

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 24, 2017

5:30 P.M. Ordinance Committee Meeting

6:30 P.M. Town Council Photos

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

July 10, 2017

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 17 – 099** To hold a Public Hearing to consider and act on acceptance of Greely Woods and other easements.
(TABLED)
- 17 – 100** To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 6 (Abandonment of watercraft) of the Cumberland Code, as recommended by the Coastal Waters Commission, and discussion re: Dinghies and enacting a Council Policy until proper notice and Public Hearing is scheduled for August 14th.
- 17 – 101** To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2018 tax rate.
- 17 – 102** To amend the Council action of May 22, 2017 re: adoption of the FY2018 Budget (no change to tax rate).
- 17 – 103** To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorizing applying tax payments to the oldest unpaid taxes.
- 17 – 104** To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Labor Day “Just for Fun” Soccer Tournament to be held on September 2nd and 3rd from 7:00 a.m. to 7:00 p.m. at Twin Brook Recreation Facility.
- 17 – 105** To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board and Ordinance Committee.
- 17 – 106** To hold a Public Hearing to consider and act on updating the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.
- 17 – 107** To consider and act on authorizing the Town Manager to advertise for bidders to purchase the former Whitman House with a minimum bid of \$25,000.
- 17 – 108** To set a Public Hearing date of August 14th to consider and act on setting sewer user fees for FY2018.

17 – 109 To set a Public Hearing date of August 14th to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2 (Definitions) to add Dinghy, Section 5 (Dockage Time (new)), Section 6 (Dinghies (new)), and renumbering of remainder of Chapter 48, as recommended by the Coastal Waters Commission.

VI. NEW BUSINESS

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VIII. ADJOURNMENT

MOTIONS

MOTIONS

17 – 099 **I move to table.**

17 – 100 **I move to amend** Chapter 48 (Coastal Waters), Section 6 (Abandonment of watercraft) of the Cumberland Code, as recommended by the Coastal Waters Commission.

17 – 101 **I move to set** the municipal tax rate for FY2018 at \$18.80

17 – 102 **I move to rescind** the motion of May 22, 2017 to set the Municipal FY2018 General Fund Expenditure budget at \$10,590,575.00 (includes County Tax) and the General Fund Non-Property Tax Revenues Budget of \$4,687,399.00 to offset the impact of property taxes, as recommended by the Finance Committee.

I move to set the Municipal FY 2018 General Fund Expenditure Budget at \$10,690,575 (includes County Tax) and the General Fund Non-Property Tax Revenues Budget of \$4,787,399.

17 – 103 **I move to set** an interest rate of 7% for delinquent real and personal property taxes for FY2018.

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

17 – 104 **I move to approve** the Mass Gathering Permit for the Labor Day “Just for Fun” Soccer Tournament to be held on September 2nd and 3rd from 7:00 a.m. to 7:00 p.m. at Twin Brook Recreation Facility.

17 – 105 **I move to amend** to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board and Ordinance Committee.

17 – 106 **I move to update** the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.

17 – 107 **I move to authorize** the Town Manager to advertise for bidders to purchase the former Whitman House with a minimum bid of \$25,000.

17 – 108 **I move to set** a Public Hearing date of August 14th to consider and act on setting sewer user fees for FY2018.

17 – 109 **I move to set** a Public Hearing date of August 14th to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2 (Definitions) to add Dinghy, Section 5 (Dockage Time (new)), Section 6 (Dinghies (new)), and renumbering of remainder of Chapter 48, as recommended by the Coastal Waters Commission.

MINUTES

07/10/17

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, July 10, 2017

6:00 P.M. Ordinance Committee Meeting

6:30 P.M. Senior Property Tax Assistance Committee Meeting

7:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, Storey-King and Turner

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the June 19, 2017 meeting minutes as presented.

VOTE: 6-0-1 (Storey-King abstained) MOTION PASSES

II. MANAGER'S REPORT

None

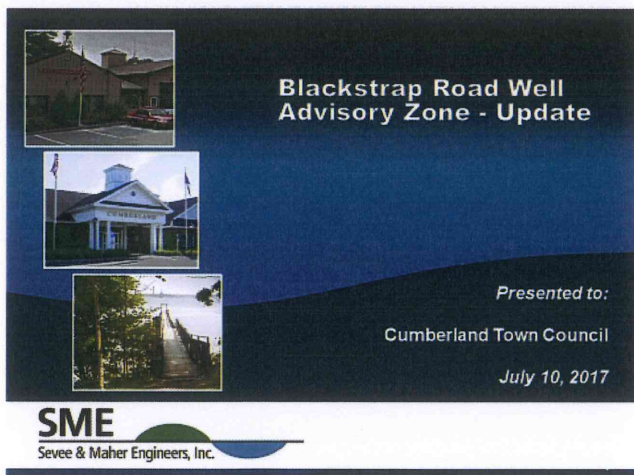
III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

17 – 094 To hear a report from Lisa Jacob of Sevee & Maher Engineers re: West Cumberland aquifer and DEP well testing (1990's to 2014).

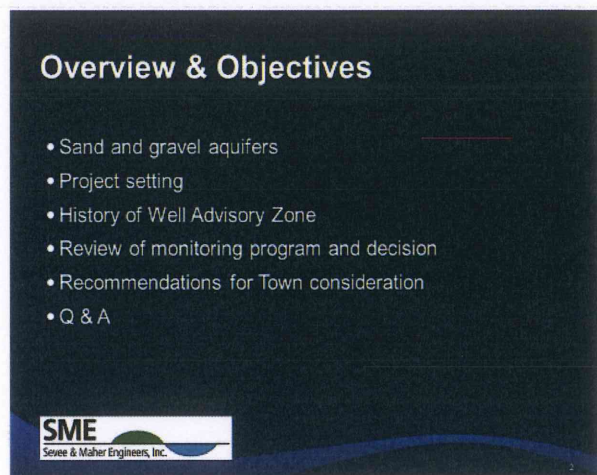
Geologist, Lisa Jacob of Sevee & Maher Engineers presented the following:



Blackstrap Road Well Advisory Zone - Update

Presented to:
Cumberland Town Council
July 10, 2017

SME
Sevee & Maher Engineers, Inc.

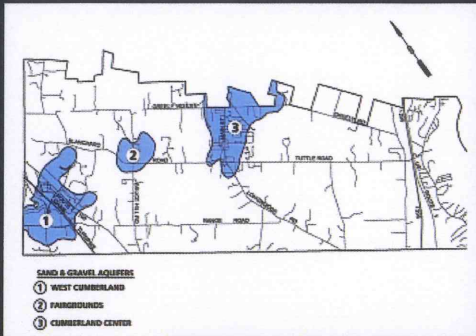


Overview & Objectives

- Sand and gravel aquifers
- Project setting
- History of Well Advisory Zone
- Review of monitoring program and decision
- Recommendations for Town consideration
- Q & A

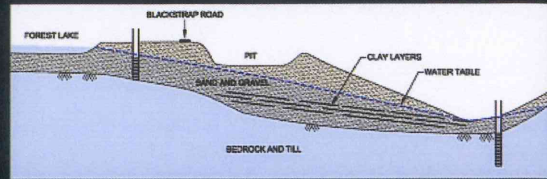
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Sevee & Maher Engineers, Inc.

Sand & Gravel Aquifers



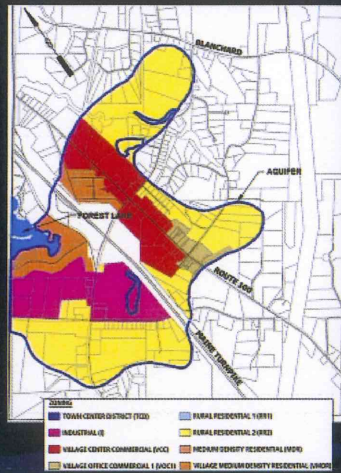
SME
 Sevee & Maher Engineers, Inc.

West Cumberland Aquifer Profile



SME
 Sevee & Maher Engineers, Inc.

Zoned Uses



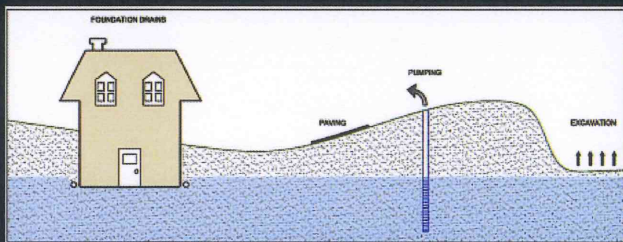
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 Sevee & Maher Engineers, Inc.

Uses and Affects to Aquifer

- Loss of water
 - Potable use
 - Not used for public water supply
 - Individual water supply wells pump from S&G aquifer
 - Limits to recharge – pavement, etc.
- New water supply wells
- Factors affecting water quality

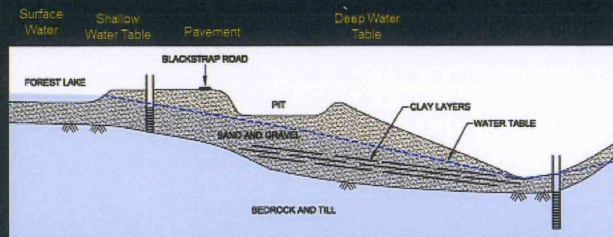
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 Sevee & Maher Engineers, Inc.

Loss of Water from Aquifer



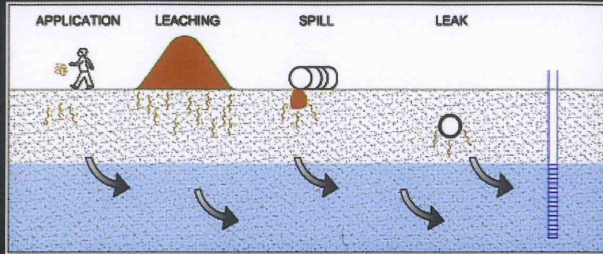
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 Sevee & Maher Engineers, Inc.

Recharge to Aquifer



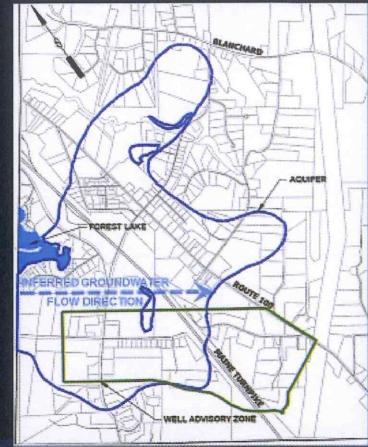
SME
 Sevee & Maher Engineers, Inc.

Potential Contamination Sources



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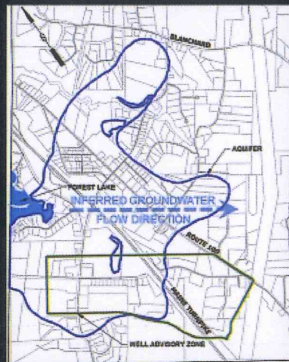
West Cumberland Aquifer



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Blackstrap Road Well Advisory Zone

- West Cumberland
- Within sand and gravel aquifer
- Centered on Goose Pond Road / Upper Methodist Road
- Land uses
 - Residential
 - Industrial/Commercial



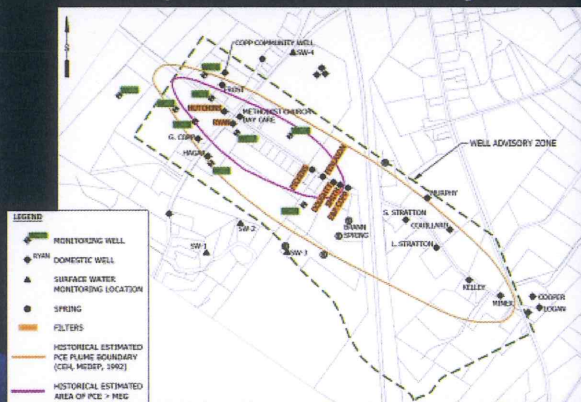
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Well Advisory Zone History

- 1983 – Maine Department of Environmental Protection (MEDEP) received complaint of poor-tasting drinking water
- Responded by testing neighboring water supply wells
- Tested for volatile organic compounds
- Identified presence of tetrachloroethene (PCE) – common industrial and commercial chemical
- MEDEP installed additional monitoring wells, established water quality monitoring program
- Investigations to assess source of PCE contamination – no specific release identified
- Established Well Advisory Zone in 1992

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Blackstrap Road Well Advisory Zone



Blackstrap Road Water Quality Monitoring

- MEDEP sampled residential water supply and monitoring wells through 2014
 - Coverage and frequency varied
 - Sampling frequency was reduced in response to low or no detected concentrations of PCE
 - Response from homeowners varied
- Confirmed PCE as contaminant of concern
- Compared PCE concentrations with state-defined guidelines: Maximum Exposure Guidelines (MEGs)
- Action level = half MEG

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Sevee & Maher Engineers, Inc.

Water Quality Monitoring & Treatment

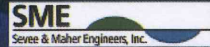
- Carbon filtration offered where PCE concentrations were detected above the action level
 - Six homes
 - Filters installed in 1980s
- Sampling continued according to observed concentrations
- Steadily declining concentrations observed in residential and monitoring wells
 - Sampling frequency reduced in 1997
 - Filters removed from three of six homes



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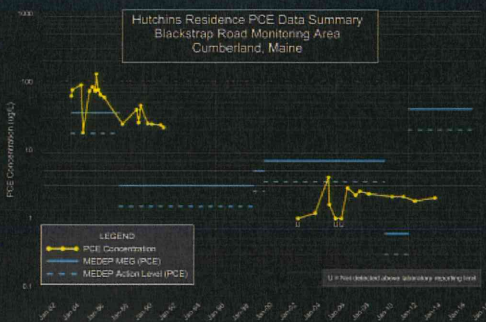
No Further Action

- 2014 – MEDEP final round of water quality monitoring of water supply wells
- Based on continued reduction of PCE concentrations, discontinued water quality monitoring and treatment program
- Recent (post-2000) data: PCE not detected above laboratory reporting limits in most homes and monitoring wells
- MEDEP issued "No Further Action" letter summarizing findings and decision



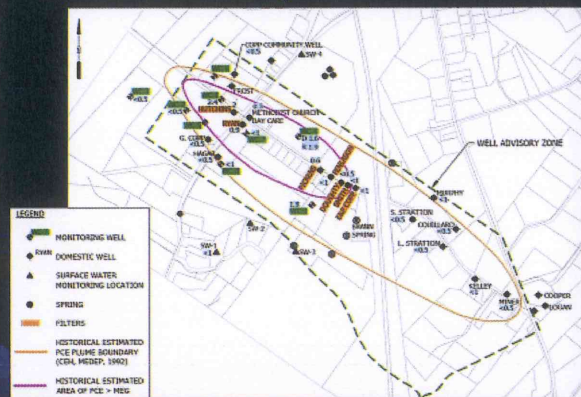
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PCE Concentrations Over Time



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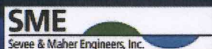
Recent Monitoring Data



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Recent Conditions

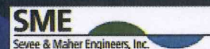
- Most recent data:
 - No parameters tested above or near MEGs
 - Where detected, PCE well below MEG
- "No Further Action" status represents dramatic improvement
 - Based on locations monitored
 - Current water usage
- MEDEP monitoring and decision does not provide guidance for development



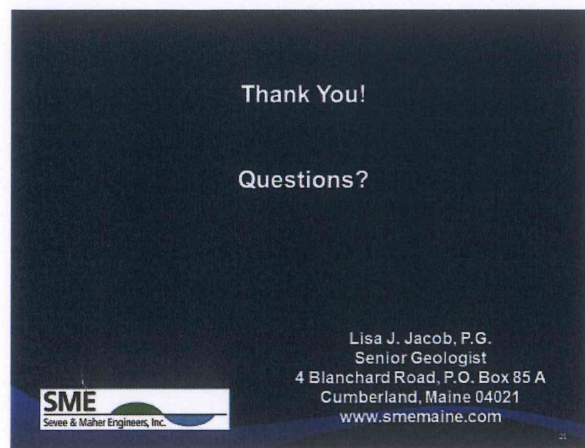
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Steps to Consider

- Maintain Well Advisory Zone
- Request new water supply wells in zone be tested for VOCs
- Baseline VOC testing as part of Planning Board review process
 - Ordinance update
- Periodic water quality sampling
 - Provide on-going understanding of water quality conditions
 - Limited number of monitoring and water supply wells
- More in-depth study



20



17 – 095 To hear a report from the Town Manager re: Gravel Pits and Extraction of Gravel (Q&A after with Town Attorney present).

Town Manager Shane explained that 6 years ago, we had our first citizen initiated referendum related to gravel extraction. The petitioner was successful in banning all gravel extraction operations within the RR 1 and RR2 Districts. It is still permitted in the Industrial Zone, where active gravel extracting areas are located. After that, there was a homeowner who developed a very large piece of property, who appeared to be circumventing the Town Ordinances under the guise of a building permit. The Town Attorney at the time advised that single family homes were exempt, as long as the person was excavating gravel (or any material) related to the construction of the home. In constructing the road (driveway) for this development, over a quarter million yards of material could potentially be extracted under a building permit. Since this particular development began, we have instituted laws for soil and erosion control, but not until 4 years after. The frustration is that the Town is abiding by the ordinance and not allowing any new gravel extraction applications, but under our current ordinances, a building permit allows for the development of somebody's driveway. How we close this loophole has been a struggle. Until we want to change the ordinance in such a way that might solve one problem but could create 3 more, it's going to be very difficult.

Tammy Marston of Mystical Way asked how many years someone is allowed to build before they have to take occupancy.

Town Manager Shane said that there is no time limit as long as they show some progress in construction.

Ms. Marston said that this could be a "make believe" residence just to get a road constructed under a residential building permit.

Terry Maloney-Kelly of Maloney's Ridge Way said that she would like to see the gravel extraction ordinance "taken off the books". It is not worth the paper it is written on and it is a misconception to the new people moving into the neighborhood. They are all very disappointed in her neighborhood that this is going on and it's very unfortunate that they got stuck with the bad neighbor.

Robert Maloney of Maloney's Ridge Way said that he has lived in this Town since 1953 and it has been a constant battle with neighboring gravel pits. The past 10 to 15 years he had hoped that the Town was changing with the nice homes being built in West Cumberland. Every day there is banging of equipment, on and on and on, and he is very disappointed that the Town cannot shut down an operation and take care of a residential zone.

Janine Gorham of 25 Forest Lane said that the noise from the pit on Blackstrap Road, in addition to this property, takes away from the enjoyment of one's home. This is a real issue for the residents of West Cumberland.

17 – 096 To hear a report from the Town Attorney re: the disposition of paper streets, which will require action by September 2017.

Town Attorney, Alyssa Tibbetts explained that there is a looming statutory deadline of September 29, 2017, for whatever action the Council decides to take in regard to the disposition of paper streets. There are three options:

- 1) To take no action. If this option is chosen, all the 26 paper streets will be deemed vacated and the property will go to the abutting property owners to the center-line of the road.
- 2) Adopt a blanket extension of the Town's rights in all paper streets that were retained in 1997. The Town would then decide whether to accept or vacate the paper streets during the next 20 year period.
- 3) Targeted approach. Create a list of those to formally accept (if any) and a no action list of those that should be vacated.

Councilor Bingham asked the Manager if we have had any issues come up with paper streets over the past 20 years.

Town Manager Shane said that the only issues have been with encroachment of driveways and structures being built within the set back of the paper street. He recommended taking the targeted approach and dealing with a few each year, perhaps have some neighborhood meetings so that people understand the paper street issue. The only one that needs some priority is Cross Road and Route 9. There is a section of Route 9 that was vacated near Cross Road where a section is still the old Range Way that has never been dealt with. Perhaps this one can be acted upon at one of the August Council meetings.

Denny Gallaudet of 67 Range Road said he owns property on both sides of Turkey Lane from the snowmobile bridge to Range Road and is trying to understand exactly what the Town's plans were in regard to this land.

Town Manager Shane said that Turkey Lane was not listed on the 1997 order, but we want to be careful to examine if there are any other implications to be considered. Is it a formal vacation or discontinuance and does that require Town Council action? Or by default did it disappear back in 1997? The Town Attorney will do the research to determine ownership and title to this property.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of September 11th to consider and act on extending the paper street deadline.

VOTE: 7-0 UNANIMOUS

17 – 097 To consider and act on amending Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.

Town Manager Shane said this is very exciting for any resident who is 70 years of age or older and has lived in the community for over 10 years. The Senior Property Tax Assistance Committee has recommended that we move forward with the new ordinance that is based on income and the amount of the increase on one's property taxes that year. For example, if your taxes go up \$300, you would receive \$300 plus whatever other

amount you are entitled to based on your income. This program is a way to help our seniors stay in our community

Councilor Storey-King said that as a member of the Senior Property Tax Assistance Committee since it started, she appreciates the work that the Town Manager and Town Attorney put into this. The State laws and regulations change continuously, this issue has been hard to handle, since it is like a moving target.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to amend Chapter 261 (Taxation) of the Cumberland Code, as recommended by the Senior Property Tax Assistance Committee.

VOTE: 7-0 UNANIMOUS

17 – 098 To consider and authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road.

Town Manager Shane explained that this issue goes back decades. The overhang of the eaves on the house is within the setback. This was discovered during the mortgage process when the house was sold and is no fault of the current owner. Back in 1998 common practice by the Code Enforcement Officer was to issue a “no action letter” in these cases, which title searches do not recognize. The consent agreement allows these issues to remain as is with no violation of Town ordinance. The Town Attorney has reviewed it and staff is recommending approval.

Motion by Councilor Bingham, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 70 Crossing Brook Road.

Councilor Copp said that since this is such a minor infraction and no fault of the current owner, he recommended waiving the \$500 fee.

Councilor Bingham amended the original motion to include waiving the \$500 fee, Councilor Stiles seconded.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – Condolences to the Frye family on the passing of Albie Frye. Those who are new to our community do not realize that there were people in the 40’s, 50’s and 60’s who laid a lot of the groundwork that made Cumberland what it is today. We should celebrate those people and their families. Albie was one of them.

His son Peter and Jen Wilson are getting married on Saturday with a celebration afterward at Val Halla.

Councilor Gruber – The approval of the property tax relief program for seniors is very exciting for our community.

The Ocean Access Committee and the Aging in Place Committee will meet on Wednesday of this week.

Councilor Storey-King – She thanked the Council for their support and the flowers that were sent to her during a recent stay in the hospital.

Her son got married recently in “Storey Land” in her dad’s barn. It was a fabulous day.

Her cousin Kate also got married in a barn wedding in Pownal. Congratulations to all of these young Greeley grads who are getting married.

Councilor Copp – Condolences to the Frye family. Albie was a good man who lived in Cumberland for as long as he could remember and raised his family here.

Chairman Edes – Construction is going very well in Town and traffic seems to be running smoothly.

He donated the additional money that he will earn annually for being Council Chairman to the 4-H/Food Pantry fund. He presented Councilor Stiles a check for \$400 from himself and his wife, Jennifer.

Councilor Stiles – He continues his effort to collect donations for the 4-H auction to benefit the Food Pantry. He urged everyone to donate just \$10 to this great cause.

Councilor Turner – People who let their dogs run loose under voice control should really make sure that they are under voice control. There have been a few problems on the conservation trail at the Broad Cove Reserve.

He asked the Manager if anyone is aware that someone had a fire at the beach on the Broad Cove Reserve property.

Town Manager Shane said yes. Alcohol was involved as well as a fire. They also moved picnic tables down to the beach which negatively impacted some of the sensitive grass areas. When the gate is installed, that will hopefully prevent this type of activity. The police did find a couple of the individuals responsible.

Town Manager Shane – The Planning Board will be considering the Senior Housing Overlay on July 18th.

- VI. **EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Bingham, seconded by Councilor Storey-King, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS
TIME: 9:29 P.M.

Reconvene to regular session at 9:45 P.M.

- VII. **ADJOURNMENT**
Motion by Councilor Bingham, seconded by Councilor Copp, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 9:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM 17-099

To hold a Public Hearing to consider and act on acceptance of
Greely Woods and other easements
(TABLED)

ITEM

17-100

To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 6 (Abandonment of watercraft) of the Cumberland Code, as recommended by the Coastal Waters Commission, and discussion re: Dinghies and enacting a Council Policy until proper notice and Public Hearing is scheduled for August 14th



CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
911
Business
829-6391

Fax
829-4214
829-2211

Charles J. Rumsey, IV
Police Chief

To: William Shane, Town Manager

From: Chief Rumsey

Date: July 19, 2017

Re: Coastal Waters Ordinance Amendments (48-6 Abandonment of Watercraft)

The Coastal Waters Commission met on June 14, 2017 and is recommending the following amendments to Chapter 48-6 of the Ordinance:

- Revised the language regarding abandonment and or sinking watercraft.

Mike Schwindt, Vice Chairman will be present at the Town Council meeting on Monday evening to answer any questions.

§ 48-6 **Abandonment of Derelict, abandoned or sinking watercraft.**

A. No person may bring into or maintain in the coastal and tidal waters of the Town **any** derelict watercraft

1. **that had not been home-ported at a Town mooring immediately prior to such damaged state. The sole exception will be for crew safety. Upon arrival the Harbormaster must be immediately notified of the watercraft's seaworthy status.**
2. **for salvage or abandon any watercraft in the coastal and tidal waters of the Town without a permit from the Harbormaster.**

B. The Harbormaster **shall must** notify the master or owner of a **watercraft determined by the Cumberland Coastal Waters Commission to be a** derelict or abandoned watercraft, **when said watercraft lacks a permit,** that **said the** watercraft must be removed within seven days. **If the master or owner has not removed it within that time, the Harbormaster is authorized to remove said the watercraft at the master's or owner's expense. except that However,** in the event **that** the Harbormaster determines **that said the** watercraft causes or threatens to cause property damage, **pollution, or is a hazard to navigation,** then removal **shall must** be by the fastest means available. **In this case, if contact with the master or owner of the watercraft or corrective action cannot be made within 24 hours after such notice, the** **The** Harbormaster is authorized to remove **said the** watercraft at the master's or owner's expense. **If the master or owner of said watercraft has not removed it after the expiration of the seven days, the Harbormaster is authorized to remove said the watercraft at the master's or owner's expense.**

C. **If any watercraft is polluting, hazardous to navigation, or in danger of sinking, the Harbormaster may authorize a private contractor to mitigate the damage to or from watercraft at the owner's or master's expense.**

D. **The owner or master must pay all reasonable costs associated with mitigating loss or damages from a derelict, abandoned or sinking watercraft within 60 days of invoicing. Failure to make full and timely payment will result in the immediate loss of all mooring privileges and continued loss for two years after the debt is paid in full.**

ITEM 17-101

To hear a report from the Tax Assessor and to hold a Public Hearing to
consider and act on setting the FY2018 tax rate



MEMORANDUM

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

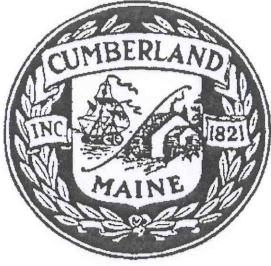
To: Town Council
From: William R. Shane, Town Manager
Date: July 19, 2017
Re: Municipal Tax Rate FY 18

I am recommend that you accept John Brushwein's recommendation to set this year's tax mil rate at \$18.80. This represents a 3% increase in the overall Tax Rate.

The breakdown of the mil rate is shown below:

	FY 2016	FY 2016		FY 2017	FY 2017		FY 2018	FY 2018
School	\$12.13	68.5%		\$12.34	67.6%		\$12.93	68.77%
Town	\$5.39	28.2%		\$5.31	29.1%		\$5.26	27.98%
County	\$00.58	3.3%		\$0.60	3.3%		\$0.61	3.25%
	\$18.10	4.0%		\$18.25	0.8%		18.80	3.0%

The LD 1 Levy Limit for FY 2018 is **\$614,929 under** the State formula for growth of the tax base.



MEMORANDUM

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

Telephone (207) 829-2205 • Fax (207) 829-2214

To: William Shane, Town Manager

From: John Brushwein, Assessor

Date: July 19, 2017

Re: 2018 Tax Rate

The 2017-18 commitment is complete with tax bills scheduled to be mailed the second week in August. It is my recommendation that the tax rate be set at \$18.80 per \$1,000.00 of assessed value which represents a 3.01% increase above the 2016-17 rate of \$18.25.

The State Legislature voted to include the Homestead Exemption increase from \$15,000.00 to \$20,000.00 however, also voted to maintain the 50% municipal reimbursement for 2017. Originally, the reimbursement was slated to be at 62.5% when the exemption increased to \$20,000.00. As a result, Cumberland has an additional \$8,820,000.00 in exempt property for 2017. The reimbursement will increase to 62.5% in 2018. The additional \$5,000.00 exemption results in a net increase for homestead owners as follows:

ASSESSED VALUE	TAX INCREASE	% INCREASE
\$200,000	\$ 16.00	.44%
\$350,000	\$ 98.50	1.54%
\$500,000	\$181.00	1.98%
\$650,000	\$263.50	2.22%

The LD1 Municipal Tax Levy Limit calculation resulted in Cumberland's property tax levy being under the property tax levy limit by \$614,929.00, therefore, no vote is needed to exceed the limit.

Respectfully Submitted,

John E. Brushwein, CMA
Assessor

ITEM 17-102

To amend the Council action of May 22, 2017 re: adoption of the
FY2018 Budget (no change to tax rate)



MEMORANDUM

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: July 20, 2017
Re: Budget Allocation Change Item # 17-102

In our June meetings with the Finance Committee, we discussed strategies to eliminate or buffer changes in health insurance status (single to family plans), and better planning for retirements. The impact of accruals from retirement plans, overlap in staffing, vacation and comp time pay, had a significant impact on the FY 2017 budget.

I have proposed a plan that would allow the development of a Reserve Fund that would be funded to buffer future fluctuations. The Reserve fund would require Council authorization for utilization of the funds and would eliminate the random spikes in wage, insurance and retirement line items.

This year's budget would set-up the reserve fund. I am recommending increasing revenues by \$100,000 and increasing expenses by \$100,000, resulting in no impact to the tax rate. The March tax rate projection was \$18.95. The proposed Tax Rate is \$18.80 and the adjustment would not change the proposed \$18.80.

	Council Vote 22-May-17	Proposed Change 24-Jul-17
Revenue	\$4,687,399	\$4,787,399
Expenses	\$10,590,575	\$10,690,575
Net to Taxes	\$5,903,176	\$5,903,176

The continued strong growth in Excise Tax Revenues gives the Finance Director and me confidence that this is the proper time and year to set this Reserve Fund in place.

I recommend the Town Council rescind the May 22, 2017 action under Item 17-082 and replace it with the new amounts listed in the table above. This does require two actions by the Council and would recommend the following motions:

Motion #1

I move to rescind the Town Council vote of May 22, 2017, Item 17-082 – FY 2018 Municipal Budget.

Motion #2

I move to set the Municipal FY 2018 General Fund Expenditure Budget at \$10,690,575 (includes County Tax) and the General Fund Non –Property Tax Revenues Budget of \$4,787,399.

ITEM

17-103

To hold a Public Hearing to set rates at which interest will be paid
for delinquent taxes and to authorizing applying tax payments to
the oldest unpaid taxes

Maine Office of the Treasurer

Home → Revenue Sharing → Delinquent Tax Rates

Delinquent Tax Rates

Municipalities may, by vote, determine the rate of interest that shall apply to taxes that become delinquent during a particular taxable year until those taxes are paid in full. The maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4 is as follows:

Taxable Year***Maximum Rate***

2017	7.00%
2016	7.00%
2015	7.00%
2014	7.00%
2013	7.00%
2012	7.00%
2011	7.00%
2010	7.00%
2009	7.00% up to 9.00%
2008	11.00%
2007	12.00%
2006	11.00%
2005	7.75%
2004	6.50%
2003	7.00%
2002	6.75% up to 8.75%
2001	11.50%
2000	10.75%
1999	10.00%
1998	10.75%
1997	10.50%
1996	10.75%
1995	10.75%
1994	10.00%
1993	10.00%
1992	10.00%
1991	12.00%

If you have any questions about this information, please feel free to contact my Office.

Credits

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ITEM

17-104

To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Labor Day “Just for Fun” Soccer Tournament to be held on September 2nd and 3rd from 7:00 a.m. to 7:00 p.m. at Twin Brook Recreation Facility

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Cumberland Soccer Club "Just For Fun" Labor Day Tournament

I held a meeting at 10:00 a.m., on Wednesday, June 28, 2017, with Deputy Town Clerk Eliza Porter, Cumberland Soccer Club Representative Ms. Martha Leggat, Police Chief Rumsey, Police Lt. David Young, Natalie Muldoon Fire Dept. Rep., and Recreation Program Director Peter Bingham.

I reviewed in detail the requirements of the Mass Gathering Ordinance with Ms. Leggat. The following represents our mutual understanding:

- Exact attendance levels are unknown, however, it was determined that 3,000 is likely. Therefore, the organizers will pay the Minor Mass Gathering fee of \$250.00.
- The 2017 "Just For Fun" Tournament will be held September 2nd and September 3rd. The hours will be from 7 a.m. to 7 p.m.
- There will be 175 teams from all across Maine participating.
- There will be parking attendants for the parking areas. The Cumberland Soccer Club parents will be used as parking attendants.
- "No Parking" signs will be posted on the edge of Tuttle Road at the entrance to the park.
- The current insurance expires August 31, 2017, and a renewal certificate will be provided to the Clerk immediately prior to the event.
- The Soccer Club Boosters will be running the concession stands at both locations (Twin Brook and the High School).
- Greely Soccer teams will dispose of all trash and place in dumpster. Dumpster will be emptied on Monday, September 4, 2017.
- There will be 1 Paramedic and 1 EMT, from the Fire Department on site at both locations.
- There will be 2 police officers on duty at the event, with one (.5) being there at peak times only.
- There will be seven (7) additional porta potties available.

- Communication between parties will be by two way radio and cell phone.
- Anita Anderson will conduct food vendor inspections during the set-up hours.
- Contact person for this event is Ms. Martha Leggat. Contact number is 846-0051.

Insurance certificate is forthcoming.

Approximate fees for this event are as follow:

\$ 250.00 Mass Gathering Permit
\$2,771.00 Twin Brook Fee
\$1,416.00 Police Department
\$1,175.00 Fire Department
\$ 700.00 Municipal Staff

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed. I hope the weather cooperates and they have a wonderful turnout.

Thank you.

TOWN OF CUMBERLAND

Publication Dates: _____
Publication Names: _____
Date Filed: _____
Fee Received: _____
Date Ordinance Received: _____
Issued: _____
Denied: _____

Mass Gathering Application-Minor Large Outdoor Event (500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.
Application must be accompanied by a non-refundable fee of \$250.00.

Name of Applicant: Cumberland Soccer Club
Address of Applicant: PO Box 352 Cumberland, ME
Name of Event: Labor Day "JUST for FUN" Tournament
Facility where the event will be held: Twin Brook Recreational Park
Is the facility owned by the applicant: _____ yes; ☒ no, (if no, attach a copy of the contract with
The owner which allows use of property)
Name of promoter (if different from above): _____

Telephone number: _____

Date of Event: Sept. 2+3, 2017 Time (start and finish times): 7:00 AM - 7:00 PM

Number of tickets available: _____

Expected attendance: 3,000

Description of event: Youth Soccer Tournament with 30-minute games + approximately 175 Maine teams.

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) one vendor - CSC - at a rented tent + at the Red Shelter (pizza, sandwiches, beverages, fruit,

Will any alcohol vendors be serving at the event? _____ yes, ☒ no (if yes, list name and attach
A copy of the vendors license to sell alcohol, describe what alcohol will be served) _____

snack

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

1. Labor Day - 2016
2. Labor Day - 2015
3. Labor Day - 2014

Description of facility:

- A. Seating capacity: _____ permanent; ☒ temporary
- B. Other seating capacity: N/A festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: 2 permanent; 7 portable
- D. Number of parking spaces available: Twin Brook Pkg. on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours): _____ yes;
☒ no, if no, which lots are not lighted _____

- F. Source of potable water: CSC Bottled water + water @ shelter
- G. Refuse containers available, number and size: Trash cans throughout Twin Brook and dumpsters
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Pine Tree Waste. (rarely soccer teams will dispos
- I. When will refuse be picked up? Monday, Sept 4th or all trash + place in dumpsters

Public Safety:

- J. Describe first aid facilities: Cumberland Rescue
- K. Describe emergency facilities: Police, Fire + Rescue
- L. Describe communication facilities: Cell phones
- M. Number of certified police officers: 2
- N. Other security personnel (include company name and qualification): Parking attendants
- O. Describe fire personnel: One truck at least - one firefighter

ROYAL FLUSH

P. O. Box 10839
Portland, Maine 04104
Phone # 207-883-0884

Customer

Name **CUMBERLAND SOCCER CLUB**
Address **PO BOX 352**
CUMBERLAND ME 04021

Billing Date: _____

Service Address: **TWIN BROOKS**
185 TUTTLE RD
CUMBERLAND ME 04021

Contact: **MARTHA 207-712-3308**

Date	QTY	Description	Price	Amount
9/1/2017	7	Event units hand sanitizer	\$80.00	\$560.00
9/1/2017	1	SINK STATION hand sanitizer	\$90.00	\$90.00
9/2/2017	8	EXTRA SERVICE AFTER 7 PM	\$14.00	\$112.00
			Sub Total	\$762.00
			Total	\$762.00

ROYAL FLUSH

P. O. Box 10839
Portland, Maine 04104
Phone # 207-883-0884

Customer

Name **CUMBERLAND SOCCER CLUB**
Address PO BOX 352
CUMBERLAND ME 04021

Billing Date: _____

Service Address: **MIDDLE SCHOOL**
351 TUTTLE RD
CUMBERLAND ME 04021

Contact: MARTHA 207-712-3308

Date	QTY	Description	Price	Amount
9/1/2017	6	Event units hand sanitizer	\$80.00	\$480.00
9/1/2017	1	SINK STATION hand sanitizer	\$80.00	\$80.00
9/2/2017	1	EXTRA SERVICE AFTER 7 PM hand soap, paper towels	\$14.00	\$98.00
			Sub Total	\$658.00
			Total	\$658.00

ITEM

17-105

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board and Ordinance Committee

Notice of Decision

Date: July 19, 2017

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

RE: Public Hearing: Recommendation to the Town Council to amend Article I (Definitions), Article III (Overlay Districts) and Article VI (General Regulations) of Chapter 315 (Zoning) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto.

This is to advise you that on July 18, 2017 the Planning Board held a public hearing for a recommendation to the Town Council to amend Article I (Definitions), Article III (Overlay Districts) and Article VI (General Regulations) of Chapter 315 (Zoning) of the Cumberland Code to establish a Senior Housing Community Overlay District and voted unanimously to make a recommendation to Town Council to amend Article I (Definitions), Article III (Overlay Districts) and Article VI (General Regulations) of Chapter 315 (Zoning) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto.



Stephen Moriarty, Board Chair
Cumberland Planning Board

Sec. 315-4 Word Usage and Definitions.

SENIOR HOUSING. Senior Housing means dwelling units that are exempt under the Federal Housing for Older Persons Act, from the prohibition against familial status discrimination, consisting of dwelling units that either: (a) are intended for, and solely occupied by persons 62 years of age or older; or (b) are intended and operated for occupancy by persons 55 years of age or older. In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements: (a) at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and (b) the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (c) the facility or community must comply with the United States Housing and Urban Development agency's regulatory requirements for age verification of residents.

SENIOR HOUSING COMMUNITY. A residential housing development designed for Senior Housing, which housing may consist of dwelling units in three alternative structures: detached, duplex or multiplex dwellings, and which may or may not include related amenities and services for its residents. Examples of Senior Housing Communities include, but are not limited to:

1. Congregate Housing;
 2. Residential Care Facility;
 3. Nursing Home;
 4. Continuing Care Retirement Community; and
 5. Community Living Arrangement.
 6. Single-Family Detached Dwellings
 7. Duplex Dwellings
 8. Multiplex Dwellings
-

Sec. 315-5 Zoning Map; division of Town into Districts.

Senior Housing Community Overlay District	SHC
---	-----

Sec. 315-28.4 Senior Housing Community (SHC) Overlay District.

A. Purpose. The purpose of the Senior Housing Community (SHC) Overlay District is to permit the development of Senior Housing Communities in designated areas of the Town that consist of varied living arrangements for senior residents. These regulations are intended to provide flexibility and creativity in the design and development of Senior Housing Communities, while ensuring that Senior Housing Communities are designed and developed to maintain a high degree of quality and integrate well into existing neighborhoods. The designation of the Senior Housing Community Overlay District is intended to recognize that a planned Senior Housing Community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses within the Senior Housing Community Overlay District, in return for an increased level of municipal oversight.

B. District. The Senior Housing Community Overlay District is hereby designated as an overlay district for the purposes set forth above within the certain portions of the MDR and RR1 Districts, specifically the lots as delineated on the official Town of Cumberland Tax Assessor's Map as:

OR03 0050 0000	OR04 0004 0000	OR04B0002 0000
OR03 0050A0000	OR04 0004A0000	OR04B0003 0000
OR03 0050B0000	OR04 0004B0000	OR04B0004 0000
OR03 0053 0000	OR04 0004C0000	OR04B0005 0000
OR04 0001 0000	OR04 0004D0000	OR04B0005A0000
OR04 0001A0000	OR04 0004E0000	OR04B0005B0000
OR04 0002 0000	OR04 0005 0000	OR04B0006 0000
OR04 0002A0000	OR04B0001 0000	
OR04 0003 0000		
OR04 0003A0000		

The requirements of the underlying zoning districts shall continue to apply to all properties within the Senior Housing Community Overlay District except as specifically modified by the provisions of this section.

C. Permitted Uses. In addition to the uses allowed in the underlying zoning districts as identified above, and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses shall be permitted uses in the Senior Housing Community Overlay District:

1. Senior Housing Community, subject to review under Section 315.60.1; and Accessory uses (provided that the use or uses are incidental and subordinate to the Senior Housing Community use) as are permitted in the underlying zoning district.

D. Lot Standards. Notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following lot standards shall apply to all Senior Housing Communities and Accessory Uses permitted within the Senior Housing Community Overlay District:

1. Setbacks. The following minimum setbacks are designed to allow smaller buildings to be located near the perimeter of the Senior Housing Community while requiring that larger buildings be more centrally located within the site and are required for all structures in the Senior Housing Community Overlay District:
 - a. Front: 25'
 - b. Rear: 25'
 - c. Side: 10'
2. Minimum Lot Size. 5 Acres for a Senior Housing Community
3. Lot Frontage. 100'
4. Maximum Density. The maximum allowable land area for each dwelling unit shall be:
 - a. 10,000 square feet per dwelling unit in a single family or duplex
 - b. 5,000 square feet per dwelling unit within a multiplex
 - c. 2,500 square feet per bed in a Residential Care Facility
5. Net Residential Acreage. Net residential acreage calculations are not required for Senior Housing Communities within the Senior Housing Community Overlay District.
6. Open Space. At least 20% of the total area of the tract or parcel of land being developed for a Senior Housing Community must be maintained as open space as defined in §315-4.
7. Buffering. A plan to buffer and screen the proposed Senior Housing Community development from adjacent residential properties shall be required. A minimum 50 foot buffer shall be required along the entire perimeter of a Senior Housing Community. No cutting or clearing shall be permitted within the 50 foot buffer area. Additional plantings or other buffering implements may be required within the buffer area to create sufficient buffer. The Planning Board shall approve the

selection of the proper type and size of buffering techniques based on existing site conditions, distances to property lines, and the intensity of the land use. Buffering may consist of plantings, earth berms, stone walls, grade changes, fencing, or a combination of some or all of these techniques.

E. Building Standards.

1. Maximum building height. No building shall exceed forty (40) feet in height or four stories, whichever is less, as measured in accordance with §315-52.
2. Minimum building separation. All buildings and structures shall be separated by a minimum of 20 feet, as measured from the nearest part of each structure to the other.
3. Minimum Dwelling Size. No dwelling unit (other than a dwelling unit within a Congregate Housing, Residential Care Facility, Nursing Home, Continuing Care Retirement Community or Community Living Arrangement) shall have less than 600 square feet of Floor Area.

F. Parking. Parking shall be required per dwelling unit based on the type of housing provided, but in no event shall there be less than one parking space per dwelling unit.

1. Dwelling units that are not part of a Residential Care Facility (i.e., detached, duplex or multiplex dwellings designed for independent living arrangements) shall provide a minimum of 2 spaces per dwelling unit;
2. Dwelling units that are part of a Residential Care Facility shall provide a minimum of 1 space per dwelling unit;
3. For all other permitted uses, refer to §315-57 for minimum parking requirements.

G. Public Utilities. All dwelling units within a Senior Housing Community shall be connected to the public water and public sewer systems.

H. Residential Care Facilities. The provisions of Section 315-71 (Residential Care Facilities) shall not apply to Senior Housing Communities in the Senior Housing Community Overlay District.

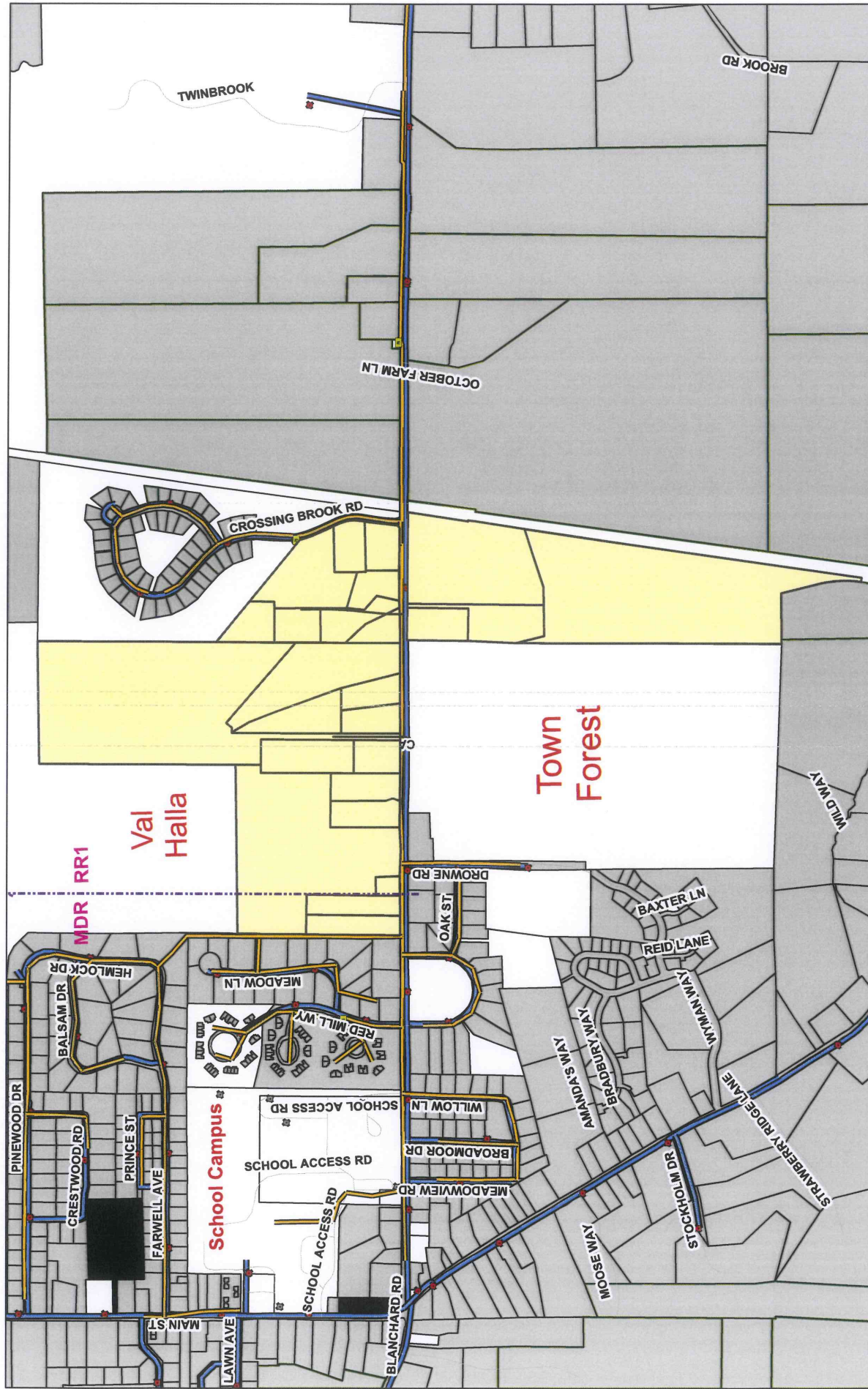
Sec. 315-60.1. Senior Housing Community

A. Design Standards.

1. When the development proposal provides for the construction or expansion of a building visible from an existing or proposed road, special consideration shall be paid to the design of the building and site. In general, buildings shall be designed so that they appear to face the existing road where feasible.
2. No service or storage areas shall be located between buildings and an existing road.
3. Curb cuts onto existing roads shall be minimized where practical.
4. Parking lots shall be located internally where practical.
5. Development within the Senior Housing Community is encouraged to be designed with environmentally sustainable elements such as:
 - i. Utilizing renewable energy sources (e.g., solar)
 - ii. Using Energy Efficient Home Construction standards
 - iii. Water Efficiency
 - iv. Waste Reduction
 - v. Toxics Reduction

ITEM 17-106

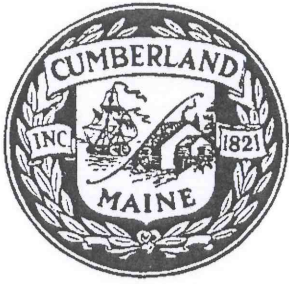
To hold a Public Hearing to consider and act on updating the Official
Zoning Map of the Town of Cumberland to add a
Senior Housing Community Overlay District



Proposed Senior Housing Community Overlay District

ITEM 17-107

To consider and act on authorizing the Town Manager to advertise
for bidders to purchase the former Whitman House with a
minimum bid of \$25,000



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: July 19, 2017
Re: Item 17-106 Whitman House Sale to Highest Bidder

We have not been successful in locating the former Fire/EMS sleeping quarters, also known as the Whitman House, onto a piece of Town owned property. I am recommending that we sell the house to the highest bidder with a minimum bid price of \$25,000. We have paid for the move of the home and are owed the move to a site within a 10 mile radius of the Town Garage. I suggest payment be made within 30 days of award and the unit must be scheduled for a move within 45 days of award.





ITEM

17-108

To set a Public Hearing date of August 14th to consider and act on
setting sewer user fees for FY2018



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

July 19, 2017

Re: Sewer User Fee – **0% Increase** - Proposed September 2017

Dear Cumberland Sewer User:

A Public Hearing has been set for **7:00 PM on Monday, August 14, 2017** at the **West Cumberland Recreation Hall on Blackstrap Road, next to the Fire Station**, to discuss the sewer user fees as proposed in the table below.

	Sept 2015	Sept 2016	Sept 2017	Sept 2018
Consumption 6 HCF or 150 gallons /day	6.00	6.00	6.00	6.00
Charge per HCF	$\$5.29 \times 6 = \31.74	\$5.29	\$5.29	\$5.29
Base Fee- Ready to Serve	\$35.58	\$36.92	\$38.26	\$38.26
Proposed Monthly Avg.	\$67.32	\$68.66	\$70.00	\$70.00
\$\$ Increase	\$1.32	\$1.34	\$1.34	\$0
% Increase	2%	2%	2%	0%

The Town Council will be hearing public comment and voting on the proposed increases at their August 14th meeting. Please contact my office if I can be of any further assistance to you regarding this matter.

Sincerely,

William R. Shane, P.E.
Town Manager
wshane@cumberlandmaine.com

ITEM

17-109

To set a Public Hearing date of August 14th to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2 (Definitions) to add Dinghy, Section 5 Dockage Time (new), Section 6 Dinghies (new), and renumbering of remainder of Chapter 48, as recommended by the Coastal Waters Commission



CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
911
Business
829-6391

Fax
829-4214
829-2211

Charles J. Rumsey, IV
Police Chief

To: William Shane, Town Manager

From: Chief Rumsey

Date: July 19, 2017

Re: Coastal Waters Ordinance Amendments (48-2 Definitions, 48-5 Dockage Time, 48-6 Dinghies and restructure the numbering of remaining sections.)

The Police Department and Harbormasters are recommending the following amendments to Chapter 48 of the Ordinance:

- Add DINGHY to section 48-2 Definitions.
- Add section Dockage Time (48-5)
- Add section Dinghies (48-6)
- Renumber remaining sections for continuity to the following: 48-7 Moorings, 48-8 Abandonment of Watercraft, 48-9 Enforcement; violations and penalties and 48-10 Appeals.

These changes are necessary due to presently evolving concerns with dinghies at BCR and complaints regarding their placement. The Coastal Waters Commission will meet to discuss these additions in September and will likely recommend modifications to the language.

Mike Schwindt, Vice Chairman will be present at the Town Council meeting on Monday evening to answer any questions.

*The following Code does not display images or complicated formatting. Codes should be viewed online.
This tool is only meant for editing.*

Chapter 48

Coastal Waters

**[HISTORY: Adopted by the Town of Cumberland 10-10-1989; amended in its entirety 5-23-2016.
Subsequent amendments noted where applicable.]**

§ 48-1 General provisions.

- A. Purpose. The Coastal Waters Ordinance is hereby established regulating marine activities within the coastal and tidal waters of the Town, in order to ensure the safety of persons and property, promote availability and the safety of valuable public resources, and to create a fair and efficient framework for the administration of the same.
- B. Authority. This chapter is adopted pursuant to the authority granted by Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended from time to time, and pursuant to the Town's home rule authority under the Constitution of Maine, Article VIII, Part 2, and 30-A M.R.S.A § 3002, as amended from time to time.
- C. Applicability. The provisions of this chapter shall apply to all coastal and tidal waters located within the boundaries of the Town.
- D. Conflict. Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States government with respect to the enforcement of navigation, shipping, or anchorage and associated laws of the United States or any valid laws or regulations of the State of Maine.

§ 48-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COASTAL AND TIDAL WATERS PLAN

A plan adopted by the Town Council designating the coastal and tidal waters of the Town and describing and showing the locations of mooring areas and/or anchorages of watercraft and the locations of channels for the passage of watercraft. This plan may be amended by the Town Council and may include mooring plans.

COMMERCIAL WATERCRAFT

Any type of watercraft used in a business or trade.

DERELICT OR ABANDONED WATERCRAFT

A watercraft that is given up by its master or owner with the intent to never again claim a right or interest in it.

DINGHY

A dinghy shall be a punt, skiff, tender or the like of 12 feet of length overall or less, used solely as transportation to or from a boat on a mooring and clearly marked with the mooring number and vessel owner's name (e.g. Smith A001). Dinghies may be outfitted with an outboard motor of 20hp or less.

MOORING

A fixed anchor to which a watercraft can be made fast.

MOORING PLAN

A plan adopted by the Town Council as part of the Coastal and Tidal Waters Plan designating specific locations for moorings within a mooring area and establishing limits on the numbers of moorings allowed within a mooring area.

PARCEL OF LAND

- A. For persons taking title to shorefront property on or after January 1, 1987, a lot the area of which is the larger of the minimum buildable lot size in the Town or 20,000 square feet, but in either case including 100 feet of shoreline frontage; or
- B. For persons who owned shore rights of at least 100 feet of frontage prior to January 1, 1987, a lot of any size.

PERMIT YEAR

The permit year shall be from May 1 through April 30.

PERSON

Includes the singular and plural, and shall also mean and include any individual, firm or corporation, association, club, partnership or society.

RESIDENT

A property owner or any person who occupies a dwelling within the Town for more than 180 days in a calendar year.

RIPARIAN OWNER

A person who owns the shore rights to a parcel of land abutting the coastal or tidal waters of the Town.

TOWN

The Town of Cumberland, Maine.

WATERCRAFT

Any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water, other than a seaplane.

§ 48-3 Coastal Waters Commission.

- A. Establishing policy. The Cumberland Coastal Waters Commission exists for the general purpose of evaluating public usage of and access to the coastal and tidal waters under the jurisdiction of the Town and planning for the future use of those waters; to advise the Town Council on policy matters and proposed regulations concerning the Town's coastal and tidal waters; to plan and implement improvements in conjunction with state and federal authorities; to supervise the enforcement of Town rules and regulations by the Harbormaster; and to sit as a board of appeals to hear appeals as provided by this chapter from any person aggrieved by a decision, act, or failure to act of the Harbormaster. The Commission may recommend to the Town Council a mooring plan for any area in which moorings are allowed under this chapter. The Commission shall regularly inform the Town Council and such other boards, committees, or officials of the Town as are appropriate of its activities.

B. Organization.

- (1) The Coastal Waters Commission shall consist of at least five members appointed by the Town Council. Each Commissioner shall be a resident of the Town and shall serve without compensation.
- (2) Neither a Town Councilor nor his/her spouse may be a member of the Commission.
- (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue shall be decided by a majority vote of the members, excluding the member who is being challenged; in the event of a tie in the vote on the question of whether a member should be disqualified from voting on the issue, the member shall be disqualified from voting on the issue.
- (4) The Town Council may dismiss a member of the Commission for cause before the member's term expires. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Town Council Chairman of the forfeiture of office by a Commissioner.
- (5) The term of office of a member shall be three years, except the initial appointments which shall be as follows: two members for three-year terms, two members for two-year terms, and one member for a one-year term.
- (6) The Commission shall annually elect a Chairman and Vice Chairman from its membership and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for reelection.

C. Procedure.

- (1) The Chairman or designee shall call meetings of the Commission as required. The Chairman or designee shall also call meetings of the Commission when requested to do so by a majority of the members or by the Town Council. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least three members. The Chairman or designee shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.
- (2) The Commission shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Commission shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Commission are public records and shall be filed in the Town Clerk's office and may be inspected at reasonable times.
- (3) In any appeal under § 48-8A, the following procedures apply:
 - (a) The Commission may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts;
 - (b) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented in the appropriate order, relief or denial of relief. Notice of any decision shall be mailed or hand-delivered to the petitioner, his/her representative or agent, and the Town Council within seven days of the Commission's decision;

- (c) The Commission may reconsider any decision reached under this section within 30 days of its prior decision. The Commission may conduct additional hearings and receive additional evidence and testimony as provided in this section; and
 - (d) An appeal may be taken from any order, relief or denial of the Coastal Waters Commission by procedure as outlined in § 48-8 of this chapter.
- D. Jurisdiction. The Coastal Waters Commission shall hear appeals as provided for by § 48-8 of this chapter. For purposes of 38 M.R.S.A. § 9, as amended from time to time, the Coastal Waters Commission is entrusted with harbor management.

§ 48-4 Harbormaster.

- A. The Harbormaster shall be appointed by the Town Manager annually. The Harbormaster's duties and responsibilities shall be as prescribed by 38 M.R.S.A. § 1 et seq. and by the provisions of this chapter. The Town Council may establish the Harbormaster's compensation, and the Harbormaster may be removed for cause in accordance with 38 M.R.S.A. § 1.
- B. The Harbormaster shall regularly attend the meetings of the Coastal Waters Commission and inform the Commission of his/her activities as well as provide such information available to him/her as may be requested by the Commission in the execution of its duties.

§ 48-5 Dockage Time.

No person shall tie up vessels or boats of any description to public facilities for more than thirty (30) minutes except with special permission granted by the Harbormaster. With the exception of dinghies owned or used by a mooring holder as described below, all vessels or boats which tie up to the Broad Cove Reserve pier shall be tied up to the south side of the pier.

§ 48-6 Dinghies.

- (1) No dinghies shall tie up to any public facility such as a wharf or float without permission of the Harbormaster, except for such dinghies as owned or used by a mooring holder in the town mooring field. Dinghies owned or used by a mooring holder in the town mooring field shall be tied off to the north side of the Broad Cove Reserve pier.**
- (2) All dinghies using the public facilities shall have the owner of the vessel's name and the mooring registration number clearly lettered thereon in letters at least two inches (2") high.**
- (3) No dinghies shall be tied up to any town pier, wharf or float unless such dinghy is 12 feet or less in length. No dinghies shall be tied up to any town pier, wharf or float with any outboard motor exceeding 20hp capacity.**

§ 48-57 Moorings.

[Amended 1-23-2017]

- A. General. No person can place or establish a mooring in the coastal and tidal waters of the Town except within designated mooring areas as described in and shown on the Coastal and Tidal Waters Plan; provided, however, that:
 - (1) A riparian owner who is the master or owner of a watercraft may be assigned a mooring fronting his/her land even though the mooring is not within a mooring area shown on the Coastal and Tidal Waters Plan, so long as said mooring does not encroach upon the natural channel or channels established in said Coastal and Tidal Waters Plan and provided that the riparian owner must annually register the mooring as provided in Subsection B of this section.

- (2) A riparian owner using a mooring or moorings fronting his/her land but not located within the mooring areas shown and described in the Coastal and Tidal Waters Plan of the Town as of the effective date of this chapter and said plan may be allowed to continue to use up to three such moorings at the same location, so long as said moorings do not encroach upon the natural channel or channels established in said plan and provided that such person informs the Harbormaster of the location of said moorings within one year from the effective date of this chapter and annually registers the moorings as provided by Subsection **B** of this section.
- (3) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner under Subsection **A(1)** and **(2)** above, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement or moorings allowed for riparian owners. Furthermore, should space be insufficient to meet demands, the number of moorings allowed for a ROW property owner in front of the ROW may be reduced to one.

B. Assignment and location of moorings.

- (1) No person may moor his/her watercraft in any part of the coastal and tidal waters of the Town without first annually registering said watercraft and obtaining a mooring assignment specifying the location of the mooring.
- (2) No owner or master of any watercraft may permit or suffer his/her watercraft to be docked or moored in such a manner as to obstruct the free passage of other watercraft going to or from any wharf or pier in the Town.
- (3) Any mooring assignment in the coastal and tidal waters of the Town is governed by the following guidelines:
 - (a) Application for a mooring must be made by May 1 of each year unless an applicant shows good cause why he/she could not apply before May 1 (as, for example, a person who acquires a boat or becomes a resident after May 1). A mooring assignment will be valid until the next April 30.
 - (b) All persons applying for and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council.
 - (c) If a person with an assigned mooring changes watercraft during the permit year, a new mooring application must be submitted as soon as possible describing the new watercraft. If the characteristics of the mooring (block, chain, pennant) must be changed to accommodate the new watercraft, the application should be made in advance of the changes. If the mooring location needs to change, the application and approval **MUST** precede any changes. No new fees will be charged. The Harbormaster should be consulted if there are any questions.
 - (d) Each mooring application must be fully completed.
 - (e) Notwithstanding any provision of this chapter to the contrary, any person using a mooring located within the mooring areas shown and described in the Coastal and Tidal Waters Plan of the Town as of the effective date of this chapter and said plan will be allowed to continue to use that mooring at the same location, so long as said mooring does not encroach upon the natural channel or channels established in said plan, and provided that such person informs the Harbormaster of the location of said mooring within one year from the effective date of this chapter and annually registers the mooring as provided by this Subsection **B**.
- (4) In the event that more mooring applications are received than there are available spaces, the Harbormaster may maintain a waiting list of all applicants who have not been assigned a mooring. Further, if a plan is amended and that revised plan provides for fewer moorings, the moorings available under the revised plan must be assigned to persons who had registered moorings at the time

of amendment of the plan under this allocation system, except as otherwise provided by this chapter. Persons may add their names to the waiting list at the Town Clerk's office during normal business hours. This procedure must be posted in the Town Hall, and the waiting list must be a public document under the Freedom of Access Law.^[1] The waiting list must be maintained in chronological order of application, and any vacant space must be assigned to the first person on the waiting list, in accordance with the following priorities:

- (a) A riparian owner who is the owner or master of a watercraft and who is applying for a mooring assignment must receive the first vacancy available, and the mooring must be located fronting his/her property, provided that such location does not encroach upon the natural channel or channels established by municipal officers. No more than one mooring may be assigned to any shorefront parcel of land under this priority, but this limitation may not prevent a riparian owner from receiving additional mooring assignments under this allocation system.
 - (b) A homeowners' association member who has recorded rights to the shore through a deed, subdivision plan, or homeowners' association document.
 - (c) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement of moorings allowed for riparian owners.
 - (d) Any other resident or property owner of the Town.
 - (e) Any person who does not meet the requirements of Subsection **B(4)(a)** through **(d)** above; however, if a waiting list is created, the next vacant space must be assigned to the first nonresident on the waiting list in accordance with the following priority:
 - [1] If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [2] If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [3] If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space must be assigned to the first applicant in the category that is farthest below 10%.
 - (5) The Harbormaster must maintain a record of each mooring assignment, including the location of assignment as well as the application information required by this chapter.
 - (6) Mooring assignments are not transferable, and such assignments must not be rented unless approved by the Harbormaster.
 - (7) The Town reserves the right to reassign moorings each year to better use available space.
- C. Moorings. Moorings must consist of appropriately sized mushroom anchors, granite blocks, or helix moorings, connected to a surface buoy by a chain of appropriate size and length for the vessel, depth of water, and exposure to weather. Concrete blocks, engine blocks, and other "objects of convenience" are not allowed. The surface float must consist of a white mooring ball on which the name of the watercraft owner or master and mooring registration number is painted with at least three-inch-tall letters and numbers in a contrasting color. A pennant of suitable diameter and length completes the mooring assembly. Guidance for selecting the sizes of materials can be obtained from the Town website and/or from qualified mooring specialists who are also listed on the Town website.

- D. Inspections. Each mooring must be inspected every two years by a qualified mooring specialist. The inspection results must be reported to the Harbormaster and all deficiencies repaired within 30 days.
- E. Winter spars. Winter spars cannot be installed before September 15 and must be attached by December 1 each year. They must be removed and replaced with the white ball by June 1.
- F. Removal of moorings. An owner who discontinues the use of a mooring is responsible for removing the mooring from the marine environment. The Town has the right to remove any mooring including unsafe, abandoned, unregistered and "objects of convenience" moorings at the owner's expense.
- G. An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring during the first year of assignment. Should a mooring not be installed during that first year and the applicant again apply within three years, a relocation fee must be paid to cover the expense of retrieving the original marker and subsequent locating and marking of the second mooring site.

§ 48-68 Abandonment of watercraft.

No person may bring into or maintain in the coastal and tidal waters of the Town derelict watercraft for salvage or abandon any watercraft in the coastal and tidal waters of the Town without a permit from the Harbormaster. The Harbormaster shall notify the master or owner of a watercraft determined by the Cumberland Coastal Waters Commission to be a derelict or abandoned watercraft, when said watercraft lacks a permit, that said watercraft must be removed within seven days, except that in the event that the Harbormaster determines that said watercraft causes or threatens to cause property damage, then removal shall be by the fastest means available. In this case, if contact with the master or owner of the watercraft or corrective action cannot be made within 24 hours after such notice; the Harbormaster is authorized to remove said watercraft at the master's or owner's expense. If the master or owner of said watercraft has not removed it after the expiration of the seven days, the Harbormaster is authorized to remove said watercraft at the master's or owner's expense.

§ 48-79 Enforcement; violations and penalties.

- A. It shall be the primary duty of the Harbormaster to enforce the provisions of this chapter and of Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended from time to time. If the Harbormaster shall find any provisions of this chapter or statute being violated, he/she shall notify the person responsible for said violation, either verbally or in writing, indicating the nature of the violation or ordering the action necessary to correct it. The Harbormaster shall maintain a written record of such notices. In the event the violation causes or threatens to cause property damage, then notification of the violation shall be by the fastest means available. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours after such notice, the Harbormaster is authorized to take whatever corrective action is necessary, the expense and risk for which shall be borne by the boat owner.
- B. Violation of any provisions of this chapter shall be deemed a civil violation. This chapter is enforceable by the Harbormaster or any law enforcement officer of the Town, County of Cumberland, or State of Maine with jurisdiction in the Town. This chapter shall be enforced through a civil action in the District Court, and the Town may seek one or more of the following: injunctive relief, money damages not exceeding the sum of \$200 for each violation and attorney fees and costs pursuant to 30-A M.R.S.A. § 4452, as amended from time to time. Each day such violation exists shall constitute a separate violation.
- C. The Harbormaster shall suspend for the remainder of the permit year the mooring assignments of any person who violates this chapter two or more times within that permit year.

§ 48-810 Appeals.

- A. Any and all persons aggrieved directly or indirectly by an action or failure to act of the Harbormaster may appeal such action or failure to act to the Coastal Waters Commission. In deciding any appeal, the Commission shall hear and approve, with modifications or conditions, or disapprove the action

or failure from which the appeal is made.

- B. Such appeals shall be made by application in writing to the Coastal Waters Commission within five calendar days of the action or failure to act from which the appeal is taken. The application must state with specificity the action or failure to act from which the appeal is taken and the reason for the appeal. The appeal shall be considered by the Coastal Waters Commission at its next regular meeting.
- C. Any action or failure to act by the Harbormaster concerning the location of moorings or boats, as a result of which location there is immediate danger to lives or property, shall not be stayed pending appeal.
- D. An appeal may be taken by any party from any order, relief or denial by the Coastal Waters Commission under Subsection A above, within 30 days after the decision is rendered, to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

NEW BUSINESS



Attorneys at Law

SAVE THE DATE

THURSDAY, SEPTEMBER 28, 2017

6:00-8:30 PM

JENSEN BAIRD GARDNER & HENRY'S MUNICIPAL CLIENT SEMINAR

It will soon be time for Jensen Baird Gardner & Henry's biennial Municipal Client Seminar. Our purpose will be to review current legal issues, the new laws enacted by the First Session of the 128th Maine Legislature (non-emergency laws effective approximately mid-October 2017) and the implications of these new laws for Maine municipalities. This seminar is presented free of charge and will be held on **Thursday, September 28, 2017** from 6:00 p.m. to 8:30 p.m. at the DoubleTree Hotel (with the twin towers) in South Portland (right across the street from the Maine Mall shopping center). A buffet supper will be served. More details and registration information will follow in late August.

Please feel free to copy this sheet and pass it along to your colleagues. Hope to see you there.

Jensen Baird Gardner & Henry
Ten Free Street, P.O. Box 4510
Portland, ME 04112
Phone: 775-7271
Fax: 775-7935

Jensen Baird Gardner & Henry
11 Main Street, Suite 4
Kennebunk, ME 04043
Phone: 985-4676
Fax: 985-4932

Toll Free: 1-800-756-1166
www.jbgh.com

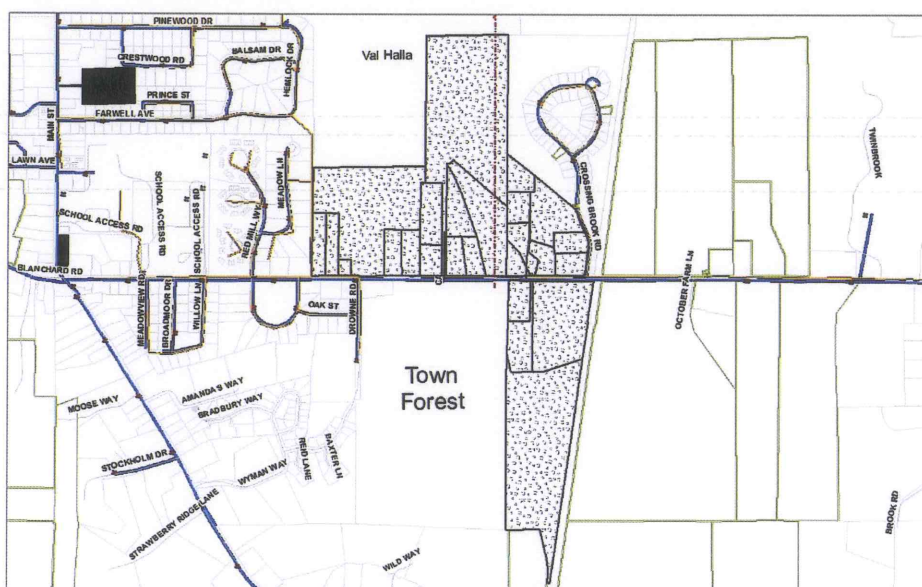
TOWN OF CUMBERLAND
NOTICE OF PUBLIC HEARING
July 24, 2017
7:00 PM

LEGAL ADVERTISEMENT

Notice is hereby given that the Town of Cumberland will hold a public hearing on Monday, July 24, 2017 at 7:00 p.m. at the Town Hall, 290 Tuttle Road in Cumberland, for the purpose of receiving public comment on the following Cumberland Zoning Ordinance and Zoning Map amendment as recommended by the Planning Board:

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board.

To hold a Public Hearing to consider and act on updating the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.



Proposed Senior Housing Community Overlay District

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

Brenda Moore

From: Alyssa C. Tibbetts <ATibbetts@JBGH.com>
Sent: Wednesday, July 12, 2017 9:52 AM
To: Brenda Moore
Subject: RE: Senior Housing Overlay District

Hi Brenda,

Yes, you can hold the public hearing without setting it as long as you meet the advertising requirement. I would recommend a few edits in the version below:

17 - 105 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board.

Let me know if you have any questions.

Thanks,
Alyssa

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner & Henry
Ten Free St., P.O. Box 4510
Portland, ME 04112
(207) 775-7271
(207) 775-7935 (Fax)

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

From: Brenda Moore [mailto:bmoore@cumberlandmaine.com]
Sent: Wednesday, July 12, 2017 9:31 AM
To: Alyssa C. Tibbetts
Subject: Senior Housing Overlay District

Can you please look at this wording and tweak as necessary...I need to advertise tomorrow so I need to get to the Press Herald asap! Can we hold the public hearing on this without setting it first as long as we meet the advertising requirement?

17 - 105 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board.

17 - 106 To hold a Public Hearing to consider and act on updating the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.

Brenda Moore

From: Joan Jensen <jjensen@pressherald.com>
Sent: Wednesday, July 12, 2017 12:14 PM
To: Brenda Moore
Subject: RE: Ad for tomorrow and July 17th

Hi Brenda,

All set to publish your ad tomorrow, July 13 and Monday, July 17, 2017. The cost is \$352.20 includes \$2.00 online charge. I will send a proof as soon as possible.
If you have any questions, please feel free to contact me.

Thank you,
Joan

Joan Jensen
Sales Assistant Legal Advertising
Portland Press Herald/Maine Sunday Telegram
P: 207.791.6157
F: 207.791.6910
E: legals@pressherald.com
295 Gannett Drive
South Portland, ME 04106

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

From: Brenda Moore [mailto:bmoore@cumberlandmaine.com]
Sent: Wednesday, July 12, 2017 10:12 AM
To: Joan Jensen <jjensen@pressherald.com>
Subject: Ad for tomorrow and July 17th

Here it is...I hope it's not too big! Please run tomorrow and again on Monday, July 17th.

Thank you!!

Brenda Moore
Human Resources Specialist
Administration Executive Assistant
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021
(207)829-2205

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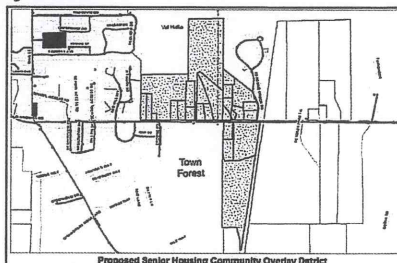
**TOWN OF CUMBERLAND
NOTICE OF PUBLIC HEARING
July 24, 2017
7:00 PM**

LEGAL ADVERTISEMENT

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To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board.

To hold a Public Hearing to consider and act on updating the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.



All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

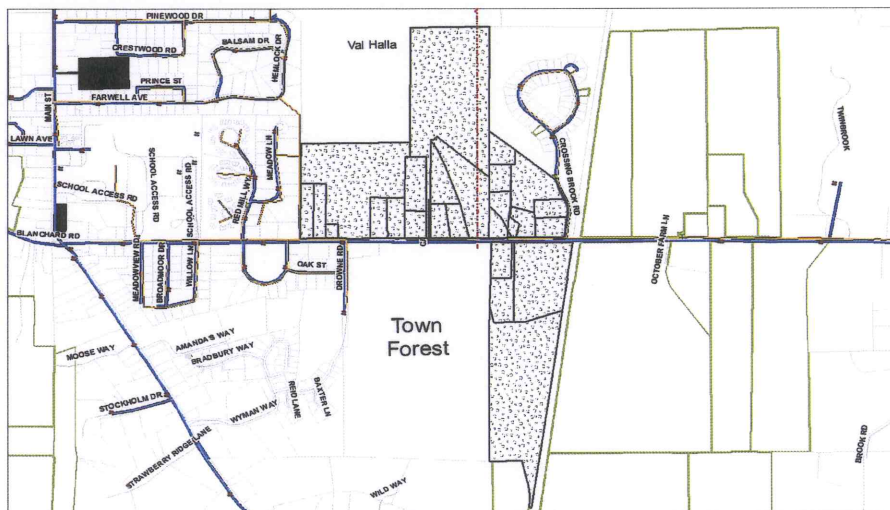


Forecaster 7-20-17

Cumberland Town Council Meeting
Monday, July 24, 2017
7:00 p.m. Call to Order

On Monday, July 24, 2017, the Cumberland Town Council will hold its regular meeting at 7:00 p.m. in the Town Council Chambers. An opportunity for public comment will be provided. The following items will be considered:

- To hold a Public Hearing to consider and act on acceptance of Greely Woods and other easements. **(TABLED)**
- To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 6 (Abandonment of watercraft) of the Cumberland Code, as recommended by the Coastal Waters Commission.
- To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2018 tax rate.
- To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorizing applying tax payments to the oldest unpaid taxes.
- To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Labor Day “Just for Fun” Soccer Tournament to be held on September 2nd and 3rd from 7:00 a.m. to 7:00 p.m. at Twin Brook Recreation Facility.
- To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning) Article I, Section 4 (Word Usage and Definitions); Article III, Section 28.4 (Senior Housing Community Overlay District (new)); and Article VI, Section 60.1 (Senior Housing Communities (new)) of the Cumberland Code to establish a Senior Housing Community Overlay District and to adopt definitions and regulations related thereto, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on updating the Official Zoning Map of the Town of Cumberland to add a Senior Housing Community Overlay District.



Proposed Senior Housing Community Overlay District

- To consider and act on authorizing the Town Manager to advertise for bids to purchase the former Whitman House with a minimum bid of \$38,500.
- To set a Public Hearing date of August 14th to consider and act on setting sewer user fees for FY2018.

Additional items may also be considered. Please refer to the town's website: www.cumberlandmaine.com for a complete agenda.