of Cumberland of the Westbranch Road. I have reviewed the same and the deed appears to correctly describe the roadway, specifically to the inclusion of the additional easements that the Town needed in regard to maintenance of the roadway. The only request we would make is that typically with these easements, although, the Town accepts them, the Town would require that there be language in the deed that it is under no obligation to maintain them, so there is no question at a later date that this is a homeowner/Homeowners Association obligation.

Thank you for your attention to this matter.

Very truly yours,


Kenneth M. Cole III

KMC/lts

cc: William Shane ✓



Westbranch

July 19, 2005

Mr. William Shane
Town Manager
Town of Cumberland
290 Tuttle Rd
Cumberland, ME 04021

Dear Bill:

Thank you for taking the time out of your busy schedule to meet with me to discuss our West Branch Subdivision and the possibility of the town accepting the road. This is to formally request that the roadway in the subdivision be considered for acceptance at the next Town Council Meeting that is coming up on August 22nd.

There are a number of factors that have influenced me to make this request at this time. One major factor is the volatility of the interest rate market. As you know, it is not uncommon for the construction of a home to take several months. The uncertainty associated with rates has slowed that market considerably. As a result, this project may take longer than we had originally planned and hoped for. Further, several of the homeowners in the association have expressed their desire to have the road transfer to the town.

It is our hope and intention to put a finish coat on top of the base coat that is already in place within the 2006 calendar year. In recognition of the fact that we may have construction vehicles traversing the roadway, we are prepared to offer a bond for the period of time for which the next two homes will be built. Whereas, we are the only contractor working in the subdivision, we are confident that we will be able to control the road conditions. If this proposal is acceptable to the town, we are happy to leave the amount of a bond up to the town.

It has always been a pleasure to work with the Town of Cumberland. Our experiences with the Stonegate Subdivision and now with West Branch have been an example to us of how a developer and a community can work together to achieve common goals. We will always strive to meet or exceed your expectations.

John F. Chase
C.E.O.

JFC/tsp

received
7/22/05

1 Percy Hawkes Road, Windham, ME 04062
Office (207) 892-2700 Fax (207) 892-8900
www.chase-customhomes.com
chasehomes@aol.com

Item 05-195

To receive request from Jim Guidi re: a Contract
Zone Proposal for six senior (62 and over)
condominium units at 326 Main Street.



Guidi Real Estate

GRE

P.O. Box 10715 - Portland, Maine 04104

November 22, 2005

Karla Nixon
Town of Cumberland
Cumberland, Maine 04021

RE: Cottage Farm Condominiums

Dear Karla,

Thanks for meeting with me today. I would like to move forward with this as quickly as possible so please put me on the December 12th Council meeting. I will have a package to you by December 2nd which will include a summery write-up of my proposal, a preliminary Site Plan, and Elevations of the proposed structure. I am available to you if you feel we need to meet before hand.

Attached is some of the information that will be in my package.

Sincerely,

Jim Guidi

Project Name: **Cottage Farm Condominiums**

Developer: Jim Guidi

Record Owner: Cottage Farm Road, LLC

Map U13A Lot 12A

Recorded in CCRD Book 15486, Page 40

Summary

The objective is to build and sell 6 Condominiums that will be exclusively occupied by persons aged 62 or Older and who fall under certain income levels, known as "Moderate Income". There will be an Association that will be directed by a Declaration, By-Laws, and set of Rules and Regulations just as any Condominium would be. Language in these documents will specifically lay out Covenants that will prohibit people from occupying these units unless they are pre-qualified by the Association and by the Town of Cumberland. Preference will be given to persons either from Cumberland or who have direct family ties to Cumberland.

The Building

The building will consist of Six (6) 832 sq.ft. One (1) bedroom units. Common Area will include an 8 ft. center hallway and a common Meeting/Living room. There will be a full basement which will be used for Utility rooms, Storage rooms and possible some recreation space (i.e.: a small workout room).

Projected Prices

I expect that the Sales Prices of these Units will be around \$150,000. Assuming the Buyers obtain Conventional Mortgages and put 20% down then

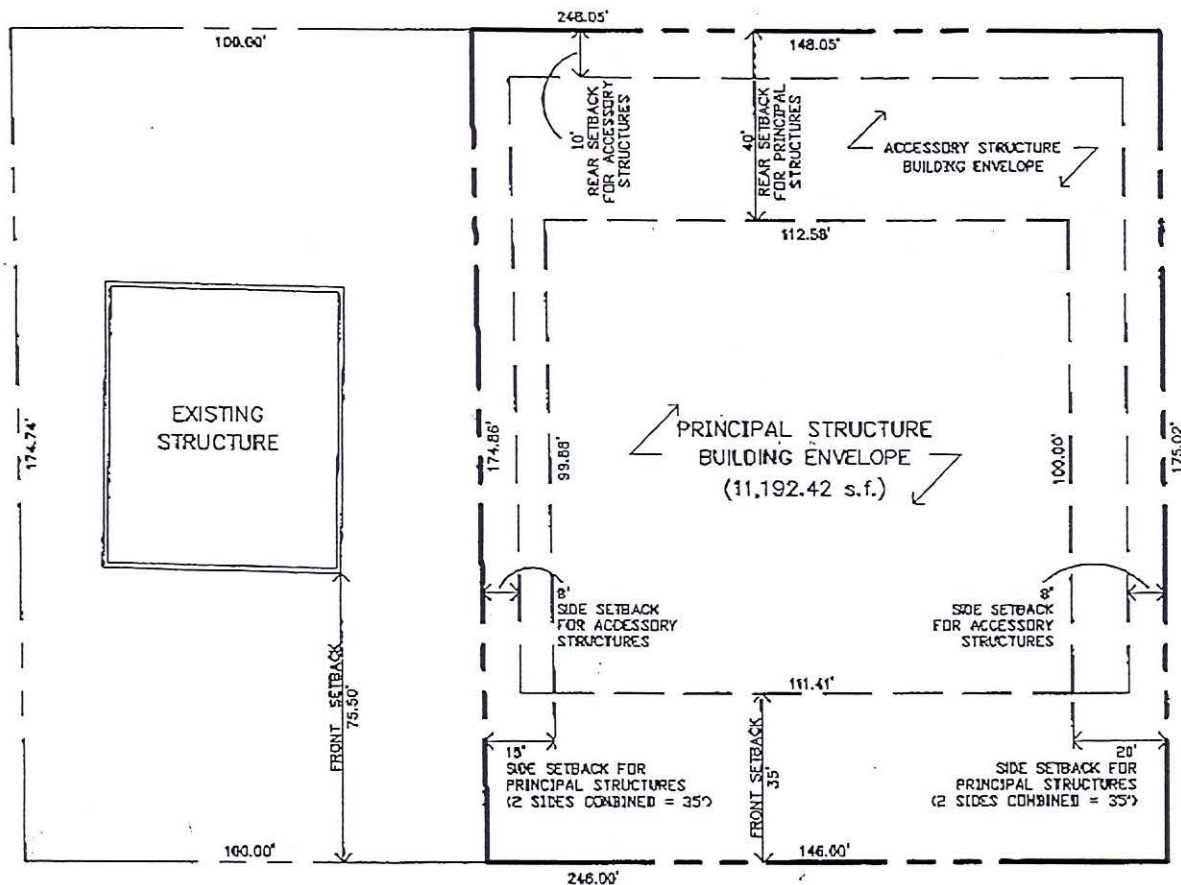
Mortgage Amount: \$120,000

Interest Rate: 5.5 (available 11/21/05)

Mortgage Payment: \$681.35

DEVELOPED PARCEL
"CUMBERLAND DENTAL ARTS"
326 MAIN STREET

UNDEVELOPED PARCEL
25,720 s.f. (0.59 ac.)
MAP U13A - LOT 12A
330 MAIN STREET



MAIN STREET < ROUTE 9 >



INTERURBAN
PLANNING & DESIGN
1000 Main Street
New Gloucester, Maine 04256
207-244-4110

330 Main Street, Cumberland, Maine

Site Analysis
for
GARY HOWARD

TITLE:
SITE
ANALYSIS
Date:
20 MAY 2004
Scale:
1" = 40'

Cottage Farm

326 Main Street, Cumberland, Maine

RULES AND REGULATIONS

Cottage Farm (the "**Condominium**") is a private condominium located at 326 Main Street, Cumberland, Maine, consisting of Six (6) condominium units to occupied exclusively by Elderly (Age 62 or Older) residents of Moderate Income. At the time of occupancy resident's income shall be no more than 100% of the Median Income for the Greater Portland area, adjusted for family size. This covenant shall be monitored by the Town of Cumberland (Qualified Holder) The Condominium takes pride in being a quiet, safe and enjoyable place to live, where maintenance of facilities and grounds is a high priority and where the concept of condominium ownership works well.

By virtue of the original Condominium Declaration and organizational By-Laws, the Condominium is a self-managing association with authority for governance vested in an elected Executive Board of the **Cottage Farm Condominium Association** (the "**Association**"). All owners are subject to common rules, regulations and standards of behavior. They are responsible for sharing in the policy, fiscal, and managerial decisions that are necessary to insure that the Condominium remains a desirable community in which to live.

As with any community, rules and regulations are necessary to insure the peaceful and orderly use and enjoyment of the buildings and common areas. The Rules and Regulations are the Condominium's means to that end and focus on the permissible uses of the Condominium property. They are both general and specific and are based on condominium law, and on preferences established by the original developers and the subsequent owners of the Condominium.

In order to appreciate these rules, a Condominium owner must first:

- *Understand and support* condominium living for what it is and for what it is not. Owning a condominium and living in a condominium community offers an advantageous lifestyle. However, you must share a great deal (property and decisions) with others. Condominiums are not the same as apartments where you have a landlord to respond to all of your needs. It is also not like owning a single-family home with your own backyard where you are the sole decision-maker about maintenance and the use of your property.

- *Recognize that in a condominium community, beyond the limits of one's interior space, one's personal preferences cannot be allowed to take precedence over the interests and needs of the group of owners at large.*
- *Recognize, that as a condominium owner, you have an obligation to participate in the activities of the community. This means caring about the common areas, volunteering for workdays, working on special committees, serving on the Board, and meeting your financial obligations.*
- *Recognize, that no Condominium owner is exempt from the rules and regulations of the Condominium community.*

As provided in the By-Laws and in order to assure the safe and peaceful use of the Condominium's facilities, the following Rules and Regulations have been adopted by the Executive Board. To the extent that these Rules and Regulations do not make reference to a particular circumstance or action, it should be assumed by all that such circumstances and actions are not permitted anywhere at the Condominium without the specific approval of the Executive Board.

The Association shall be responsible for the payment of all Common Expenses and the members shall be individually responsible for the payment of all Unit Expenses for the unit owned by each respective member as such expenses are herein defined. The definitions of Common Expenses and Unit Expenses below are for administrative purposes only and shall not be meant to alter or change the legal definition of the Units, Common Areas or Limited common Areas as set forth in the Declaration.

Common Expenses. The Association shall be responsible for the payment of all common expenses which shall include, without limitation, any expenses for the maintenance, repair, renovation, alteration, improvement or replacement of the following:

(a) Grounds. The land, lawns, trees, any forested areas, signage, parking spaces as identified on the Plats and Plans, any common facilities or storage buildings, and any private roads or driveways as shown on the Plats and Plans.

(b) Systems & Utilities. Sewer Pump Station, if any, and Sanitary sewer to each unit, if any, electric distribution to each unit meter, water distribution to each unit master valve, storm and unit drainage system, water lines servicing more than one unit (in foundation, basement, and exterior walls), sewer lines up to unit outlet (in foundation, basement, and exterior walls), electrical wiring from meter and serving more than one unit (in foundation and exterior walls), master electrical panel, laundry piping and valves, life safety equipment (excluding smoke detectors).

(c) Interior Structure & Fixtures. Interior sub flooring (sub floor sheathing and wood, and sub floor concrete); and

(d) Exterior Structure & Fixtures. Roofing (all roof framing and covering), chimneys and flues, exterior walls (framing, insulation, sheathing, and clapboards, including unit party

walls), studs, joists, any load bearing portions of the buildings, shutters, attic structural elements (framing, floor, and insulation), foundation walls, all floor slabs, garage slab floors, if any, exterior foundation drains, interior foundation drains, front and rear steps and railings, sun rooms (roofing, walls, foundation, if any), and dormers (roofing and walls, if any, but excluding new dormer construction).

(e) Other. All other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use, except as otherwise expressly provided.

Unit Expenses. Common expenses shall not include Unit Expenses. Each member shall be individually responsible for the payment of all Unit Expenses for the unit owned by each respective member, which shall include, without limitation, any expenses in connection with the maintenance, repair, renovation, alteration, improvement or replacement of the following:

(a) Systems & Utilities. Pipes, lines, cables and wires serving one individual unit including all valves, junction boxes and any other related components; i.e. water lines inside of unit master valve located in both interior and exterior walls and in floors; sewer lines inside of unit outlet located in both interior walls and exterior walls and in floors; electrical wiring inside of electric meter, located in both interior and exterior walls and ceilings and in floors; master electric circuit breaker; interior television cable including incoming service terminal; interior telephone lines including incoming service terminal; heating units, oil tanks and fuel, furnaces, propane tanks and fuel, and related pipes and fixtures serving an individual unit; internal water shutoff valves; smoke detectors; security alarms; unit dryer venting systems including piping and vents; kitchen exhaust fans; and bathroom exhaust fans;

(b) Interior Structure & Fixtures. Sheetrock on all *interior* walls; framing, and insulation; interior first floor sub-floor sheathing; interior upper floor sub floor sheathing; stair framing for any stair units; interior moldings and trim; interior doors; stair trim; wall and ceiling coverings (paint, wallpaper, furring, gypsum board and other finishing surfaces); floor coverings (carpeting and other finished flooring material including padding and additional sub-flooring); stair coverings; kitchen cabinets; built-in cabinets or fixtures; bathroom fixtures (tub, shower unit, sink, vanity and toilets); and light fixtures.

(c) Exterior Structure & Fixtures. Exterior unit doors (front, kitchen, garage, and patio doors); storm/screen doors; window and door glass; window, door and skylight frames, screens, thresholds and sills; decks (all components); building mounted light fixtures; sun room doors and windows; dormer windows; and individual mailboxes.

(d) The unit owner is liable for all damages to the common elements of the building and to damage to personal property of other unit owners caused by failure to properly maintain the above systems, utilities, structures and fixtures which are the unit owner's responsibility.

Right To Peaceful Enjoyment By All Unit Owners.

No unit owner shall undertake or permit activities or noise inside a building or in a limited common or common area of the Condominium that interferes with the rights, comfort, security and convenience of other unit owners. This includes actions and noise by the unit owner, family members, visitors and tenants.

4. Guests.

While visiting the Condominium, guests of unit owners shall abide by all aspects of these Rules and Regulations.

Unit owners are responsible for making their guests aware of these Rules and Regulations and assuring their compliance.

5. Board Approval and Notification.

Except as otherwise allowed by the Declaration for minor alterations or renovations, all unit owners are required to obtain written approval by the Executive Board before undertaking any project involving additions (temporary or permanent), and alterations to their unit's interior, the limited common areas attached to their unit, and the structure of which their unit is a part. The Board shall grant approvals based on a review of a *written, detailed* proposal submitted by the unit owner and, possibly, inspection of the property and/or additional discussion with the unit owner. Owners will be notified of the Board's decision within ten days after the scheduled Board meeting following submission of the written proposal and all required information.

All unit owners are required to notify the Executive Board, in advance, of significant maintenance/replacement, upgrading projects being undertaken inside their unit and not involving structural change, doors, windows, skylights, etc. Such work includes but is not limited to: adding a security system, finishing a basement, finishing an upstairs area into a bedroom, changes in flooring, replacement of bathroom/kitchen fixtures and cabinetry. The Association needs to know for insurance purposes. Aspects of the project may require compliance with Board specifications.

Unit owners who take such actions without Board approval may be required, at their expense, to remove all unapproved changes and restore the building, common area or limited common area etc. to its original condition.

6. Alterations and Improvements Requiring Advance Written Board Approval And/Or Compliance With Board Approved Specifications, subject to the terms of the Declaration.

- (a) Any alteration or improvement to a unit, to a limited common area or a common area which involves a change in structural integrity.
- (b) Replacement of existing exterior doors, windows, sliding patio doors, skylights, light fixtures. These products must be approved for use at the Condominium.
- (c) Replacement or addition of a Storm/Screen Door on front entrance. This must be the door approved for use at the Condominium.
- (d) Installation of a new Roof Skylight.
- (e) Installation of a dormer or modification to an existing dormer.

- (f) Installation of a door or window in a place where one does not currently exist.
- (g) Any modification or improvement to a deck or patio. All deck or patio modifications must comply with the Condominium's Deck Specifications, if any.
- (h) The installation of a temporary or semi-permanent screen room or awning on any part of a deck. Such additions are allowed but must be approved for use at The Condominium.
- (i) Any modifications to foundations or chimneys.
- (j) Any installation or modification of exterior mounted equipment, ducts, louvers, vents, etc.
- (k) Removal or replacement of any plant or tree located in a common area.
- (l) Addition, removal or enlargement of any garden space within a common area.
- (m) Telephone wire or cable TV wire installations that require disruption of paved or lawn surfaces, drilling of new holes in buildings or running of cables/wires on exterior of buildings.
- (n) Where necessary, the Board shall grant its approval based on a review of a *written, detailed* proposal submitted by the unit owner and, possibly, inspection of the property and/or additional discussion with the unit owner. Owners will be notified of the Board's decision within ten days after the scheduled Board meeting following submission of the written proposal and all required information.
- (o) Unit owners who take actions without required Board approval or use products not approved for use at The Condominium will be required, at their expense, to remove all unapproved changes or additions and restore the building, common area or limited common area etc. to its original condition.

7. Additions to Structures.

- (a) No unit owner is allowed to build an additional structure of any kind, regardless of whether it is independent of or connected to a residential unit, garage or deck.

8. Outside Contractors.

- (a) All contractors and tradesmen employed or engaged by a unit owner to perform work in and around the Condominium structures are required to provide proof of adequate liability insurance and Worker's Compensation Insurance as required by Maine State Law. Insurance certificates shall be provided to the homeowner and, upon request, to the Board prior to commencement of work. Insurance certificates provided by contractors shall specifically name the unit owner and the Association as additional insured.

(b) Any electrical, plumbing, and heating work done in a unit must be performed by experienced, reputable tradesmen licensed and certified to perform such work in the State of Maine.

(c) The Association may require any outside contractor engaged by a unit owner to execute and deliver to the Association a mechanics lien waiver in connection with any work performed by such contractor hereunder.

9. Pets.

(a) One (1) Household Pets per Unit are allowed without the consent of the Executive Board. Unit owners are responsible for the behavior of their pets or their guest's pets and are liable for any property damage, personal injury or disturbance that such animals may cause. The Association shall have the right to assess the unit owner for reimbursement of related expenses and to lien the owner's property in the event of non-payment.

(b) All pets must be licensed and inoculated as required by law, and owners must comply with City of Westbrook ordinances regulating pets. The Condominium reserves the right to notify the Animal Control Officer if a pet owner fails to do so.

(c) No pet is allowed outside of its unit except on a leash and under the control of a responsible person.

(d) Owners are responsible for the daily removal of pet wastes from lawn or roadway common areas.

(e) Damage to common area lawns inflicted by excessive animal use or by a concentration of animal urine and other wastes may be repaired by the Association. The Association shall have the right to assess the unit owner for reimbursement of repair expense and to lien the owner's property in the event of non-payment.

(f) No animal shall be permitted to bark, meow, or make other noises as to disturb neighbor's rest or peaceful enjoyment of their unit or the common area.

(g) Unless otherwise authorized by the Executive Board, no animal may be tied or leashed outside the unit at any time, exterior pet runs of any type are not allowed at the Condominium.

(h) The Association shall have the power, if necessary, to further regulate the keeping of pets and animals including, without limitation, the express power to regulate the number of pets (excepting, however, that each owner shall always be permitted to keep a minimum of two (2) household pets), size, and specie, to establish additional behavior requirements or rules regarding the restraint or leashing of animals, and to expel any offending animals from the Condominium. Without limiting the foregoing the following breeds of dogs are prohibited and may not be kept as pets by any owner within the Condominium: (i) Pit Bull; (ii) Rottweiler; (iii) German Shepherd; (iv) Husky; (v) Alaskan Malamute; (vi) Doberman Pinscher; (vii) Chow; (viii) Great Dane; (ix) Saint Bernard; (x) Akita; (xi) Dalmatian; (xii) Wolf Hybrid or any mix of the above.

10. Children.

(a) There is no common area at the Condominium designated exclusively as a play area for the use of children but reasonable play activities by children are welcome, preferably on lawns in the rear of their building.

(b) Permanently installed exterior play equipment is not allowed at the Condominium.

(c) Temporary, moveable exterior play equipment (swing sets, slides, playhouses, pools, etc.) is permitted but must be stored inside when not in use.

(d) Toys, bicycles, wagons, etc. are to be stored inside when not in use.

(e) The activities of children shall be under the control of a responsible person at all times.

(f) No play activity at a noise level which prevents other residents from the quiet and peaceful enjoyment of their home is permitted.

11. Driveway and Parking Control.

(a) Although the Condominium's driveway and parking areas are private, all accepted and legal rules of the road apply to drivers and pedestrians.

12. Garages.

(a) Garages are for the storage of legally registered vehicles and moderate amounts of personal property.

(b) Garages should be kept in an orderly and safe condition. It is the unit owner's responsibility to insure that no potential fire or safety hazard exists in this area.

(c) Garage space cannot be altered in any way and is not to be used for any living or business activity.

(d) No automobile repair or maintenance (oil changes, engine overhaul, body work) is allowed in a garage or anywhere on the Condominium property.

(e) Garage doors should be kept closed as much as is practical in order to maintain the good appearance of the area.

(f) Maintenance and replacement of electric garage door openers is the responsibility of the unit owner.

13. Automobile, SUV, Van, Pickup Parking.

(a) All unit owners should maintain sufficient space in their parking area to park their primary vehicle. The driveway in front of the garage building is not to be used for the long-term parking of any additional vehicle of any owner and/or tenant and their guests.

(b) Parking or driving of recreational motorized vehicles on lawns is prohibited.

(c) Additional automobile parking is available at the Condominium. These areas are on a first come first serve basis. There is no exclusive right to their use.

(d) Only legally registered and fully operable vehicles shall be parked in any of the Condominium's parking areas.

(e) Recreational vehicles, boats, campers, trailers, etc. shall not be left in a driveway or automobile parking area on an extended basis without the consent of the Board.

(f) No vehicle repair or maintenance of any kind is allowed in any area at the Condominium.

(g) All vehicles on the premises of the Condominium are there at the owner's risk and the Association is not responsible for damages.

14. Recreational Equipment (RV's, Camper Trailers, Boats, Equipment Trailers).

(a) The Condominium has no area designated for the parking of wheeled recreational equipment and large vehicles. Parking or driving of such vehicles on within the Condominium is prohibited.

15. Stormy Weather.

(a) The Board and the snow removal contractor make every effort to insure that snow is cleared from paved areas and common sidewalks as quickly as possible. Despite these efforts, there will be times that these areas may be temporarily impassable. Removal of snow and ice from individual unit walkways is the responsibility of the Association, unless otherwise determined by the Association. The Association shall have the right (without any affirmative obligation), as necessary for maintenance purposes to prevent any damaging accumulations of snow or ice, to remove snow and ice from decks and patios.

(b) All owners/tenants should be alert to pending weather conditions and to take all necessary precautions to deal with the possibility of power outages, flooding, extreme cold, icing conditions, and heavy precipitation (rain, snow and/or sleet) which could cause damage to personal and common property.

(c) In the event of high winds, all personal property shall be secured or placed indoors. This is the responsibility of the unit owner/tenant.

(d) Installation of a generator or other auxiliary emergency heating/power devices requires the prior approval of the Board. Installation must be done by a contractor who is licensed under Maine law. The contractor must provide proof of adequate insurance as required above.

(e) During winter months, the unit owner is responsible for closing any interior shut-off valves for all outside faucets; clearing snow away from air intake/exhaust fittings; clearing snow away from dryer vents if close to the ground; clearing snow away from sliding glass doors and basement bulkhead doors; **and insuring that sufficient heat is on during winter months to prevent pipe freezing and damage to your unit or others.** The unit owner is liable for building damages, damage to personal property, and damage to heating equipment caused by the failure to do the above.

(f) Unit owners who are away for extended periods of time, particularly in winter, either on vacation, work related travel or because of seasonal use of their condominium, are responsible for arranging with a neighbor, friend or contractor to have their unit checked periodically to insure that all systems are operable and no storm or cold weather damage has occurred. It is essential that a member of the Board be notified of who has this responsibility and who has access to the unit.

16. Household Trash.

(a) Garbage and household trash shall be kept in closed containers inside the owner's unit or in such other area designated by the Board. Containers should be placed at the foot of the driveway on the day(s) designated for collection. Empty trash containers should be returned to such storage areas as soon as possible.

(b) Owners/tenants are responsible for insuring that accumulated trash does not create a nuisance in regards to odor, cleanliness, bug infestation, or neatness.

(c) Trash removal services for the Condominium are only for the removal routine household trash. Larger items are the responsibility of the owner/tenant and should be disposed of in accordance with the City of Saco ordinances and practices.

17. Video Antennas and Satellite Dishes.

(a) Video antennas and satellite dishes are not to be installed on any common area, including but not limited to roofs and exterior walls.

(b) Video antennas and satellite dishes can be installed in limited common areas if the Owner has exclusive use of the area and safety is not compromised by the installation. The video antenna and satellite dish must be installed wholly within the exclusive use area.

(c) A video antenna and satellite dish that extends beyond the area of exclusive use is considered to be in a common area and installation is not permitted without the prior approval of the Executive Board.

(d) Only satellite dishes that are less than one meter (39.37") in diameter are permitted to be installed at the Condominium.

(e) Installation of video antennas and satellite dishes shall be in compliance with local and state law.

18. Air Conditioners.

(a) No window-mounted air-conditioners are allowed

19. General Hazards and Liability of Unit Owners.

(a) Nothing shall be done, kept in any unit or in any part of the Common or Limited Common Areas which will cause an increase in the insurance premium for the property without the prior written consent of the Executive Board. No unit owner shall permit anything to be done, kept in the unit or in the limited common or common areas which will result in the cancellation of insurance on the property, any part thereof or that is in violation of any law, regulation, or administrative ruling.

(b) Unit owners shall be liable for the expense of maintenance, repair or replacement of any damage to the common or limited common areas or to another unit caused by such unit owner's act, neglect, or carelessness or that of their guests, contractors, agents, lessees, or pets. Such liability shall include any increase in insurance premiums or assessments occasioned by any act, neglect, carelessness or the misuse of a unit.

20. Hazardous Materials.

(a) It is strongly recommended that unit owners, tenants or guests not possess or store hazardous household, gardening, and commercial substances anywhere at the Condominium. In such cases, however, unit owners are responsible for appropriate and lawful storage, safekeeping and disposal.

(b) Owners are encouraged to dispose of all hazardous cleaning materials, paints, fertilizers and vegetation killers when their usefulness ends.

(c) Hazardous materials (including those listed above) must be disposed of by legal means at a legal disposal site and, if necessary, by trained personnel.

(d) Spills of fuel oil, kerosene, other hazardous or polluting substances inside a unit, or on any common or limited common area (paved or otherwise) shall be reported immediately to the Executive Board.

(e) All removal, remediation and restoration costs associated with a hazardous material spill caused by a unit owner, tenant, guest, employee, hired contractor or other representative shall be the responsibility of the unit owner.

21. Heating Equipment and Chimneys.

(a) Unit owners are responsible for insuring that individual furnaces and other heating devices are in the proper condition to provide sufficient heat through the winter months.

(b) Unit owners with individual unit Monitor or similar kerosene heaters should be aware that if snow blocks the air intake / exhaust fitting (usually located at front of unit) or this fitting is damaged, the heater will cease to operate. The unit owner is responsible for keeping snow away from this fitting and insuring that it is not damaged.

22. Woods and Lawns.

(a) All lawns and vegetated areas at the Condominium are common areas and under the control of the Association.

(b) Existing trees within lawn areas cannot be pruned, removed or replaced or new ones added without permission of the Association.

(c) All personal property (equipment, games, toys, furniture, etc.) should be removed from a lawn or vegetated area after its use and stored in a garage or the unit.

(d) No temporary, semi-permanent or permanent structures (tents, play equipment, screen rooms, etc.) are allowed on any common area.

(e) Lawn maintenance by anyone other than the Association's landscapers is prohibited, unless otherwise approved by the Executive Board.

23. Ornamental Landscaping.

(a) Any garden beds in the front of a building and any shrubs contained in them are common area and under control of the Association.

(b) Existing plants cannot be removed or replaced or new ones added without permission of the Association.

(c) Window boxes and planters of any type shall not be placed in the front or side of any building.

(d) The Association is not responsible for replacing any personal plantings removed by the Seller of a unit from the ornamental planting area in front of or on the side of each unit. These items are to be considered part of the personal property of a unit (non-permanent items) and are subject to Buyer /Seller negotiations and the terms of the Purchase and Sale Contract.

24. Personal Gardens.

(a) Flower boxes, pots, and other plant containers are limited to decks, patios, or deck railings.

(b) Personal gardens and plantings are allowed with the approval of the Executive Board.

(c) Approved personal gardens are the sole responsibility of the unit owner and/or tenant. The unit owner shall assume all expense for plantings and continued maintenance.

(d) If any unit is sold where a personal garden has been established by an owner or tenant, it will be the *unit seller's* responsibility to restore the bed to its original grassy area or to leave funds in escrow at closing for the Association to restore the area. The only exception to this would be if the *unit purchaser* notifies the Association in writing that he/she would continue to maintain the garden bed.

(e) The Association is not responsible for replacing any personal plantings removed by the Seller of a unit from their personal garden area. These items are to be considered part of the personal property of a unit (non-permanent items) and are subject to Buyer /Seller negotiations and the terms of the Purchase and Sale Contract.

25. Exterior Decorations.

(a) Tasteful holiday decorations are allowed on the exterior of units, and must be of a size and style compatible to the Condominium's building decor. Simple lighting can be strung on bushes in front of a Unit. No lighted decorations can be attached to the building. No large freestanding decorations are allowed. Lighted candles or similar seasonal items may be displayed in windows. All wreaths and decorations must be removed at the end of the holiday season.

26. Decks, Patios and Privacy Fences.

(a) Decks, patios and porches ("decks") are designated limited common areas for the specific use of the unit owner/tenant. The land on which a deck sits is common area of the Association and under the control of the Association.

(b) Decks at the Condominium are to remain decks and shall not be walled in, roofed over or in any way turned into a building of any kind.

(c) Repairs or modification to a deck (including enlargement) requires compliance with the Condominium's Deck Specifications, if any, and advance approval of specific plans by the Executive Board.

(d) Unit owners/tenants are responsible for regularly clearing their decks of snow to prevent damage to the deck and to the adjoining building structure.

(e) Decks shall not be considered additional storage space for the unit owner's personal property.

(f) Decks and the personal property used in the enjoyment of the deck shall be kept in a neat and orderly condition at all times.

(g) Hot tubs or any similar devices are not allowed on any common or limited common area.

(h) The Association may adopt Deck Specifications for the condominium to provide for additional rules and regulations concerning decks.

27. Mailboxes.

(a) The Condominium has on common mailbox for the use of all Owners. Private mailboxes are not allowed.

28. Signs.

(a) Subject to the terms of the Declaration, no business, political or personal signs of any type are allowed on the grounds, attached to any part of a building, or in any window at the Condominium, except as approved by the Executive Board.

29. Tag Sales.

(a) No unit owner shall hold a garage (tag) sale or outside sale of any kind without the approval of the Executive Board.

30. Solicitation.

(a) There shall be no solicitation by any person anywhere for any cause, charity, or any purpose whatsoever without the knowledge and permission of the Executive Board.

31. Information and Emergency Contact.

(a) Information related to any changes in occupancy (rental or seasonal) or unit ownership, changes in mortgage holders, changes in insurance policies or agents, and significant interior alterations shall be reported promptly to the Board. Such information shall also be furnished when specifically requested by the Board.

(b) All unit owners shall provide to the Board, upon request or on an annual basis, the name, address and phone numbers of all persons who have emergency access to the unit.

(c) Unit owners who are away for extended periods of time, either on vacation or because of seasonal use of their condominium unit, are responsible for arranging with a neighbor, friend or contractor to have their unit checked periodically to insure that all systems are operable and no damage has occurred. It is essential that a member of the Board be notified as to the person(s) who have this responsibility and who has access to the unit.

32. Insurance.

(a) Each condominium owner and tenant is responsible for obtaining insurance coverage for personal property and liability.

(b) Many insurance companies doing business in Maine offer specific policies for condominium owners and renters. Unit owners and renters should consult with their insurance agent to design a policy to meet their needs.

(c) A typical condominium policy may include coverage for:

- Building Property: items of real property which pertain directly to your unit and may include alterations and permanent installations.
- Personal Property: items owned by the insured and structures not permanently attached to the unit.
- Personal liability: covers claims brought against the insured for damages because of bodily injury or property damage.

(d) The Condominium maintains a master policy to cover losses sustained in common areas and structural systems. If you suffer a loss that you believe should be claimed against the Association policy, you should do so through a member of the Condominium Executive Board. The insurer providing coverage at the time of the claim will make any determination of coverage under the policy.

33. Access to Units For Repair and Emergency.

(a) The Association has the irrevocable right, to be exercised by the Executive Board, to enter a unit from time to time during reasonable hours as may be necessary for the inspection, maintenance or replacement of any of the common or limited common areas, facilities or systems therein or accessible therefrom.

(b) The Association has the irrevocable right, to be exercised by the Executive Board, whenever deemed necessary and regardless of whether the owner is present or not, to enter a unit for the emergency inspection and repair therein necessary to prevent damage to the common areas, facilities and systems or to another unit or units.

(c) In order to facilitate entry in the case of an emergency or absence, the unit owner, if required by the Board, shall provide a working key to the dwelling to a neighbor or to a Board member.

34. Short-Term or Long-Term Rental of Condominium Units.

(a) Unit owners who wish to rent their property must use a standard lease form, approved by the Executive Board, and must require tenants to show proof of contents insurance.

(b) Unit owners must not suspend their own condominium owner's insurance policy during the period of rental.

(c) Unit owners who rent their property to another for any period of time must obtain a written acknowledgment from the tenant that they have been given a copy of the Condominium's Rules and Regulations and that they will abide by them during the period of their residence. A copy of this statement must be given to the Executive Board prior to occupancy.

(d) Regardless of the terms of rental, the timely payment of unit monthly fees and special assessments during the rental period remains the responsibility of the unit owner. In the event of non-payment, regardless of who should be making payments, the unit owner is ultimately responsible and will be assessed late charges and is subject to liens and other collection expense.

35. Procedures.

(a) Emergencies (i.e. structural, plumbing, hazardous spills, life safety matters) shall be communicated to a Board member immediately.

(b) Work requests, suggestions or complaints to the Board shall be submitted in writing. Requests for hearings on any issue shall be submitted in the same manner.

(c) Any personal or phone contact with a Board member shall only be made during reasonable hours of the day.

(d) A group of unit owners seeking to make a joint work request, suggestion or complaint shall designate a spokesperson for communications with the Board.

36. Violations of Rules and Policies Including Financial Obligations.

(a) When a violation of a Rule or Regulation occurs or when a financial obligation is not met in accordance with policy, a written warning shall be delivered to the unit owner stating the complaint, the appropriate rule and the penalty or assessment of expense, if applicable.

(b) In cases of repeated complaints and/or lack of payment following the warning letter, a fine or additional penalty may be imposed.

(c) Any unit owner has the right to appeal a Board decision in writing to the Executive Board and to request a hearing before the Board.

(d) All unit owners must understand that assessments and penalties related to non-compliance with rules and regulations, expenses for which an owner is liable, and unpaid financial obligations *may become a lien against the violating Owner's Unit* if not satisfied in a reasonable period of time.

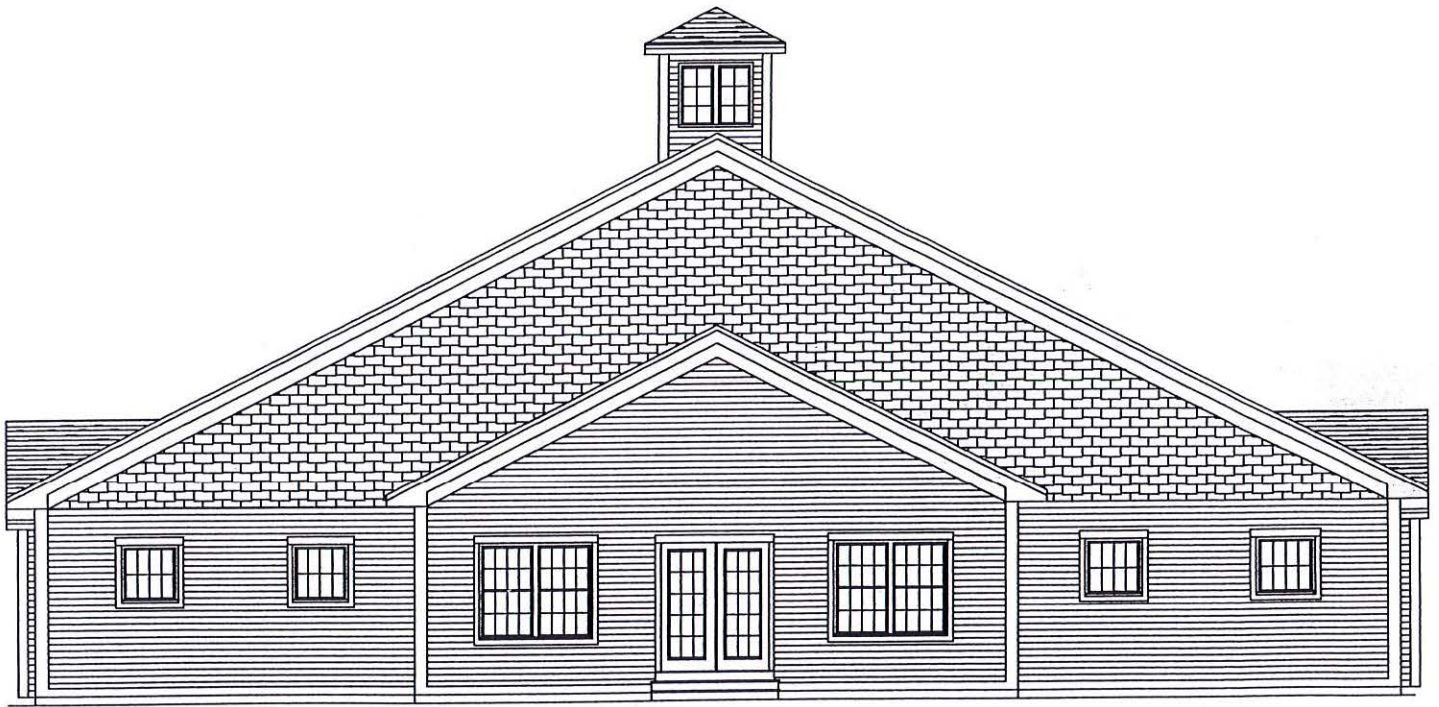
The Executive Board welcomes constructive input and involvement from any unit owner. In bringing issues to the Board, unit owners are reminded that the Condominium is a community and its elected Board is made up of neighbors who are serving as volunteers and whose objective is the Condominium's best interest. Differences of opinion are inevitable in any community. Resolution of conflict begins with mutual respect and understanding and ends with effective decision-making.

The Executive Board of the Condominium promulgated the preceding Rules and Regulations for the safety, well-being and convenience of all unit owners. The Board has the responsibility, under the Declaration, for the efficient administration of Condominium affairs and it is, indeed,

their duty and authority to interpret and enforce the Condominium Declaration, By-Laws and Rules and Regulations.

These Rules and Regulations were unanimously approved by the Executive Board at a special meeting on the _____ day of November 2005.

Cottage Farm Condominiums



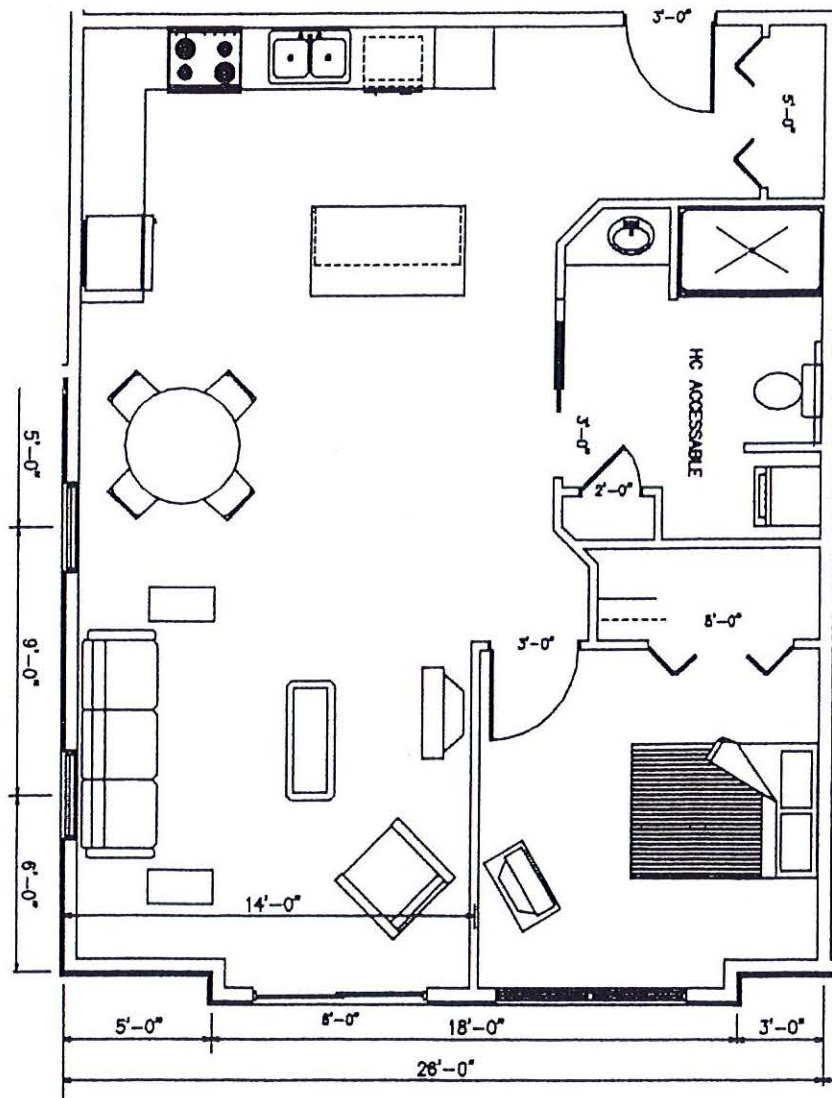
Proposed Front Elevation
View from Main Street

Cottage Farm Condominiums



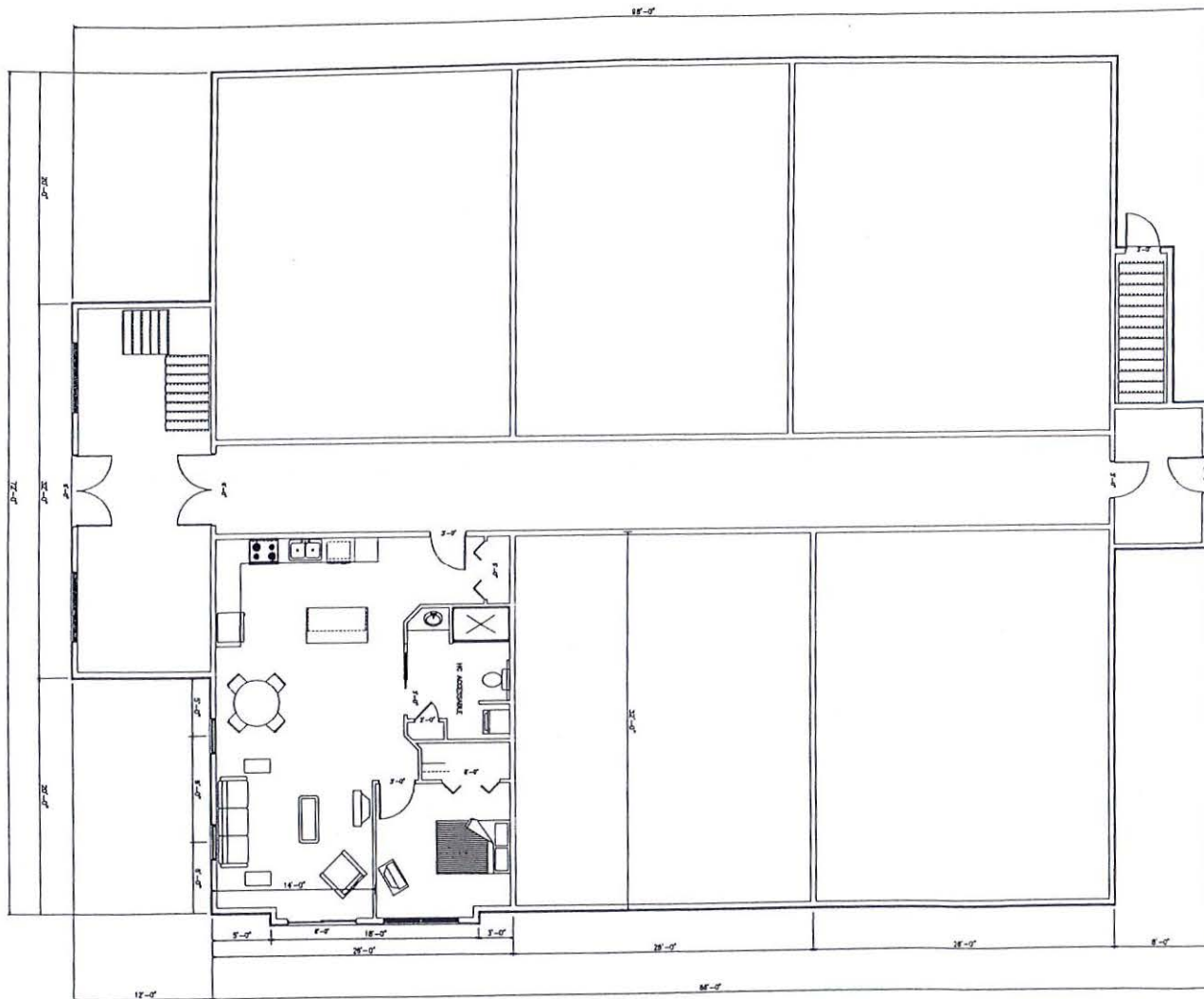
Proposed Side Elevation
View from Cottage Farms Road

Cottage Farm Condominiums

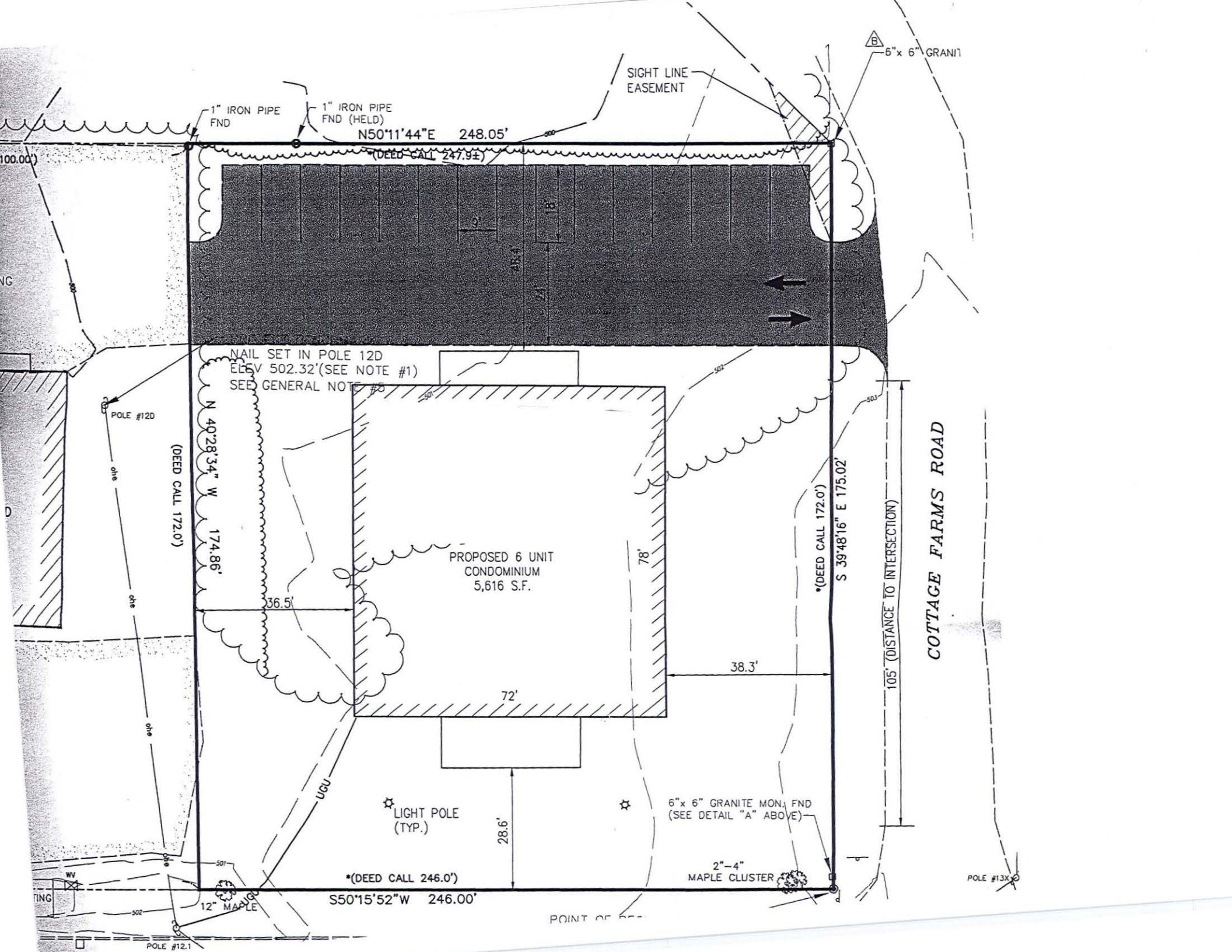


Proposed Unit Floor Plan

Cottage Farm Condominiums



Proposed Building Floor Plan



6"x 6" GRANITE

SIGHT LINE EASEMENT

1" IRON PIPE FND
1" IRON PIPE FND (HELD)

N50°11'44"E 248.05'

*(DEED CALL 247.9±)

NAIL SET IN POLE 12D
ELEV 502.32' (SEE NOTE #1)
SEE GENERAL NOTE #1

POLE #120

(DEED CALL 172.0')

N 40°28'34" W 174.86'

PROPOSED 6 UNIT
CONDOMINIUM
5,616 S.F.

*(DEED CALL 172.0')
S 39°48'16" E 175.02'

COTTAGE FARMS ROAD

105' (DISTANCE TO INTERSECTION)

38.3'

72'

78'

LIGHT POLE (TYP.)

6"x 6" GRANITE MON. FND
(SEE DETAIL "A" ABOVE)

*(DEED CALL 246.0')

2"-4" MAPLE CLUSTER

S50°15'52"W 246.00'

POINT OF BEGINNING

12" MAPLE

POLE #12.1

POLE #13X

Item 05-196

Hold a public hearing to consider and act on changes to the Zoning Ordinance Section 205.1, Lot Frontage, re:

- Measurements of Side Setbacks on a long curve section of roadway.

Notice of Decision

Date: November 18, 2005

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

Re: Zoning Ordinance Amendment – Section 205.1 – Lot Frontage

This is to advise you that on November 15, 2005 Planning Board voted to recommend the proposed amendments to Section 205.1 of the Zoning Ordinance.

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

Thomas E. Powers, Board Chair

Sec. 205 Lot Regulations

205.1 Lots which abut on more than one street shall provide the required front setbacks along each and every public street on which that lot abuts, ~~unless a public street was created and built by someone other than the owner of the lot or the subdivider of the land from which the lot was created after the issuance of a building permit for the lot.~~ Except for a lot in existence on (August 23, 2005) that meets the following standards;

- a. The lot was created in accordance with all applicable zoning requirements in effect at the time of its creations;
- b. The lot is abutted on two or more sides by the same street; and
- c. The lot meets the frontage requirements for its zoning district on at least one side of the lot. [Amended, effective 3/24/03]
[Amended, effective]

205. – Explanation: A lot in existence on (August 23, 2005) and meeting the above requirements only has to provide the required front setback on one side of the lot. Such side must comply with the frontage required for the zoning district in which the lot is located. Other sides of the lot located along the same street may provide the required side setback for the zoning district in which the lot is located.

Item 05-197

Hold a public hearing to consider and act on changes to the Zoning Ordinance Section 423.4:

- Adding new and more inclusive language to the Shoreland Zoning Ordinance in the section referring to – Piers, Docks, Floats and Wharves

Notice of Decision

Date: November 18, 2005

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

Re: Zoning Ordinance Amendment – Section 423.4 – Piers, Docks, Wharves, Bridges and Other Structures.

This is to advise you that on November 15, 2005 Planning Board voted recommend the proposed amendments and replacement of Section 423.4 of the Zoning Ordinance. The Board recommended that Section 418 of the Zoning Ordinance be removed. The Board also voted to recommend that the Town Attorney review the language of Section 423.3.5.6; to review the sentence structure, and Section 423.3.4 with the question of keeping the language *and character of area*.

Findings of Fact: **None**

Waivers granted: **None**

Waivers Denied: **None**

Standard Conditions of Approval

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

Cumberland Planning Board

Thomas E. Powers, Board Chair

Text that is **~~crossed out~~** is proposed to be ~~eliminated from the ordinance.~~

Text that is **new is underlined.**

Text that is **neither** underlined nor crossed out is the present language and proposed to stay "as is".

Sec. 418 — ~~Piers and Other Uses Projecting into the Water~~

~~Piers, docks, wharves, breakwaters, causeways, marinas, bridges over twenty (20) feet in length, and other uses projecting into the water shall conform to the following requirements in addition to any Federal or State permits which may be required:~~

- ~~.1 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.~~
- ~~.2 The location shall not interfere with developed beach areas.~~
- ~~.3 The facility shall be located so as to minimize adverse effects on fisheries.~~
- ~~.4 The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.~~

DRAFT AMENDMENTS
TO
CUMBERLAND SHORELAND ZONING ORDINANCE

SECTION 423 - Piers, Docks, Wharves, Floats, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland. [Amended ____, effective ____]

SECTION 423.1 - PURPOSE

The purpose of this section of the Shoreland Zoning Ordinance is to protect traditional public access to, and use of the shore; and to minimize adverse impacts on fisheries, on the environment and on public enjoyment of the shoreline, including visual and navigational impacts.

SECTION 423.2 - APPLICABILITY

This section pertains to construction of, or alteration and repairs to, piers, wharves, docks, bridges, floats and other structures and uses extending over or beyond the mean high-water line of a water body, submerged lands, or wetlands. These are referred to simply as "piers, wharves, docks, bridges, floats and other structures" in the sections below.

Piers are platforms built with pilings for support; wharves are solid structures built of granite blocks and/or other contiguously placed materials; the term docks refers to (1) the docking space alongside or between piers and wharves as well as (2) the piers and wharves themselves (the more common usage). "Other structures" include, but are not limited to, items such as ramps, marine rails and cribbing.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, and uses that primarily provide general public access to coastal or inland waters.

SECTION 423.3 - REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on applications as defined above. Projects shall be reviewed for conformance with the provisions of this section and Section 206 – Site Plan Review. The Planning Board may act to approve, disapprove, or approve the project with conditions as authorized by these provisions.

SECTION 423.3.4 - REVIEW AND APPROVAL PROCESS

423.3.4.A – Prior to submission of any application, a Wharfing-Out permit must issued by the Town Council under Title 38, Chapter 9 of M.R.S.A. After the approval of a Wharfing Out permit and prior to submission of any municipal applications, the applicant must obtain all required Federal and State permits, as required, including but not limited to, a permit from the Department of Environmental Protection under the Natural Resources Protection Act, 38 M.R.S.A. 480-C as subsequently amended and the Army Corps of Engineers.

423.4.B - The Town shall notify all property owners within 1,500' of the proposed

project. In addition, the Town shall place public notices in four (4) locations to maximize notification of the affected citizenry and shall place public notices in two local papers.

423.3.4.C - A completed site plan review application and information describing conformance with the provisions of this section, shall be submitted to the Town Planner. Applications shall include, but shall not be limited to, structure elevations, high and low water elevations, building materials to be used, soil substrates, habitat types, and property boundary surveys. The Town Planner shall review the materials for completeness. Once the application is determined to be complete, the Town Planner will forward the application to the Coastal Waters Commission (CWC). The CWC shall provide the Planning Board a written advisory recommendation regarding all applications related to this Section.

SECTION 423.3.5 – APPROVAL STANDARDS AND CRITERIA

The following standards shall apply to all piers, docks, wharves, floats, bridges, and other structures and uses extending over or beyond the normal high-water line of a water body, submerged lands or wetland:

- .1 Access from shore shall be developed on land and soils appropriate for such use and constructed so as to control erosion.
- .2 The location shall not unreasonably interfere with **existing** developed or natural beach areas.
- .3 The facility shall be located so as not to unduly interfere with **to minimize adverse effects on** fisheries.
- .4 The facility shall be no larger in dimension than necessary to carry on the activity and shall be consistent with the surrounding character and use of the area. **and be consistent with existing conditions, use, and character of the area.**
- .5 No new structure shall be built on, over or abutting a pier, wharf, dock, bridge, float or other structure without an application and approval justifying the functionally water dependant use of said addition. **extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.**

- .6 No existing structure on, over or abutting a pier, wharf, dock, bridge, float or other structure shall be converted to a dwelling unit or any use other than a functionally water dependant use in any district.

~~extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwellings units in any district.~~

- .7 Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation.

Public and commercial facilities shall submit a lighting plan for review by the Planning Board for safety and compatibility with the proposed use.

All lighting shall be in conformance with all Federal, State and local standards including Coast Guard Regulations for lighting of piers or wharves where applicable.

- .8 Except in the General Development District and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock, bridge, float or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

- .9 Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling and navigation. This may require accommodations such as steps or pier elevations that would allow passage over or beneath a structure.

- .10 Where the applicant has applied for "group dock" and the waterfront structure proposed will serve more than one property, the property owners shall submit to the Town a proposed easement deed demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town.

Item 05-198

Hold a public hearing to consider and act on changes to the Zoning Ordinance Section 204.1.1.2:

- Adding as a permitted special exception use “Outdoor Recreational facility” to the RR 2 Zone.

Notice of Decision

Date: November 18, 2005

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

Re: Zoning Ordinance Amendment – Section 204.1.1.2 – Special Exception
uses in the Rural Residential One (RR1) district of the Zoning Ordinance
.17 – Outdoor recreational facility, subject to Site Plan Review

This is to advise you that on November 15, 2005 Planning Board voted to recommend the proposed addition of Section 204.1.1.2.17 – Outdoor recreational facility, subject to Site Plan Review as a special exception use; to the Rural Residential One (RR1) district of the zoning ordinance.

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

Thomas E. Powers, Board Chair

204.1.1.2 The following uses are allowed as special exceptions in the RR1 district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home occupations;
- .2 Private kennels;
- .3 Animal husbandry on a site of three (3) acres or less;
- .4 Above ground utility lines not located within public ways;
- .5 Excavation of land, subject to the provisions of Sec. 410;
- .6 Temporary sawmills, subject to the provisions of Sec. 427;
- .7 Municipal uses and buildings, subject to Site Plan Review;
- .8 Accessory structures of public utilities subject to Site Plan Review;
- .9 Cemeteries, subject to Site Plan Review;
- .10 Religious institutions, subject to Site Plan Review;
- .11 Private schools, subject to Site Plan Review;
- .12 Boarding kennels, subject to Site Plan Review;
- .13 Riding stables and schools, subject to Site Plan Review;
- .14 Extraction and/or bulk storage of groundwater or spring water subject to the provisions of Sec. 430;
- .15 Residential care facilities [see Sec. 432]; [Amended, effective 9/14/88]
- .16 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .17 Outdoor recreational facility, subject to Site Plan Review; [amended, effective]
- ~~.17.~~18 Uses and buildings accessory to those above. {Adopted, effective 4/28/97, amended }



Joseph J. Charron
Chief

CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

December 5, 2005

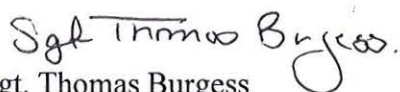
Mr. William Shane
Town Manager,
Town Of Cumberland

Dear Mr. Shane,

This letter is to advise you and the Town Council that based on the shellfish surveys conducted during 2005, it is the recommendation of the shellfish committee to maintain the current shellfish permit levels as issued in 2005 for the calendar year 2006.

If you or the Town Council have any questions or need further information I can be contacted at 829-2218 or e-mail tburgess@cumberlandmaine.com

Respectfully,


Sgt. Thomas Burgess
Harbor Master



Joseph J. Charron
Chief

CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

COUNCIL ADOPTION REQUIRED

The Cumberland Shellfish Conservation Committee proposes the following recommendations for management of the Town's Shellfish Resources for 2005.

1. The Committee members, shellfish survey volunteers and our designated Department of Marine Resources biologist, Don Card have completed qualitative surveys and observations.
2. Based on this information, the Committee recommends the Town maintain the Same level of licenses and harvesting areas as issued in 2004. The commercial harvesting areas will include all of Great Chebeague Island and the Mainland area from Sea Cove Road north to the outflow of the northerly edge of Wildwood Beach. The commercial license will be valid for a period of 90 days of commercial harvesting, and revert to a recreational license the remainder of the year.
3. The Cumberland Shellfish Committee recommends the following schedule of Shellfish licenses and fees for 2005:

| <u>License Type</u> | <u>Fee</u> | <u># To Be Issued</u> |
|---------------------------|------------|-----------------------|
| Resident Commercial | \$50.00 | 10 |
| Non-Resident Commercial | \$100.00 | 1 |
| Resident Recreational | \$25.00 | 280 |
| Non-Resident Recreational | \$50.00 | 28 |
| Resident Monthly Rec. | \$10.00 | 30/per month |
| Non-Resident Monthly Rec. | \$20.00 | 15/per month |
| Daily Recreational | \$5.00 | 15/per month |



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

GEORGE D. LAPOINTE
COMMISSIONER

December 01, 2004

Nadeen Daniels
Town Clerk
290 Tuttle Rd
Cumberland, ME 04021-9321

Re: 2005 Allocation Approval

Dear Nadeen:

We have reviewed the proposed shellfish license allocations for 2005, and hereby approve them as follows:

| <i>Class</i> | <i>Subclass</i> | <i>Unlimited</i> | <i>Number</i> | <i>Cost</i> |
|--------------|-----------------------|--------------------------|---------------|-------------|
| Commercial | Resident | <input type="checkbox"/> | 10 | \$50.00 |
| Commercial | Nonresident 10% | <input type="checkbox"/> | 1 | \$100.00 |
| Recreational | Resident | <input type="checkbox"/> | 280 | \$25.00 |
| Recreational | Nonresident 10% | <input type="checkbox"/> | 28 | \$50.00 |
| Recreational | Other | <input type="checkbox"/> | 15 | \$5.00 |
| Recreational | Day/Week/Month Reside | <input type="checkbox"/> | 30 | \$10.00 |
| Recreational | Day/Week/Month Nonres | <input type="checkbox"/> | 15 | \$20.00 |

Sincerely,

Harold C. Winters
Director, Shellfish Management

cc: Don Card, Area Biologist



OFFICE: 508-633-1311

OFFICES AT STEVENS SCHOOL COMPLEX, HALLOWELL

PHONE: (207) 624-6550

TTY: (207) 287-4474

<http://www.maine.gov/dmr>

FAX: (207) 624-6024

**PUBLIC NOTICE
TOWN OF CUMBERLAND
YEAR 2006 SHELLFISH LICENSES**

In accordance with the provisions of the Shellfish Conservation Ordinance, the Town of Cumberland hereby gives notice that there will be 308 **RECREATIONAL LICENSES (280 resident and 28 non-resident)** issued in 2006. Starting June 1, 2006, 50 resident summer recreational licenses will be issued, on a first come first serve basis. Also, MONTHLY RECREATIONAL LICENSES will be issued for the months of JANUARY THROUGH DECEMBER (30 resident and 15 non-resident licenses each month) and DAILY RECREATIONAL LICENSES will be available during the months of JANUARY THROUGH DECEMBER (*Two* issued per day to residents or non-residents - individuals may purchase only one daily license per month). There will be eleven (11) **COMMERCIAL SHELLFISH LICENSES (10 resident and 1 non-resident)** issued in 2006.

COMMERCIAL and NON-RESIDENT RECREATIONAL LICENSES will be drawn by lottery on December 27, 2005 at 9:00 a.m. and will be issued starting January 3, 2006. APPLICATION must be made in person during normal office hours through December 23, 2005. Commercial licenses will be valid for commercial harvesting for 90 DAYS. *The license holder will have the option to choose the 90 days to harvest throughout the year, but must provide log documentation.* In the remaining 9 months of the year, the license will be valid for recreational harvesting. Commercial harvesting will be limited to a maximum of TWO BUSHELS per tide on Great Chebeague Island. The Mainland area from Sea Cove Road in Cumberland Foreside, north to the outflow at the northerly edge of Wildwood Beach will be open for commercial harvesting during the months of April and May only and the commercial harvesting limit on the mainland will be unlimited each tide during those months.

RECREATIONAL SHELLFISH LICENSES WILL BE SOLD BEGINNING JANUARY 3, 2006 on a first come, first serve basis. MONTHLY AND DAILY RECREATIONAL LICENSES will not be available until the first day of each month. Recreational licenses will not be issued to, or valid for, anyone holding a State of Maine Shellfish License or a recreational license from another municipality.

Application for shellfish licenses must be made in person in the Town Clerk's Office at the Cumberland Town Hall, 290 Tuttle Road, between the hours of 8:00 am and 5:00 p.m., Monday-Wednesday; 8:00 a.m. and 6:00 p.m. Thursdays; and Fridays from 8:00 a.m. to 12:00 p.m. Questions? Call 829-5559.

Deborah Flanigan
Deputy Town Clerk

Town of Cumberland

3-10-05

Attn: Nadine Daniels

Dear Nadine,

At the next meeting of the Shellfish Comm.,
would you please put this on the agenda. —

Should the Active Members of the Comm.
be allowed free shellfish licenses?

Regards;

Skip Howson

Member

Shellfish Conservation Committee
Town of Cumberland
290 Tuttle Road
Cumberland ME 04021

COUNCIL ADOPTION REQUIRED

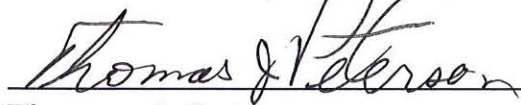
November 22, 2005

The Committee members, shellfish survey volunteers, and our designated Department of Marine Resources biologist, Don Card, have completed qualitative surveys and observations.

Based on the information obtained from such surveys and observations, the Shellfish Conservation Committee recommends that the Town maintain the same level of licenses and harvesting areas as issued in 2005:

- A. The commercial harvesting areas will include all of Great Chebeague Island and the mainland area from Sea Cove Road north to the outflow of the northerly edge of Wildwood Beach. The commercial license will be valid for a period of ninety (90) days of commercial harvesting, and shall revert to a recreational license for the remainder of the year.
- B. Schedule of Shellfish Licenses and fees for 2006:

| <u>LICENSE TYPE</u> | <u>FEE</u> | <u>NUMBER TO BE ISSUED</u> |
|---------------------------|------------|----------------------------|
| Resident Commercial | \$50.00 | 10 |
| Non-Resident Commercial | \$100.00 | 1 |
| Resident Recreational | \$25.00 | 280 |
| Non-Resident Recreational | \$50.00 | 28 |
| Resident Monthly Rec. | \$10.00 | 30 per month |
| Non-Resident Monthly Rec. | \$20.00 | 15 per month |
| Daily Recreational | \$5.00 | 15 per month |



Thomas J. Peterson
Chairman

Thomas Burgess
Harbor Master

**MUNICIPAL SHELLFISH LICENSE
ALLOCATION APPLICATION**

To: George Lapointe, Commissioner,
Maine Dept. of Marine Resources

Date: _____

From: _____ Shellfish Conservation Committee.

The Shellfish Conservation Committee, upon careful review of the shellfish resources and in consultation with the DMR Area Biologist, requests the following shellfish license allocation for the coming license year.

| License Class | Number | Cost @ |
|-------------------------|---------------|---------------|
| <i>Commercial</i> | | |
| Resident | _____ | _____ |
| Nonresident | _____ | _____ |
| Senior Resident | _____ | _____ |
| Senior Nonresident | _____ | _____ |
| Junior/Student Res. | _____ | _____ |
| Junior/Student Nonres. | _____ | _____ |
| Other | _____ | _____ |
| <i>Recreational</i> | | |
| Resident | _____ | _____ |
| Nonresident | _____ | _____ |
| Day/Week/Month Res. | _____ | _____ |
| Day/Week/Month Nonres. | _____ | _____ |
| Senior Resident | _____ | _____ |
| Senior Nonresident | _____ | _____ |
| Junior Resident | _____ | _____ |
| Junior Nonresident | _____ | _____ |
| Other | _____ | _____ |

Contact Person for the Shellfish Committee:

Name: Thomas J. Peterson

Address: 115 Tuttle Rd., Cumberland, Me. 04021

Telephone: 207-829-5406 Fax: 207-829-2003

E-mail: Law 585 @ AOL.com

I have reviewed this request and concur with the listed license allocations. _____

Donald J. Card
Area Biologist



Department of Marine Resources
21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 624-6562 - Fax: (207) 624-6024

**Application for Certification / Nomination of
Shellfish Conservation Warden**

Date Submitted: _____ Municipality: _____
Municipality Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: _____ Email Address: _____

Warden Information

First Name: _____ Last Name: _____
Mailing Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: (207) _____ Email Address: _____
Date of Birth: _____ Full Time Employee: _____ Part Time Employee: _____
Power of Arrest: Yes ___ No ___ Carry Firearm: Yes ___ No ___ Current or Intended Employee: _____
Last year of Grade School Completed: _____ Last year of High School Completed: _____
Last year of College Completed: _____ Law Enforcement Training: Yes ___ No ___
(If yes, please describe training): _____
Nominated by Town: Yes ___ No ___
Other Towns Responsible for: _____

Date Nominated by Town: _____ Date Certified/Trained by DMR: _____

- ◆ **Warden must be nominated by the town yearly.**
- ◆ **Untrained nominee has up to one year to attend DMR Warden Training**
- ◆ **Trained wardens must attend DMR Warden Training every three years).**
- ◆ **Town must notify DMR when warden is no longer employed by the town (fill in the above information and check here to rescind nomination) _____ Rescind Nomination of above warden**

Additional Education (Explain)

Shellfish Related Experience:

Training (if MCJA include copy of certification):

Note: Signature of applicant authorizes DMR to check applicant's background for criminal record.
If applicant has the power of arrest and/or carries a firearm, he or she must complete the appropriate MCJA course prior to DMR certification.

Signature of Municipal Official _____ Date _____ Signature of Applicant _____ Date _____

Please fill out one application per warden nominated - Duplicate form as needed

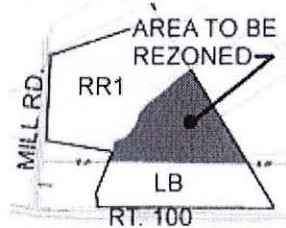
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NEW

BUSINESS

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, December 20, 2005 – 7:00 p.m.**

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of November 15, 2005
- D. Consent Calendar / De minimus Change Approvals:
- E. Hearings and Presentations
 - 1. **Public Hearing – Preliminary Plan Review - Major 6-lot Subdivision , R & N - 52 Foreside Road**, Tax Assessor Map U02, Lot 5, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., representative, R & N Enterprises, LLC, % Drummond & Drummond, LLP, One Monument Way, Portland, ME, applicant, Sally C. Fowler, Trustee, owner.
 - 2. **Sketch Plan – Castle Rock Business Park - Proposed 12-lot major subdivision, 11 commercial lots and 1 residential lot on Route 100**; Tax Assessor Map R07C, Lot 1A, in the Local Business & Rural Residential 1 districts; Jeff Amos, Terradyne Consultants, Representative, Elvin Copp, Owner.
 - 3. **Public Hearing – Recommendation to Town Council – Zone change to extend the Local Business District at Route 100 as shown on map below**, Tax Assessor Map R07C, Lot 1A for the proposed Castle Rock Business Park; Elvin Copp, Owner.



- 4. **Public Hearing – Preliminary Plan Review – Autumn Ridge a Major 12-lot clustered subdivision at 174 Orchard Road; a portion of Tax Assessor Map R08, Lot 42, in the Rural Residential 2 district**; Gail S. Woolley, P.E., of SYTDesign Consultants, Representative; Burton Associates, Owner.
- F. Administrative Matters
 - G. Adjournment

Cumberland County 4-H Swiners



PRESENTED TO

TOWN OF CUMBERLAND

IN APPRECIATION
FOR THEIR CONTRIBUTIONS TO 4-H AND THE
CUMBERLAND COUNTY 4-H SWINERS CLUB 2005

December 7, 2005

Emm Cooper

President



**People's Regional
Opportunity Program**

510 Cumberland Avenue
Portland, Maine 04101
(800) 698-4959
or (207) 874-1140
fax (207) 874-1155
tty (207) 874-1013
www.propeople.org

PROPFAMILY

PROPHOME

PROPSENIORS

PROPYOUTH

PROPCOMMUNITY

23 November 2005

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

Dear Bill:

As a supporter of PROP, your donation is making a real impact on your neighbors throughout Cumberland County and the state of Maine. Here are just a few highlights of efforts you have helped fund:

- **PROP** is providing administrative support for the governor's emergency statewide Keep ME Warm Fund to help our neighbors in need heat their homes this winter. The fund was conceived by a coalition of parties including all eleven Community Action agencies across the state, other service providers, and representatives of fuel and energy companies.
- **PROP's Parkside Neighborhood Center** is a significant presence in the area hosting a number of programs including 3 regular Portland Adult Education classes; a Head Start program; an intergenerational arts program; and a monthly multicultural Supper Club.
- **PROP's Maine Youth Action Network** held the 22nd Peer Leadership Conference in Bar Harbor last month, connecting over 300 youth who participated in workshops on topics including nutrition, substance abuse, mental health, and organizing for change.
- **PROP's Program Directors** are working with Partners in Ending Hunger to assess hunger and food insecurity in Cumberland County and to lay the groundwork for a grassroots response to those needs.
- **PROP** is also participating in the Greater Portland Tax Assistance Coalition's free tax return preparation program, with an emphasis on the Earned Income Tax Credit (EITC) and asset building opportunities for low-income households.

As we celebrate our 40 years of service to the people and communities of Cumberland County, your ongoing support has been an important source of encouragement. Thank you again for your commitment to our vision of a society free of poverty and full of hope!

Sincerely,

Grant R. Lee
Executive Director

CUMBERLAND FIRE DEPARTMENT

2005 RUN STATISTICS AS OF OCTOBER 31, 2005

LEGEND- LYT = Last Year Total
YTD = Year to Date

LYTD = Last Year to Date
TFCM = Total for Current Month

NUMBER OF RUNS ASSIGNED PER COMPANY

| | | LYT | LYTD | YTD | TFCM |
|------------|---|------|------|-----|------|
| Engine 1 | = | 137 | 118 | 118 | 016 |
| Engine 2 | = | 107 | 087 | 068 | 005 |
| Engine 3 | = | 143 | 120 | 115 | 014 |
| Engine 4 | = | 025 | 021 | 022 | 002 |
| Engine 5 | = | 119 | 100 | 085 | 008 |
| Engine 6 | = | 009 | 009 | 010 | 000 |
| Engine 8 | = | 013 | 012 | 023 | 003 |
| Engine 9 | = | 009 | 009 | 011 | 001 |
| Engine 17 | = | 011 | 011 | 013 | 002 |
| Forestry 2 | = | 008 | 008 | 007 | 002 |
| Ladder 7 | = | 137 | 115 | 120 | 015 |
| Marine 1 | = | 000 | 000 | 000 | 000 |
| Squad 1 | = | 236 | 193 | 183 | 022 |
| Tank 1 | = | 009 | 009 | 010 | 000 |
| FF/EMT | = | 080 | 069 | 077 | 004 |
| FD/PD | = | 074 | 059 | 045 | 006 |
| SERV1 | = | ---- | ---- | 005 | 000 |

TYPE OF INCIDENTS REPORTED

| | | LYT | LYTD | YTD | TFCM |
|-------------------------------|----------|------------|------------|------------|------------|
| Structure Fire/Smoke in bldg. | = | 034 | 029 | 023 | 001 |
| Chimney Fire | = | 005 | 005 | 001 | 000 |
| Motor Vehicle Crash | = | 042 | 032 | 027 | 003 |
| Vehicle Fire | = | 010 | 008 | 012 | 001 |
| Mutual Aid | = | 080 | 067 | 052 | 001 |
| RIT | = | 059 | 047 | 054 | 007 |
| Fire Alarm Activation | = | 055 | 048 | 044 | 004 |
| Flammable Liquid Spills | = | 006 | 006 | 006 | 002 |
| Grass/Brush/Woods Fire | = | 042 | 039 | 035 | 003 |
| Water Rescue | = | 001 | 001 | 002 | 000 |
| EMS | = | 068 | 060 | 076 | 005 |
| Carbon Monoxide | = | 009 | 007 | 009 | 002 |
| Water Problem | = | 009 | 009 | 024 | 005 |
| Outside Electrical Problem | = | 020 | 012 | 029 | 003 |
| Public Assistance | = | 022 | 015 | 027 | 006 |
| LP Gas Problem | = | 005 | 004 | 002 | 001 |
| Interior Electrical Problem | = | 005 | 005 | 001 | 001 |
| Station Staffing | = | 000 | 000 | 011 | 000 |
| Outside Event Coverage | = | 036 | 034 | 023 | 000 |
| Other | = | 007 | 006 | 002 | 000 |
| TOTALS | = | 515 | 434 | 460 | 045 |

By David W. Powers, NREMT-P, BCETS, AHS



Firefighters have a job to do. So do paramedics. The jobs are not the same and efforts to force them together will not only affect patient care but also deepen the acrimony between the two career fields.

The Redheaded Stepchild: Does EMS Belong in the Fire Service?

Welcome to my third installment in a series of guest editorials. My goal for these articles is to shake up and change the EMS establishment for the better. To do this, I need your help. Here's one way you can participate: Drop me a line and let me know how you would change EMS as a career field. No area is sacred and all your ideas and opinions count. You can reach me at Docbeaker@aol.com. Put "Solutions for the Future" in the subject line.

The topic of fire-based EMS may very well be the civil war of the EMS industry. Those with opinions on the matter are usually highly charged in one direction or the other. To avoid any misunderstandings, I'll state mine right off the bat: I don't believe EMS belongs in the fire service. Now that you're either mad or happy, depending on your point of view, read on to see why you'll love me or hate me.

EMS Is a Healthcare Career, Not a Fire Department Career

In case someone forgot the "M" in EMS, it stands for medical. EMTs and paramedics are technically classified as allied health professionals, which is a whole different field of endeavor than firefighting. Our true brethren are respiratory therapists, nurses, physicians' assistants and the like. This means we operate in conjunction with other healthcare agencies, be they doctors' offices, clinics, hospitals or health departments.

The fire department is not a healthcare agency. It is a protection agency, no more dedicated to actual healthcare than a police department. Just because we work with fire departments on a daily basis in no way establishes ownership of EMS by fire or changes their job to healthcare.

Since we are part of the healthcare team, and patient care and transportation are our primary objectives, why be stationed at firehouses? Ambulances should be stationed near hospitals or medical offices in order to maximize downtime and resources. Why not go one step further and station some ambulances at wellness centers or health departments in order to help provide public healthcare programs such as immunizations?

The end result of taking EMS away from the healthcare team is that patient care suffers.

EMS Is the Medical Leg of Public Safety

No matter what unions, national groups or fire service lobbyists say, public safety is made up of three legs, not two. The triad of public safety consists of police, fire and guess what: EMS. In recent years, mergers, takeovers and acquisitions of EMS services by fire departments have blurred the lines. Many areas only have police and fire. Some only have a single public safety department.

Usually when EMS agencies are absorbed, they simply disappear. Police are left untouched. Fire is untouched. But suddenly paramedics must become firefighter-paramedics and EMS is relegated to a necessary evil by many career firefighters. Many agencies no longer employ strict full-time paramedics.

In many agencies, paramedicine is often seen only as a notch in the advancement of a career firefighter. Think about it, readers: How many administrative or white-collar personnel do you know who made it in a fire-EMS system without requisite fire training? I don't know of any, but I can tell you that a paramedic patch sure looks good on the chief's uniform. If any readers know of fire personnel who manage the EMS sections, but aren't paramedics, please write in and let me know.

When EMS disappears from the public safety triad, the job role of a career paramedic disappears. In a fire system, there is simply no room for a veteran paramedic to advance in pay or promotion, unless he chooses to be a firefighter as well. How does that help patients?

By removing EMS from the public safety triad, patient care suffers.

EMS Is a Science and an Art

Ever heard the old saying, "jack of all trades and master of none"? Back when I was in paramedic school, a preceptor once advised me that I should concentrate on my primary job, prehospital medicine, and never more than one or two specialties. At that time I was interested in everything—rope rescue, search and rescue, hazmat—you name it, I wanted to join the team. While there are some da Vincis out there who are masters at everything, most people can never master one job, let alone several.

Very few people ever truly master the sciences of fire or EMS in the course of an entire career. Being a master firefighter takes years of experience and also years of education. It's the same with being a paramedic. Both services need to develop their masters. I believe that even in joint fire-EMS agencies, we can and should still have a separation of jobs. We should allow the best firefighters to become master firefighters and not force them into EMT school if they don't want that. By the same token, we should allow the best medics to achieve mastery as medics, rather than forcing them into firefighting.

When EMS becomes an added duty instead of its own art and science, patient care suffers.

EMS Is Not the Exclusive Property of the Fire Department

It's not hard to see why all this is happening. Due to the resounding success of their fire-prevention efforts, fire departments are handling fewer and fewer fire calls. Fewer calls means the normal budget will shrink, because the money isn't needed. Meanwhile, EMS calls are increasing and so are their budgets. In order to grow their budgets, fire departments have started running medical calls with an engine, a ladder and two quick response vehicles. This justifies a little more money, but the FD has an even larger goal in mind.

On top of the standing budget of EMS, ambulances are somewhat self-supporting. We bill for transport and therefore provide some of our own money in addition to our outside funding. More money for the fire department.

Fire departments then portray EMS as a system in poor straits, with no leadership, poor response times and shoddy care. Then, the fire department can step in to save the day and absorb EMS, budget and all.

In order to support their idea that only fire can save EMS, many fire agencies claim natural ownership. The truth is that while some EMS services were born from fire agencies, the fire service was not the originator of prehospital medicine. We can credit the military with that. Tradition holds that the first ambulance belonged to Napoleon's army.

In modern history, most of the first units were operated out of funeral homes or hospitals, while the military was operating field ambulances, medevac choppers and field medics—all without the help of the fire department. While I'm not suggesting that EMS should belong to the military, it's important to establish that it does not belong to fire either. Present-day EMS has clearly evolved from both systems, but we are at a point now where we need to be on our own to continue that evolution.

As long as EMS is treated as second-class, patient care will suffer.

The Fire Department Needs a Medical Component

Don't get me wrong, firefighters do a great job fulfilling their primary missions: preventing and extinguishing fires. They already help protect lives and property. They do not need to own EMS to do this job.

Fire departments do need medical support, however, to enable them to do their jobs more effectively. Besides their own risk for injury, they frequently encounter sick or injured people prior to EMS arrival. It behooves them, then, to have some of their personnel trained to the basic EMT level. By carrying a first responder bag and an AED, an EMT can hold down the fort until ambulances arrive

with advanced life support.

By fire departments providing basic medical care until EMS can take over, patient care will get better.

Conclusion

Firefighters have a job to do. So do paramedics. The jobs are not the same and efforts to force them together will not only affect patient care but also deepen the acrimony between the two career fields.

For patient care and public safety to be a success, the best system is a public safety triad in which police, fire and EMS work and even train together, but have careers specific to their professions. I'm sure there are a few fire-based EMS systems that work well, but we need to consider the bigger picture. From a paramedic's perspective, that means increasing the professionalism of EMS, increasing career options within EMS, and most of all, increasing the chances my patients will live another day. Helping firefighters get promoted or pad their department budgets is not part of it. For EMS to advance and progress, we need to step away from the shadow of groups or agencies that would freeloader off our budgets and impede our progress.

If you're an EMT or paramedic in a fire-based system that respects EMS, I'd love to hear about it. Drop me a line or better yet, invite me on a ride-along where I can speak with other medics. Maybe you'll change my mind about the fire service. ■

David W. Powers, NREMT-P, BCETS, AHS, lives in a county where EMS is run by the fire department. He owns the Emergency Response Corps and several other businesses in Surfside Beach, SC, and serves as the assistant chief of administration at the Surfside Beach Rescue Squad. He is the author of several books and writes frequently for EMS Magazine. David can be reached at Docbreaker@aol.com.

PRACTICAL TECHNIQUES FOR VOLUNTEER RECRUITMENT from page 105

positive, not desperate. Remember that an element of volunteer recruitment is unquestionably linked to the overall issue of community support. People will typically not seek to join organizations they believe "stand on shaky legs" or have a poor reputation.

In the Real World

The techniques mentioned here are not merely theoretical—they are practical, as well. The Teaneck Volunteer Ambulance Corps (TVAC), an all-volunteer, BLS-level third-service EMS provider in the suburban township of Teaneck (population 40,000) located in Bergen County, NJ, has effectively used all of the aforementioned recruitment strategies. While some services in the area have transitioned to using paid personnel, or have been taken over by local hospital-based services or municipal fire departments, TVAC has not. In a testament to the efficacy of the techniques mentioned in this article, TVAC covers over 98% of its annual 3,400 emergency assignments, utilizing mutual aid units less than 2% of the time. TVAC takes in an average of 22 new members each year; approximately 70% of those graduate from probationary member to regular member. When

the recruiting system outlined above replaced the membership committee in 1986, TVAC went from approximately 35 members to over 100 members in about a year and a half.

Conclusion

Effective recruitment is the lifeblood of volunteer EMS agencies. Recruiting new members, as well as retaining current members, is a year-round process. Implementation of the suggested techniques doesn't require an advanced degree; it requires an understanding of your organization's needs and the ability to attract new blood. Make a plan so that volunteer recruiting is an everyday, ingrained, semiautomatic process that will go on for the lifetime of the agency—preventing, instead of repairing, staffing shortages.

The challenge is for services to plan, sell and close the deal quickly when it comes to recruiting new members, while working to keep the current valuable volunteers, who can often be taken for granted. Supporting these members once they are in the door is just as vitally important.

Many people in EMS are convinced that the days of volunteer EMS are coming to a close in the U.S. This prophecy will come

true if volunteer EMS agencies continue to follow the "we have always done it like this" route instead of concentrating on the true issues. Services must invest more time in planning for the future. ■

Recommended Reading

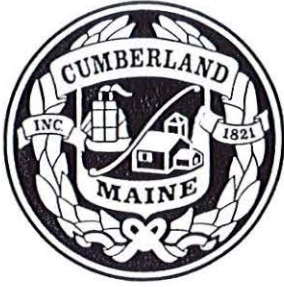
□ *Emergency Medical Services (EMS) Recruitment and Retention Manual*. FEMA/USFA. Published October 1995. Available at www.usfa.fema.gov/applications/publications.

□ *EMS Agency Management Series: EMS Strategic Planning*. Virginia Office of Emergency Medical Service. Published June 2001. Available at www.vdh.state.va.us/oems/Files_page/OEMS_general/Stategic%20Planning.pdf.

□ *Recruiting and Retaining EMS Volunteers Handbook*. Published by Rural Health Resources. Available at www.ruralhealthresources.com.

Raphael M. Barishansky, MPH, EMT-B, is executive director of the Hudson Valley Regional EMS Council in Newburgh, NY, and an active life member of the Teaneck Volunteer Ambulance Corps in Teaneck, NJ. A frequent contributor to and editorial advisory board member of EMS Magazine, he can be reached at rbarishansky@onebox.com.

Larry J. Robertson, BA, EMT-B, is a private consultant primarily dealing with emergency communications devices. He is also past president, an active life member and PIO for the Teaneck Volunteer Ambulance Corps, in Teaneck, NJ.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 6, 2005

Mr. Tollef Olson
Aqua Farms, LLC.
188 Presumpscot Street
Portland, ME 04103

MAILED

12/7/05

Dear Mr. Olson:

I have received your letter dated December 2, 2005. Your letter indicated that our Town Clerk stated to you there was "no mention on any published agenda of this matter." Ms. Daniels has clarified to me that your inquiry was specific in that you explicitly questioned whether an anticipated vote by the council regarding the DMR hearing was advertised. Ms. Daniels elucidated that while there was no specific advertisement of an anticipated town council vote in response to the report, the official November 28, 2005 agenda did contain item #05-190 "to hear a report from the Town Manager re: DMR Aquaculture Lease Application scheduled for public hearing on Chebeague Island, December 1, 2005." Agenda item #05-190 did not require advertisement in and of itself.

The Town Clerk also informed you that the town council meeting date and time was advertised in the Community Leader on November 23rd, and the agenda distributed to ten locations within the community. The agenda was also posted on the town's web site prior to the meeting date.

Upon receipt of my report at the November 28, 2005 council meeting, the town council voted to authorize me to attend the hearing in opposition of your application. Your aquaculture lease application is before the state; there is no matter before the Town Council related to your lease application which requires tabling. Please do not hesitate to contact me if you need further information.

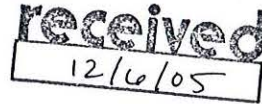
Sincerely,

William R. Shane
Town Manager

Cc: Town Council and DMR

December 2, 2005

William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04210



Dear Mr. Shane,

This letter is written in response to the vote at the last Cumberland Town Council meeting to oppose Aqua Farms, LLC's application for an aquaculture lease in the vicinity of Hope Island. As you recommended I called Nadine Daniels today to ask where the public notices were published and what agenda they contained. She responded there was no mention on any published agenda of this matter. The lack of public or personal notification gave me no chance to state my position before the council. I request this matter be tabled at the next Town Council meeting pending the outcome of the Maine Department of Marine Resource's Findings of Fact and Conclusions of Law on the proposed lease.

Respectfully,

A handwritten signature in black ink, appearing to be "Tollef Olson", with a long horizontal stroke extending to the right.

Tollef Olson
Senior Member
Aqua Farms, LLC.
188 Presumpscot Street
Portland, Maine 04103
Telephone 1-207-671-7946
e-mail aqua farms@maine.rr.com

cc: Jeff Porter, 37 Crossing Brook Road, Cumberland, Maine, 04210

Steven Moriaty, 34 Blanchard Road, Cumberland, Maine, 04210

Bill Stiles, 226 Range Road, Cumberland, Maine, 04210

Donna Damon, Fenderson Road, Chebeague Island, Maine, 04210

Mark Kuntz, 66 Blackstrap Road, Cumberland, Maine, 04210

George Turner, 4 Carriage Road, Cumberland Foreside, Maine, 04210

Harland Storey, 45 Middle Road, Cumberland, Maine, 04210

Mary Costigan, Maine Department of Marine Resources
PO Box 8, West Boothbay Harbor, Maine, 04575

received
11/29/05

Judith Wohl, Esq.
120 Range Road
Cumberland, ME 04021
(207)829-6867
jwohl2@verizon.net
November 26, 2005

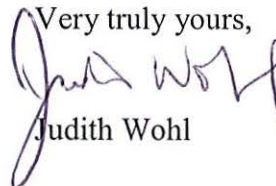
Nadeen Daniels
Town Clerk
Cumberland Town Office
290 Tuttle Road
Cumberland, ME 04021

RE: Town Council Meeting to Discuss Extension of Water Mains

Dear Nadeen:

Please advise the members of Town Council that I object to any meeting taking place on December 26, 2005 regarding extension of water mains. December 26th is Chanukah, which is a Jewish holiday, which I and other residents in this town observe. It would be highly insensitive to schedule an important meeting on a religious holiday. Moreover, it is the day after Christmas, and many people are busy with out of town guests or out of town themselves. I understand also that a date shortly after January 1, 2006 is also being considered. I object to a meeting being held on any date in the first week of January, because so many people, including me, will be out of town. The meeting should be scheduled at a time that maximizes potential community taxpayer input.

Thank you.

Very truly yours,

Judith Wohl

NOTICE TOWN COUNCIL MEETING Monday, December 12, 2005

The Cumberland Town Council will hold its Regular Meeting at 7:00 p.m., in Town Council Chambers, on Monday, December 12, 2005. Public hearing items will include, but are not limited to the following:

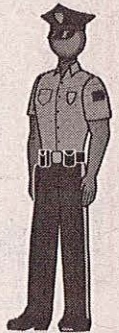
- Amendment to Sections 204, 205, 418 and 423 of the Cumberland Zoning Ordinance; West Branch Road acceptance. Future public hearing dates will be set for the following items: Request re: proposal for Contract Zone Request for Senior Condominium Units; Re-licensing of the Greely High Pool; Issue Municipal Warrant for prosecuting unlicensed dog owners/keepers; Renewal of liquor licenses for Chebeague Island Inn and Val Halla Banquet & Recreation Center; 2006 Shellfish Allocations.

An opportunity for public comment will be provided, and a complete agenda may be found on the town's web site at www.cumberlandmaine.com. The regular meeting will be followed by an Executive Session, pursuant to 1 M.R.S.A., Section 405(6)(C), re: real estate disposition and M.R.S.A., Section 405(6)(A) re: personnel.

PUBLIC INVITED CUMBERLAND POLICE DEPARTMENT CEREMONY



The public is invited to attend a Swearing In Ceremony in the Cumberland Town Council Chambers, Town Hall, 290 Tuttle Road, on Monday, December 12, 2005, at 6:00 p.m. The Town Clerk will perform the oath of office for newly appointed Officers Francis Demers, Antonio Ridge and Peter Volk, as well as an oath of office for Cumberland's newest Sergeants Thomas Burgess, Milton Calder and Bradley Rogers. Please join us for this momentous occasion and meet our newest officers and ranking supervisors. Refreshments will be served.



PUBLIC HEARING NOTICE CUMBERLAND TOWN COUNCIL Monday, December 12, 2005

The Cumberland Town Council will hold a public hearing at 7:00 p.m. during its regular meeting of Monday, December 12, 2005 regarding the following Zoning Ordinance Amendments:

- (a) Section 205.1 – Lot Frontage - a lot in existence on August 23, 2005 meeting certain zoning requirements has to only provide the required front setback on one side of the lot;
- (b) Section 204.1.1.2 – Special Exception uses – addition of Outdoor Recreational Facility, subject to Site Plan Review;
- (c) Removal of Section 418, and
- (d) language added to Section 423 – Piers, Docks, Wharves, Bridges and Other Structures – related to floats. The ordinance amendments are on file in the Planning office, Town Hall, and available for inspection during regular business hours.