

# **AGENDA**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, August 23, 2010**

**7:00 p.m. Call to Order**

**I. APPROVAL OF MINUTES**

August 9, 2010

**II. MANAGER'S REPORT**

Project Update:

- Route 88

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

- 10 – 118 To hold a Public Hearing to consider and act on amending the Fees & Fines Ordinance to add a fee for staff review of site plans at \$250.00 per plan.
- 10 – 119 To hold a Public Hearing to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.
- 10 – 120 To authorize the Town Manager to enter into a Lease/Purchase Agreement with Gorham Leasing for a 2011 International 7400 Series Plow Truck.
- 10 – 121 To set a Public Hearing date (September 13<sup>th</sup>) to consider and act on a permit request by the Greeley Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

**V. NEW BUSINESS**

**VI. ADJOURNMENT**

**VII. WORKSHOP: re: Budget FY'12 goals and policies.**

# MOTIONS

# MOTIONS

- 10 – 118 I move to amend** the Fees & Fines Ordinance to add a fee for staff review of site plans at \$250.00 per plan.
- 10 – 119 I move to approve** the Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.
- 10 – 120 It is Ordered** that pursuant to Article II, Section 3(k) of the Council/Manager Charter of the Town of Cumberland, the Town Council hereby authorizes the Town Manager to enter into a certain Lease/Purchase Agreement dated July 22, 2010 with Gorham Savings Leasing Group, LLC in regard to the lease-purchase of a 2011 International 7400 Series Plow Truck for a total cost of \$163,740.00.
- 10 – 121 I move to set** a Public Hearing date of September 13<sup>th</sup> to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

# MINUTES

## 08/09/10



# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, August 9, 2010**

## 7:00 p.m. Call to Order

Present: Chairman Storey-King, Councilors Turner, Copp, Porter, Perfetti, Stiles and Moriarty

### I. APPROVAL OF MINUTES

July 26, 2010

Motion by Councilor Stiles, seconded by Councilor Moriarty, to approve the minutes as presented.

VOTE: 7-0                      UNANIMOUS PASSAGE

### II. MANAGER'S REPORT

Project Updates:

#### ▪ **Route 88 – Sea Cove**

The work on Sea Cove Road is going very well. The outfall is complete and work is heading up the street. All the side streets on Route 88 will have their final paving completed this year. The base paving and crack sealing will take place on 88 this year, allowing it to season through a frost cycle. Final pavement and any final drainage repairs will happen next June. Shoulder work is continuing and everything is on schedule. Major blasting is almost complete. 99% of tree removal is complete.

#### ▪ **Range Road – Final paving Phase I (September)**

As of last Friday, this phase is almost complete. Stripes and binder coat of the roadway are done. Portland Water District is testing the waterline; this should be completed this week. Residents interested in hooking into the water main on Range Road should contact Portland Water District directly.

Final paving from Idlewood to Winn Road should occur around Labor Day.

The water main extension project on Route 100 from Record Lumber's new location to Skillins will begin soon.

In early September, installation of a new water main on Middle Road (from the Yarmouth Town line in about 1,000 feet) will begin. Four homes had contaminated wells due to winter salt operations. The Yarmouth Water District has done us a big favor by working with the PUC in getting us connected. Had we not been able to reach an agreement with Yarmouth, we would have been forced to extend the water main almost one mile, which would have been much more costly.

### III. PUBLIC DISCUSSION

### IV. LEGISLATION AND POLICY

**10 – 109 To hold a Public Hearing to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.**

Tax Assessor, William Healey recommended a tax rate of \$15.30 per \$1,000. Mr. Healey explained that typically new construction and lot splits, which has been slow for the past couple of years, helps to

offset the tax rate. In a good year, we would pick up 15-16 million in new value. Over the past couple of years, we have been fortunate to get between 6-8 million in new value.

Councilor Stiles asked Mr. Healey what the increase is comparison to last year.

Mr. Healey said it equals an increase of .75 cents per 1,000.

Motion by Councilor Porter, seconded by Councilor Perfetti, to set the municipal tax rate for FY'11 at \$15.30.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 110    To hold a Public Hearing to appoint Tamara O'Donnell as Town Clerk, Election Warden and Registrar of Voters.**

Town Manager Shane explained that the Town Charter requires that the initial appointment of all department heads be confirmed by the Town Council. It is with great pleasure that he recommend Tammy O'Donnell be appointed Town Clerk, Election Warden and Registrar of Voters. Tammy has been with the town for ten years, has been Deputy Town Clerk for several years, and is doing a fantastic job in that role. She has also been the President of the Cumberland County Municipal Clerks Association. Tammy resides in Cumberland with her husband Doug and they have three adult children.

Motion by Councilor Perfetti, seconded by Councilor Turner, to appoint Tamara O'Donnell to the following offices, effective Thursday, August 19, 2010:

- Town Clerk, pursuant to the Cumberland Town Charter and MRSA 21-A §505;
- Election Warden, pursuant to MRSA 21-A §501; and
- Registrar of Voters, pursuant to MRSA 21-A §101, with said term to expire on December 31, 2010.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 111    To hold a Public Hearing to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.**

Town Manager Shane said that based on Maine Municipal Association's recommendation of an interest rate of 7% for delinquent taxes, and 3.5% for overpayment of taxes, it is staff recommendation to follow these guidelines as has been done in the past.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set an interest rate of 7% for delinquent real and personal property taxes for the fiscal year 2010-2011, and set a rate of 3.5% for overpayment of real and personal property taxes.

Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest unpaid taxes.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 112    To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 139<sup>th</sup> Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.**



Town Manager Shane explained that staff is recommending approval and all documentation is in order. The Farmers Club does a great job and the Town has a great working relationship with them.

Motion by Councilor Copp, seconded by Councilor Perfetti, to approve the Mass Gathering Permit, Victualer's Licenses, and Special Off-Premise Catering Permit, for the 139<sup>th</sup> Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 113    To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.**

Town Manager Shane explained that staff is recommending approval and the application is complete. The first event was a success and the Town is excited that they have decided to come back.

Motion by Councilor Turner, seconded by Councilor Moriarty, to approve the Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 114    To hold a Public Hearing to consider and act on setting October 18<sup>th</sup> – 22<sup>nd</sup> as Bulky Waste Pick-Up Week.**

Motion by Councilor Copp, seconded by Councilor Stiles, to set October 18<sup>th</sup> – 22<sup>nd</sup> as Bulky Waste Pick-Up Week.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 115    To set a Public Hearing date (August 23<sup>rd</sup>) to consider and act on setting a fee for staff review of site plans at \$250.00 per plan.**

Town Manager Shane explained that this is the site plan staff review that was forward from the Planning Board with their support. The Town Planner and staff review development team will now review many of the smaller site plan applications in-house, streamlining the process for the applicant. The site plan review has been approved, but a fee was not set at that time.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of August 23<sup>rd</sup> to consider and act on setting a fee for staff review of site plans at \$250.00 per plan.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 116    To set a Public Hearing date (August 23<sup>rd</sup>) to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.**

Councilor Moriarty asked if this was a new, year round restaurant.

Ms. O'Donnell explained that it is not, they are simply requesting a year round Victualer's License vs. requesting one for each event at the fairgrounds.



Motion by Councilor Moriarty, seconded by Councilor Turner, to set a Public Hearing date of August 23<sup>rd</sup> to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

**10 – 117 To hear a report from the Finance Committee Chair re: FY'10 4<sup>th</sup> quarter financials.**

Councilor Perfetti, Finance Committee Chair, thanked Town Manager Shane and Finance Director, Alex Kimball for taking the time to meet with him to review the financial information. He reviewed the goals of the Council, which are:

- To budget transparently, accurately, and fairly,
- To increase cash reserves to eliminate the need for annual tax anticipation note borrowing,
- To annually review and make policy recommendations regarding all enterprise funds, and
- To grow commercial and residential tax bases.

Councilor Perfetti reviewed the following slides with the Council:

## Fiscal Year 2009-10 Final Budget Report

TOWN OF CUMBERLAND 2009-10 Expenses As of July 28, 2010					
Department	2009-10 Budget	2009-10 YTD Expenses	Percent Used	2008-09 Used	2007-08 Used
General Administration	\$ 1,091,637	\$ 1,120,337	102.6%	100.3%	105.3%
Public Safety	\$ 1,798,658	\$ 1,880,426	104.5%	101.9%	100.6%
Public Works	\$ 1,620,975	\$ 1,607,271	99.2%	103.5%	108.7%
Parks & Recreation	\$ 636,015	\$ 692,633	108.9%	102.6%	111.1%
Library	\$ 372,533	\$ 376,276	101.0%	96.7%	105.7%
Other Expenses	\$ 348,150	\$ 361,985	104.0%	99.6%	111.7%
Controllable Expense Total	\$ 5,867,968	\$ 6,038,929	102.9%	101.7%	105.5%
MSAD & Other Expense Total	\$ 13,076,900	\$ 13,043,876	99.7%	100.2%	100.3%
All Expenses Total	\$ 18,944,868	\$ 19,082,804	100.7%	100.7%	102.1%
Expense Comparison	Budget	Actual	Percent	Overage	
FY 2009-10	\$ 18,944,868	\$ 19,082,804	100.73%	\$ 137,936	
FY 2008-09	\$ 18,348,840	\$ 18,478,284	100.71%	\$ 129,444	
FY 2007-08	\$ 18,891,217	\$ 19,333,933	102.34%	\$ 442,716	

## FY 09-10 General Fund Revenues

Description	Budget	Actual	Percent Collected	Over/ Under
Misc Revenues	\$ 2,548,077	\$ 2,460,272	103.7%	\$ 93,195
Dept Revenues	\$ 1,124,464	\$ 1,119,843	99.6%	\$ (4,621)
<b>Total Revenues</b>	<b>\$ 3,672,541</b>	<b>\$ 3,762,073</b>	<b>102.4%</b>	<b>\$ 89,532</b>

Selected Revenue Lines	Budget	Actual	Percent
Excise Tax	\$ 1,298,000	\$ 1,354,129	104%
Building Permits	\$ 35,000	\$ 38,492	110%
State Revenue Sharing	\$ 650,000	\$ 566,153	87%
Trash Bags	\$ 245,000	\$ 224,140	91%
Summer Rec	\$ 187,000	\$ 183,741	98%
Rescue Billing	\$ 150,000	\$ 147,096	98%

## General Fund Overall Budget vs. Actual

	Budget	Actual	Percent	Over/Short
<b>Revenues</b>				
Property Tax Revenues	\$ 15,759,205	\$ 15,762,893	100.0%	\$ 3,688
Non-Prop Revenues	\$ 3,672,541	\$ 3,762,073	102.4%	\$ 89,532
<b>Total Revenues</b>	<b>\$ 19,431,746</b>	<b>\$ 19,524,966</b>	<b>100.5%</b>	<b>\$ 93,220</b>
<b>Expenses</b>				
Controllable Expenses	\$ 5,867,968	\$ 6,038,929	102.9%	\$ 170,961
MSAD & Other Expenses	\$ 13,076,900	\$ 13,043,876	99.7%	\$ (33,024)
<b>Total Expenses</b>	<b>\$ 18,944,868</b>	<b>\$ 19,082,804</b>	<b>100.7%</b>	<b>\$ 137,936</b>
<b>Net Budget Overage</b>			<b>0.2%</b>	<b>\$ (44,717)</b>



### Property Tax Collections through 6/30

	2006-07	2007-08	2008-09	2009-10
Tax Commitment	\$ 17,152,987	\$ 15,762,627	\$ 15,901,519	\$ 16,612,279
Taxes Collected	\$ 16,916,276	\$ 15,467,859	\$ 15,588,250	\$ 16,340,683
Percent Collected	98.62%	98.13%	98.03%	98.37%
% Difference		-0.49%	-0.10%	0.34%
\$\$ Difference		\$ (77,244)	\$ (15,904)	\$ 55,675

Councilor Perfetti made a recommendation to the Town Manager and Council Chair that the Council meet in workshop, before the budget process begins, to discuss budgeting goals and policies.

Councilor Porter said that he felt this is a good idea, but it may be challenging due to not knowing what the issues with the next budget are going to be as early as fall.

### V. NEW BUSINESS

**Councilor Turner** – Wants to congratulate the bicycle group that he encountered on Tuttle Road this evening for the courtesy of riding single file in the bike lane.

**Councilor Copp** - Rode the length of Range Road last week. He was amazed that the rural character of the road was preserved, with much better sight lines, larger ditches and walking lane than before. A.H. Grover did an excellent job.

**Councilor Porter** – None

**Councilor Perfetti** – None

**Chairman Storey-King** – Received a call from a resident who wanted to complain about the cost of trash bags.

Nancy Heyner requested the following be read: *I wish Nadeen the best of luck in whatever road she takes upon her retirement from the Town of Cumberland. It has been a pleasure to work with Nadeen. She has always been professional, informative, caring, and with the utmost integrity a person can have. I will miss her in her role as the best Town Clerk EVER, as most everyone will. Good Luck Nadeen!! And Tammy, congratulations on your new job!! I know you will be great at your job, because you could not have possibly had a better mentor than Nadeen Daniels. Best Regards, Nancy Heyner*

State Circuit Breaker flyers have been mailed. In order to be eligible for our local Senior Circuit Breaker Refund Program, you have had to file and receive a refund from the state program. Be sure to fill out the state application and return it.

Thanked the Council and Town employees for the beautiful flowers and get-well wishes after her recent heart surgery.



**Councilor Stiles** – A.H. Grover has done a fantastic job on Range Road. Encouraged residents to take a (35 mph or less) drive down the road. He agreed with Councilor Copp, that the road has lost very little of its ambiance. It was a pleasure to watch the A.H. Grover crew work.

**Councilor Moriarty** – None

**Town Manager Shane** - None

**VI. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 8:02 p.m.

Respectfully submitted by:

*Brenda L. Moore*

Brenda L. Moore  
Executive Assistant

# MANAGER'S REPORT

# ITEM 10-118

To hold a Public Hearing to consider and act on amending the  
Fees & Fines Ordinance to add a fee for staff review of site plans  
at \$250.00 per plan.



# M E M O R A N D U M

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

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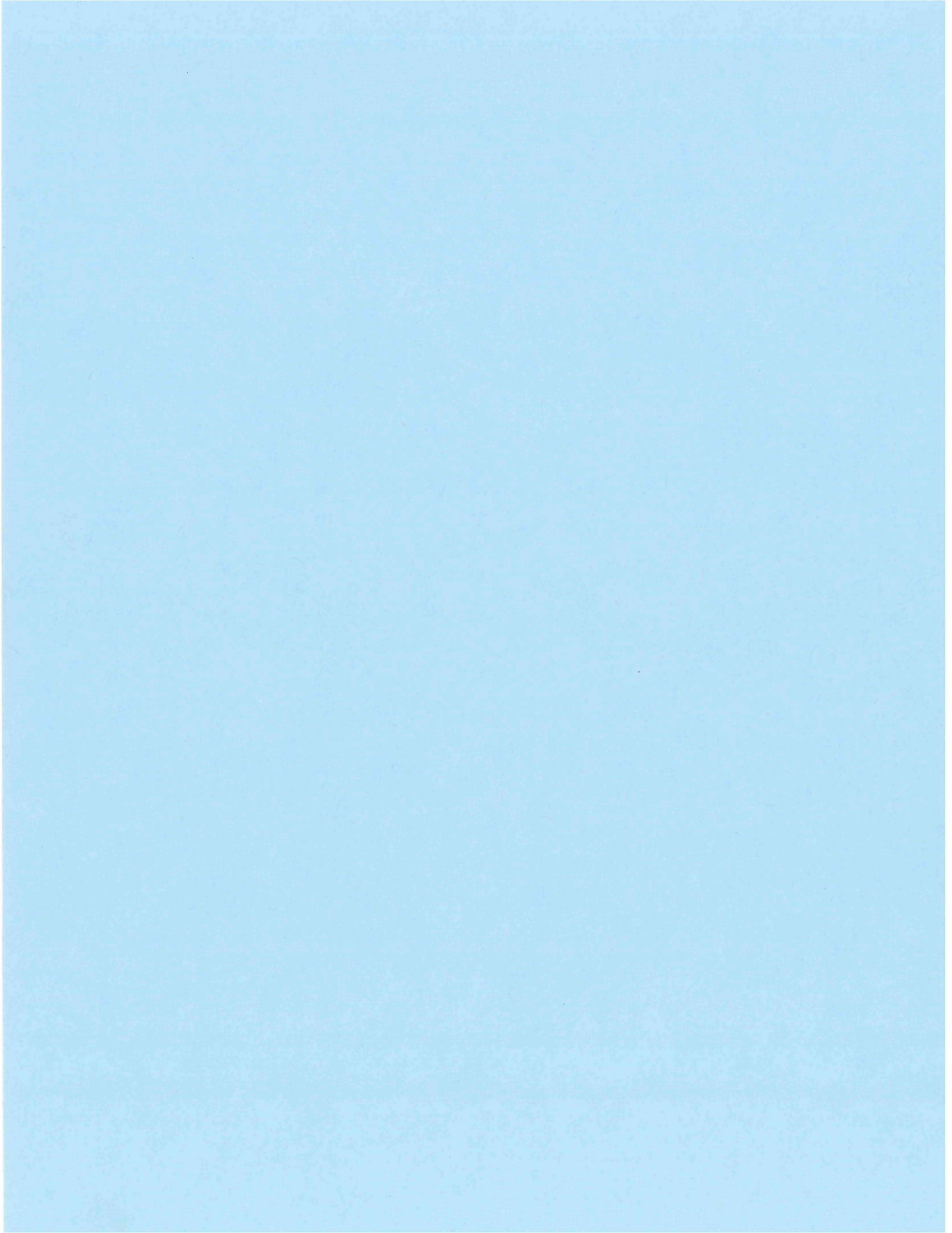
Date: August 3, 2010  
To: William Shane, Town Manager  
From: Carla Nixon, Planning Director  
Subject: Amendment to Fee Ordinance for Staff Review Fee

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As you know, the Council recently approved a staff review process for small site plans. In meeting with our first applicant, I realized we did not set a fee for this. After looking at what we charge for minor site plan review (\$450) and calculating the cost of noticing abutters and staff time, I am proposing we set a flat fee of \$250 with the optional collection of a consulting escrow of \$500 that would be used should there be a need to have an outside consultant review the plan for such things as entrance design, septic design, etc.

Please let me know if I can provide any additional information.







# FEES & FINES ORDINANCE

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## **Alarm Systems**

Application Fee	\$ 50.00
Annual Registration Fee	\$ 25.00

### Non-emergency Fire and Police False Alarm Penalties:

	<u>Fire</u>	<u>Police</u>
3 <sup>rd</sup> Response	\$ 75.00	\$ 25.00
4 <sup>th</sup> Response	\$ 100.00	\$ 50.00

Each subsequent response shall be \$ 25.00 plus the amount of the previous response penalty

Late fee for failure to pay non-emergency false alarm penalties \$ 5.00 per day

## **All Terrain Vehicles**

### Violation Fines:

First Offense	\$ 100.00
Second and each subsequent offense	\$ 150.00

## **Board of Appeals**

*[adopted 4/11/05]*

Application and Notice Fee	\$ 100.00
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**Building Permits***[adopted 4/11/05]*

Residential – Minimum Fee	\$ 50.00
New Construction	
Finished Areas	\$ .25 / sq. ft.
Unfinished Areas	\$ .10 / sq. ft.
(*Note: Including all floor levels from the lowest floor to the highest floor level)	
Renovation and Alteration	\$ 10.00 / \$1,000
(Include written cost estimate)	
Commercial – Minimum Fee	\$ 100.00
New Construction	
Finished Areas	\$ .30 / sq. ft.
Unfinished Areas	\$ .10 / sq. ft.
(*Note: Including all floor levels from the lowest floor to the highest floor level)	
Decks and Sheds	\$ 25.00
(Up to 400 sq. ft. then \$ .10 / sq. ft additional)	
Demolition Permits	\$ 25.00
Change of Use	\$ 50.00
(No charge if permit issued)	
Fines for Construction without Permit:	
1 <sup>st</sup> Offense	Double Fee
2 <sup>nd</sup> Offense	Double Fee
3 <sup>rd</sup> & Subsequent Offenses	\$ 2,500.00 Min
*Note: Based on twelve month permit activity for individual, contractor, or company. This includes Building, Plumbing and Electrical permits.	

**Community  
Antenna  
Television  
(CATV)**

Filing Fee	\$ 100.00
DVD Copy of live broadcast public meeting	\$ 10.00

## **Dog Control**

Annual License	
Neutered/Spayed	\$ 6.00
Non-neutered/Non-spayed	\$ 11.00
Late Fee (After February 1 <sup>st</sup> )	\$ 15.00
At Large Fine	
1 <sup>st</sup> Offense	\$ 75.00
2 <sup>nd</sup> Offense	\$ 100.00
3 <sup>rd</sup> Offense	Up to \$ 500.00
Unlicensed Fine	\$ 100.00
Approval for dog release, administration and impounding fee	\$ 25.00

## **Electrical Permits** [adopted 4/11/05]

New Construction / Addition / Renovations (\$25.00 Minimum inspection fee)	\$ .05 / sq. ft.
New Service / Upgrade	\$ 25.00
Swimming Pool	\$ 25.00
Administrative Fee (Required on all permits)	\$ 25.00
*Note: \$ 50.00 minimum fee for electrical permits	

## **Explosives Permit** \$ 20.00

## **Firearms**

Violations	
First Offense	\$ 100.00
Second Offense	\$ 150.00
Subsequent Offenses	\$ 250.00

## **Library**

Photocopies & Printing	\$ .10/ page
Outgoing Fax	\$ .50/page
(Incoming & toll-free numbers are free)	
Overdue Fees	
Adults	\$ .10/item/day
Children	\$ .05/item/day
Nonresident Borrowing	\$ 30.00/year



## **Mass Gathering**

Minor Large Outdoor Event (500 – 4,999 persons)	\$ 250.00
Major Large Outdoor Event (greater than 5,000 persons)	\$ 500.00
PENALTY: Not less than \$500.00 nor more than \$1,000.00 per violation. Each day such violation continues shall constitute a separate offense.	

## **Moorings**

Riparian	
1 <sup>st</sup> Mooring	\$ 25.00
Each subsequent	\$ 10.00
Commercial	
1 <sup>st</sup> Mooring	\$ 20.00
Each subsequent	\$ 10.00
Resident Recreational & Non-resident	
1 <sup>st</sup> Mooring	\$ 30.00
Each subsequent	\$ 10.00

## **Plumbing Permit**

*[adopted 4/11/05]*

Internal Fees	\$ 9.00 / fixture
	\$ 36.00 Minimum
External Fees	
Complete Systems	
Engineered System	\$ 300.00
Non-Engineered System	\$ 150.00
Primitive System	\$ 150.00
Separate Laundry	\$ 52.50
Seasonal Conversion	\$ 75.00
Variance	\$ 30.00
Separate Parts of Systems	
Alternate Toilet Only	\$ 75.00
Disposal Field (Engineered)	\$ 225.00
Disposal Field (Non-engineered)	\$ 112.50
Treatment Tank only (Non-engineered)	\$ 75.00
Treatment Tank only (Engineered)	\$ 120.00
Holding Tank	\$ 150.00
Other Components	\$ 30.00
Variance	\$ 45.00
Subsurface Septic Surcharge	\$ 25.00

## **Public Swimming Pool**

License to operate and maintain a public swimming pool	\$ 100.00 / year
Fine for operating a public swimming pool without a license	\$ 50.00 - \$ 100.00

## **Re-Inspection Fee**

*[adopted 4/11/05]*

Building, Plumbing and Electrical

1<sup>st</sup>

\$ 25.00

2<sup>nd</sup>

\$ 25.00

3<sup>rd</sup> or more

\$ 100.00

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

## **Re-Zoning or Contract Zone Fee**

*[adopted 4/11/05]*

Staff Review

\$ 500.00

Zoning Map Change

\$ 350.00

Zoning Text Change

\$ 350.00

\*Consulting Escrow

\$ 800.00

*If both a Text and Map change collect for both.*

## **Sewer Use**

Sewer User Connection Fee

\$ 50.00

Board of Sewer Appeals - request for a hearing

\$ 50.00

## **Shellfish Permit**

Resident Commercial

\$ 50.00

Non-resident commercial

\$ 100.00

Resident Recreational (Free over age 62)

\$ 25.00

Non-resident recreational (Free over age 62)

\$ 50.00

Monthly Licenses

Resident

\$ 10.00

Non-resident

\$ 20.00

Over Age 62

Free

Daily Recreational (Free over age 62)

\$ 5.00

## **Shoreland Zoning**

*[adopted 4/11/05]*

Staff Review

\$ 150.00

Planning Board Issued

\$ 250.00

**Signs***[adopted 4/11/05]*

\$ 50.00

**Site Plan Fees***[adopted 4/11/05]*

## Minor:

Application and Notice Fee	\$ 100.00
Up to 5,000 sq. ft.	\$ 350.00
Consulting Escrow*	\$ 1,000.00

## Major:

Application and Notice Fee	\$ 100.00
Up to 10,000 sq. ft.	\$ 500.00
Consulting Escrow*	\$ 1,500.00

## Amendment:

Application and Notice Fee:	\$ 100.00
Staff Review Fee:	\$ 150.00
Consulting Escrow*	\$ 500.00

**Staff Review Minor Site Plan:**

Application and Notice Fee:	<b><u>\$100.00</u></b>
Staff Review Fee:	<b><u>\$150.00</u></b>
Consulting Escrow*	<b><u>\$500.00</u></b>

\*Consulting Escrow fee may be reduced or increased depending on the scale and complexity of the project.

**Small Wind  
Turbine**

Permit Fee	\$ 150.00
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**Special  
Amusement  
Permit**

Permit	\$ 50.00
Liquor License	\$ 10.00
Private Catering Certificate	\$ 10.00

**Stop Work Order  
or Other Violation***[adopted 4/11/05]*

§30-A M.S.R.A. §4452 (fine per violation)	\$100.00 – \$2,500
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**Subdivision***[adopted 4/11/05]***Minor:**

Application Fee	\$ 100.00
Planning Review Fee	\$ 500.00
Per Lot Fee	\$ 25.00
Consulting Escrow* (per lot or dwelling unit)	\$ 100.00

**Major:**

Application Fee	\$ 100.00
Planning Review Fee	\$ 1,500.00
Per Lot Fee	\$ 100.00
Consulting Escrow* (per lot or dwelling unit)	\$ 100.00

**Revision:**

Application Fee	\$ 100.00
Per Revised Lot Fee	\$ 150.00
Consulting Escrow*	\$ 350.00

\*Consulting Escrow fee may be reduced or increased depending on the scale and complexity of the project.

**Swimming Pools***[adopted 4/11/05]*

Above and In-ground	\$ 100.00
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**Temporary  
Structures**

Minimum building permit fee	\$ 50.00
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**Timber  
Harvesting**

One Year Renewable Permit	\$ 25.00
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**Trash Bags for  
Household  
Residential Waste**

Trash bags for residential household waste as defined in the  
Solid Waste Ordinance shall be

\$2.50 - 33 gal bag  
\$1.50 -20 gal bag

**Victualer's  
License**

Restaurant or Victualer not serving malt beverages on the premises	\$ 50.00
Restaurant or Victualer serving malt beverages on the premises	\$ 50.00
Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor	\$ 50.00
A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet	\$ 25.00
Same as (d) but total area of the establishment is more than 10,000 square feet	\$ 25.00
Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts	\$ 100.00
Establishment operated by non-profit organization	No Fee
Temporary Vending Unit operating at a fair	\$ 10.00
Vending Machine	\$ 10.00

**Violations**

Violation of any ordinance provision

Not more than  
\$ 100.00 for each  
offense



## **Yard Waste Facility**

Brush – Trees – Slash – Leaves – Grass Clippings and  
Other Landscape Trimmings:

Brush – Trees – Slash is considered any hard or soft  
wood less than 12" diameter. Lengths up to 12' will be  
accepted. Stumps and wood over 12" in diameter will  
not be accepted.

Cars & Pick-up Trucks	\$ 5.00 per load
Single axle trailers up to 4' x 6'	\$ 5.00 per load
All trailers over 4' x 6'	<del>\$ 10.00 per load</del>
	<b><u>\$ 5.00 per load</u></b>

<b>Rack body trucks, one dump</b>	<b><u>\$ 5.00 per load</u></b>
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<b><u>One Day Pass for all Vehicles excluding Dump Trucks</u></b>	<b><u>\$ 10.00 per day</u></b>
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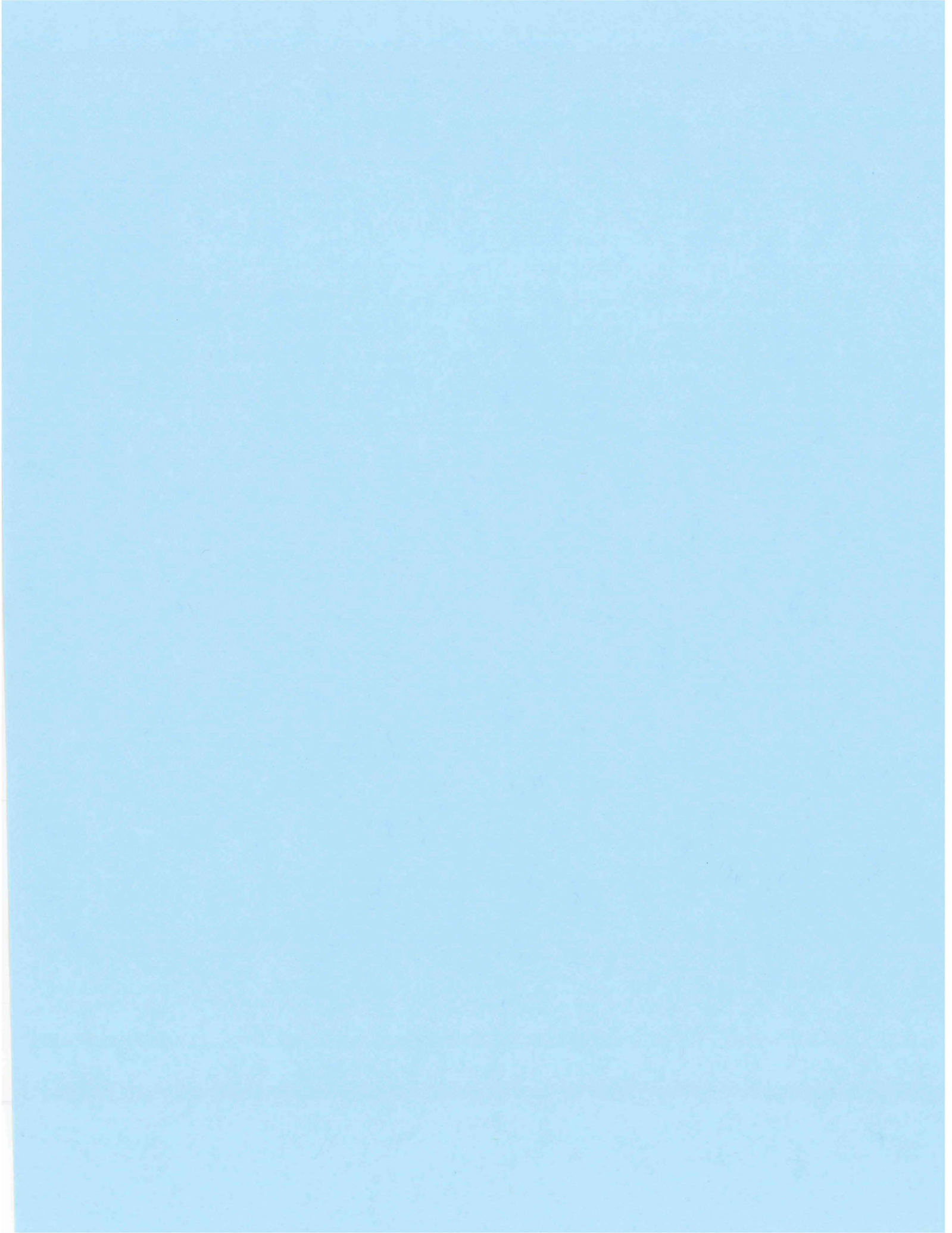
~~Rack body trucks, one dump~~

6-wheeled 7-yard dump trucks	\$ 25.00 per load
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Larger loads (wheelers and tri-axle dump trucks)  
will not be accepted

Motor Oil and Car Batteries – must see attendant	No Fee
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Residential Annual Pass (July 1 – June 30)	\$ 25.00
Commercial Annual Pass (July 1 – June 30)*	\$ 250.00
<b>*Cumberland yard waste only</b>	



# SITE PLAN REVIEW ORDINANCE

## TOWN OF CUMBERLAND

[Amended 2/25/02, effective 3/19/02, Amended, effective 10/22/07, Amended, effective: \_\_\_\_\_]

### SECTION 1: TITLE, PURPOSE, AUTHORITY

- .1 **Title:** This ordinance shall be known and cited as the "Site Plan Ordinance" of the Town of Cumberland, Maine.
- .2 **Purpose:** The site plan review provisions are intended to *protect* public health and safety, *promote* the general welfare of the community, and *conserve* the environment by assuring that all non-residential development is designed and constructed in a manner which assures that adequate provisions are made for traffic, utilities, storm water, erosion and sedimentation, wildlife habitat and fisheries, historic and archaeological resources. Site plan review will also serve to minimize any adverse impacts on neighboring properties and to ensure that new developments will fit in harmoniously to the fabric of the community.
- .3 **Review and Approval Authority:** The Town Planner is authorized to review and approve projects classified as Staff Review. The Planning Board is authorized to review all other projects.

### SECTION 2: NOTIFICATION PROCEDURES

The Planning Department will mail notices to all property owners within 200' of the property under consideration. The notice will be mailed at least 14 days prior to the meeting at which the proposed project is reviewed.

The agendas of Planning Board meetings and Staff Review meetings shall be published by the Planning Department in a local newspaper at least seven (7) days before the date of the meeting.

### SECTION 3: CLASSIFICATION OF PROJECTS

There are three levels of site plan review: 1) Staff Review; 2) Minor Site Plan Review; and 3) Major Site Plan Review. The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff Review is for smaller projects, while larger projects (classified as "Minor" and "Major") are reviewed by the Planning Board. The Town Planner is authorized to review and act on site plans classified as Staff Review, however, the Town Planner may refer a Staff Review project to the Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources.



Type of Activity	Staff Review Required	Minor Site Plan Review Required	Major Site Plan Review Required
The construction of a new structure (other than single family and duplex) that contains:	Less than 3001 sq. ft.	Between 3001 sq. ft. and 7,000 sq. ft.	More than 7,000 sq. ft.
The expansion of a non-residential building or structure, including accessory buildings, that increases the total floor area by:	Less than 1,001 sq. ft.	Between 1001 and 2,000 sq. ft.	More than 2,000 sq. ft.
The construction of an impervious surface such as a support pad or paved or gravel parking area:	Less than 2,001 sq. ft.	Between 2,001 and 4,000 sq. ft.	More than 4,000 sq. ft.
The conversion of existing buildings or structures from one use to another, without enlargement of gross floor area or parking.	X		
The expansion of an approved use that does not increase the intensity of on or off-site impacts.	X		
Site preparation activities including clearing, grubbing, grading, the construction or reconstruction of driveways and entrances, including the installation of driveway culverts.	X		

#### SECTION 4: STAFF REVIEW DEVELOPMENT PROCEDURE

- .1 The applicant shall provide nine (9) copies of a complete application packet.
- .2 The Town Planner shall determine if the application requires Board of Adjustment and Appeals Review. If so, approval by the Board of Adjustment and Appeals shall be required prior to continuing the process as described below.
- .3 A copy of the application shall be provided by the Planning Department to the following members of the Staff Review Committee: the Public Services Director, Police Chief, Fire/EMS Chief, Code Enforcement Officer, Economic Development Director, Town Manager and Chair of the Planning Board. Comments shall be made on the application in writing, to the Town Planner within 7 working days of the date of the application.



- .4 The Town shall mail a notice, within three (3) working days of the application submission, to all property owners within 200 feet of the site under review. ***NOTE: The term "working days" shall mean days in which the Cumberland Town Office is open.***
- .5 Within fifteen (15) working days following the submission of the completed application, the Town Planner shall review all submitted comments from the staff review committee and residents, and in writing, approve, approve conditionally, or deny the application in accordance with the provisions of the site plan review ordinance. The written decision of the Town Planner shall be mailed to the applicant and property owners within 200 feet of the site within three (3) working days of the decision. A copy of the decision shall also be provided to the Chair of the Planning Board, Town Manager and other members of the Staff Review Committee.
- .6 Appeals: Within 15 working days of the decision by the Town Planner, the applicant or property owner(s) within 200' feet of the site may appeal the Town Planner's decision to the Planning Board. The appellant in such case shall pay a fee as established by order of the Town Council. The appeal shall be in writing and shall list the specific provision(s) of the site plan ordinance upon which the appeal is based. Site plan decisions of the Planning Board are appealed to the Cumberland County Superior Court.

## **SECTION 5: MAJOR SITE PLAN REVIEW DEVELOPMENT PROCEDURE**

The Planning Board shall use the following procedures in reviewing applications for major site plan review.

### **.1 Pre- application**

- .1 Prior to submitting a formal application, the applicant or his/her representative may request a pre application conference with the Planning Board. The purpose of the pre application conference is to:
  - .1 Allow the Board to understand the nature of the proposed use and the issues involved in the proposal, and
  - .2 Allow the Board to understand the location, size, natural resources and general characteristics of the proposed site, and
  - .3 Allow the applicant to understand the development review process and required submissions, and
  - .4 Discuss the need for any waivers from the submission requirements,
  - .5 Identify issues that need to be addressed in future submissions, and
  - .4 Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre application review, and such review shall not cause the plan or any related application to be a pending application or proceeding under Title 1 M.R.S.A., Section 302. No decisions on the substance of the plan shall be made at the pre application conference.

## **.2 Site Walk**

The Board may schedule a site walk if deemed necessary. A written notice for such site inspections shall be published at least once in a newspaper of general circulation in the community, and the date of the publication shall be at least seven (7) days prior to the site inspection. Notice shall also be sent by first class mail to all property owners of record within two hundred (200) feet of the parcel on which the proposed development is located

There are no formal submission requirements for a pre application conference. However, the applicant should be prepared to discuss the following with the Board.

- .1 The proposed site, including its location, size, and general characteristics,
- .2 The nature of the proposed use and potential development,

## **3. Site Inventory and Analysis**

- .1 Applicants with projects classified as major developments must submit a site inventory and analysis for Planning Board review. This review must be completed prior to the preparation and submission of a site plan review application and supporting documentation. The Board shall review the site inventory and analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete. The site inventory and analysis must be submitted to the Planner.
- .2 Upon receipt of a site inventory and analysis, the Planner shall give a dated receipt to the applicant. Within thirty (30) days of the receipt of a site inventory and analysis submission for a major development, the Planner shall review the material and determine whether or not the submission is complete. If the submission is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional material required to make the submission complete, and shall advise the applicant that the application will not be reviewed until the additional information is submitted. When the submission is determined to be complete, the applicant shall be notified in writing of this finding and the item placed on the agenda for informal review by the Board.



- .3 The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. A written notice for such site inspections shall be published at least once in a newspaper of general circulation in the community, and the date of the publication shall be at least seven (7) days prior to the site inspection. Notice shall also be sent by first class mail to all property owners of record within two hundred (200) feet of the parcel on which the proposed development is located.
- .4 Within forty-five (45) days of the finding that the site inventory and analysis submission is complete; the Board shall complete its review of the submission and notify the applicant in writing of its findings.

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Board shall also act on any requests for waivers.

## **SECTION 6: MAJOR AND MINOR SITE PLAN NOTIFICATION PROCEDURE**

- .1 Public Notice Procedure
  - .1 Upon receipt of a formal site plan review application, the Planner shall give a dated receipt to the applicant.
  - .2 Within thirty (30) days of the receipt of a formal development review application, the Town Planner shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be reviewed until the additional information is submitted. Failure to submit the additional information within six months shall be deemed an abandonment of the application.
  - .3 The notification requirements of subsection (4) below shall be met and the item placed on the agenda for substantive review within thirty (30) days of this finding

- .4 A notice of the hearing shall be published in a newspaper of general circulation in the community at least once; the date of publication shall be at least seven (7) days prior to the hearing.
- .5 The Town Planning Department shall mail a written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and to all property owners within 200' of the parcel on which the proposed development is located.
- .6 Failure of any property owner to receive notice under this section for any reason shall not necessitate a new hearing and shall not invalidate any action by the Planning Board.

## .2 Public Hearing Procedure

- .1 The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other municipal ordinances.
- .2 The Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

## .3 Procedures for Final Action on an Application

- .1 The Planning Board shall take final action on said application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this ordinance.



- .2 In issuing its decision, the Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.
- .3 The Board shall notify the applicant, of the action of the Board, including the findings of fact and any conditions of approval.

#### **SECTION 7: MINOR SITE PLAN REVIEW DEVELOPMENT PROCEDURE**

- .1 Projects classified as minor developments shall go through a simplified review process. Applicants shall **not** be required to submit a site inventory and analysis and may proceed directly to preparing and submitting a site plan review application including the development plan and supporting documentation meeting the submission requirements. This material must be submitted to the Town Planner. The Planning Board shall have the authority to waive any review standards if it finds they are inapplicable to a minor site plan application.
- .2 *With the exception of the Site Inventory and Analysis step and the reduced submission requirements, the process for Minor Site Plan Review is the same as that of Major Site Plan Review.*

#### **SECTION 8: APPROVAL STANDARDS AND CRITERIA FOR ALL SITE PLANS**

The following criteria shall be used in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

##### **.1 Utilization of the Site**

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

## **.2 Traffic Access and Parking**

Vehicular access to and from the development must be safe and convenient.

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide. For health care, residential care, extended care and similar facilities, which generate less than one hundred (100) vehicle trips per day, where the applicant can conclusively demonstrate that life safety is or could be at risk due to the lack of adequate access for emergency vehicles, and only after all other site design alternatives have been exhausted, the Planning Board may at its discretion, with appropriate input from the Town's Public Safety Chiefs and the Town's Public Services

director, approve a second separate driveway. [Amended, effective 4/22/02]

- b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

### **.3 Accessway Location and Spacing**

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

### **.4 Internal Vehicular Circulation**

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.



## **.5 Parking Layout and Design**

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- .3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.
- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
- .5 The Planning Board may waive or modify requirements in Section 417 (Parking and Loading) of the Zoning Ordinance when it finds that the proposed development will not require the number of spaces established in that Section based upon the specific use or conditions of the site. [Amended, effective 9/8/2008, Adopted 9/8/2008.]



## **.6 Pedestrian Circulation**

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

## **.7 Stormwater Management**

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site

vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

## **.8 Erosion Control**

- .1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- .2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

## **.9 Water Supply Provisions**

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

## **.10 Sewage Disposal Provisions**

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

## **.11 Utilities**

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

## **.12 Groundwater Protection**

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

## **.13 Water Quality Protection**

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

## **.14 Capacity of the Applicant**

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

## **.15 Historic and Archaeological Resources**

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

## **.16 Floodplain Management**

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use, and development of that portion of the site must be consistent with the Town's Floodplain management provisions.



## **.17 Exterior Lighting**

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

## **.18 Buffering of Adjacent Uses**

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

## **.19 Noise**

The development must control noise levels such that it will not create a nuisance for neighboring properties.

## **.20 Storage of Materials**

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

## **.21 Landscaping**

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.



## **.22 Building and Parking Placement**

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

## **.23 Fire Protection**

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

## **.24 Aquifer Protection (if applicable)**

If the site is located within the Town Aquifer Protection Area a positive finding by the Board that the proposed plan will not adversely affect the aquifer, is required.

## **.25 Route 100 Design Standards (if applicable)**

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

## **.26 Route 1 Design Guidelines (if applicable)**

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

## **SECTION 9: PERFORMANCE GUARANTEES**

- .1 **Performance Guarantee** - The Planning Board may require the posting of a performance guarantee in such amount and form as specified in subsection .1 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

- .1 Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Attorney.
  - .1 Letter of Credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
  - .2 Escrow Account: The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.
  - .3 Security Bond: The applicant may obtain a security bond from a surety bonding company authorized to do business in the State.
- .2 Upon substantial completion of all required improvements, the developer must notify the Town Planner of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

#### **SECTION 10:      LIMITATION OF APPROVAL**

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

#### **SECTION 11:      SUBMISSION OF AS-BUILT PLANS**

Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area or fifty thousand (50,000) square feet of improvements as actually constructed on the site. These "as built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.



## **SECTION 12: MINOR CHANGES TO APPROVED PLANS**

Minor changes in approved plans necessary to address field conditions may be approved by the Planner provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal.

## **SECTION 13: APPEAL OF PLANNING BOARD ACTIONS**

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

## **SECTION 14: FEES**

### **.1 Application Fee**

Any application for any type of site plan review must be accompanied by an application fee set by order of the Town Council. This fee is to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, staff review, and similar costs. The fee shall not be refundable.

### **.2 Site Inventory and Analysis Fees – Major Site Plans Only**

All site plan applications for major developments are subject to Site Inventory and Analysis review. Prior to submitting a site inventory and analysis for a major development, the applicant must pay a processing fee in an amount as set by order of the Town Council. The fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, staff review, and similar costs.

### **.3 Technical Review Fee**

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, in the account after the payment by Town of all costs and services related to the review, provided, however, that where the cost of technical reviews exceeds the amount of monies in the escrow account the applicant shall pay to the Town prior to the issuance of any building permit the amount by which the technical reviews exceed the amount of monies in the escrow account.



## **SECTION 15: WAIVER AND MODIFICATIONS OF THESE REGULATIONS**

### **15.1 Hardship**

Where the Planning Board finds that an unnecessary hardship may result from strict compliance with these standards, or where there are special circumstances of a particular plan which the Board finds make a particular standard inapplicable, it may waive these standards; provided that such waiver will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Subdivision Ordinance or the Zoning Ordinance and that such waiver will not endanger public safety. An unnecessary hardship shall be defined as a substantial burden on the applicant which affects his or her ability to achieve a reasonable economic return on said project. Special circumstances shall relate to the unique circumstances of the property, such as its proximity to similar public improvements or the adequacy of connecting facilities.

### **15.2 Conditions**

In granting waivers and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards so waived or modified.

### **15.3 Appeals**

Appeals from the decisions of the Board shall be to the Superior Court.

## **SECTION 16 CONFLICT WITH OTHER ORDINANCES OR REGULATIONS**

Where a provision of this ordinance appears to be in conflict with any provision of any other ordinance, rule, regulation, restriction, or statute, that provision which imposes the greater restriction and/or provides for the lesser density of land use shall have precedence.

## **SECTION 17 SEPARABILITY AND EFFECTIVE DATE**

17.1 The invalidity of any provision of these standards shall not invalidate any other part.

17.2 The effective date of these regulations is

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## Site Plan Application Form

### APPLICANT INFORMATION

Applicant's Name: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

Interest in Property: Own: \_\_\_\_\_ Lease: \_\_\_\_\_ Lease Agreement: \_\_\_\_\_ Purchase & Sale: \_\_\_\_\_

Interest in Abutting Property (if any): \_\_\_\_\_

### PROJECT INFORMATION

Name of Project: \_\_\_\_\_

Address of Project: \_\_\_\_\_

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_ Deed Book #: \_\_\_\_\_ Deed Page #: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Overlay District (if any): \_\_\_\_\_ Size of Parcel: \_\_\_\_\_

Existing Buildings on Site: Yes: \_\_\_\_\_ No: \_\_\_\_\_ To be removed? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Is the parcel in an approved or proposed subdivision? If so, provide name of subdivision: \_\_\_\_\_

Is Board of Appeals Approval Required? (Required if proposed use is a special exception)

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Check all outside agency approvals required for this project:

**Wetlands:** MDEP Tier 1 \_\_\_\_\_ Tier 2 \_\_\_\_\_ Army Corp of Engineers: \_\_\_\_\_

**Stormwater:** MDEP General Construction \_\_\_\_\_

**Traffic:** MDOT Traffic Movement \_\_\_\_\_ MDOT Entrance Permit: \_\_\_\_\_

Other outside agency approvals required (list): \_\_\_\_\_

### CLASSIFICATION OF PROJECT

Major Site Plan \_\_\_\_\_ Minor Site Plan \_\_\_\_\_ Staff Review Minor Site Plan: \_\_\_\_\_

***You must review the plan with the town planner or code enforcement officer to receive correct classification prior to submission of application.***

Application Fees per Town's Fee Ordinance: \_\_\_\_\_

Application Fee: \_\_\_\_\_

Advertising and Abutter Notice Fee: \_\_\_\_\_

Staff Review Fee: \_\_\_\_\_

Outside Review Fee: \_\_\_\_\_

**TOTAL FEES:** \_\_\_\_\_

**This application form along with the fee payment, submission checklist and all other supporting materials must be submitted to the Town Planner at least 21 days prior to the Planning Board meeting at which it will be considered.**

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulation of the Town, State and Federal governments:

\_\_\_\_\_  
Signature of Applicant/Owner/Representative

\_\_\_\_\_  
Date

## SITE PLAN SUBMISSION CHECKLISTS

### **FOR ALL PROJECTS:**

<b>Submission Requirement</b>	<b>Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative</b>	<b>If requesting a waiver, indicate below:</b>
<i>Example: Erosion Control</i>	<i>Plan Sheet E-1</i>	
<b>General Information:</b>		
Completed Site Plan Application Form		
Names and addresses of all consultants		
Narrative describing existing conditions and the proposed project		
Evidence of right, title or interest (deed, option, etc.)		
Names and Addresses of all property owners within 200 feet		
Boundaries of all contiguous property under control of owner		
Tax map and lot numbers		
Area of the parcel		
FEMA Floodplain designation & map #		
Zoning classification		
Evidence of technical and financial capability to carry out the project		
Boundary survey		
List of waiver requests on separate sheet with reason for request.		
Proposed solid waste disposal plan		
<b>Existing Conditions Plan showing:</b>		
Name, registration number and seal of person who prepared plan		
North arrow, date, scale, legend		
Area of the parcel		
Setbacks and building envelope		
Utilities, including sewer & water, culverts & drains, on-site sewage		
Location of any septic systems		
Location, names, widths of existing		



public or private streets ROW's		
Location, dimension of ground floor elevation of all existing buildings		
Location, dimension of existing driveways, parking, loading, walkways		
Location of intersecting roads & driveways within 200 feet of the site		
Wetland areas		
Natural and historic features such as water bodies, stands of trees, streams, graveyards, stonewalls, floodplains		
Direction of existing surface water drainage across the site & off site		
Location, front view, dimensions and lighting of existing signs		
Location and dimensions of existing easements & copies of documents		
Location of nearest fire hydrant or water supply for fire protection		
<b>Proposed Development Site Plan showing:</b>		
Name of development		
Date		
North arrow		
Scale		
Legend		
Landscape plan		
Stormwater management		
Wetland delineation		
Current & proposed stands of trees		
Erosion control plan		
Landscape plan		
Lighting/photometric plan		
Location and dimensions of all proposed buildings		
Location and size of utilities, including sewer, water, culverts and drains		
Location and dimension of proposed on-site septic system; test pit locations and nitrate plumes		
Location of wells on subject property and within 200' of the site		
Location, names and widths of existing and proposed streets and		

ROW's		
Location and dimensions of all accessways and loading and unloading facilities		
Location and dimension of all existing and proposed pedestrian ways		
Location, dimension and # of spaces of proposed parking areas, including handicapped spaces		
Total floor area and ground coverage of each proposed building and structure		
Proposed sign location and sign lighting		
Proposed lighting location and details		
Covenants and deed restrictions proposed		
Snow storage location		
Solid waste storage location and fencing/buffering		
Location of all fire protection		
Location of all temporary & permanent monuments		
Street plans and profiles		

**ADDITIONAL REQUIREMENTS FOR MAJOR SITE PLAN PROJECTS:**

<b>Submission Requirement</b>	<b>Provide Location in Application Packet (e.g., plan sheet number, binder section, narrative)</b>	<b>If requesting a waiver, indicate below:</b>
High intensity soils survey		
Hydro geologic evaluation		
Traffic Study		
Market Study		
Location of proposed recreation areas (parks, playgrounds, other public areas)		
Location and type of outdoor furniture and features such as benches, fountains.		

# ITEM

## 10-119

To hold a Public Hearing to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.



Application Rec'd: \_\_\_\_\_ Date of Issuance \_\_\_\_\_ Cert No. \_\_\_\_\_

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND  
290 TUTTLE ROAD  
CUMBERLAND ME 04021

DATE: 08/02/10 CUSTOMER#: 000000000  
TIME: 11:42  
CLERK: todonne1

RECPT#: 52447      PREV BAL:  
TP/YR: MS/2011    AMT PAID:      50.00  
BILL:              ADJUSTMNT:  
EFF DT: 08/02/10   BAL DUE:  
MISCELLANEOUS PAYMENT

-----TOTALS-----

PRINCIPAL PAID:      50.00  
INTEREST PAID:      .00  
ADJUSTMENTS:      .00  
DISC TAKEN:      .00

AMT TENDERED:      50.00  
AMT APPLIED:      50.00  
CHANGE:      .00

PAID BY:      CUMBERLAND FARMERS C  
PAYMENT METH: CHECK  
PAYMENT REF: 6584

# ITEM

# 10-120

To authorize the Town Manager to enter into a Lease/Purchase Agreement with Gorham Leasing for a 2011 International 7400 Series Plow Truck.



**TOWN OF CUMBERLAND  
ORDERS OF TOWN COUNCIL  
AUTHORIZING \$163,740 MUNICIPAL LEASE PURCHASE AGREEMENT**

BE IT ORDERED, by the Town Council of the Town of Cumberland that:

1. Approval: Authorized Officers. The Town Treasurer be and hereby is authorized to enter a \$163,740 Municipal Lease Purchase Agreement and related documents, with Gorham Savings Leasing Group, LLC in order to provide the Town with financing for various equipment including a 2011 International 7400 Truck and related equipment to be acquired from Howard P. Fairfield, LLC, as deemed appropriate by the Town Treasurer.

2. Documents and Tax-exempt Rate of Interest. The Treasurer is further authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with such tax-exempt equipment lease purchase agreement, including an Arbitrage and Use of Proceeds Certificate and a Signature and Award Certificate. No part of the proceeds of such agreement shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 142 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the agreement issued pursuant hereto be and hereby is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B)(ii) of said Code; and the Treasurer be and hereby is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of said agreement, and to take all other lawful actions necessary to insure the interest portion of the rental payments under and pursuant to the agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof.



Gorham Savings Leasing Group  
63 Marginal Way  
Portland, Maine 04101  
1-800-492-8120 x 8600

July 22, 2010

Town of Cumberland  
290 Tuttle Road  
Cumberland Center, Maine 04021

Attn: Mr. Alex Kimball  
Via email: [akimball@cumberlandmaine.com](mailto:akimball@cumberlandmaine.com)

### **MUNICIPAL LEASE PURCHASE PROPOSAL**

<b>Lessee:</b>	Town of Cumberland
<b>Equipment:</b>	(1) 2011 Int'l 7400 Plow Truck with all attachments
<b>Cost of equipment:</b>	\$163,740.
<b>Amount financed:</b>	\$163,740.
<b>Lease term:</b>	5 years
<b>Interest rate:</b>	3.25% fixed
<b>No. of payments:</b>	5 annual
<b>Lease factor:</b>	.212776
<b>Payment schedule:</b>	\$34,840. (see amortization)
<b>Commencement date:</b>	This lease shall commence on or about July 30, 2010.
<b>First payment due:</b>	The first payment of principal and interest shall be due and payable July 30, 2010 (see amortization).
<b>Purchase option:</b>	One dollar (\$1.00) at end of lease term.
<b>Prepayment:</b>	There are no prepayment penalties.
<b>Fee(s):</b>	None
<b>Insurance:</b>	Prior to delivery of the leased assets, Lessee at its sole cost and expense will provide all-inclusive physical damage and liability insurance in the joint names of the Lessor and Lessee, in amounts satisfactory to Lessor.
<b>Title (if required):</b>	Lessee listed as owner and Lessor listed as lien holder.
<b>Non-appropriation:</b>	The lease will contain a non-appropriation clause.

**Confirmation:** The anticipated total borrowing for 2010 will not exceed Ten Million dollars (\$10,000,000.), making this lease **"Bank Qualified"**.

**Type of lease:** This lease shall be considered a **Municipal Lease/Purchase** by all parties. Lessee is a state or a political subdivision thereof, within the meaning of Section 103 of the Internal Revenue Code of 1986.

**Advances or deposits:** If Lessor advances any deposits or pays any invoices prior to Delivery and Acceptance of the equipment by lessee, interest will accrue at the above rate and be due at closing.

**Legal opinion:** **Leases greater than \$100,000 require an Opinion of Counsel.**  
The opinion must include a statement that the lease represents a valid and binding obligation of the lessee and further that the lease is a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) (B) (ii) of the Internal Revenue Code of 1986, as amended.

**Financial information:** Lessee will provide Gorham Savings Leasing Group LLC with most recent Audited Financial Statements, current year budget, Annual Report, a copy of the meeting minutes or council order approving the transaction and any other supporting data requested during the term of the lease.

**Lessor's proposal:** This lease proposal is subject to final credit review and not binding until accepted by lessor. Lessor may withdraw the proposal at any time if any adverse information relating to the lessee's affairs is discovered prior to any lease closing. Lease rates are subject to change according to the FHLBB daily advance rates.

**Expiration of proposal:** This lease proposal shall expire if not accepted by a qualified official by 5:00 p.m. on August 15, 2010.

Thank you for the opportunity to present this lease proposal to you. If you are in agreement with the terms of the proposal, please sign and return it with the proper credit information. If you have any questions please contact me at 1-800-924-2948 ext. 8600.

Sincerely,



Toby M. Cook, President  
Gorham Leasing Group  
E-mail: [TCook@GorhamSavingsBank.com](mailto:TCook@GorhamSavingsBank.com)

**AWARD ACKNOWLEDGMENT:**

**This proposal is accepted and this financing  
is awarded to Gorham Leasing Group**

\_\_\_\_\_  
Name and Title

Date: \_\_\_\_\_



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Town of Cumberland

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Cor ..... : Annual

Nor .... : 3.250 %

## CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Lease	07/30/2010	163,740.00	1		
2 Lease Payment	07/30/2010	34,840.00	1		
3 Lease Payment	07/15/2011	34,840.00	4	Annual	07/15/2014

## AMORTIZATION SCHEDULE - Normal Amortization

Date	Lease Payment	Interest	Principal	Balance
Lease 07/30/2010				163,740.00
1 07/30/2010	34,840.00	0.00	34,840.00	128,900.00
2011 Totals	34,840.00	0.00	34,840.00	
2 07/15/2011	34,840.00	4,017.09	30,822.91	98,077.09
2012 Totals	34,840.00	4,017.09	30,822.91	
3 07/15/2012	34,840.00	3,187.51	31,652.49	66,424.60
2013 Totals	34,840.00	3,187.51	31,652.49	
4 07/15/2013	34,840.00	2,158.80	32,681.20	33,743.40
2014 Totals	34,840.00	2,158.80	32,681.20	
5 07/15/2014	34,840.00	1,096.60	33,743.40	0.00
2015 Totals	34,840.00	1,096.60	33,743.40	
Grand Totals	174,200.00	10,460.00	163,740.00	

Federal ID No. 01 0236026



# PORTLAND NORTH TRUCK CENTER

DIVISION OF MORRISON & SYLVESTER, INC.

110 GRAY ROAD • FALMOUTH, MAINE 04105 • TEL. (207) 797-8080

1-800-439-7200 FAX (207) 797-7079

www.pntc.net



PARTS  
INVOICE

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CUMBERLAND PUBLIC WORKS  
290 TUTTLE RD.  
CUMBERLAND ME 04021

INVOICE No.

U2367

PG 1

RETAIL

Date

07/15/2010

CUSTOMER No.

104

SOLD BY GRAY, STEVEN E

ACCOUNT NUMBER 000001 SYSTEMS  
PORTLAND MAINE CALL 1-800-785-0000

Qty.				Unit	Price/Unit	Amount
BJ328272	177" WB; 41,000 LB GVW; RED	2011 INTERNAT'L	7400	05		163,740.00
SERIAL #	1HTWDAAR3BJ328272	ENGINE	1099616			
IGNITION KEY	Z225					
CHARGE TO ACCOUNT						163,740.00

#### TERMS OF SALE

- (1) All sales cash unless prior arrangements have been made. If charge, all amounts are due and payable net ten proc. (due by the 10th of the month following billing). No discounts permitted.
- (2) All past due amounts are subject to a service charge of 1.5% per month (18% per annum) on all balances thirty (30) or more days past due.
- (3) Any warranties on the item(s) sold above are available only from the manufacturer or rebuilder of said item(s). Portland North Truck Center agrees to pass to customer any available warranties. Portland North Truck Center makes no warranties of merchantability or fitness for a particular purpose of any parts sold and authorizes no person to assume for it any liability in connection with the sale of parts.
- (4) By providing sales tax exemption number customer certifies that he is exempt from any state or occupation tax and agrees to be responsible for tax assessment made by the State of Maine or other taxing authority and agrees to reimburse Portland North Truck Center for any amount now

- due or becoming due including penalties if assessed. In addition, buyer agrees to pay costs of post due collection, including reasonable attorney's fees.
- (5) Parts which appear above may not be made by the original manufacturer; description numbers may be for reference only. All returns must be made within ten days. No refunds without this invoice.
- (6) Returns are subject to 20% handling charge.

RECEIVED BY

JUL 16 2010 9:28

Portland North Truck Cen

2077977079

P. 2

# ITEM

## 10-121

To set a Public Hearing date (September 13<sup>th</sup>) to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.



**GREELY FOOTBALL BOOSTERS**

**c/o Jim Guidi  
14 Hedgerow Drive  
Cumberland, ME 04021**

August 17, 2010

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

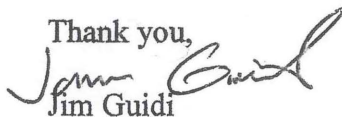
Dear Bill,

The Greely Football Boosters would like to hold our annual Bonfire at Twin Brook on Thursday, October 28, 2010. This event has become a tradition before our final game against Falmouth and I believe has been well received in the community.

The club understands that we have to clean up the site within 72 hours after the event. Similar to previous years, I will secure the services of a contractor to help perform this task. In addition, as in previous years, we will provide the Town funds to offset the costs incurred by the Fire Department of this event.

The Boosters appreciate the Town's support for this activity that has become a great tradition and community event.

Thank you,



Jim Guidi  
Booster President

## Brenda Stiffler

---

**From:** William Shane  
**Sent:** Tuesday, August 17, 2010 10:47 AM  
**To:** Brenda Stiffler; Tammy O'donnell  
**Subject:** FW: GHS football

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

Tel: 207-829-2205  
Fax: 207-829-2224  
Cell: 207-232-5258

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is a public record and is available for review by any interested party.

---

**From:** Dan Small  
**Sent:** Tuesday, August 17, 2010 8:53 AM  
**To:** William Shane  
**Cc:** Nate Schools  
**Subject:** GHS football

Boss,

I've chatted with Jim Guidi a couple of times and we are all set for not only the boosters covering the expenses of the medical coverage at the five home games but also about the coverage at the bon fire at Twin Brooks. The coverage will be as follows:

- August 27<sup>th</sup>, EMS coverage at 7 pm – pre-season home game
- September 17<sup>th</sup>, EMS coverage at 7 pm – regular season home game
- October 1<sup>st</sup>, EMS coverage at 7 pm – regular season home game (this is concurrent with the fair and the harness racing post time this day is at 7 pm---we'll make it work)
- October 15<sup>th</sup>, EMS coverage at 7 pm – regular season home game
- October 28<sup>th</sup>, bon fire coverage at Twin Brooks
- October 29<sup>th</sup>, EMS coverage at 7 pm – regular season home game
- Hopeful tournament coverage to be later determined...

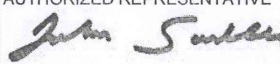
Regards,

Dan

*Daniel R. Small, EFO*

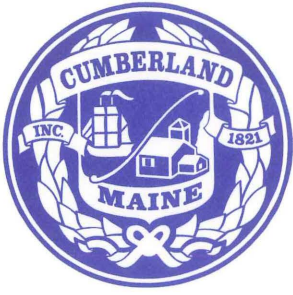
Chief of Department/EMA Director  
Cumberland Fire Department

8/17/2010

CERTIFICATE OF INSURANCE				ISSUE DATE (MM/ DD/ YY) 08/13/2010 11:01:31 AM ET		
<b>PRODUCER</b> <b>SADLER &amp; COMPANY, INC.</b> <b>P.O. BOX 5866</b> <b>COLUMBIA, SOUTH</b> <b>CAROLINA 29250-5866</b> <b>(800) 622-7370</b> <b>Email:</b> <b>sales@sadleragent.com</b>		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.				
<b>INSURED</b> SPORTS LEISURE & ENTERTAINMENT RPG d/ b/ a <b>Cumberland Football</b> <b>c/ o Jim Guidi</b> <b>14 Hedgerow Drive</b> <b>Cumberland, ME 04021</b>		<b>COMPANIES AFFORDING COVERAGE</b>				
		COMPANY LETTER <b>A</b> NATIONWIDE MUTUAL INSURANCE COMPANY				
		COMPANY LETTER <b>B</b>				
		COMPANY LETTER <b>C</b>				
<b>COVERAGES</b>						
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMIT OF COVERAGE	
<b>A</b>	<b>General Liability</b> <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims made <input checked="" type="checkbox"/> Occur <input type="checkbox"/> Owners & contractors Prot.	<b>RPG47981</b>	<b>12:01AM ET 08/16/2010</b>	<b>12:01AM ET 08/16/2011</b>	General Aggregate	\$4,000,000
					Products- Comp/ Ops Aggregate	\$2,000,000
					Personal & Advertising Injury	\$2,000,000
					Each Occurrence	\$2,000,000
					Damage to Premises Rented to You	\$300,000
					Medical Expenses (other than participants)	\$5,000
					Participant Legal Liability	\$2,000,000
					<b>A</b>	<b>Participant Accident</b> (\$100 deductible per claim)
AD&D	N/ A					
Weekly Indemnity	X					
<b>DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / RESTRICTIONS / SPECIAL ITEMS</b> <b>COVERED SPORTS: Football (Flag &amp; Touch) 12 &amp; Under, Football (Tackle &amp; Contact Flag) 12 &amp; Under,</b> This certificate holder is added as an additional insured, but only with respect to the liability arising out of the operations of the insured named above.						
<b>CERTIFICATE HOLDER</b>		<b>CANCELLATION</b>				
<b>RELATIONSHIP:</b> Property Owner  <b>Town of Cumberland</b> <b>290 Tuttle Road</b> <b>Cumberland, ME 04021</b>		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.  <b>AUTHORIZED REPRESENTATIVE</b> 				



# NEW BUSINESS



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Town Clerk

DATE: August 19, 2010

Subject: Mass Gathering Ordinance Insurance

Hi Bill,

Prior to the August 9, 2010, Town Council meeting, Councilor Stiles brought to my attention an issue with the Certificate of Liability Insurance that the Cumberland Farmer's Club had provided to the Town for their Mass Gathering Application.

I have since done some research on this matter, and reviewed the Mass Gathering Ordinance. The Town of Cumberland Mass Gathering Ordinance as it is written now; actually has no requirement for insurance at all. It requires a "Performance Guarantee Bond", which we have not been requiring from applicants for years. I would like to request that the Ordinance Committee meet to review the Mass Gathering Ordinance to address this issue. Thank you.

FOR 2011 01

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
-----							
001 General Fund							
-----							
130 Administration	422,208	0	422,208	42,072.07	.00	380,135.93	10.0%
140 Assessor	80,653	0	80,653	11,174.61	.00	69,478.39	13.9%
150 Town Clerk-HR-Tax Collector	284,010	0	284,010	17,208.17	.00	266,801.83	6.1%
160 Technology	152,551	0	152,551	28,951.99	.00	123,599.01	19.0%
165 Elections	17,949	0	17,949	380.52	.00	17,568.48	2.1%
170 Planning Board	81,065	0	81,065	4,915.96	.00	76,149.04	6.1%
190 Legal	40,000	0	40,000	.00	.00	40,000.00	.0%
210 Police	962,059	0	962,059	69,326.19	.00	892,732.81	7.2%
220 Fire	708,078	0	708,078	53,626.44	1,245.00	653,206.56	7.7%
240 Code Enforcement	82,723	0	82,723	432.01	.00	82,290.99	.5%
260 Canine Control	39,413	0	39,413	2,664.26	.00	36,748.74	6.8%
310 Public Works	869,550	0	869,550	63,528.69	.00	806,021.31	7.3%
320 Waste Disposal	756,452	0	756,452	26,585.00	.00	729,867.00	3.5%
410 Recreation	450,489	0	450,489	70,687.29	.00	379,801.71	15.7%
430 Parks	165,642	0	165,642	13,777.04	.00	151,864.96	8.3%
440 West Cumberland Rec	8,100	0	8,100	267.39	.00	7,832.61	3.3%
450 Library	353,580	0	353,580	22,411.23	.00	331,168.77	6.3%
580 General Assistance	19,347	0	19,347	1,193.00	.00	18,154.00	6.2%
590 Health Services	9,027	0	9,027	394.17	.00	8,632.83	4.4%
620 Cemetary Association	22,000	0	22,000	22,000.00	.00	.00	100.0%
630 Conservation Commission	1,500	0	1,500	.00	.00	1,500.00	.0%
640 Rines Forest	1,500	0	1,500	.00	.00	1,500.00	.0%
650 Debt Service	998,578	0	998,578	116,240.33	.00	882,337.67	11.6%
750 Insurance	254,252	0	254,252	65,349.44	.00	188,902.56	25.7%
800 Fire Hydrants	59,000	0	59,000	4,512.08	.00	54,487.92	7.6%
810 Street Lighting	30,000	0	30,000	95.11	.00	29,904.89	.3%
830 Contingent	10,000	0	10,000	.00	.00	10,000.00	.0%
840 Municipal Building	162,675	0	162,675	10,665.64	.00	152,009.36	6.6%
850 Abatements	10,000	0	10,000	.00	.00	10,000.00	.0%
860 MSAD #51	11,830,338	0	11,830,338	984,428.08	.00	10,845,909.92	8.3%
890 County Tax	600,901	0	600,901	.00	.00	600,901.00	.0%
910 Capital Imp. Plan	333,485	0	333,485	333,485.00	.00	.00	100.0%
TOTAL General Fund	19,817,125	0	19,817,125	1,966,371.71	1,245.00	17,849,508.29	9.9%
GRAND TOTAL	19,817,125	0	19,817,125	1,966,371.71	1,245.00	17,849,508.29	9.9%

\*\* END OF REPORT - Generated by Alex Kimball \*\*



### VITAL RECORDS REPORT FOR JULY 2010

#### BIRTHS:

<u>Child Name</u>	<u>Date of Birth</u>	<u>Parents</u>
Beane, Andrew Jonathon	7/29/2010	Jonathon & Jaime Beane
Beckelman, Joren Rose Sigrid	7/25/2010	David & Lauren Beckelman
Friedel, Ian Gene	7/3/2010	Gregory & Carolyn Friedel
Gilbert, David Michael	7/2/2010	Paul & Lisa Gilbert
Hamilton, Isabel Paige	7/9/2010	Charles & Victoria Hamilton
Moker, Jasper Flynn	7/9/2010	Joseph & Emily Moker

#### MARRIAGES:

<u>Groom Name</u>	<u>Bride Name</u>	<u>Date of Marriage</u>	<u>Place of Marriage</u>
Manahan, Matthew David	Trask, Ann Louise	7/17/2010	Freeport
Richards, Willaim David	Carmichael, Susan Ann	7/17/2010	Cape Elizabeth
LeSiege, Christopher Earl	Sloan, Heidi Jo	7/31/2010	Cumberland

#### DEATHS:

<u>Name of Decedent</u>	<u>Date of Death</u>	<u>Age</u>	<u>Address</u>
Kokoszka, William Philip	7/24/2010	67	15 Stonewall Drive
Lawrence, Cynthia M.	7/2/2010	53	34 Skillin Road
Schott, George Kermit	7/6/2010	40	3 Meadow Way
Ward, Rita B.	7/10/2010	96	186 Middle Road

# EXECUTIVE SESSION

# WORKSHOP





**Cumberland Town Council Meeting**  
**Monday, August 23, 2010**  
**6:30 p.m. Executive Session**  
**7:00 p.m. Call to Order**

The Cumberland Town Council will hold an Executive Session at 6:30 p.m. pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition, and its regular meeting @ 7:00 p.m. on Monday, August 23, 2010 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on amending the Fees & Fines Ordinance to add a fee for staff review of site plans at \$250.00 per plan.
- To hold a Public Hearing to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.
- To authorize the Town Manager to enter into a Lease/Purchase Agreement with Gorham Leasing for a 2011 International 7400 Series Plow Truck.
- To set a Public Hearing date (September 13<sup>th</sup>) to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.
- WORKSHOP: re: Budget FY'12 goals and policies.

Additional agenda items will receive consideration and action. Please refer to the town's website: [www.cumberlandmaine.com](http://www.cumberlandmaine.com) for a complete agenda.



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