

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, February 25, 2013

6:00 Workshop

7:00 p.m. Call to Order

6:00 P.M. WORKSHOP re: FY'14 Budget

I. CALL TO ORDER

II. APPROVAL OF MINUTES
February 11, 2013

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 13 – 024** To consider and act on authorizing the Town Manager to negotiate with Kerri Farms Subdivision owners for payment of delinquent property taxes and issue a quitclaim deed for open space property identified as Tax Map R08/Lot 41I.
- 13 – 025** To hold a Public Hearing to consider and act on draft amendments to Chapter 250 (Subdivision of Land), Section 6(D)(3) (Review and approval of plan for minor subdivision) of the Cumberland Code, as recommended by the Planning Board.
- 13 – 026** To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards), Section 11 (Expiration of Approval), and Section 12 (Standard Condition of Approval) of the Cumberland Code, as recommended by the Planning Board.
- 13 – 027** To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article V (Aquifer Protection) of the Cumberland Code to amend Section 315-36 (Regulations), and Section 315-37 (Continued Compliance), as recommended by the Planning Board.
- 13 – 028** To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article VII (Non-conforming uses, buildings, or structures) to amend Section 315-74 of the Cumberland Code, as recommended by the Planning Board.
- 13 – 029** To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map U21/Lot 17B (27 Neba Way) from Village Office Commercial I (VOCI) to Rural Residential 2 (RR2), as recommended by the Planning Board.
- 13 – 030** To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map R07C/Lot 6 (40 Wilson Road) from Rural Residential 1 (RR1) to Rural Residential 2 (RR2), as recommended by the Planning Board.
- 13 – 031** To hear a report and authorize the Town Manager to process Senior Circuit Breaker Program payments.

- 13 – 032** To consider and act on authorizing the Town Manager to accept delinquent taxes in the amount of \$10,769.41 and issue a quitclaim deed for property located at 43 Wilson Road, Tax Map R07C/Lot 13.
- 13 – 033** To consider and act on authorizing the Town Manager to accept delinquent taxes in the amount of \$11,659.36 and issue a quitclaim deed for property located at 23 Mill Road, Tax Map R07C/Lot 07.
- 13 – 034** To set a Public Hearing date (March 11th) to consider and act on a Mass Gathering Permit for the Cumberland Youth Boys Lacrosse Jamboree to be held on May 4th from 8:00 a.m. to 5:00 p.m. at Twin Brook Recreation Facility.
- 13 – 035** To set a Public Hearing date (March 11th) to consider and act on a Mass Gathering Permit for the Cumberland Youth Girls Lacrosse Round Robin to be held on June 1st from 8:00 a.m. to 5:30 p.m. at Twin Brook Recreation Facility.
- 13 – 036** To set a Public Hearing date (March 11th) to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel's on The Green at Val Halla, for the period of April 2013 – April 2014.
- 13 – 037** To set a Public Hearing date (March 11th) to consider and act on authorizing the Town Manager to negotiate a 3-year contract extension with Rachel's On the Green at Val Halla.
- 13 – 038** To appoint a member to the PACTS Board for Regional Transportation.
- 13 – 039** To hear a report from the Finance Committee Chair re: FY'14 Budget Meeting Workshops:
- Monday, March 11th Workshop after Council Meeting adjournment
 - Saturday, March 16th 8:00 a.m. to completion
 - Monday, March 25th Public Hearing on FY'2014 Budget
- 13 – 040** To consider and act on authorizing the Council Chairman to sign a letter on behalf of the Town Council in opposition of the request from the Commissioner of the Department of Environmental Protection to allow solid waste from the closed MERC facility in Biddeford to the State Landfill at Juniper Ridge.
- 13 – 041** To consider and act on authorizing the Town Manager to accept a release deed for property located at 32 Sullivan Drive and to auction said property pursuant to the attached release.
- 13 – 042** To consider and act on authorizing the Town Manager to accept a release deed for property located at 8 Highland Avenue and to auction said property pursuant to the attached release.

VI. NEW BUSINESS

VII. ADJOURNMENT

MOTIONS

MOTIONS

- 13 – 024** I move to authorize the Town Manager to negotiate with Kerri Farms Subdivision owners for payment of delinquent property taxes and issue a quitclaim deed for open space property identified as Tax Map R08/Lot 41I.
- 13 – 025** I move to amend Chapter 250 (Subdivision of Land), Section 6(D)(3) (Review and approval of plan for minor subdivision) of the Cumberland Code, as recommended by the Planning Board.
- 13 – 026** I move to amend Chapter 229 (Site Plan Review), Section 10 (Approval Standards), Section 11 (Expiration of Approval), and Section 12 (Standard Condition of Approval) of the Cumberland Code, as recommended by the Planning Board.
- 13 – 027** I move to amend Chapter 315, Article V (Aquifer Protection) of the Cumberland Code to amend Section 315-36 (Regulations), and Section 315-37 (Continued Compliance), as recommended by the Planning Board.
- 13 – 028** I move to amend Chapter 315, Article VII (Non-conforming uses, buildings, or structures) to amend Section 315-74 of the Cumberland Code, as recommended by the Planning Board.
- 13 – 029** I move to amend the Official Cumberland Zoning Map to change Tax Assessor Map U21/Lot 17B (27 Neba Way) from Village Office Commercial I (VOCI) to Rural Residential 2 (RR2), as recommended by the Planning Board.
- 13 – 030** I move to deny the request to amend the Official Cumberland Zoning Map to change Tax Assessor Map R07C/Lot 6 (40 Wilson Road) from Rural Residential 1 (RR1) to Rural Residential 2 (RR2), as recommended by the Planning Board.
- 13 – 031** I move to authorize the Town Manager to process Senior Circuit Breaker Program payments not to exceed \$75,000.
- 13 – 032** I move to authorize the Town Manager to accept delinquent taxes in the amount of \$10,769.41 and issue a quitclaim deed for property located at 43 Wilson Road, Tax Map R07C/Lot 13.
- 13 – 033** I move to authorize the Town Manager to accept delinquent taxes in the amount of \$11,659.36 and issue a quitclaim deed for property located at 23 Mill Road, Tax Map R07C/Lot 07.
- 13 – 034** I move to set a Public Hearing date of March 11th to consider and act on a Mass Gathering Permit for the Cumberland Youth Boys Lacrosse Jamboree to be held on May 4th from 8:00 a.m. to 5:00 p.m. at Twin Brook Recreation Facility.
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- 13 – 037** I move to set a Public Hearing date of March 11th to consider and act on authorizing the Town Manager to negotiate a 3-year contract extension with Rachel's On the Green at Val Halla.
- 13 – 038** I move to appoint _____ to the PACTS Board for Regional Transportation, and appoint _____ and _____ as alternates.
- 13 – 039** I move to set the following dates for FY'14 Budget Meeting Workshops:
- Monday, March 11th Workshop after Council Meeting adjournment
 - Saturday, March 16th 8:00 a.m. to completion
 - Monday, March 25th Public Hearing on FY'2014 Budget
- 13-040** I move to authorize the Council Chairman to sign the attached letter on behalf of the Town Council in Opposition of the request in from of the Commissioner of the Department of Environmental Protection to allow solid waste from the closed MERC facility in Biddeford to the Juniper Ridge State landfill in direct conflict with the State's own hierarchy of waste disposal.
- 13-041** I move to authorize the Town Manager to accept a release deed for property located at 32 Sullivan Drive and to auction said property pursuant to the attached release. I authorize the Town Manager to disburse all proceeds necessary to pay off all taxes and fees due to the Town on properties located at 32 Sullivan Drive and 26 Sullivan Drive and to pay any remaining monies to Joy Andreasen.
- 13-042** I move to authorize the Town Manager to accept a release deed for property located at 8 Highland Ave. and to auction said property pursuant to the attached release. I authorize the Town Manager to disburse all proceeds necessary to pay off all taxes and fees due to the Town on properties located at 8 Highland Ave. and 98 Longwoods Road and to pay any remaining monies to Jennifer Green.

MINUTES

02/11/13

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, February 11, 2013

6:00 p.m. Workshop re: Disposition of foreclosed property.

7:00 p.m. Call to Order

Present: Councilors Stiles, Turner, Copp, Storey-King, Jennings, and Perfetti.

Excused: Councilor Gruber

I. APPROVAL OF MINUTES

Motion by Councilor Jennings, seconded by Councilor Copp, to accept the January 28, 2013 minutes as presented.

VOTE: 6-0

UNANIMOUS

II. MANAGER'S REPORT

Thank you to the entire "Town Team" for working together during the snowstorm last weekend. The official snow fall amount in Cumberland was 31.2 inches. The Fire/EMS Department was out during the storm on calls and fighting a fire in one of the barns at the fairgrounds. The Police Department was also out attempting to keep vehicles out of the path of snow plows. The Public Works crew did a phenomenal job. They are true storm fighters.

The Police Department is working with Falmouth and Yarmouth Police, and the State Police in a program to collect unwanted guns. It will take place on February 23rd at the Cumberland Police Department from 9:00 a.m. to 3:00 p.m.

III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that he would like to speak about one of his favorite topics, impact fees. When the Impact Fee Ordinance was amended (about a year ago), he was very concerned that an unreasonable fee was being imposed. The Town Manager has been very helpful in providing Mr. Hilton with updates on the number of building permits issued monthly and whether the fee is impacting the number building permits. Mr. Hilton said that his conclusion is that the impact fee is not influencing building permits. We are doing well and he has decided to drop his past efforts of eliminating impact fees. Mr. Hilton would like to know if the impact fee revenues are being kept separately (not in the general fund) and being used to pay off the debt service on Rines Forest and Twin Brook.

Chairman Stiles said that is the intention of the Town and it is what we do. He thanked Mr. Hilton for his words. There are so many citizens who make statements or complain, and never follow up on the issue they spoke about.

IV. LEGISLATION AND POLICY

13 – 016 To hear a report from Police Chief Charron re: award presented to Officer Antonio Ridge.

Chief Charron said it brings him great personal pleasure and professional pride to issue an award to one of our officers for saving a life. The request was sent to the Maine Chiefs of Police awards committee to consider Officer Ridge for the Lifesaving Award. Chief Charron read the award letter:

The Maine Chiefs of Police Association takes great pleasure in awarding Officer Antonio Ridge the Lifesaving by a Law Enforcement Officer Commendation for your actions on December 26, 2012.

On December 26, 2012 Sgt. Kevin Conger and Officer Robert Ryder of the Falmouth Police Department were dispatched to a residence for a report of a "man down with CPR being administered". Upon arrival, Sgt. Conger and Officer Ryder found a woman performing CPR on an adult male who it was later learned was her husband. Sgt. Conger, utilizing a department AED, determined that a shock was required. Sgt. Conger shocked the individual without effect and Officer Ryder began administering CPR. At this time, Officer Antonio Ridge, of the Cumberland Police Department, who is an intermediate level EMT, arrived to assist. Sgt. Conger shocked the individual a second time, and Officer Ridge inserted an airway to assist with breathing.

Falmouth EMS paramedics arrived and assumed care for the individual who was then breathing on his own. The individual was transported to Maine Medical Center, where he received advanced medical care. He is alive and doing well today. The Captain in-charge of Falmouth EMS, he believes that this individual is alive today because of the actions of Sgt. Kevin Conger and Officer Robert Ryder of the Falmouth Police Department, and Officer Antonio Ridge of the Cumberland Police Department.

The citizens of Maine and the members of the law enforcement profession join in expressing their pride and gratitude for a job well done.

Chief Charron congratulated Officer Ridge and presented him with his award.

13 – 017 To hear a report from Fire Chief Small re: Fire Department promotions.

Chief Small congratulated the gentlemen who were being promoted and invited Town Clerk, Tammy O'Donnell to come to the front to swear in the officers being promoted.

Ms. O'Donnell swore in Lucas Brundage as Lieutenant, Evariste Bernier as Deputy Fire Chief, and Sheldon Gregoire as Captain.

**The next item was taken out of order to allow the Fire Chief to answer any questions the Council may have.*

13 – 020 To consider and act on authorizing the Town Manager to execute a purchase order for the purchase of a new ambulance.

Town Manager Shane explained that this item was discussed during the budget process. The current 2006 ambulance has had some major mechanical issues, and we had to keep the 1999 ambulance in service a lot longer than anticipated. The '99 ambulance is currently the back-up and the '06 is for sale, as is. The monies will be appropriated half in this fiscal year and half in the next fiscal year. The new ambulance will be delivered in July.

Councilor Copp said that he and Chief Small sat down and reviewed the specifications. Chief Small took the time to answer all his questions. This is a well set-up unit and will be very dependable.

Motion by Councilor Copp, seconded by Councilor Storey-King, to authorize the Town Manager to execute a purchase order for the purchase of a new ambulance, not to exceed \$200,000.

VOTE: 6-0

UNANIMOUS

13 – 018 To hear a report from Tax Assessor, William Healey re: current assessment ratios.

Town of Cumberland



Assessor's Annual Report
to the
Town Council
January 28, 2013

Town of Cumberland Tax Assessor
William H. Healey Jr., CMA

Definitions

- Assessment Ratio = $\frac{\text{Current Assessment}}{\text{Sale Price}}$
- Average Assessment Ratio is the Average of All Assessment Ratios in a Sales Analysis
- Deviation is the Percentage Difference of a Sale from the Average Assessment Ratio
- Quality Rating or COD is the Average Deviation of All Sales in an Analysis Divided by the Average Assessment Ratio

Example of Assessment Ratio & Deviation

- A Home with an Assessment of \$250,000 sells for \$240,000
- The Assessment Ratio for this Property is 104% - $\$250,000 / \$240,000$
- If the Town's Average Assessment Ratio is 102% this Sale has a Deviation of 2%.

Review of State Assessing Standards

- Minimum Assessment Ratio – 70%
- Maximum Assessment Ratio – 110%
- Maximum Rating of Assessment (COD) – 20%

State Valuations for Cumberland Since 2008

Tax Year	State Valuation	Sales Ratio Used to Calculate Valuation
2008	\$1,132,250,000	66%
2009	\$1,162,000,000	67%
2010	\$1,131,150,000	96%
2011	\$1,084,700,000	100%
2012	\$1,068,500,000	103%
2013*	\$1,056,700,000	104%

*In effect 4/1/2013

Sales Information – Town Wide

Number of Sales	Assessment Ratio	Quality Rating (COD)
86	102%	8%
	$\frac{\text{Assessment}}{\text{Sale Price}}$	Below 20% Lower the Better

Sales Information – Center

Number of Sales	Assessment Ratio	Quality Rating (COD)
56	102%	8%
	<u>Assessment</u> Sale Price	Below 20% Lower the Better

Sales Information – Foreside

Number of Sales	Assessment Ratio	Quality Rating (COD)
9	92%	18%
	<u>Assessment</u> Sale Price	Below 20% Lower the Better

Sales Information – West Cumberland

Number of Sales	Assessment Ratio	Quality Rating (COD)
21	106%	5%
	<u>Assessment</u> Sale Price	Below 20% Lower the Better

Sales Information – Condominiums

Number of Sales	Assessment Ratio	Quality Rating (COD)
11	101%	9%
	<u>Assessment</u> Sale Price	Below 20% Lower the Better

Sales Information – All Areas

Location	Assessment Ratio	Quality Rating (COD)
Cumberland Center	102%	8%
Cumberland Foreside	92%	18%
West Cumberland	106%	5%
Condominiums	101%	9%

Conclusion & Contact Info

- Appreciation Past Couple of Months
- Good Ratios
- Equitable Assessments

Bill Healey – Town Assessor
(207) 829-2204
Email: bhealey@cumberlandmaine.com

Mr. Healey said he feels that the Assessment Ratio of 92% in the Foreside is inaccurate due to the number of higher priced homes, and distressed sales in that area. Because of this, the ratios in the Foreside were all over the place.

Councilor Turner said that there are houses in the Foreside selling in the low \$200's as well as million dollar homes. Taking the average of such a wide-range of sale prices will skew the numbers.

13 – 019 To set the week of May 13th – 17th as Spring Bulky Item Pick-up Week.

Councilor Storey-King encouraged Town Staff to continue moving forward on their campaign to remind residents to reduce, reuse, and recycle. Public Services Director, Chris Bolduc has taken a huge initiative on this and she hopes it continues.

Motion by Councilor Jennings, seconded by Councilor Perfetti, to set the week of May 13th – 17th as Spring Bulky Item Pick-up week.

VOTE: 6-0

UNANIMOUS

13 – 021 To hold a Public Hearing to consider and act on a Liquor License application for Cumberland House of Pizza.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Jennings, to approve the Liquor License Application for Cumberland House of Pizza.

VOTE: 5-0-1 (Copp abstained)

MOTION PASSES

13 – 022 To hold a Public Hearing to consider and act on the disposition of foreclosed properties.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Town Manager Shane explained that the Council met twice in workshop to review 19 properties that are in a foreclosed state (taxes not paid for three or more years). When a property goes into foreclosure due to unpaid property taxes, that property becomes property of the Town. Some parcels have value for open space and others have little or no value. We are hopeful that we can auction some parcels off (in early March) for back taxes and fees, so the residents of the Town do not have to bare that burden anymore. There are 8 properties that the Council has directed the Manager to work with abutters (particularly the Turnpike Authority) to see if there is any interest, and three parcels will be looked at by the Lands and Conservation Commission to assess their value for open space and/or trail connectivity. He will report back to the Council on the status of these parcels.

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to proceed to auction pursuant to the Town Manager's recommendation, for property identified as:

Map R3/Lot 10A

Map U20/Lot 8

Map U20/Lot 50

Map R8A/Lot 11

Map R7C/Lot 13

Map R7C/Lot 7

Map U7/Lot 9

Map R1/Lot 18

VOTE: 6-0

UNANIMOUS

V. NEW BUSINESS

Councilor Turner – Thank you to the first responders who did a great job during the snow storm this past weekend.

Councilor Copp – Congratulations to Officer Ridge for taking the time to become an EMT. Tony does a phenomenal job.

A reminder to residents that if there is a fire hydrant near your home, take some time to shovel it out to help the Fire Department.

Councilor Storey-King – She had the honor of representing the residents of Cumberland last week by attending the first meeting of the American Legion/VFW planning committee. The Committee plans to help remember “the forgotten War” (Korean War) with a Veterans Day celebration. If any residents is a Korean War Veteran and have not submitted your name to be engraved on our Veterans Memorial, please do so. We want everyone to be included.

Chairman Stiles – The Council has received their FY’14 budget books this evening for their preliminary review. The Finance Committee will meet with the auditors on Wednesday, February 13th. On Monday, February 18th the Finance Committee will meet to review the budget line by line, for the first time.

Thank you to the Public Works Department for doing a fantastic job during the snow storm.

Councilor Jennings – He had the thrill and honor of attending his first Lands and Conservation Commission meeting last week. They discussed the Town Forest, the Maine Tree Club, cottontail rabbits, the upcoming report on vernal pools, and strategic planning the commission would like to do going forward. As Council Liaison to the commission, he will continue to attend the meetings monthly.

He met with Brian Bickford and spent a lot of time discussing Val Halla. Brian went through all the Val Halla assets with him, and Councilor Jennings said he thinks there are ways to increase revenues at the golf course.

Councilor Perfetti – None

Town Manager Shane – As the Council knows, we are fortunate to have four police officers who have medical training at the EMT level or higher. Over the last few years, they all have been involved in some type of medical lifesaving event. We hope that someday, all police officers will be medically trained. That would allow for more first responders out in our community.

There will be a meeting at Town Hall on Wednesday, February 20th at 6:00 p.m. to discuss our Aquifer Protection Ordinance that will be going to the Planning Board soon. The meeting is for businesses and contractors who might be impacted by the ordinance. The purpose of the meeting is to work with and educate people on the importance of the aquifer, how they can help, and be part of the solution.

On February 21st, there will be a special Town Council meeting (televised) where the Manager will be making a presentation and recommendation on the gas main proposals.

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Perfetti, to adjourn.

VOTE: 6-0

TIME: 7:58 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

ITEM

13-024

To consider and act on authorizing the Town Manager to negotiate with Kerri Farms Subdivision owners for payment of delinquent property taxes and issue a quitclaim deed for open space property identified as Tax Map R08/Lot 41I



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Deputy Tax Collector

SUBJECT: Silver Ridge Custom Homes/Kerri Farms Subdivision
Back taxes. Map R08/Lot 41I

DATE: February 19, 2013

Town Attorney, Mr. Ken Cole Esq., Councilor Ron Copp Jr., and town staff met with all of the lot owners for Kerri Farms subdivision on Wednesday, February 13, 2013, to discuss the tax foreclosure of the required open space parcel for this subdivision. Attorney Cole explained the legalities associated with the foreclosure of the open space parcel and the effect that it could have on each individual lot owner.

The property owners have requested acceptance of back taxes for this parcel, without the penalties and interest. The amount due, without penalties and interest is as follows:

\$6,129.00	Taxes due through Feb. 13, 2013
<u>\$ 600.00</u>	Attorney's fees
\$6,729.00	Total amount due from Kerri Farms Subdivision Homeowners Association.
\$3,053.80	Total penalties & interest requested to be waived.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

March 1, 2000

Silver Ridge Custom Homes, Inc.
C/O Mark Soucie
14 Kerri Drive
Cumberland, ME 04021

Re: Map R08 Lot 41I - Kerri Drive

Dear Mr. Soucie:

Due to unpaid 1997 taxes, foreclosure of the above referenced property took place on January 27, 2000. (Taxes are actually unpaid for 1997 through 2000) This means that the Town of Cumberland now has title to this property.

The Cumberland Town Council has adopted a policy which allows you to redeem title as follows: you have three(3) months from the date of this notice to either (A) pay the taxes due for which the property was foreclosed, together with interest, and associated charges, (B) deed to the Town property or interests in property, such as development rights and easements or (C) enter into an installment (payment) agreement, for up to a three(3) year period.

If all taxes, charges and interest are paid within the three(3) month period, or through an installment agreement, a release deed will be issued by the Town. However, the Town may require a right of first refusal for the property. This right of first refusal would not apply to a sale to the owner's spouse or children, but would run with the property in the event of a sale to a spouse or children.

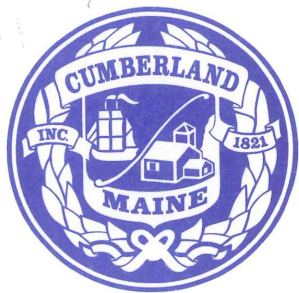
In the event that payment or installment arrangements are not made within the three(3) month period, or if an installment payment agreement is breached, the Town has several options regarding disposal of the property which are described in its Tax Acquired Property Policy (copy enclosed).

If you have any questions regarding the information provided in this letter, please contact me at 829-5559.

Sincerely,

Charlene A. Doyle
Deputy Tax Collector

enclosure



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

January 30, 2013

To Whom It May Concern:

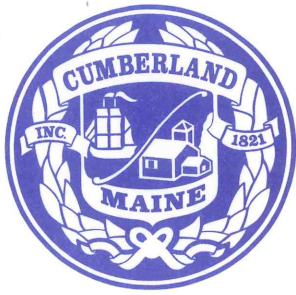
You are receiving this letter as you are the owner of record of property located on Kerri Drive, Cumberland, Maine.

Taxes for Map R08/Lot 41, the Open Space pursuant to the subdivision approval of Kerri Farms Subdivision, have not been paid taxes since the year 2000. As a result, the parcel has been foreclosed on by the Town of Cumberland. The appropriate notices required by law, have always been sent annually, and always been refused.

I am enclosing a copy of the Declaration of Protective Covenants, Reservations, Restrictions, and Easements of Kerri Farms Subdivision. I am also enclosing a copy of the Town Attorney's opinion regarding the back taxes owed to the Town of Cumberland for Map R08/Lot 41 of Kerri Farms Subdivision and a tax statement for Map R08/Lot 41.

The Subdivision approval clearly states that a Homeowners Association will be formed and that "The owner of each parcel within the property, or his heirs, successors, or assigns, shall automatically, during the period of his ownership and by virtue of said ownership, be a member of the Association so long as he retains title to any parcel on the Plan." Article VII Homeowners Association Section d., §ii., states, "Such assessments as collected by the Association shall include any municipal taxes as charged against the common areas or the roads. Each owner shall pay a share of such tax proportionate to the number of parcels owned."

As a result, should the Town decide to file Notice with the Cumberland County Registry of Deeds of the non-compliance, your property could not be sold or refinanced, as it would be non-compliant and in violation of the Subdivision Approval.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

It is Attorney Cole's opinion that all parcels in the Kerri Farms subdivision are non-compliant with the approved Subdivision approval.

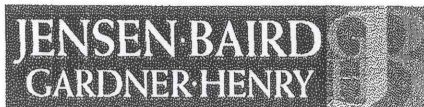
When all back taxes are paid, and a Homeowners Association is formed in accordance with the Subdivision approval, the Town will issue a deed for the open space parcel to the Association. All of these matters must be resolved in order to bring your property back to into compliance.

The Town has scheduled a meeting with Kerri Farms residents, the Town Attorney, and Town Staff to discuss this issue on **Wednesday, February 20, 2013, at 6:00 p.m.** The meeting will take place in the Council Chambers.

Please contact me at 829-5559 with any questions.

Best Regards,

Tammy O'Donnell
Deputy Tax Collector
Town of Cumberland



KENNETH M. COLE III
NICHOLAS S. NADZO
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
LAWRENCE R. CLOUGH
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA M. DUNN
MICHAEL J. QUINLAN

R. LEE IVY
ROGER P. ASCH
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
NICHOLAS J. MORRILL
SUZANNE R. SCOTT
LORAIN L. HITE
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(1914-1987)
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(1918-2003)

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(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

January 7, 2013

Via E-Mail & U.S. First-Class Mail

Tammy O'Donnell, Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Kerri Farms Subdivision Open Space

Dear Tammy:

You have asked me to review a question that has arisen in regard to a tax-acquired property. The parcel that the Town has acquired is the open space of the Kerri Farms Subdivision Plan approved in 1994 and recorded in the Cumberland County Registry of Deeds in Plan Book 195, Page 46. That open space, which is just under fourteen (14) acres is at the rear of the subdivision. The issue that you have raised with me is whether the Town actually would be free to auction this parcel off in order to collect its back taxes.

Your question is an excellent one and it raises a number of legal issues. The first concern is that since the property is actually designated as open space on an approved subdivision plan, a number of lots on that plan, five out of eight to be specific, would be undersized, but for the bonus given for the dedicated open space. So in that regard, should the Town sell the open space, those lots would become illegal. Additionally, all eight lots could be deemed illegal by virtue of the fact that the subdivision approval was subject to this open space being conveyed to the Kerri Farms Homeowners Association, a not-for-profit entity, formed in 1994 and suspended administratively in 1997 for failure to file annual reports. We have checked Registry of Deeds records and find no deed from the underlying subdivider to the Association. Further, I understand from you that the actual tax taking was against the final subdivider, an entity known as Silver Ridge Custom Homes, which was a for-profit corporation suspended for non-payment of filing fees and other administrative reasons in 2001.

~ Over 60 Years of Service ~

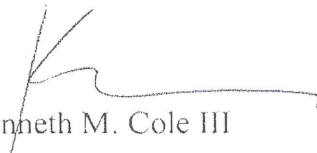
Jensen Baird
Gardner Henry

January 7, 2013
Page 2

Based on all of the above, my advice would be that the eight homeowners at Kerri Farm Subdivision should be contacted and told that the property has now become tax-acquired by the Town and further told that the Town is willing to convey that property to the Homeowners Association, which can be revived for minimal cost, on payment of all back taxes due. These homeowners should be further informed that if they fail to take advantage of this offer, the Town may be required to file in the Registry of Deeds a notice that the eight lots are in violation of their underlying approval and therefore, until such time as brought into compliance, none of these lots would be treated as marketable.

If there is anything further you need from me in this regard, please let me know.

Very truly yours,



Kenneth M. Cole III

KMC/lts

cc: William R. Shane, Town Manager (via e-mail)

DECLARATION OF PROTECTIVE COVENANTS, RESERVATIONS,
RESTRICTIONS, AND EASEMENTS OF
KERRI FARMS SUBDIVISION

64564

WITNESS THIS DECLARATION OF PROTECTIVE COVENANTS, RESERVATIONS, RESTRICTIONS, AND COMMON EASEMENTS, made this 24th day of October, 1994, by Madison Heights Associates Inc., a Maine corporation with a principal place of business in Naples, Maine, hereinafter referred to as the "Declarant".

WHEREAS, Declarant has acquired by deed of RUTHERFORD M. DRUMMOND, et al., dated September 30, 1994, and recorded in the Cumberland County Registry of Deeds in Book 11651, Page 62, a certain lot or parcel of land situated on Orchard Road, in the Town of Cumberland, County of Cumberland, and State of Maine, containing approximately 27.4 acres; and WHEREAS, Declarant is in the business of developing and selling real estate situated in said Town of Cumberland, which is a portion of the above-referenced land acquired from Rutherford and Marcia Drummond, which development is known as Kerri Farms and is more particularly described in a Plan of "Kerri Farms" made by DeLuca-Hoffman Associates, Inc., dated August, 1994, approved by the Town of Cumberland Planning Board, and recorded in the Cumberland County Registry of Deeds in Plan Book 194, Page 323; and

WHEREAS, Declarant desires to provide for the improvement of Kerri Farms Subdivision in accordance with a harmonious plan for the relative location of residential structures, garages, rights-of-way, easements, roads, common areas, and general land use, all to assure the purchasers of lots in Kerri Farms Subdivision, their heirs and assigns owning such lots, that the use, benefit, and enjoyment of the individual lots, common amenities, facilities, easements, and roads will not conflict with the harmonious plan; and

WHEREAS, the Declarant desires to create a residential area of Kerri Farms Subdivision providing for the greatest possible degree of health, safety, environmental beauty, and amenity for the property owners and inhabitants thereof, and to effect the foregoing purposes, desires to subject the property to protective

covenants and common easements and to the provisions for a homeowners association for the administration and enforcement of same, the maintenance and improvement of certain common facilities, and the establishment, collection and disbursement of assessments, all as set forth hereinafter, each and all of which are for the benefit of the property and of each lot of the protective covenants and easements hereinafter set forth, maintaining and improving certain rights-of-way and other common facilities, and otherwise carrying out the functions of a homeowners association and the provisions and objectives of this Declaration.

NOW, THEREFORE, Declarant hereby declares that the property shall be held, occupied, improved, transferred, sold, leased, and conveyed subject to the protective covenants and restrictions, the reservations and exceptions, the common rights and easements, and the provisions of a homeowners association hereinafter set forth, all of which are declared to be in furtherance of a uniform scheme for the development of the property and that said protective covenants, reservations, common easements, and provisions for a homeowners association are intended to enhance and protect the value and desirability of the property as a whole, to mutually benefit each of the parcels located thereon, to create mutual, equitable servitudes upon each of the parcels in favor of each and all other parcels therein and to create reciprocal rights and privities of contract and estate between all persons acquiring or owning any interest in any portion of the property including Declarant, and Declarant's grantees, successors, administrators, and assigns and shall be deemed to run with the land and be a burden and benefit to and enforceable by all such persons, including Declarant, and Declarant's grantees, successors, administrators, and assigns, and by the homeowners association.

ARTICLE I Definitions

The following words, shall, as used herein, have the following meanings, unless the context plainly requires otherwise:

- a. Road. All roads and ways as shown on the Plan of Kerri Farms.
- b. Association. The homeowners association named "Kerri Farms Homeowners Association", which Declarant has organized as a nonprofit corporation for the purpose of administering and enforcing the protective covenants and easements hereinafter set forth, maintaining and improving certain rights-of-way and other common facilities, and otherwise carrying out the functions of a homeowners association and the provisions and objectives of this Declaration.

- c. Declarant. MADISON HEIGHTS ASSOCIATES, INC., as aforesaid, and any successor to all of Declarant's right, title, and interest in and to the property.
- d. Owner. The record owner, whether one or more persons or entities, of the fee simple title to any parcel, but not including Declarant.
- e. Parcel. Any one of the numbered lots within the property as shown upon the Plan, which may hereafter be conveyed by Declarant.
- f. Plan. That Plan labeled "Kerri Farms, Cumberland, Maine," dated August, 1994, approved by the Planning Board of the Town of Cumberland, Maine, and recorded in the County Registry of Deeds in Plan Book 194, Page 323.
- g. Common Area. The areas labeled "open space", "fire pond", "drainage easement" and "drainage and open space access easement" as shown on the Plan.

ARTICLE II
Supplemental Declarations

This Declaration may be amended from time to time by Supplemental Declarations duly executed by Declarant, or by the Kerri Farms Homeowners Association pursuant to a vote of the owners in accordance with the Bylaws of the Kerri Farms Homeowners Association, and recorded in the County Registry of Deeds. No such amendment shall render invalid any use of subdivision land within the property existing in accordance with this Declaration at the time of recording such Supplemental Declaration, and any such amendment shall be reasonably consistent with the uniform scheme of development established by this Declaration.

ARTICLE III
Reservations and Exceptions

There is hereby excepted and reserved to the Declarant, for so long as it shall own any portion of the numbered parcels, and thereafter to the Association the following:

- a. Road. A right-of-way for all purposes over, across and through the road, together with the right to install and maintain utility, water and sewer lines adjacent to, within or under the traveled portion of said roads.
- b. Common Areas. The right of access to, across, and through the common areas as shown on the Plan.

- c. Utilities. Declarant reserves the right to grant easements for utility purposes to enter onto any lot within fifteen (15) feet of the road lot line for the purpose of constructing, reconstructing, installing, replacing, and maintaining an underground utility therein and to extend, connect to, and use in common any previously installed utility by the lot owner providing that promptly after such entry the surface of the ground shall be restored to substantially the same condition as it was in prior to such entry. Declarant also reserves the right to grant utility easements including the within stated rights, over, across and under all parcels and roads shown on the Plan from time to time until all lots in the subdivision have been sold, so long as such utility easements benefit some or all of the parcels and/or roads shown on the Plan.
- d. Grading and Drainage Easement: Declarant reserves the right to enter onto any lot within thirty (30) feet of the road sideline for the purpose of constructing, reconstructing, installation, replacing, and maintaining any drainage systems as shown on the Plan. Declarant also reserves within said thirty (30) foot strip, an easement for the purpose of grading for the road systems and drainage systems. Promptly after any entry onto any lot for the above purposes, the surface of the ground shall be restored to substantially the same condition as it was in prior to such entry.
- e. Other. The right to exercise throughout the property any rights or powers hereinafter conferred upon the Association by amended Declaration.

ARTICLE IV Common Rights and Easements

Each conveyance of a parcel shall be deemed to include as appurtenant to said parcel, subject to such reasonable regulations as may be established from time to time by the Association, the following:

- a. Access. A right-of-way for all purposes over and along the road, in the subdivision, as said is shown on the Plan of the Subdivision, in common with Declarant and in common with the owners of the other parcels.
- b. Common Areas. A right of reasonable use of the common areas for purposes of passive and active recreation, provided that no improvements shall be made except as authorized by the Planning Board of the Town of Cumberland. The Association shall have the power and duty to set rules and regulations concerning the use of said right-of-way. Any rules and regulations shall provide a right of pedestrians to pass over the road and from the open space as shown on said plan.

Provided however, that owners of lots abutting said common areas may be granted easements for the purpose of drilling wells within the common areas or installation of sanitary sewer disposal fields. Said easements shall be granted at the discretion of Declarant. Use of the common areas shall be subject to a Deed of Conservation Easement by and between Declarant, the Town of Cumberland and the State of Maine by and through its Department of Environmental Protection of even or recent date herewith to be recorded in the Cumberland County Registry of Deeds.

- c. Drainage Easements: All drainage easements as shown on the Plans shall be deeded to the Association and the Town of Cumberland. The Association shall have the right, duty, and obligation to maintain said drainage easements in proper working order. The Association may rely on the recommendations of a registered professional engineer to determine its maintenance obligations pursuant to this paragraph. The Town of Cumberland shall have the right, but not the obligation, to maintain the drainage easement as shown on the Plan. Any such maintenance shall be at the expense of the owners of the lots in the subdivision.

ARTICLE V

Protective Covenants and Restrictions

- a. Residential Use. No parcel shall be improved or used except for single family residential purposes, with no more than one principal residence and improvements accessory thereto. The principal residence shall have a minimum habitable floor area of 1,500 square feet, as measured by the area above the continuous foundation. All houses shall be erected with a continuous foundation and shall include a heating system for year-round occupancy.
- b. Prohibition on Subdividing Land. No parcel shall be subdivided except for the purpose of conveying portions of a single lot to abutting lot owners for the purpose of increasing the lot size of said abutting lot owners.
- c. Road Maintenance. The Declarant shall construct the roadways designated on the Plan in accordance with the Plans and specifications approved by the Planning Board for the Town of Cumberland. Thereafter, the Kerri Farms Subdivision Homeowners Association shall have the right, duty, and obligation to maintain the roadways, unless and until such roads are accepted by the Town of Cumberland. The ownership of the roadway shall remain in the Declarant or in the Association until at least seventy-five percent (75.0%) of the lots within the Subdivision have been sold.

- d. Design of Dwelling. The design of residential dwelling and other acceptable buildings, including, but not limited to, materials, colors, textures, building shape, roof lines, window treatment, and site orientation shall be of a character harmonious with the natural beauty of the environment. The design of all proposed residential dwellings shall be submitted to and approved by Declarant prior to the commencement of construction of any such dwelling.
- e. Maintenance. All parcels, including the common areas, shall be maintained in a neat, attractive manner and kept in good repair. Every domestic water supply system and sewage disposal system shall be kept and maintained in compliance with all federal, state, and local requirements and in compliance with the provisions of this Declaration.
- f. Surface Water. No owner of a lot, his agents, or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected.
- g. Compliance with Ordinances. All construction activities, including the siting of buildings, septic systems, and water supply shall be in accordance with all local, state, and federal laws, codes, ordinances, and regulations.
- h. Animals. The keeping of poultry, swine, dog kennels, livestock, or other animals shall not be permitted on the property except household pets normally housed in a single family residence.
- i. Siding and Roofs. No dwelling or other building erected on any lot will be covered with tar paper, asphalt siding, or corrugated metal siding but shall be covered with clapboards, shingles or other suitable material. Roofs of all buildings erected on any lot shall be pitched.
- j. Trash. Trash, garbage, and other waste shall be kept in sanitary containers where they are not visible from the road or any other parcel.
- k. Tree Cutting. Prior to lot development, cutting of trees by professional loggers may be performed in accordance with the following:
 - 1. A 35 percent selective cut of the trees over 8" DBH over the entire site except as follows:
 - i. No cutting within the wetland limits on Lots 3, 4, 5. 6. 7 & 8 except for installation of wells,

- ii. No cutting within a 50' setback of the southwest lot line of lots 5 & 6 and of the 50' setbacks of the northeast lot line of lots 1, 2 and 3 except for installation of wells, septic fields, or utility lines.
 - iii. No cutting in areas along the Orchard Road frontage of any parcel for width of 50 feet except for installation of wells, septic fields, utility lines or driveways.
2. Individual homeowners shall be permitted to cut trees in accordance with the following:
- i. Any cutting of trees on any lot shall be limited to such cutting as is necessary for constructing a house, well, driveway, disposal field, and lawn area not to exceed 50% of the lot area (which shall include the work area surrounding the house during construction). There shall be no cutting of trees within buffer zones except as expressly permitted by the definition of the particular buffer zone. Area of tree removal shall be revegetated to the extent practical in an effort to maintain the natural beauty of the environment. This section shall preclude the removal of diseased, dead or naturally damaged trees.
1. Completion of Construction. Any construction, including landscaping, commenced on any lot shall be completed within a period of 12 months from the date construction originally commenced. The homeowners association shall have the right to set, assess, and levy fines for violation of this section.
- m. Unregistered Motor Vehicles. No unregistered motor vehicles may be kept on any property located in the subdivision unless parked in an enclosed garage or parked such that they are not visible from the road or any other parcel. No house trailer, business or commercial vehicle, or vehicle of similar nature shall be brought upon, or be maintained, or be permitted to remain on the property except a business vehicle normally used by a lot owner in his or her occupation may remain on the property provided said vehicle is parked in an enclosed garage.
- n. Tractor Trailers. No tractor trailers may be kept on any property located in the subdivision.
- o. Recreational Vehicles. All recreational vehicles shall be maintained in an enclosed structure or to the rear of the property out of view from the road or any other parcel.

- p. Water Supply. The water supply for each lot shall be provided by means of drilled wells.
- q. Sediment and Erosion Control Plan. All construction activities shall be in accordance with the Sediment and Erosion control Plan prepared by DeLuca-Hoffman Associates, Inc. dated June, 1994, and on file with the Town of Cumberland.
- r. Buffers/Drainage Easement: Buffers and a drainage easement have been created as shown on the Plans. The permitted uses, non-permitted uses, and optional - permitted uses area as shown on a table labeled, "Buffer/Easement" as shown on said Plan.
- s. Septic Tank: All Owners shall have the duty and obligation to have the septic tank located on their respective parcel pumped at least once every three (3) years and to ensure the disposal system located thereon is in satisfactory working condition. The Association shall have the right and duty to enter, at reasonable times, each parcel for the purpose of pumping, at least once every three (3) years the individual septic tanks located thereon and to perform such other work as necessary to ensure the disposal systems located thereon are in satisfactory working condition. The Association shall have, in accordance with the Bylaws and this Declaration, the right, duty, obligation, and responsibility for assessing each owner for the costs incurred in maintaining the individual septic tanks.
- t. Restrictions on Plans: All lots shall be held subject to and with the benefit of any restrictions, covenants, general notes, or other matters, if any, as shown on the Plan.
- u. Road Frontage/Lot Size/Setbacks: All lots shall meet the minimum road frontage requirement of 75 feet and the minimum lot size requirement of 30,000 square feet.

Lot line setbacks for buildings located thereon shall be as follows:

Front	50 Feet
Side	30 Feet, combined width of at least 75 feet.
Rear	75 Feet

Lot line setbacks are depicted on the Plans.

No principal or accessory building shall be located within a drainage easement. Buffers, as shown on the Plans, shall not reduce the setbacks established by the provisions of this section.

- v. Stump Dump: The stump dump on the Plans is for use by the developer only during the construction of the project roadway and pond. Upon completion of construction, the developer shall loam, seed, fertilize, and mulch the stump dump, and it shall become a portion of the common area of the development.

ARTICLE VII
Homeowners Association

The owner of each parcel within the property, or his heirs, successors, or assigns, shall automatically, during the period of his ownership and by virtue of said ownership, be a member of the Association so long as he retains title to any parcel on the Plan.

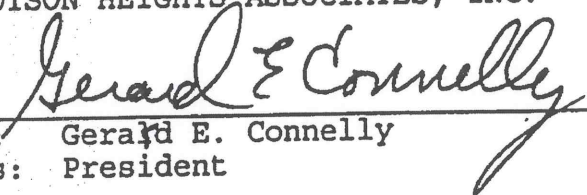
- a. Purposes. The purposes of the Association shall be the operation and maintenance of the roads in the subdivision and any other common facilities of limited or general use located within the common areas; the administration and enforcement of the protective covenants and easements set forth in this Declaration; the general protection of the property; and the performance of any functions relating to the use, maintenance, or improvement of the property required by this Declaration or which may be approved by vote of the owners.
- b. Bylaws. The Association shall be organized and operated pursuant to the Bylaws of Kerri Farms Subdivision Homeowners Association, which Bylaws shall be recorded in the Cumberland County Registry of Deeds, as amended from time to time by the Association.
- c. Voting. Each owner, by virtue of his ownership of a parcel, shall automatically be entitled to the votes as provided for in the Bylaws of the Homeowners Association.
- d. Assessments.
- i. Each owner, except the Declarant, as aforesaid, shall be assessed by the Association, at least annually, a fee covering his share of the net costs of carrying out the functions and purposes of the Association. The fees shall be computed and collected in accordance with the Bylaws of the Association. The collection of the assessments may be made in advance and limited reserves may be maintained in order to ensure that the purposes and obligations of the Association are carried out in a timely manner.
- ii. Such assessments as collected by the Association shall include any municipal taxes as charged against the common areas or the roads. Each owner shall pay a share of such tax proportionate to the number of parcels owned.

- iii. Such assessments, together with interest thereon, and cost of collection as provided in said Bylaws shall be charged upon each parcel of the owner against whom each assessment is made. If any assessment is not paid when stated to be due, then such assessment shall become delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest at the rate of eighteen (18) percent per annum from the due date and any owner or owners, or the Association, may bring an action at law or equity against any owner obligated to pay the same to enforce payment of the same. In the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and reasonable attorney's fees to be fixed by the courts, together with the costs of the action.
- iv. In determining the assessment against each individual lot, it is expressly understood that lot 6 shall not be considered as part of the Kerri Farms Subdivision. Lot 6 shall, nevertheless, be subject to the covenants, conditions, easements and restrictions contained herein. Lot 6 shall have no right of access to the Common Area or to the road system within the subdivision and shall not be liable for any expenses or other liabilities in respect thereof.

IN WITNESS WHEREOF, Madison Heights Associates, Inc., has caused this instrument to be executed on this 24th day of October, 1994, by GERARD E. CONNELLY, its President, thereunto duly authorized.

WITNESS

MADISON HEIGHTS ASSOCIATES, INC.


By: Gerard E. Connelly
Its: President

STATE OF MAINE,
Cumberland, ss.

October 24, 1994

Then personally appeared the above-named Gerard E. Connelly, President of Madison Heights Associates, Inc. and acknowledged the foregoing instrument his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,


James A. Hopkinson
Attorney at Law

RECEIVED

RECORDED REGISTRY OF DEEDS

01/07/2013 14:26
todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 1
txtaxstm

PARCEL: R08-041-00I-000

LOCATION: KERRI DRIVE

CURRENT OWNER:
TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

CURRENT STATUS:
ACRES: 13.950
LAND VALUATION: 38,100
BUILDING VALUATION:
EXEMPTIONS: 0
TAXABLE VALUATION :

LEGAL DESCRIPTION:

DEED DATE: 04/01/2012 BOOK/PAGE: 00000/000

INTEREST DATE: 01/07/2013

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2012	LIEN	20128084				
	1	REAL ESTAT	601.98	601.98	24.01	625.99
		CERTIFIED	5.75	5.75	.00	5.75
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	21.24	21.24	.00	21.24
			667.97	667.97	24.01	691.98
			667.97	667.97	24.01	691.98
2011	LIEN	20116081				
	1	REAL ESTAT	582.93	582.93	63.50	646.43
		CERTIFIED	5.59	5.59	.00	5.59
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		LNFE	9.00	9.00	.00	9.00
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	20.96	20.96	.00	20.96
			648.48	648.48	63.50	711.98
			648.48	648.48	63.50	711.98
2010	LIEN	20106084				
	1	REAL ESTAT	554.36	554.36	128.08	682.44
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	25.09	25.09	.00	25.09
			623.99	623.99	128.08	752.07

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todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 2
txtaxstm

YEAR	TYPE	BILL				
	INST	CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
			623.99	623.99	128.08	752.07
2009	LIEN	20096106				
	1	REAL ESTAT	533.40	533.40	171.38	704.78
		CERTIFIED	5.44	5.44	.00	5.44
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFEED	9.00	9.00	.00	9.00
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		TAX LIEN I	29.33	29.33	.00	29.33
			615.71	615.71	171.38	787.09
			615.71	615.71	171.38	787.09
2008	LIEN	20080088				
	1	REAL ESTAT	376.20	376.20	206.18	582.38
		CERTIFIED	5.32	5.32	.00	5.32
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFEED	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	22.63	22.63	.00	22.63
			443.15	443.15	206.18	649.33
			443.15	443.15	206.18	649.33
2007	LIEN	20075098				
	1	REAL ESTAT	368.60	368.60	226.06	594.66
		CERTML	5.21	5.21	.00	5.21
		COLFEE	1.00	1.00	.00	1.00
		LNFEED	9.00	9.00	.00	9.00
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		TLNINT	20.05	20.05	.00	20.05
			432.86	432.86	226.06	658.92
			432.86	432.86	226.06	658.92
2006	LIEN	2006112				
	1	REAL ESTAT	357.20	357.20	182.03	539.23
		CERTIFIED	4.42	4.42	2.25	6.67
		TAX COLLEC	3.00	3.00	1.53	4.53
		COLLECTORS	1.00	1.00	.51	1.51
		REGISTRY	20.00	20.00	10.19	30.19
		ADDITIONAL	9.00	9.00	4.59	13.59
		TAX LIEN	13.76	13.76	.00	13.76

01/07/2013 14:26
todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 3
txtaxstm

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
			408.38	408.38	201.10	609.48
			408.38	408.38	201.10	609.48
2005	LIEN	2005035				
	1	REAL ESTAT	364.80	364.80	179.69	544.49
		CERTIFIED	4.42	4.42	2.18	6.60
		TAX COLLEC	3.00	3.00	1.48	4.48
		COLLECTORS	1.00	1.00	.49	1.49
		REGISTRY	16.00	16.00	7.88	23.88
		ADDITIONAL	9.00	9.00	4.43	13.43
		TAX LIEN	11.72	11.72	.00	11.72
			409.94	409.94	196.15	606.09
			409.94	409.94	196.15	606.09
2004	LIEN	2004011				
	1	TAX LIEN	394.22	394.22	236.64	630.86
			394.22	394.22	236.64	630.86
2003	LIEN	2003008				
	1	TAX LIEN	377.08	377.08	316.03	693.11
			377.08	377.08	316.03	693.11
2002	LIEN	2002007				
	1	TAX LIEN	460.24	460.24	559.88	1,020.12
			460.24	460.24	559.88	1,020.12
2001	LIEN	2001007				
	1	TAX LIEN	434.96	434.96	541.37	976.33
			434.96	434.96	541.37	976.33
2000	LIEN	2000008				
	1	TAX LIEN	212.04	212.04	133.36	345.40
			212.04	212.04	133.36	345.40
GRAND TOTALS			6,129.02	6,129.02	3,003.74	9,132.76

ITEM 13-025

To hold a Public Hearing to consider and act on draft amendments to Chapter 250 (Subdivision of Land), Section 6(D)(3) (Review and approval of plan for minor subdivision) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: January 16, 2013

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

Re: **Public Hearing:** To recommend to the Town Council draft amendment to the Subdivision Ordinance §250-6.D.
(3) This approval is dependent upon and limited to the proposals and plans contained in the application, and supporting documents submitted by the applicant, and all statements made by the applicant to the Planning Board. Any variation from the plans, proposals, supporting documents and statements, except minor field changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

This is to advise you that on January 15, 2013 the Planning Board voted to approve and recommend to the Town Council the draft amendment to the Subdivision Ordinance §250-6.D to add section 250.6.D (3).

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board



Christopher S. Neagle, Board Chair

§ 250-6. Review and approval of plan for minor subdivision.

A. General. The Planning Board may, where it deems it necessary for the protection of public health, safety and welfare, require that a minor subdivision comply with any or all of the requirements specified for major subdivisions.

B. Procedures.

- (1) An application for final plan approval, a completed application checklist and 15 copies of the final plan and accompanying materials shall be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered and shall be accompanied by the fee, which is established by order of the Town Council. If the application is found to be deficient, any additional information must be submitted no later 14 days prior to the meeting at which it is to be considered.
- (2) The Town Planner shall then determine whether the application is complete or incomplete and shall notify the applicant of the determination in writing within 30 days of the date that the receipt is issued. If determined to be incomplete, the Town Planner shall list the materials that must be submitted in order to make the application complete. When the application is determined to be complete, the Town Planner shall notify the applicant. Any application not determined to be complete within 180 days of the issued receipt date shall become null and void.
- (3) The Planning Board shall, within 45 days from the date that the application is determined to be complete, or within such other time that may be mutually agreed to by both the Planning Board and the applicant, approve, approve with conditions, or disapprove the final plan. The Planning Board shall specify in writing its decision and findings of fact regarding the decision. A separate copy of the written decision and findings of fact shall be maintained apart from the Planning Board minutes and stored in the Town Planner's files.
- (4) The Planning Board, at its discretion, may hold a public hearing regarding any proposed minor subdivision within 30 days of the determination of application completeness.

C. Submission requirements. Minor subdivision plan submissions shall conform to the standards and requirements contained in Appendix C of this chapter.

D. Final plan approval and filing.

- (1) Upon completion of the requirements above and approval of the final plan, the final plan shall be signed by a majority of the voting members of the Planning Board and shall be filed by the applicant with the Cumberland County Registry of Deeds.
- (2) Approval of any subdivision plan not filed for recording within 90 days after final plan approval shall become null and void. A note referencing this time provision shall be placed upon the final plan. The developer shall provide the Town Planner with the plan book number and page number upon recording of the subdivision plan.

(3) This approval is dependent upon and limited to the proposals and plans contained in the application, and supporting documents submitted by the applicant, and all statements made by the applicant to the Planning Board. Any variation from the plans, proposals, supporting documents and statements, except minor field changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

ITEM 13-026

To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards), Section 11 (Expiration of Approval), and Section 12 (Standard Condition of Approval) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: January 16, 2013

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

Re: **Public Hearing:** To recommend to the Town Council draft amendments to the Site Plan Ordinance §229-10 – Approval Standards, §229-11 – Expiration of Approval and §229-12 Standard Condition of Approval to add language stating the Planning Board (if Staff Review, the Town Planner or Staff Review Committee)

On January 16, 2013 the Planning Board voted to recommend to the Town Council draft amendments to the Site Plan Ordinance §229-10 – Approval Standards, §229-11 – Expiration of Approval and §229-12 Standard Condition of Approval to add language stating the Planning Board (if Staff Review, the Town Planner or Staff Review Committee)

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board



Christopher S. Neagle, Board Chair

- (4) Upon completion of the development, the developer shall notify the municipal officers in writing stating that all improvements have been completed.

§ 229-10. Approval standards and criteria.

The following criteria shall be used by the Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** determines that the applicant has failed to meet one or more of these standards. 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.

- A. 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.
- B. Traffic, circulation and parking.
- (1) Traffic access and parking. Vehicular access to and from the development must be safe and convenient.
- (a) 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.
- (b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (c) The grade of any proposed drive or street must be not more than +3% for a minimum of two car lengths, or 40 feet, from the intersection.
- (d) The intersection of any access/egress drive or proposed street must function:
- [1] At a Level of Service D, or better, following development if the project will generate 1,000 or more vehicle trips per twenty-four-hour period; or
- [2] At a level which will allow safe access into and out of the project if fewer than 1,000 trips are generated.
- (e) Where a lot has frontage on two 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.
- (f) 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.
- (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (h) The following criteria must be used to limit the number of driveways serving a proposed project:
- [1] No use which generates fewer than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such driveway must be no greater than 30 feet wide.
- [2] No use which generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways must not exceed 60 feet.
- (2) Accessway location and spacing. Accessways must meet the following standards:
- (a) Private entrances/exits must be located at least 50 feet from the closest unsignalized intersection and 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.
- (b) Private accessways in or out of a development must be separated by a minimum of 75 feet where possible.
- (3) Internal vehicular circulation. The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
- (a) 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.

- (b) 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").
- (c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (d) 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.
- (4) Parking layout and design. Off street parking must conform to the following standards:
 - (a) Parking areas with more than two parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
 - (b) All parking spaces, access drives, and impervious surfaces must be located at least 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 15 feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding 24 feet in width.
 - (c) 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

- (d) 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.
- (e) 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.
- (f) 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) Building and parking placement.
 - (a) 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 to the rural character of the area. If the parking is in front, a generous, landscaped buffer between the road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
 - (b) 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 to 10 feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.
- (6) Pedestrian circulation. The site plan must provide for a system of pedestrianways 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.
- C. Stormwater management and erosion control. *Editor's Note: See also Ch. 242, Stormwater Management.*

- (1) 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.
 - (a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
 - (b) 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.
 - (c) 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.
 - (d) All natural drainageways 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.
 - (e) 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.
 - (f) 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.
 - (g) 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.
- (2) Erosion control.
 - (a) 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 earthmoving 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.
 - (b) 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.
- D. Water, sewer, and fire protection.
 - (1) 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 to 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.
 - (2) 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.
 - (3) 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.
 - (4) Fire protection. The Fire/EMS Chief or his/her designee shall review the site plan for conformance with Chapter 96, Article II, Fire Protection, of this Code and may provide to the Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** a list of suggested conditions of approval.
- E. Water protection.
 - (1) 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 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.
 - (2) Water quality. All aspects of the project must be designed so that:

- (a) 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, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater 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.
- (b) 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 Marshal's office.
- (3) Aquifer protection. If the site is located within the ~~Town Aquifer Protection Area~~, **areas designated as aquifer protection (AP) on the Official Aquifer Protection Map**, a positive finding by the Board **(if Staff Review, the Town Planner or Staff Review Committee)** that the proposed plan will not adversely affect the aquifer is required **in accordance with the standards set forth in Chapter 315, Article V (Aquifer Protection) of this Code**.
- F. 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 Chapter **105**, Floodplain Management, of this Code.
- G. 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.
- H. 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.
- I. Buffering and landscaping.
 - (1) 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.
 - (2) 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.
- J. Noise. The development must control noise levels such that it will not create a nuisance for neighboring properties.
- K. 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 users 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.
- L. 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 chapter and the approved plan.
- M. Design and performance standards. *Editor's Note: The Route 1 Design Guidelines, Route 100 Design Standards and Town Center District Design Standards are included at the end of Ch. 315, Zoning.*
 - (1) Route 100 Design Standards. 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 a determination of consistency, the Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** may utilize peer review analysis provided by qualified design professionals.
 - (2) Route 1 Design Guidelines. All development in the Office Commercial North and Office Commercial South Districts is encouraged to be consistent with the Route 1 Design Guidelines.

- (4) Village Mixed-Use Performance Standards. All development in the Village Mixed-Use Zone (VMUZ) is encouraged to be consistent with the VMUZ Performance Standards.

§ 229-11. Expiration of approval.

Construction of the improvements covered by any site plan approval must be substantially commenced within 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 **(if Staff Review, the Town Planner or Staff Review Committee)**. The Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** may grant up to two one-year extensions to the period 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.

§ 229-12. Standard condition of approval.

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board **(if Staff Review, the Town Planner or Staff Review Committee)** prior to implementation. This condition shall be included on all site plans.

§ 229-13. Submission of as-built plans.

The developer of any project involving the construction of more than 20,000 square feet of gross floor area or 50,000 square feet of improvements as actually constructed on the site shall submit as-built plans. These plans must be submitted within 30 days of the issuance of a certificate of occupancy for the project or occupancy of the building.

§ 229-14. Appeals.

If the applicant is dissatisfied with the decision of the Town Planner, he/she may request to have the application reviewed by the Planning Board, which shall conduct a de novo review of the application. The appeal shall be in writing and shall list the specific provision(s) of this chapter upon which the appeal is based. Site plan decisions of the Planning Board are appealed to the Cumberland County Superior Court.

§ 229-15. Conflicting provisions.

Where a provision of this chapter 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.

ITEM 13-027

To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article V (Aquifer Protection) of the Cumberland Code to amend Section 315-36 (Regulations), and Section 315-37 (Continued Compliance), as recommended by the Planning Board

Notice of Decision

Date: February 13, 2013

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

1. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315, Article V, Aquifer Protection of the Zoning Ordinance; to amend §315-36 Regulations, §315-37 Continued Compliance.
2. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315, Article VII; Non-conforming uses, buildings or structures to amend §315-74.
3. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 229 Site Plan Review to amend §229-10 Approval standards and criteria.

This is to advise you that on February 12, 2013 the Planning Board voted to approve and recommend to the to the Town Council the draft zoning amendments to the following Sections of the Ordinance with a change to §315-36. Regulations (5) Storage of petroleum or other refined petroleum products, ~~with the exception~~ not to include except for storage of petroleum products used for ~~household-residential~~ purposes.

- Chapter 315, Article V, Aquifer Protection of the Zoning Ordinance; to amend §315-36 Regulations, §315-37 Continued Compliance.
- Chapter 315, Article VII; Non-conforming uses, buildings or structures to amend §315-74.
- Chapter 229 Site Plan Review to amend §229-10 Approval standards and criteria.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board



Christopher S. Neagle, Board Chair

Chapter 315: Zoning
ARTICLE V
Aquifer Protection

§ 315-34. Purpose.

The purpose of this article is to protect the health, safety, and general welfare of the residents of Cumberland by protecting the quality of the Town's groundwater through the regulation of activities and land use practices.

§ 315-35. Applicability.

The requirements of this article shall apply to all areas designated as aquifer protection (AP) on the Official Aquifer Protection Map which shall be adopted as part of this chapter. Aquifer protection areas shall be determined on the basis of the most recent data available from the United States Geological Survey and Maine Geological Survey and other public sources.

§ 315-36. Regulations.

- A. Disposal of hazardous waste materials is prohibited. Hazardous waste shall have the same meaning as contained in Title 42 U.S.C. Section 6903 (5):

§ 6903 (5) The term "hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may

(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

In addition to those materials identified as hazardous waste by the United States Environmental Protection Agency in accordance with Title 42 U.S.C. § 6903 (5) above, hazardous waste shall also include any and all materials designated as hazardous waste by the State of Maine Board of Environmental Protection, pursuant to its rule making authority in Title 38 M.R.S.A. § 1319-O, and in accordance with the definition located at Title 38 M.R.S.A. § 1303-C (15).

- B. The following uses shall only be allowed upon a positive finding by the Planning Board that the proposed use, with any conditions imposed by the Board, will not adversely affect the quality of groundwater:

- (1) Disposal of solid waste, other than brush or stumps, as permitted by the Town of Cumberland Solid Waste Ordinance.
- (2) Storage of road salt or other deicing agents.
- (3) Animal feedlots which hold more than three animals per acre or, in the case of poultry, which hold more than 150 animals per acre.

- (4) Manure piles or storage pits in excess of 50 cubic yards or, in the case of poultry manure, in excess of 20 cubic yards; manure shall otherwise be disposed in accordance with the provisions of § 315-37A.
- (5) Storage of petroleum or other refined petroleum products, ~~with the exception ****~~ (Planning Board recommended language ~~not to include except for~~ *****) ~~the~~ storage of petroleum products used for ~~household residential~~ purposes.
- (6) Disposal of other leachable materials ~~including, but not limited to, compost or stumps in excess of 50 cubic yards, brush spread over an area of more than 10,000 square feet, asphalt, liquid or semi-solid sludges, roadway snow, and waste oils, not to include with the exception of single-family and two-family residential septic systems. Burning of stockpiled compost, brush, and stumps is prohibited.~~
- (7) Extraction of earth materials.
- (8) Any residential, commercial, industrial, institutional, or governmental development, including subdivision, which occupies a land or water area in excess of 20 acres.
- (9) Storage of hazardous materials as defined by 42 U.S.C. § 9601 (14) or hazardous waste as defined herein at § 315-36 (A).

§ 315-37. Continued Compliance.

A. Expansion of Existing Uses

~~The expansion by size, area, intensity or type of an existing commercial or industrial use, non-conforming or previously approved use, or the addition of a new use shall be reviewed prior to the expansion or addition of a new use and shall require a positive finding pursuant to the criteria above in § 315-36B and approval in accordance with Chapter 229, Site Plan Review. For purposes of this section, intensity shall mean an increase in business operations including, but not limited to, hours, employees, products, materials and services.~~

B. Inspection of New Uses

~~All uses within a designated aquifer protection area approved subsequent to the effective date of this section and pursuant to the criteria above in § 315-36B and Chapter 229, Site Plan Review, are subject to periodic, but at a minimum annual, inspection by the Code Enforcement Officer to ensure continued compliance with the findings and approval of Site Plan Review. Notice of inspection shall be provided to the property owner at least fourteen (14) days in advance.~~

C. Inspection of Existing Uses

~~Existing non-conforming or previously approved commercial or industrial uses that were in lawful existence on are in operation prior to January 31, 2013 shall be subject to a preliminary inspection by the Code Enforcement Officer within six months of the effective date of this~~

section. The preliminary inspection shall include review and inventory of materials that are used, stored, manufactured or produced within the course of the existing business that could be deemed hazardous waste or could adversely affect the quality of groundwater. Material safety data sheets (MSDS) and spill prevention and containment programs and policies may be requested if applicable. Notice of inspection shall be provided to the property owner at least fourteen (14) days in advance.

If following preliminary inspection, the Code Enforcement Officer issues a notice of non-compliance the property owner shall remedy the non-compliance within thirty (30) days of receiving said notice. If the property owner fails to remedy the non-compliance within thirty (30) days of receiving a notice of non-compliance from the Code Enforcement Officer, the Code Enforcement Officer may order all non-conforming materials removed and/or the closure of the operations that are in violation thereof.

Subsequent to preliminary inspection, all existing, non-conforming or previously approved commercial or industrial uses are subject to periodic, but at a minimum annual, inspection by the Code Enforcement Officer to ensure continued compliance with the Code Enforcement Officer's preliminary inspection report. Notice of inspection shall be provided to the property owner at least fourteen (14) days in advance.

ITEM

13-028

To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article VII (Non-conforming uses, buildings, or structures) to amend Section 315-74 of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: February 13, 2013

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

1. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315, Article V, Aquifer Protection of the Zoning Ordinance; to amend §315-36 Regulations, §315-37 Continued Compliance.
2. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315, Article VII; Non-conforming uses, buildings or structures to amend §315-74.
3. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 229 Site Plan Review to amend §229-10 Approval standards and criteria.

This is to advise you that on February 12, 2013 the Planning Board voted to approve and recommend to the to the Town Council the draft zoning amendments to the following Sections of the Ordinance with a change to §315-36. Regulations (5) Storage of petroleum or other refined petroleum products, ~~with the exception~~ not to include except for storage of petroleum products used for ~~household-residential~~ purposes.

- Chapter 315, Article V, Aquifer Protection of the Zoning Ordinance; to amend §315-36 Regulations, §315-37 Continued Compliance.
- Chapter 315, Article VII; Non-conforming uses, buildings or structures to amend §315-74.
- Chapter 229 Site Plan Review to amend §229-10 Approval standards and criteria.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board



Christopher S. Neagle, Board Chair

Chapter 315: Zoning
ARTICLE VII
Nonconforming Uses, Buildings, Structures and Lots

§ 315-73. Continuation.

The use of any building, structure or land which is made nonconforming by reason of the enactment of this chapter, or which shall be made nonconforming by reason of a subsequent amendment, may be continued subject to the following provisions.

§ 315-74. Nonconforming uses, buildings or structures.

- A. Repairs and alterations. A nonconforming building or structure may be repaired, altered, improved, or reconstructed. A nonconforming building or structure may be added to or expanded within the established setbacks for the underlying district after obtaining a permit from the same permitting authority as that for a new structure. The repair, alteration, improvement or reconstruction of a building or structure located within an aquifer protection area shall be subject to the provisions of Chapter 315, Article V (Aquifer Protection) of this Code.
- B. Rebuilding. A nonconforming building or structure which is damaged or destroyed by fire, explosion, or act of God may be rebuilt at any time. At the option of the owner, the building or structure may be rebuilt upon the original footprint of the destroyed building or structure. Otherwise, the rebuilt structure must be constructed within the established setbacks for the underlying district.
- C. Expansion of nonconforming use other than residential. The number of square feet of floor space area devoted to a nonconforming use may be increased upon application to the Board of Adjustment and Appeals, but only if the Board finds that the proposed expansion of the nonconforming use will have no greater adverse effect upon other property in the same district and neighborhood and that the granting of such approval will not substantially depart from the intended purpose of this chapter. The expansion of a nonconforming use located within an aquifer protection area shall be subject to the provisions of Chapter 315, Article V (Aquifer Protection) of this Code.
- D. Expansion of nonconforming residential use. A nonconforming residential building or structure may be expanded provided that the expansion meets all required setbacks of the underlying zone or the overlay, if applicable. The expansion of a nonconforming residential use located within an aquifer protection area shall be subject to the provisions of Chapter 315, Article V (Aquifer Protection) of this Code.
- E. Change of use. A nonconforming use of a building, structure, or lot of land may be changed to another nonconforming use upon application to the Board of Adjustment and Appeals and in accordance with the standards of Subsection C of this section.

F. Abandonment. A nonconforming use of any building, structure, or lot of land which has been abandoned shall not thereafter be resumed. For purposes of this subsection, a nonconforming use shall be considered abandoned:

(1) When it has been replaced by a conforming use.

(2) When it has been discontinued for a period of two years, provided that a nonconforming commercial use which is not open and operating for at least five days per week during traditional business hours for a period of at least three months in any twelve-month period during the prescribed two-year period shall be deemed to have been abandoned. For any residential use that is nonconforming the discontinuance period shall be four years.

ITEM 13-029

To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map U21/Lot 17B (27 Neba Way) from Village Office Commercial I (VOCI) to Rural Residential 2 (RR2), as recommended by the Planning Board

Notice of Decision

Date: February 13, 2013

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

Re: Public Hearing: To recommend to the Town Council draft zoning map amendments to re-zone property at Tax Assessor Map U21, Lot 17B, 27 Neba Way from Village Office Commercial I (VOCI) to Rural Residential 2 (RR2) district; Applicant, Owner, Timofey Popov.

This is to advise you that on February 12, 2013 the Planning Board voted to recommend to the Town Council draft zoning map amendments to re-zone property at Tax Assessor Map U21, Lot 7B at 27 Neba Way.



Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

Christopher S. Neagle, Board Chair

CC: Timofey Popov

10/30/2012

Zoning Change Request

To the Town of Cumberland and William Shane,

I would like to request a zoning change on lot 17B map U21 from VOC1 to RR2.

My reason for the change is the current lot does not have any buildings on it, but I would like to build a residential house for my family. The current VOC1 zoning does not allow for a single residential home. I have tried to sell the land as it is zoned now, but was unsuccessful due to the location of the lot being not on Gray Rd. but behind it. The other reason I believe is that all the properties around it are residential homes. Lot 18 map U21 is also zoned as RR2 which is the next lot over from me.

I am asking for Your understanding in my request. I would be happy to answer any questions that you might have. I can be reached at 207-233-1073, or by email apopov@maine.rr.com.

Sincerely,

Matt Popov
7 Neba Way
Cumberland, ME 04021

ZONING CHANGE REQUEST STAFF REVIEW

This form is to be completed by town staff for review by the Town Council and Planning Board. Information will be considered in total and no particular question will be weighed more favorably than another.

Property Address: 7 Neba Way Map: U21 Lot: 17B Current Zone: VOC I

Name of Property Owner: Timofey Popov

Name of Person Requesting Review (if not property owner): Matt Popov

Phone: 207-233-1073

Email: apopov@maine.rr.com

Type of Request: ☒ Re-Zoning ☐ Additional Use

Proposed Re-Zoning: From VOC I to RR 2

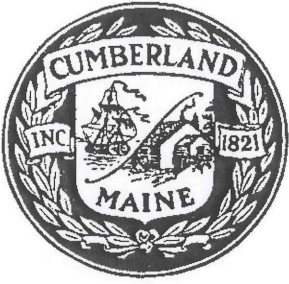
1. Is the proposed re-zoning consistent with the current and adjacent zones? **Yes. The adjacent zone is RR 2.**
2. Is the requested re-zoning consistent with the Comprehensive Plan? (please cite specific sections)
Yes.
 - The parcel is located in one of the 3 designated "Growth Areas" of the Town. (Chapter 14-Future Land Use Plan).
 - To Encourage the Development of the Route 100 Corridor.
3. Does the proposed re-zoning benefit or promote the interests of the current or proposed zone and the Town at large? **The parcel does not front on Route 100 so the probability that the parcel would be developed for commercial purposes is very low. This zone change allows a home to be constructed which is an appropriate (and existing) type of land use in this area.**
4. Have the patterns of growth or development in the current zone changed such that an existing permitted use or special exception is no longer compatible? **Yes. Due to the low demand for commercial development along the Route 100 Corridor, parcels currently zoned for commercial use are being developed, through contract zoning, as residential subdivisions.**

Proposed Additional Use: NOT APPLICABLE

1. Is the additional use consistent or compatible with existing uses in the zone?
2. Is the proposed additional use consistent with the Comprehensive Plan? (please cite specific sections)
3. Does the proposed additional use benefit or promote the interests of the current zone and the Town at large?

Staff Recommendation:

- ☒ Refer to Ordinance Subcommittee w/ Positive Recommendation
☐ Refer to Town Council w/ Positive Recommendation
☐ Schedule Council/Planning Board Joint Workshop
☐ Schedule Neighborhood Meeting



M E M O R A N D U M

ADMINISTRATION DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: February 5, 2013

To: Cumberland Planning Board

From: Carla Nixon, Town Planner

Subject: **Agenda Items # 6 and # 7 – Property Owner-Initiated Zone Change Requests**

The next sheet describes a new zoning change request process that was put in place recently.

These two agenda items are zone change requests that have been considered by town staff and the Town Council Ordinance Subcommittee over the last couple of months.

The Town Council has now referred both requests to the Planning Board for recommendation. You will see that one of the requests has received a positive recommendation, while the other has not. This is because in one case, the location of the subject parcel is such that to change its zoning classification would be tantamount to spot zoning (Wilson Request) whereas the other request (Popov) would simply shift by one lot, the zoning boundary so that the subject parcel, which does not front on Route 100, can be utilized for residential purposes.

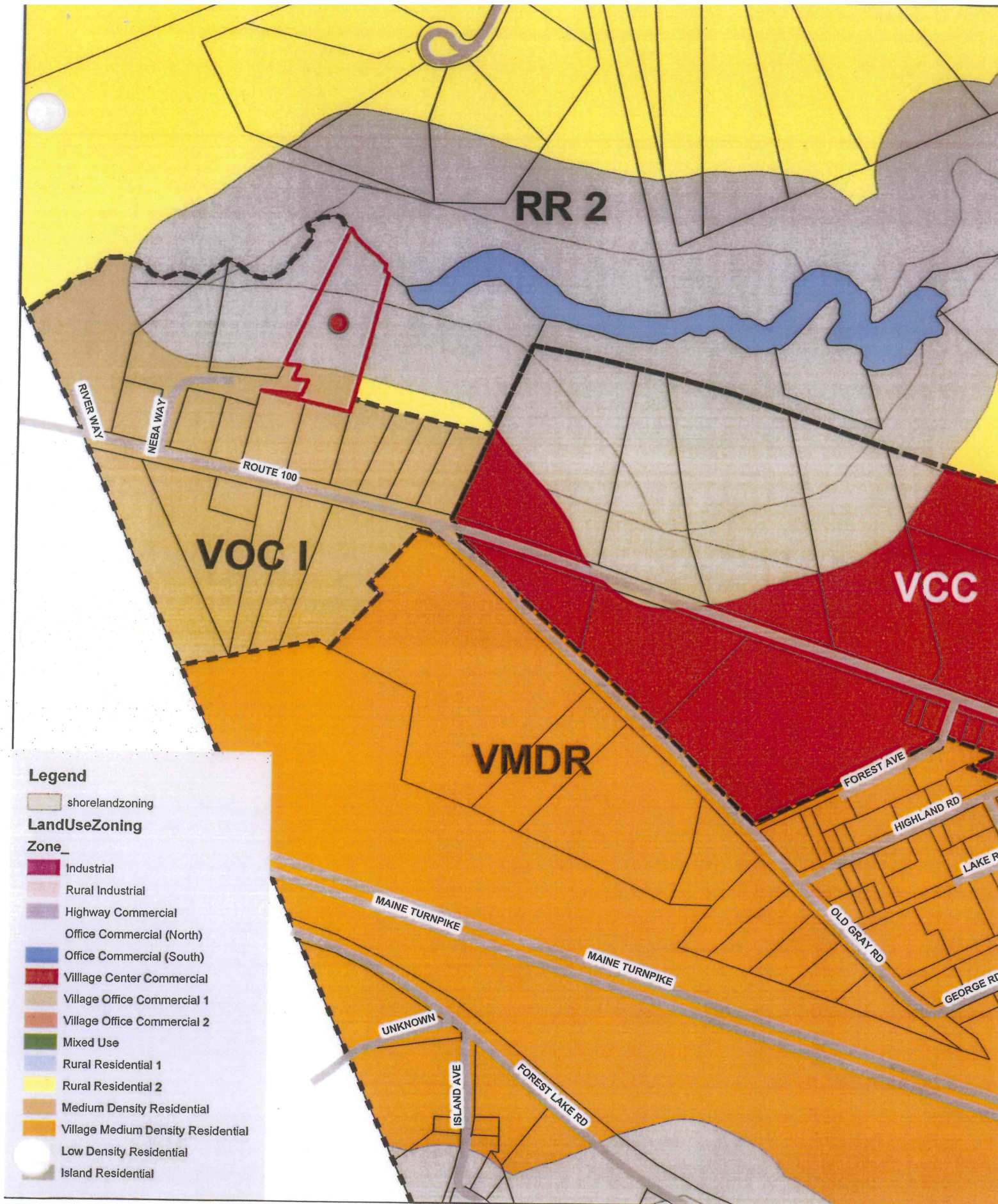
If you have any questions about this item, please contact me.

TOWN OF CUMBERLAND ZONING CHANGE REQUEST REVIEW PROCESS

In accordance with Section 605 of the Zoning Ordinance of the Town of Cumberland, changes and amendments to zoning may be initiated by the Planning Board, the Town Council, any landowner or his authorized agent, or any person having a written agreement to purchase the property. Unless initiated by the Planning Board, any proposed amendment or change shall be submitted to the Planning Board for public hearing and recommendation to the Town Council. The Town Council must then hold a public hearing prior to acting on the proposed amendment or change.

The attached request form was designed to assist landowners in initiating a change or amendment to a current zoning district classification or use. A member of the staff development team (Town Planner, Economic Development Director, Code Enforcement Officer or Town Manager) will work in collaboration with the landowner to gather as much information about the request as possible and complete the request form on their behalf. The development team will review the completed form and draft a recommendation to the Town Council based upon the information received.

Once complete, a recommendation from the staff will be presented to the Town Council in workshop and the Council may choose to refer the request to the Ordinance Committee, schedule neighborhood meetings and/or a joint workshop with the Planning Board to review the request in more detail. Following satisfactory review by the Council, a public hearing will be scheduled at the Planning Board and the Board will make a recommendation to the Council for action. Finally, the Council will hold a public hearing and take action on the request.

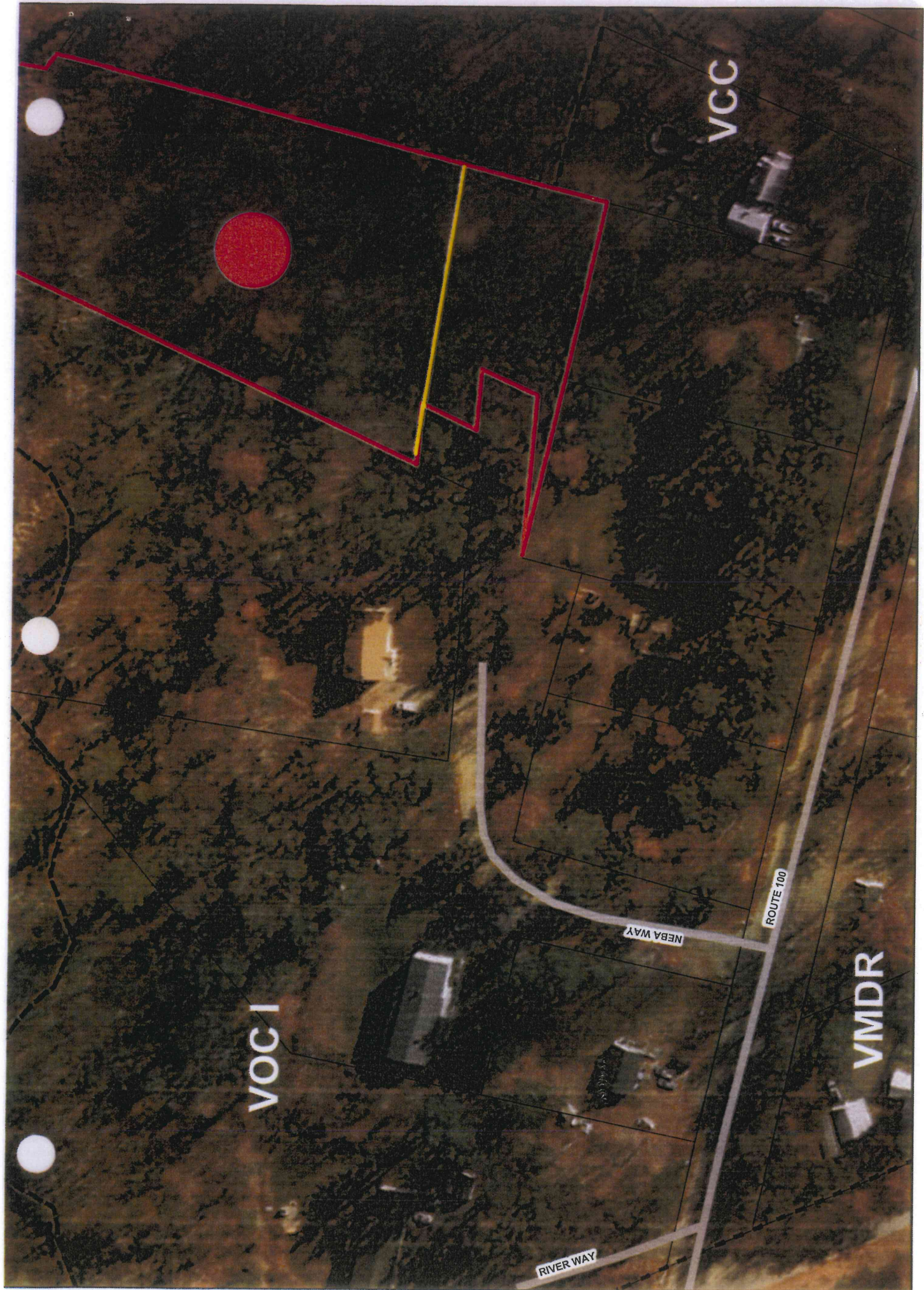


400 200 0 400 Feet

1 inch = 400 feet

Popov Zoning Request VOC I to RR2





Popov Zoning Request VOC I to RR2



1 inch = 100 feet

ITEM

13-030

To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map R07C/Lot 6 (40 Wilson Road) from Rural Residential 1 (RR1) to Rural Residential 2 (RR2), as recommended by the Planning Board

Notice of Decision

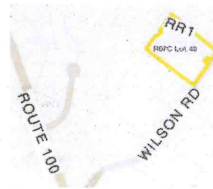
Date: February 13, 2013

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

Re: Public Hearing: To recommend to the Town Council draft zoning map amendments to re-zone property at Tax Assessor Map R07C, Lot 6, 40 Wilson Road from Rural Residential 1 (RR1) to Rural Residential 2 (RR2) district; Owner, Applicant Gary & Karyn Wilson.

This is to advise you that on February 12, 2013 the Planning Board voted to **not** recommend to the Town Council draft zoning map amendments to re-zone property at Tax Assessor Map R07C, Lot 6 at 40 Wilson Road.

The Planning Board requests that, in conjunction with the proposed Comprehensive Plan update, the Town Council immediately engages in a study of the Rural Residential One (RR1) and Rural Residential 2 (RR2) zoning districts. The Planning Board asks that the town wide review of RR1 & RR2 zones begin with the Mill Road Area west to the power lines.



Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

Christopher S. Neagle, Board Chair

CC: Gary & Karyn Wilson

ZONING CHANGE REQUEST STAFF REVIEW

This form is to be completed by town staff for review by the Town Council and Planning Board. Information will be considered in total and no particular question will be weighed more favorably than another.

Property Address: 40 Wilson Rd. Map: R07C Lot: 6 Current Zone: RR I

Name of Property Owner: Gary Wilson

Name of Person Requesting Review (if not property owner): _____

Phone: 671-2992

Email: cwilson17@maine.rr.com

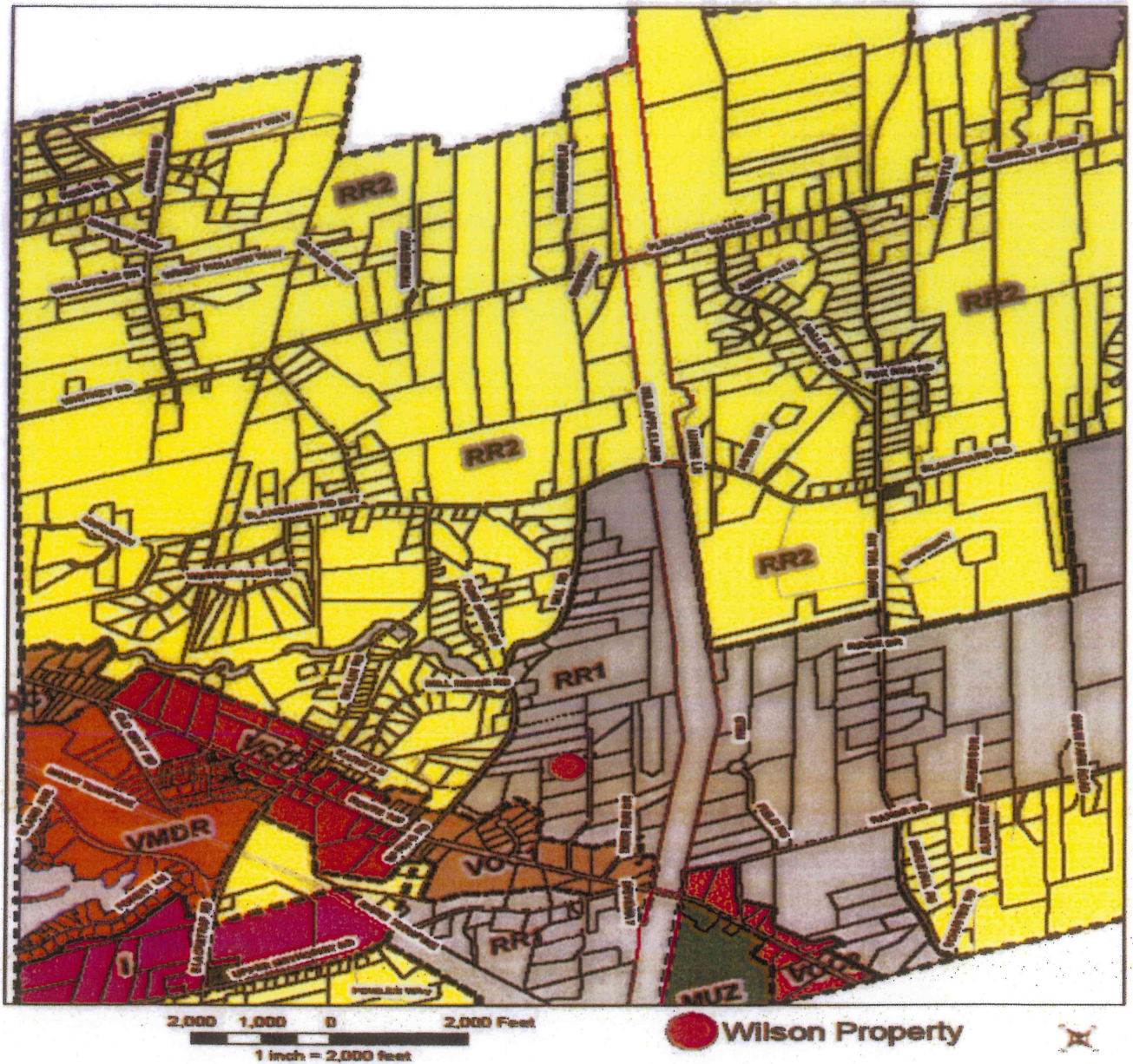
Type of Request: ☒ Re-Zoning ☐ Additional Use

Proposed Re-Zoning: From RR 1 to RR2

1. Is the proposed re-zoning consistent with the current and adjacent zones? **No. This parcel is in the middle of an existing RR I zone. To change the zoning for this parcel would constitute spot zoning. The Town could consider rezoning all of RR1 to RR2. This would double the density build-out however, since RR I requires 4 acres per lot, RR 2 requires only 2 acres, hence the request.**
2. Is the requested re-zoning consistent with the Comprehensive Plan? (please cite specific sections)
 - **The parcel is not located in one of the 3 designated "Growth Areas" of the Town. (Chapter 14-Future Land Use Plan).**
3. Does the proposed re-zoning benefit or promote the interests of the current or proposed zone and the Town at large? **No. It allows for increased development in a designated Rural Zone. This parcel is not contiguous with the zoning district it wishes to move to; spot zoning would result.**
4. Have the patterns of growth or development in the current zone changed such that an existing permitted use or special exception is no longer compatible? **Yes, if the two contract-zoned subdivisions in the area are taken into consideration, there is a shift to more dense residential development.**
5. **Proposed Additional Use: NOT APPLICABLE**
 1. Is the additional use consistent or compatible with existing uses in the zone?
 2. Is the proposed additional use consistent with the Comprehensive Plan? (please cite specific sections)
 3. Does the proposed additional use benefit or promote the interests of the current zone and the Town at large?

Staff Recommendation:

- ☐ **Refer to Ordinance Subcommittee w/ Positive Recommendation**
☒ **Refer to Ordinance Subcommittee w/ Negative Recommendation**
☐ **Refer to Town Council w/ Positive Recommendation**
☐ **Schedule Council/Planning Board Joint Workshop**
☐ **Schedule Neighborhood Meeting**



Chairman Moriarty thanked the Wilson's for bringing this forward and explained that the Ordinance Committee has a process for dealing with this type of request. This situation will be a challenge for the Ordinance Committee because of the size of the property and the other parcels and property owners involved.

Mrs. Wilson said that they realize this process will take a long time and they do not have any sort of a deadline.

Chairman Moriarty explained that the Ordinance Committee would consider the request and report back to the Town Council with a recommendation.

Town Manager Shane explained that it is not simply the cost of new lights, it is also taking the existing lights off the tree and putting the new lights up, with the use of a bucket truck (approximately \$850), and the power source.

Councilor Perfetti said that the Council will get the tree lit and asked the Manager what he needed from the Council to make it happen.

Town Manager Shane said that the Lions have accepted responsibility for the tree for decades and it has gotten to be a much larger expense than it was in the past. The Lions Club does so much for this community that goes unrecognized and this is a very small request compared to the value of the club to the community.

Councilor Copp said that he would like to give the Manager authorization to go forward with this request, but wants to go one step further and challenge the entire Council to see how much money they can collect by the next meeting to help pay for the cost of the new lights.

Councilor Gruber asked Mr. Murphy if the Town agrees to pay up to \$2,500 and the cost exceeds that amount, would the Lions Club step up and pay the difference?

Mr. Murphy said that the Lions Club would, but he did not have the exact amount that they would be willing to contribute. The directors of the club were meeting to discuss that this evening.

Chairman Moriarty asked there was a consensus of the Council that they authorize the Town Manager to spend up to \$2,500 to light the tree this year.

The Council agreed unanimously.



Carin and Gary Wilson, who currently own a home in North Yarmouth but also own a little over 5 acres in West Cumberland, read the following letter to the Council:

We are here to propose that this area gets changed from an RR1 zone, which is a minimum of 4 acre lots, to an RR2 zone to be consistent with the land around it.

Our property overlooks the Morrison Hill Development which is approved lots of less than a 1/2 an acre. All additional land surrounding us is an RR2 zone which is two acre lots.

We understand that there is a district goal to raise student population in our schools. Rezoning this area would work towards meeting this goal.

Our zone has gone through tremendous changes since it was zoned in the 1980's. We appreciate your consideration to rezone the RR1 zone from the power line to Mill Road or the land that is directly affected by the Morrison Hill Development.

Thank you for your time.

ITEM

13-031

To hear a report and authorize the Town Manager to process
Senior Circuit Breaker Program payments



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2204 FAX: 829-2224

To: William R. Shane, Town Manager
From: William Healey, Town Assessor
Date: February 20, 2013
Re: FY 2013 Senior Circuit Breaker Totals

To date, 105 people have applied for the Town's Senior Circuit Breaker refund. 97 applicants have been approved for refunds totaling \$65,193.67. I am still waiting for 9 applicants to supply me with confirmation of their State Refund. Estimating that the pending applicants will qualify for \$750.00 each, the total refunds would be \$71,943.67.

Please let me if you have any questions or concerns.

**2012-2013
Cumberland Senior Circuit Breaker Program**

Applicant	Town Reimbursement	Notes	Mailing Address	Town	State	Zip Code	Done
Alan B. Lamson*		*Need Proof of 2012 State CB Reimbursement	5 Stonewall Drive	Cumberland	ME	04021	
Alan R. Smith	\$750.00		62 Mill Road	Cumberland	ME	04021	X
Anthony J. Lisa Jr.	\$680.03		11 Balsam Drive	Cumberland	ME	04021	X
Antonio M. Desimon	\$750.00		12 Prince Street	Cumberland	ME	04021	X
Arthur V. Greco	\$701.70		2 Carriage Road	Cumberland	Fsde	04110	X
Barbara M. Butler	\$684.86		8 Willow Lane	Cumberland	ME	04021	X
Barbara V. Hathaway*		*Need Proof of 2012 State CB Reimbursement	51 Crossing Brook Road	Cumberland	ME	04021	
Betty J. Long	\$691.68		224 Foreside Road	Cumberland	Fsde	04110	X
Beverly M. Daoust	\$750.00		72 Gray Road	Cumberland	ME	04021	X
Beverly D. Miner	\$750.00		18 Pinewood Drive	Cumberland	ME	04021	X
Carol A. Spizuoco	\$750.00		44 Greely Road	Cumberland	ME	04021	X
Cedric J. Porter	\$750.00		6 Pine Lane	Cumberland	Fsde	04110	X
Charles W. Kirk	\$612.00		190 US Rte One #355	Falmouth	ME	04105	X
Charlotte B. Copp	\$750.00		21 Blackstrap Road	Cumberland	ME	04021	X
Christopher J. O'Meara	\$750.00		P.O. Box 282	Cumberland	ME	04021	X
Constance Lookie	\$750.00		P.O. Box 133	Cumberland	ME	04021	X
David B. Moody Jr.	\$750.00		P.O. Box 5	Cumberland	ME	04021	X
David L. Russell	\$750.00		23 Forest Lane	Cumberland	ME	04021	X
Diane L. Zglobicki	\$750.00		119 Ravine Drive	Cumberland	Fsde	04110	X
Donald J. Bolduc	\$571.35		P.O. Box 65	Cumberland	ME	04021	X
Donald E. Olen Sr.*		*Need Proof of 2012 State CB Reimbursement	6 Pine Ridge Road	Cumberland	Fsde	04110	
Donald E. Myers	\$750.00		268 Gray Road	Cumberland	ME	04021	X
Donald S. Rawnsley	\$750.00		382 Main Street	Cumberland	ME	04021	X
Dorothy Hill	\$400.00		45 Hawthorne Court	Cumberland	ME	04021	X
Dorothy G. Spaulding	\$750.00		320 Greely Road	Cumberland	ME	04021	X
Dorothy Tonini	\$750.00		426 Greely Road Ext	Cumberland	ME	04021	X
Earle Estabrook	\$750.00		255 Gray Road	Cumberland	ME	04021	X
Eileen Letieq*		*Need Proof of 2012 State CB Reimbursement	10 Meadowview Road	Cumberland	ME	04021	
Eleanor Anderson	\$750.00		259 Gray Road	Cumberland	ME	04021	X
Elizabeth K. Mildrum	\$750.00		20 Lawn Avenue	Cumberland	ME	04021	X
Ellen Turner	\$505.29		42 Foreside Road	Cumberland	Fsde	04110	X
Evelyn H. Thurston	\$465.36		133 Middle Road	Cumberland	ME	04021	X
Flossie Barton	\$750.00		328 Greely Road	Cumberland	ME	04021	X
Frances E. Palmer	\$750.00		179 Blanchard Road	Cumberland	ME	04021	X
Frank Woodbury	\$750.00		163 Bruce Hill Road	Cumberland	ME	04021	X
Gerald A. Burrows	\$692.94		130 Orchard Road	Cumberland	ME	04021	X
Gerald N. Miller	\$742.83		16 Hedgerow Drive	Cumberland	ME	04021	X
Glenna A. Eliason	\$111.25		42 Hawthorne Court	Cumberland	ME	04021	X
Glenna L. Turner	\$750.00		18 Greely Road	Cumberland	ME	04021	X
H. Douglas Pride*		*Need Proof of 2012 State CB Reimbursement	8 Crystal Lane	Cumberland	ME	04021	
Herbert Powers Jr.	\$750.00		57 Old Farm Road	Cumberland	ME	04021	X
Jacqueline Palardy	\$470.14		116 Middle Road	Cumberland	ME	04021	X
Jack Glatter	\$734.53		P.O. Box 214	Cumberland	ME	04021	X
James A. Higgins	\$724.11		6 Brookside Drive	Cumberland	ME	04021	X
James E. Lynch	\$750.00		7 Blackstrap Road	Cumberland	ME	04021	X
Jean C. Soule	\$750.00		9 Pinewood Drive	Cumberland	ME	04021	X

**2012-2013
Cumberland Senior Circuit Breaker Program**

Applicant	Town Reimbursement	Notes	Mailing Address	Town	State	Zip Code	Done
Jean M. Spear	\$750.00		78 Middle Road	Cumberland	ME	04021	X
Joan F. Brown	\$691.23		250 Gray Road	Cumberland	ME	04021	X
Joan F. McCarthy	\$376.61		25 Woodside Drive	Cumberland	ME	04021	X
John S. Handcock	\$384.00		47 Hawthorne Court	Cumberland	ME	04021	X
John A. Hay	\$750.00		19 Winterberry Court	Cumberland	ME	04021	X
John H. Raeke	\$750.00		229 Range Road	Cumberland	ME	04021	X
Jonny S. Spaulding	\$400.00		76 Skillin Road	Cumberland	ME	04021	X
Joyce E. Trainor	\$750.00		55 Hawthorne Court	Cumberland	ME	04021	X
Judith K. Dow	\$750.00		5 Starboard Lane	Cumberland	ME	04110	X
Judith Morrow	\$750.00		19 Wildwood Blvd	Cumberland	ME	04110	X
Karl C. Nielsen	\$750.00		246 Gray Road	Cumberland	ME	04021	X
Katherine B. Fowler	\$750.00		168 Greely Road	Cumberland	ME	04021	X
Kathleen B. Taylor	\$750.00		P.O. Box 322	Cumberland	ME	04021	X
Kathryn F. Perkins	\$750.00		3 Sparhawk Lane	Cumberland	ME	04021	X
Kenneth F. Blanchard	\$750.00		147 Greely Road	Cumberland	ME	04021	X
Lawrence J. Aufiero	\$733.26		33 Stonewall Drive	Cumberland	ME	04021	X
Lee E. Gamage	\$750.00		PO Box 39	Yarmouth	ME	04096	X
Leonard A. Taylor Jr.	\$291.50		41 Hawthorne Court	Cumberland	ME	04021	X
Maria P. MacVane*		*Need Proof of 2012 State CB Reimbursement	44 Hawthorne Court	Cumberland	ME	04021	X
Marian E. Day	\$750.00		58 Harris Road	Cumberland	ME	04021	X
Marilyn E. Hodgman	\$750.00		21 Skillings Road	Cumberland	ME	04021	X
Mary E. Lombard	\$750.00		16 Island Avenue	Cumberland	ME	04021	X
Mary H. Daggett	\$750.00		196 Pleasant Valley Road	Cumberland	ME	04021	X
Mary M. Davis	\$333.82		43 Hawthorne Court	Cumberland	ME	04021	X
Mary Ramsbotham	\$422.28		P.O. Box 26	Cumberland	ME	04021	X
Maryella Rawnsley	\$750.00		191 Harris Road	Cumberland	ME	04021	X
Merrick A. Langway	\$352.46		73 Skillings Road	Cumberland	ME	04021	X
Muriel C. Theriault	\$750.00		58 Sullivan Drive	Cumberland	ME	04021	X
Nelson B. Haynes	\$683.97		96 Harris Road	Cumberland	ME	04021	X
Norma C. Pulkinen	\$750.00		325 Tuttle Road	Cumberland	ME	04021	X
Normand Moreau	\$750.00		7 Frye Drive	Cumberland	ME	04021	X
Patricia A. Copp	\$590.22		54 Hawthorne Court	Cumberland	ME	04021	X
Philip A. Chase	\$677.91		258 Main Street	Cumberland	ME	04021	X
Patricia K. Powers*		*Need Proof of 2012 State CB Reimbursement	37 Skillin Road	Cumberland	ME	04021	X
Philip L. Stanhope	\$750.00		20 Stanhope Lane	Cumberland	ME	04021	X
Raelene R. Lewis	\$750.00		PO Box 513	Cumberland	ME	04021	X
Ray A. Humphreys*		*Need Proof of 2012 State CB Reimbursement	PO Box 58	Cumberland	ME	04021	X
Richard Anderson	\$750.00		P.O. Box 215	Cumberland	ME	04021	X
Richard P. Day	\$750.00		3 Friar Lane	Cumberland	ME	04021	X
Richard O. Hagar	\$750.00		35 Blackstrap Road	Cumberland	ME	04021	X
Rita M. Genthner*		*Need Proof of 2012 State CB Reimbursement	PO Box 22	Cumberland	ME	04021	X
Robert Carlson	\$750.00		1 Brookside Drive	Cumberland	ME	04021	X
Robert S. Curnell	\$750.00		305 Blanchard Road	Cumberland	ME	04021	X
Robert W. Dyke	\$750.00		P.O. Box 234	Cumberland	ME	04021	X
Robert L. Erwin	\$750.00		3 Shady Run Lane	Cumberland	ME	04021	X
Robert W. Gatcombe	\$750.00		11 Sparhawk Lane	Cumberland	ME	04021	X

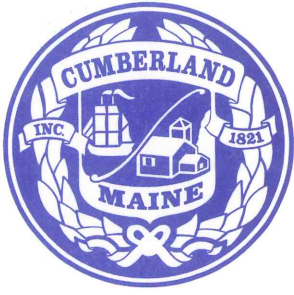
**2012-2013
Cumberland Senior Circuit Breaker Program**

Applicant	Town Reimbursement	Notes	Mailing Address	Town	State	Zip Code	Done
Robert B. Littlefield	\$517.60		P.O. Box 55	Cumberland	ME	04021	X
Ronald E. Beyna	\$750.00		242 Bruce Hill Road	Cumberland	ME	04021	X
Ruth M. Wright	\$750.00		2 Longview Street	Cumberland	ME	04021	X
Sally B. Maynard	\$750.00		77 Foreside Road	Cumberland	Fsde	04110	X
Sandra L. Hodgdon	\$750.00		263 Gray Road	Cumberland	ME	04021	X
Sidney L. Stratton	\$739.74		67 Old Farm Road	Cumberland	ME	04021	X
Stig Miller	\$289.82		38 Carriage Road	Cumberland	Fsde	04110	X
Sylvia Daigle	\$750.00		6 Heritage Lane	Cumberland	Fsde	04110	X
Thomas H. Colby	\$231.90		69 Skillings Road	Cumberland	ME	04021	X
Thomas M. McGowan Sr.	\$689.28		12 Wildwood Blvd	Cumberland	Fsde	04110	X
Thomas W. Larkin Jr.	\$750.00		20 Pine Lane	Cumberland	Fsde	04110	X
Valerie P. Wyman	\$750.00		8 Linden Court	Cumberland	ME	04021	X
Warren C. Graumann	\$750.00		3 Surrey Lane	Cumberland	Fsde	04110	X
William Thurston	\$750.00		211 Blanchard Road	Cumberland	ME	04021	X
Reimbursement Total							
	\$65,193.67						

9 blanks x 750 = \$6,750

ITEM 13-032

To consider and act on authorizing the Town Manager to accept delinquent taxes in the amount of \$10,769.41 and issue a quitclaim deed for property located at 43 Wilson Road, Tax Map R07C/Lot 13



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Deputy Tax Collector

SUBJECT: Acceptance of back taxes for Map R07C/Lot 13

DATE: February 19, 2013

I have received a request from Mr. Jeffrey Wilson to accept payment of back taxes due in the amount of \$10,769.41, for property located at 43 Wilson Road, Map R07C/Lot 13.

The property is now in tax foreclosure. Mr. Wilson has been informed that this item will be on the February 25, 2013, Town Council agenda. I have included the tax statement, and the property I.D. card for this lot. Thank you.

02/19/2013 08:15
todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 1
txtaxstm

PARCEL: R07-013-000-00C

LOCATION: 43 WILSON ROAD

CURRENT OWNER:
WILSON JEFFREY T
36 FOREST LANE
CUMBERLAND ME 04021

CURRENT STATUS:
ACRES: 5.000
LAND VALUATION: 97,900
BUILDING VALUATION:
EXEMPTIONS: 0
TAXABLE VALUATION :

LEGAL DESCRIPTION:

DEED DATE: 06/28/2006 BOOK/PAGE: 24116/316

INTEREST DATE: 02/19/2013

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2013	RE-R	20133328				
	1	REAL ESTAT	810.13	810.13	24.08	834.21
	2	REAL ESTAT	810.12	810.12	.00	810.12
			1,620.25	1,620.25	24.08	1,644.33
2012	LIEN	20128101				
	1	REAL ESTAT	1,546.82	1,546.82	74.46	1,621.28
		CERTIFIED	5.75	5.75	.00	5.75
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	54.58	54.58	.00	54.58
			1,646.15	1,646.15	74.46	1,720.61
			1,646.15	1,646.15	74.46	1,720.61
2011	LIEN	20116094				
	1	REAL ESTAT	1,497.87	1,497.87	175.52	1,673.39
		CERTIFIED	5.59	5.59	.00	5.59
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		LNFE	9.00	9.00	.00	9.00
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	53.86	53.86	.00	53.86
			1,596.32	1,596.32	175.52	1,771.84
			1,596.32	1,596.32	175.52	1,771.84
2010	LIEN	20106102				
	1	REAL ESTAT	1,424.45	1,424.45	344.22	1,768.67
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		LNFE	9.00	9.00	.00	9.00

02/19/2013 08:15	REGFEE	26.00	26.00	.00	26.00
todonnell	TOWN OF CUMBERLAND				PG 2
	REAL ESTATE TAX STATEMENT				txtaxstm

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
<hr/>						
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	64.45	64.45	.00	64.45
<hr/>						
			1,533.44	1,533.44	344.22	1,877.66
<hr/>						
			1,533.44	1,533.44	344.22	1,877.66
<hr/>						
2009	LIEN	20096129				
	1	REAL ESTAT	1,370.60	1,370.60	454.90	1,825.50
		CERTIFIED	5.44	5.44	.00	5.44
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		TAX LIEN I	75.38	75.38	.00	75.38
<hr/>						
			1,498.96	1,498.96	454.90	1,953.86
<hr/>						
			1,498.96	1,498.96	454.90	1,953.86
<hr/>						
2008	LIEN	20080106				
	1	REAL ESTAT	547.47	547.47	307.79	855.26
		CERTIFIED	5.32	5.32	.00	5.32
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	16.56	16.56	.00	16.56
<hr/>						
			608.35	608.35	307.79	916.14
<hr/>						
			608.35	608.35	307.79	916.14
<hr/>						
2007	LIEN	20075115				
	1	REAL ESTAT	536.41	536.41	335.93	872.34
		CERTML	5.21	5.21	.00	5.21
		COLFEE	1.00	1.00	.00	1.00
		LNFE	9.00	6.42	.00	6.42
		NOTFEE	3.00	.00	.00	PAID
		REGFEE	26.00	.00	.00	PAID
		TLNINT	14.71	.00	.00	PAID
<hr/>						
			595.33	549.04	335.93	884.97
<hr/>						
			595.33	549.04	335.93	884.97

02/19/2013 08:15
todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 3
txtaxstm

YEAR	TYPE	BILL				
	INST	CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE

GRAND TOTALS			9,098.80	9,052.51	1,716.90	10,769.41

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description						
Model	00		Vacant										
				MIXED USE									
Code	RES ACLNDV			Description	Percentage								
1300					100								
				COST/MARKET VALUATION									
Adj. Base Rate:				0.00									
				0									
Net Other Adj:				0.00									
Replace Cost				0									
AYB													
EYB				0									
Dep Code													
Remodel Rating													
Year Remodeled													
Dep %													
Functional Obslnc													
External Obslnc				1									
Cost Trend Factor													
Status													
% Complete													
Overall % Cond													
Apprais Val													
Dep % Ovr				0									
Dep Ovr Comment				0									
Misc Imp Ovr													
Misc Imp Ovr Comment				0									
Cost to Cure Ovr													
Cost to Cure Ovr Comment													
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)													
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr Value
BUILDING SUB-AREA SUMMARY SECTION													
Code	Description			Living Area		Gross Area		Eff. Area		Unit Cost		Undeprec. Value	



580 290 0 580 Feet

1 inch = 500 feet

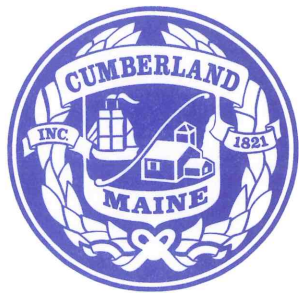
Wilson Lot Map R7C Lot 13



ITEM

13-033

To consider and act on authorizing the Town Manager to accept delinquent taxes in the amount of \$11,659.36 and issue a quitclaim deed for property located at 23 Mill Road, Tax Map R07C/Lot 07



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Deputy Tax Collector

SUBJECT: Acceptance of back taxes for Map R07C/Lot 07

DATE: February 19, 2013

I have received a request from Mr. Jeffrey Wilson to accept payment of back taxes due in the amount of \$11,659.36, for property located at 23 Mili Road, Map R07C/Lot 07.

The property is now in tax foreclosure. Mr. Wilson has been informed that this item will be on the February 25, 2013, Town Council agenda. I have included the tax statement, and the property I.D. card for this lot. Thank you.

02/19/2013 08:15
todonnell

TOWN OF CUMBERLAND
REAL ESTATE TAX STATEMENT

PG 1
txtaxstm

PARCEL: R07-007-000-00C

LOCATION: 23 MILL ROAD

CURRENT OWNER:
WILSON JEFFREY
32 MILL ROAD
CUMBERLAND ME 04021

CURRENT STATUS:
ACRES: 4.000
LAND VALUATION: 117,600
BUILDING VALUATION:
EXEMPTIONS: 0
TAXABLE VALUATION :

LEGAL DESCRIPTION:

DEED DATE:

BOOK/PAGE: 10848/0244

INTEREST DATE: 02/19/2013

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2013	RE-R	20133327				
	1	REAL ESTAT	973.14	973.14	28.93	1,002.07
	2	REAL ESTAT	973.14	973.14	.00	973.14
			1,946.28	1,946.28	28.93	1,975.21
2012	LIEN	20128100				
	1	REAL ESTAT	1,858.08	1,858.08	89.44	1,947.52
		CERTIFIED	5.75	5.75	.00	5.75
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	65.57	65.57	.00	65.57
			1,968.40	1,968.40	89.44	2,057.84
			1,968.40	1,968.40	89.44	2,057.84
2011	LIEN	20116093				
	1	REAL ESTAT	1,799.28	1,799.28	210.84	2,010.12
		CERTIFIED	5.59	5.59	.00	5.59
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		LNFE	9.00	9.00	.00	9.00
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	64.70	64.70	.00	64.70
			1,908.57	1,908.57	210.84	2,119.41
			1,908.57	1,908.57	210.84	2,119.41
2010	LIEN	20106101				
	1	REAL ESTAT	1,711.08	1,711.08	413.48	2,124.56
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		LNFE	9.00	9.00	.00	9.00

02/19/2013 08:15 todonnell	REGFEE TOWN OF CUMBERLAND REAL ESTATE TAX STATEMENT	26.00 26.00	.00	26.00 PG 2 txtaxstm
-------------------------------	---	----------------	-----	---------------------------

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
<hr/>						
		COLLECTORS	1.00	1.00	.00	1.00
		TAX LIEN I	77.42	77.42	.00	77.42
<hr/>						
			1,833.04	1,833.04	413.48	2,246.52
<hr/>						
			1,833.04	1,833.04	413.48	2,246.52
<hr/>						
2009	LIEN	20096128				
	1	REAL ESTAT	1,646.40	1,646.40	546.43	2,192.83
		CERTIFIED	5.44	5.44	.00	5.44
		NOTFEE	3.00	3.00	.00	3.00
		REGFEE	26.00	26.00	.00	26.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		CERTIFIED	5.54	5.54	.00	5.54
		NOTFEE	3.00	3.00	.00	3.00
		TAX LIEN I	90.55	90.55	.00	90.55
<hr/>						
			1,789.93	1,789.93	546.43	2,336.36
<hr/>						
			1,789.93	1,789.93	546.43	2,336.36
<hr/>						
2008	LIEN	20080105				
	1	REAL ESTAT	552.42	552.42	310.57	862.99
		CERTIFIED	5.32	5.32	.00	5.32
		NOTFEE	3.00	3.00	.00	3.00
		COLLECTORS	1.00	1.00	.00	1.00
		LNFE	9.00	9.00	.00	9.00
		REGFEE	26.00	26.00	.00	26.00
		TAX LIEN I	16.71	16.71	.00	16.71
<hr/>						
			613.45	613.45	310.57	924.02
<hr/>						
			613.45	613.45	310.57	924.02
<hr/>						
GRAND TOTALS			10,059.67	10,059.67	1,599.69	11,659.36

Property Location: 23 MILL ROAD

Account # W1445R

MAP ID: R07/C 7111

Bldg Name:

State Use: 1300

Vision ID: 1609

Bldg #: 1 of 1

1 Card 1 of 1

Print Date: 02/21/2013 09:49

[illegible]



580 290 0 580 Feet



1 inch = 500 feet

Wilson Lot Map R7C Lot 7



ITEM

13-034

To set a Public Hearing date (March 11th) to consider and act on a
Mass Gathering Permit for the Cumberland Youth Boys Youth
Lacrosse Jamboree to be held on May 4th from 8:00 a.m. to
5:00 p.m. at Twin Brook Recreation Facility

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 Youth Lacrosse

Address of Applicant: PO Box

Name of Event: Boys Lacrosse Tournament

Facility where the event will be held: Twin Brook Recreation

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: 207 330 1355 Mark MacMahon

Date of Event: 5-4 (rain 5-5) Time (start and finish times): 8-5pm

Number of tickets available: _____

Expected attendance: 36 teams expected { 720 players 1200 spectators over the
72 coaches day

Description of event: Youth lacrosse games with surrounding
towns grades 5th & 6th.

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) Boys Varsity Food Shack; Boys Bashers will sell

hot dogs, snacks, drinks, bagels, pizza

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) _____

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. Girls Youth Lacrosse 2012 Round Robin
2. Boys Youth Lacrosse 2011 Jamboree (2012 rain cancelled)
3. Girls Youth Lacrosse 2011 Round Robin

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: 6 permanent; _____ portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: N/A yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: water fountains, water bottles
- G. Refuse containers available, number and size: using on site containers
League will dispose of trash.
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) _____
- I. When will refuse be picked up? _____

Public Safety:


- J. Describe first aid facilities: _____
- K. Describe emergency facilities: _____
- L. Describe communication facilities: cell phones, 2-way radio
- M. Number of certified police officers: One officer one hour before event
- N. Other security personnel (include company name and qualification): _____
- O. Describe fire personnel: EMT on site

Rec + Boosters to manage parking.

Other:

P. Name of liability insurance _____
Amount of coverage _____; amount of property insurance _____

Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)



Authorized Signature

On _____ (date), I received a copy of the Cumberland Mass Gathering Ordinance.

Authorized Signature



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/13/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
BOLLINGER, Inc.
101 JFK PARKWAY
SHORT HILLS, NJ 07078
PHONE: 1-800-526-1379 FAX: 973-921-2876

CONTACT NAME:
PHONE
[A/C, No. Ext]: 800-526-1379 **FAX**
[A/C, No.]: 973-921-2876
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE **NAIC #**
INSURER A: Markel Insurance Company 38970

INSURED
US Lacrosse, Inc.
113 West University Parkway
Baltimore MD 21210
Re: Cumberland/North Yarmouth Youth Lacrosse

INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR VWD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Participants Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC			8502AH221369	01/01/2013	01/01/2014	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	AUTOMOBILE LIABILITY ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			4602AH221370	01/01/2013	01/01/2014	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> \$ E/L EACH ACCIDENT \$ E/L DISEASE - EA EMPLOYEE \$ E/L DISEASE - POLICY LIMIT \$
A	Accident Medical Catastrophic Acc			4102AH025220 4102AH305882	01/01/2013 01/01/2013	01/01/2014 01/01/2014	Accident Limit: \$100,000 Catastrophic Limit: \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Coverage applies to teams/leagues comprised of 100% US Lacrosse members participants during scheduled and supervised Lacrosse activities.

CERTIFICATE HOLDER**CANCELLATION**

Cumberland/North Yarmouth Youth Lacrosse
PO Box 414
Cumberland, ME 04021

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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PARKING PLAN FOR GIRLS LACROSSE ROUND ROBIN AND BOYS LACROSSE JAMBOREE

DATES:

Boys event May 4, 2013 (rain date May 5, 2013)

Girls event June 1, 2013 (rain date June 2, 2013)

The Cumberland North Yarmouth Youth Lacrosse Board will ensure adequate parking coverage. We plan to have Peter Bingham and two staff members from the Recreation Department, one police officer and 8 parking volunteers on hand. At least one volunteer will be at each of the following locations:

- intersection by the first field
- intersection at the end of first field parking lot
- intersection at the hill top parking field
- roadway between first and second parking lots

Other parking attendants will be helping to direct cars into spots and assisting people who need to access handicapped parking or who need assistance using the golf cart to get out to the back fields.

All parking attendants will wear orange vests.

No Parking signs will be put up along the roadway leading up to the first parking lot.

Each attendant will have a map of parking areas and fields.

Each attendant will have a cell phone or 2-way radio.

ITEM

13-035

To set a Public Hearing date (March 11th) to consider and act on a Mass Gathering Permit for the Cumberland Youth Girls Lacrosse Round Robin to be held on June 1st from 8:00 a.m. to 5:30 p.m. at Twin Brook Recreation Facility

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 Youth lacrosse

Address of Applicant: PO Box

Name of Event: Cumberland youth Girls lacrosse Round Robin

Facility where the event will be held: Twin Brook

Is the facility owned by the applicant: _____ yes; X 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: 207 330 1355

Date of Event: 6/1 (rain 6/2) Time (start and finish times): 8 - 5³⁰

Number of tickets available: _____

Expected attendance: Approx 26 teams

450 players, 50 coaches
1000 spectators

Description of event: Greater Portland lacrosse round robin

Will any food vendors be serving at the event: X yes, _____ no, (if yes, how many, and
what types) Girls lax Boosters will sell pizza, hot dogs

snacks, bags, drinks

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

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. 2017 Round Robin in June sponsored by Youth Lax
2. 2011 " "
3. 2010 " "

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: 6 permanent; _____ portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: N/A yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: water fountain, bottled water
- G. Refuse containers available, number and size: using existing containers per ordinance.
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
league will dispose of trash in dumpsters
- I. When will refuse be picked up? _____

Public Safety:

- J. Describe first aid facilities: will have EMT coverage on site
- K. Describe emergency facilities: _____
- L. Describe communication facilities: cell phones I-way radios
- M. Number of certified police officers: one officer one hour before
- N. Other security personnel (include company name and qualification): _____
- O. Describe fire personnel: EMT on site

Rec + Girls Boosters for parking

Other:

P. Name of liability insurance _____
Amount of coverage _____; amount of property insurance _____

Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)



Authorized Signature

On _____ (date), I received a copy of the Cumberland Mass Gathering Ordinance.

Authorized Signature



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/13/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER BOLLINGER, Inc. 101 JFK PARKWAY SHORT HILLS, NJ 07078 PHONE: 1-800-526-1379 FAX: 973-921-2876	CONTACT NAME:	
	PHONE (A/C, No. Ext): 800-526-1379	FAX (A/C, No.): 973-921-2876
INSURED US Lacrosse, Inc. 113 West University Parkway Baltimore MD 21210 Re: Cumberland/North Yarmouth Youth Lacrosse	E-MAIL ADDRESS:	
	IN SURER(S) AFFORDING COVERAGE	
	NAIC #	
	INSURER A: Market Insurance Company 38970	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			8502AH221369	01/01/2013	01/01/2014	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$5,000
	<input checked="" type="checkbox"/> Participants Liab						PERSONAL & ADV INJURY	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC					PRODUCTS - COMPROP AGG	\$2,000,000	
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR		4602AH221370	01/01/2013	01/01/2014	EACH OCCURRENCE	\$1,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE	\$1,000,000
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y / N	N / A				WC STATUTORY LIMITS	\$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>					E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Accident Medical			4102AH025220	01/01/2013	01/01/2014	Accident Limit: \$100,000	
	Catastrophic Acc			4102AH305882	01/01/2013	01/01/2014	Catastrophic Limit: \$1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Coverage applies to teams/leagues comprised of 100% US Lacrosse members participants during scheduled and supervised Lacrosse activities.

CERTIFICATE HOLDER**CANCELLATION**Cumberland/North Yarmouth Youth Lacrosse
PO Box 414
Cumberland, ME 04021

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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PARKING PLAN FOR GIRLS LACROSSE ROUND ROBIN AND BOYS LACROSSE JAMBOREE

DATES:

Boys event May 4, 2013 (rain date May 5, 2013)

Girls event June 1, 2013 (rain date June 2, 2013)

The Cumberland North Yarmouth Youth Lacrosse Board will ensure adequate parking coverage. We plan to have Peter Bingham and two staff members from the Recreation Department, one police officer and 8 parking volunteers on hand. At least one volunteer will be at each of the following locations:

- intersection by the first field
- intersection at the end of first field parking lot
- intersection at the hill top parking field
- roadway between first and second parking lots

Other parking attendants will be helping to direct cars into spots and assisting people who need to access handicapped parking or who need assistance using the golf cart to get out to the back fields.

All parking attendants will wear orange vests.

No Parking signs will be put up along the roadway leading up to the first parking lot.

Each attendant will have a map of parking areas and fields.

Each attendant will have a cell phone or 2-way radio.

ITEM

13-036

To set a Public Hearing date (March 11th) to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel's on The Green at Val Halla, for the period of April 2013 – April 2014

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☒ HOTEL-OPTIONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☒ CLUB (Class V)

☒ TAVERN (Class IV)

☒ RESTAURANT/LOUNGE (Class XI)

☒ HOTEL (Class I,II,III,IV)

☒ CLUB-ON PREMISE CATERING (Class I)

☒ GOLF CLUB (Class I,II,III,IV)

☒ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor <u>Corporation</u>) Limited Liability Co., etc.) <u>Lowell Smith</u> DOB: <u>4-2-55</u>				2. Business Name (D/B/A) <u>Rachel's On The Green</u>			
<u>Lloyd Smith</u> DOB: <u>10-6-56</u>							
DOB: _____				Location (Street Address) <u>60 Val Halla Road</u>			
Address <u>3 Brookview Lane</u>				City/Town <u>Lumberland</u>		State <u>Me</u>	
				Zip Code <u>04021</u>			
				Mailing Address <u>Same</u>			
City/Town <u>North Yarmouth</u>		State <u>Me</u>		Zip Code <u>04097</u>		City/Town <u>Same</u>	
Telephone Number <u>207-846-0103</u>		Fax Number <u>207-846-7704</u>		Business Telephone Number <u>207-749-0350</u>		Fax Number <u>207-846-7704</u>	
Federal I.D. # <u>27-5380488</u>				Seller Certificate # <u>1149663</u>			

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 263518 LIQUOR \$ 167792
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Lloyd Smith

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: April 2013 Business hours: 0600-2200

9. Business records are located at: 60 Val Halla Rd. Lumberland, Me 04021

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<i>Lowell Smith</i>	<i>4-2-55</i>	<i>Winterhaven, FL</i>
<i>Lloyd Smith</i>	<i>10-6-56</i>	<i>Winterhaven, FL</i>

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

North Vermont
North Vermont

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
Town of Cumberland 290 Tuttle Rd. Cumberland, ME 04021

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
Restaurant/Bar Area adjacent To Pro Shop

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? *1.5 miles* Which of the above is nearest? *School*

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: *Cumberland ME* on *Feb 13*, 20 *13*
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Lloyd Smith

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

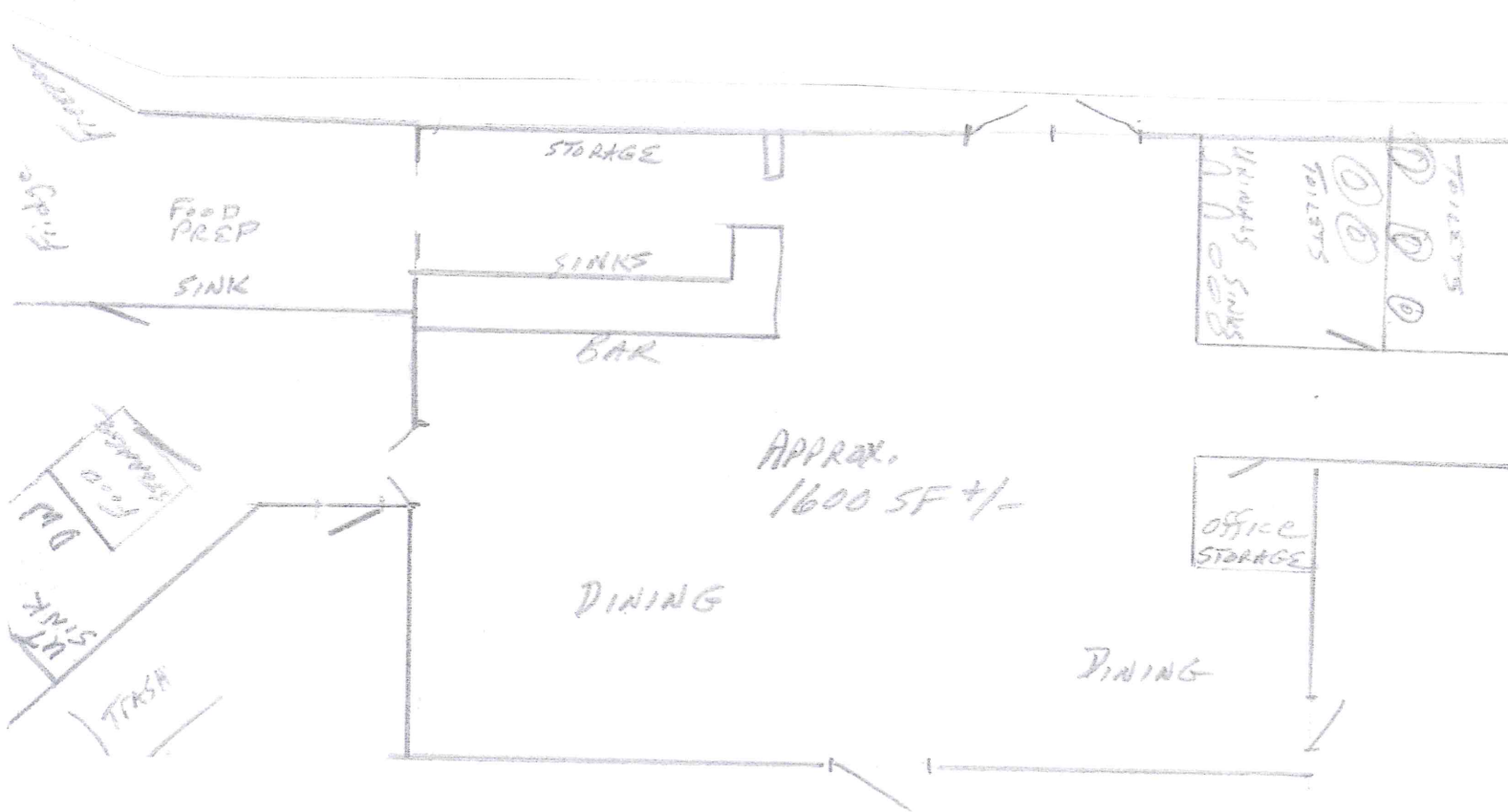
THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM



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

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

1. Exact Corporate Name: Rachel's On The Green
Business D/B/A Name: Same
2. Date of Incorporation: 3/7/11
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Lowell Smith	North Vermouth	4/2/55	50	President
Lloyd Smith	North Vermouth	10/6/56	50	VP

6. What is the amount of authorized stock? 0 Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES ☒ NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES ☒ NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: Cumberland Me On: 2/13/13
City/Town Date

Lloyd Smith
Signature of Duly Authorized Officer

Date: 2/13/13

Lloyd Smith
Print Name of Duly Authorized Officer



STATE OF MAINE
Department of Public Safety
Liquor Licensing
164 State House Station
Augusta, Maine
04333



APPLICATION FOR AUXILIARY LICENSE - \$100.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for an auxiliary license and certifies that the applicant is the holder of a spirituous, vinous and malt restaurant, hotel license or club license located at a ski area / golf course.

1. Full Name of Applicant: Smith Lowell M.
(PLEASE PRINT) Last First Middle Initial
Date of Birth: 4/2/55 Telephone #: 207-846-0103 FAX #: 207-846-7704
Address: 3 Brookview Lane North Yarmouth Me 04097
Mailing Address City/Town State Zip Code

2. Describe auxiliary premise and the location at the ski/golf area: Golf Course @

60 Val Halls Rd Cumberland, ME 04021

3. Do you have all necessary permits from the Department of Human Services for your auxiliary premise?
Yes ☐ No ☐

4. What is the distance from the premise to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premise to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 miles

Which of the above is nearest? School

NOTE: The above application must be signed by the individual(s) or a duly authorized officer of the corporation executing the application and approved by the **Municipal Officers/County Commissioner** and filed with the Liquor Licensing & Inspection Division.

Dated at: _____ on _____, 20____
City/Town Date

Signature of Individual(s) or Duly Authorized Officer(s) of Corporation or if Partnership by Members of Partnership

Print Name

AuxLicApp/2008

Office Located at CENTRAL MAINE COMMERCE CENTER 45 Commerce Drive Suite 1, AUGUSTA, ME 04330

(207) 624-7223 and 624-7224 Licensing and Inspections
(207) 624-7230 Referrals and Training

(207) 287-3424 FAX

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR Auxiliary Mobile Golf Cart License

1. Exact Name Of Golf Course: VAL HALLA
2. Name, birth date and telephone number of each person authorized to operate and sell from mobile golf cart. (All operators of the mobile service bar must be 21 years of age and have successfully completed alcohol server education)

NAME	DATE OF BIRTH	TELEPHONE	T.I.P.S. I.D. number
Lloyd Smith	10-6-56	749-0350	0338281
Lowell Smith	4-2-55	838-8381	8218069
Michelle Smith	6-27-69	831-0059	7633171

3. Are all operators of the mobile service bar employees of the golf course? Yes

4. DOES THE OPERATOR OF THE MOBILE SERVICE BAR HAVE MEANS TO MAKE IMMEDIATE CONTACT WITH AN EMPLOYEE AT THE LICENSED ON-PREMISE LOCATION AT THE COURSE? YES X NO

Describe. Operator will have cell phone access to restaurant/bar

5. How many additional security employees will be on the course to ensure adherence to the laws and rules applying to the selling, serving and consumption of alcohol? 1 - Ranger

6. Do you have signs on cart stating legal age for service and consumption? Yes

7. Are signs posted stating that patrons may not bring alcoholic beverages on to the golf course or licensed premise? Yes How Many? 3

Location. Pro Shop, 1st Tee and 10th Tee

**TOWN OF CUMBERLAND
APPLICATION FOR A SPECIAL AMUSEMENT PERMIT
FOR MUSIC, DANCING AND/OR ENTERTAINMENT**

Name of Applicant: Rachel's on The Green Phone: 838-8381

Residence Applicant: Lowell Smith

Business Name: Rachel's on The Green Bus. Phone: _____

Business Address: 60 Val Halla Road, Cumberland, Me.

Name of Manager: Lowell Smith / Mike Smith Phone: 838-8381

Residence of Manager: 3 Brookview Lane, North Yarmouth, Me

Type of Entertainment Applied for: Special Amusement

Has applicant ever had a license to conduct the business therein described either denied or revoked? NO If so, the applicant shall describe specifically those circumstances?

Has applicant, Partners, Associates or Corporate Officers ever been convicted of a felony? NO If so, the applicant shall describe specifically those circumstances. _____

Additional information may be required by the Town Council prior to the issuance of said permit, including but not limited to a copy of the applicant's current liquor license.

The fee for a Special Amusement Permit shall be \$10.00, non-refundable and payable when application is made for said permit.

Lorraine P. O'Donnell Town Clerk for Lowell Smith 2-19-13
Applicant's Signature Date

Municipal Officers:
Approved: _____
Disapproved: _____
Comment: _____

Application Received: _____
Public Notice Posted: _____
Date Issued: _____
Date of Expiration: _____

ITEM

13-037

To set a Public Hearing date (March 11th) to consider and act on authorizing the Town Manager to negotiate a 3-year contract extension with Rachel's On the Green at Val Halla

ITEM 13-038

To appoint a member to the PACTS Board for Regional
Transportation

William Shane

From: John Duncan <jduncan@gpcog.org>
Sent: Tuesday, February 19, 2013 10:00 AM
To: William Shane
Subject: Request for Appointment of PACTS Policy Committee Representatives
Attachments: Request for Appointments to Future PACTS Policy Committee

Hi Bill,

I write to request that the Cumberland Town Council appoint a representative and two alternates to the PACTS Policy Committee. Briefly, the Policy Committee's purpose is to do high level transportation policy development for our region and to work with the PACTS Executive Committee in "programming" federal transportation funds available to our region. The attached email outlines the roles of the Committee. In response to recent federal guidance that encourages PACTS to increase participation by elected officials, we have revised our bylaws to state that the Policy Committee's municipal members shall be elected officials of local governments or their designees. I currently anticipate that about 9 of the 27 Policy Committee municipal members will be elected officials.

For those not familiar, PACTS is a collaborative effort of municipal, regional, State and Federal representatives responding to the transportation related goals and objectives of the greater Portland region and its citizens. We develop plans, programs and funding priorities that seek to improve the safety, mobility, productivity, environmental quality and energy conservation of our region's transportation facilities, systems and services.

I thank you and Carla Nixon for your great contributions to the PACTS process over the years, and we look forward to working with you in the future!

John W. Duncan
PACTS Director
207-774-9891
www.pactsplan.org

William Shane

From: John Duncan <jduncan@gpcog.org>
Sent: Tuesday, January 15, 2013 2:17 PM
To: Al Schut; Angela Blanchette; William Shane; Brian Beeler II; Brooks More; Carlos Pena; Conrad Welzel (E-mail); Dave Cole (E-mail); Dave Marshall; David Tripp; Don Willard; Donna Larson (dlarson@freeportmaine.com); Gordy Billington; Hank Berg; Herb Thomson; Jerre Bryant (jbryant@westbrook.me.us); Jim Gailey; John Bubier; John Pressey; Katherine Earley; Kevin Donoghue; Lou Stack; Marina Douglass; Mark Pearson; Mark Rees; Marnie Diffin; Mike Bobinsky; Mike McGovern (cetm@maine.rr.com); Nat Tupper (E-mail); Nathan Poore; Neal Allen; Pat Thompson; Patricia Quinn; Paul Schumacher (pschumacher@smrpc.org); Rick Michaud (E-mail); Sara Devlin; Teresa Pierce; Tex Haeuser (chaeuser@southportland.org); Todd Shea; Tom Hall; Tom Milligan; Tom Reinauer; Tony Plante (E-mail)
Subject: Request for Appointments to Future PACTS Policy Committee

To Municipal Members of the PACTS Policy Committee:

We need you to appoint members and alternates to serve on the new PACTS Policy Committee by the end of February. Please let me know what I can do to help you with this. Here is our schedule:

- January 24th: Current Policy Committee adopts new bylaws. (While the Policy Committee has not yet acted, I feel that this email to you now is appropriate. Many of you have already developed or are developing your recommendations.)
- **February: Municipalities appoint members to Policy Committee.**
- February: Municipalities meet in subregional groups to recommend a subregional representative(s) to our new Executive Committee.
- March: New Policy Committee meets and appoints subregional representatives to the Executive Committee.
- April: New Executive Committee meets.

Eligibility: As you know, we are revising our bylaws. The draft before the Policy Committee for action this month states that the Policy Committee's members shall be the elected officials of local governments or their designees. Each single-representative municipality shall also appoint two alternates, and each multiple-representative municipality shall appoint two alternates beyond the number of member seats.

Functions and Powers of the Policy Committee in Current Draft Bylaws

1. To establish and modify its, the Executive Committee's, the Technical Committee's, the Transit Committee's and the Planning Committee's structures.
2. To set the tone, establish the regional vision, and do high level policy development. This includes:
 - To endorse updates to the transportation plan for the region,
 - To collaborate with others to integrate our transportation work with regional issues, such as housing, economic development and conservation.
 - To set the overall strategic direction for the biennial Unified Planning Work Program (UPWP).
 - To endorse the biennial update of the PACTS TIP Policies and Procedures document which guides the programming of MPO Allocation projects and Federal Transit Administration (FTA) public transit funds.
3. To adopt biennially the PACTS Transportation Improvement Program (TIP).
4. To appoint the five subregional representatives to serve on the Executive Committee. Effort shall be made, but it is not required, that at least two elected officials serve on the Executive Committee.

5. To establish and amend the PACTS bylaws.
6. To ratify the following budget decisions made by the Executive Committee: the biennial UPWP, the biennial list of MPO Allocation projects, and the annual sub-allocation of FTA capital and operating assistance funds.
7. To return the budget decisions (in subsection 6 above) to the Executive Committee in the event that the Policy Committee finds them inconsistent with the Policy Committee's strategic direction. The Policy Committee does not have the authority to amend these documents/actions.
8. To challenge subsequent Executive Committee *amendments* to the budget decisions (in subsection 6 above) if the members determine that the Executive Committee has not adequately followed the Policy Committee's strategic direction.
9. To perform any other duties required by the Federal and State governments.

<u>Organization</u>	<u>Members</u>	<u>Alternates</u>	<u>Total</u>
Arundel	1	2	3
Biddeford	2	2	4
Cape Elizabeth	1	2	3
Cumberland	1	2	3
Falmouth	1	2	3
Freeport	1	2	3
Gorham	1	2	3
North Yarmouth	1	2	3
Old Orchard Beach	1	2	3
Portland	6	2	8
Raymond	1	2	3
Saco	2	2	4
Scarborough	2	2	4
South Portland	2	2	4
Standish	1	2	3
Westbrook	1	2	3
Windham	1	2	3
Yarmouth	1	2	3

Votes, Substitutes and Meeting Frequency: Each voting representative shall have one vote. Attendance by representatives of nine municipalities shall constitute a quorum. No written evidence is required for an alternate member to vote. The Policy Committee shall meet quarterly, or as needed.

Number of Appointments: The table at the right shows the municipal membership from each municipality.

We look forward to working with our new and returning members. The participants in the PACTS regional transportation planning and programming process have made it a great success for nearly 40 years. Thank you!

John W. Duncan
PACTS Director
207-774-9891
www.pactsplan.org

ITEM

13-039

To hear a report from the Finance Committee Chair re: FY'14 Budget Meeting Workshops:

- Monday, March 11th Workshop after Council Meeting adjournment
- Saturday, March 16th 8:00 a.m. to completion
- Monday, March 25th Public Hearing on FY'2014 Budget

ITEM

13-040

To consider and act on authorizing the Council Chairman to sign a letter on behalf of the Town Council in opposition of the request in from of the Commissioner of the Department of Environmental Protection to allow solid waste from the closed MERC facility in Biddeford to the State Landfill at Juniper Ridge

Brenda Moore

From: William Shane
Sent: Monday, February 25, 2013 10:57 AM
To: Town Council
Subject: Help Needed this Evening
Attachments: Juniper Ridge Landfill - Municipal Letter Regarding JRL Amendment 12 12 (01251063-3).pdf

Good Morning,

Looking for your support to endorse our Chairman's signing of the attached letter. The closing of the Biddeford private incinerator has caused 100,000 tons of Solidwaste to find a new home. The State Landfill at Juniper Ridge is where Casella (previous owner of the Biddeford Plant MERC) has tentatively tried to have the waste diverted to in direct conflict of the State's landfill policy. The remaining facilities in Maine have the capacity to except the 100,000 tons without landfilling. The Juniper Ridge landfill is used presently as a bypass landfill when one of the incinerators is off line and has been a safety net for most of the State. If Casella allowed to haul this waste in to the landfill, it will be a short term cheaper solution until it reaches capacity will ultimately increase the tipping fee prices of the 4 other incinerators as customers migrate to the cheaper landfilling solution leaving the municipally supported incinerators absorbing the cost of fewer tons coming into the facilities. PERC, the largest waste to energy plant in Maine is supporting the DEP application, as Casella has agreed to send 30,000 tons annually to them in exchange for their support. Trash Credits for Sale!

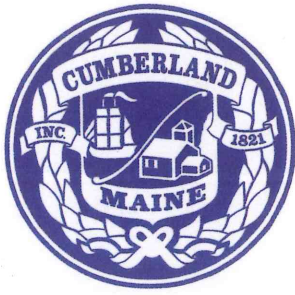
A lot of inside baseball going on here, but landfilling 100,000 tons when the current incinerators have capacity is bad environmental and fiscal policy and I truly need your help in getting this overturned.

Thank you!

Bill

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



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

February 25, 2013

Heather Parent, Hearing Officer
Maine Department of Environmental Protection
59 State House Station
Augusta, ME 04333-0059

RE: Application #S-20700-WD-BC-A
Juniper Ridge Landfill

Dear Hearing Officer Parent:

I am writing to you on behalf of the Cumberland Town Council one of the municipal owners of **ecomaine**. We are concerned about the potential impact of this permit application on the handling of solid waste in Maine. The Juniper Ridge Amendment Application is seeking fundamental changes that would break with over 20 years of state solid waste policy.

Ecomaine is a quasi-municipal corporation established by inter-local agreement among its 21 member municipalities in Cumberland and York Counties. In addition to our owner communities, we have 24 member communities that are contract members and utilize our facilities and programs. We own and operate a WTE facility, a Single-Sort Recycling Facility, and an Ashfill.

This application, if approved, would allow for the acceptance of raw MSW at the Juniper Ridge Landfill (JRL). We oppose the granting of the requested permit amendment. Allowing the disposal of MSW in the state-owned Juniper Ridge Landfill should be rejected as it conflicts with existing state law, unnecessarily reduces the value of a state asset, and undermines long-term efforts to avoid the landfilling of raw MSW in Maine.

Juniper Ridge Landfill is a State Asset and Should be Preserved

Juniper Ridge Landfill is a state-owned facility and the policy of the state should be to maximize the value of that asset for the people of Maine. The pending application would amend the JRL permit to allow the landfilling of raw MSW. Allowing this new use at the JRL facility will hasten the filling and ultimate closure of the landfill. JRL should be limited to its current uses.

There are Other Options for the Disposal of MSW

The application argues that the proposed change in use of the JRL facility is necessary for the disposal of MSW that used to be processed at the Waste-To-Energy facility in Biddeford. However there are several other options to manage this waste in favor of storing the waste in a state owned landfill. These options include:

1. Reducing, reusing, recycling, and composting the municipal waste;
2. Disposal at the three remaining WTE facilities;
3. For any additional MSW, disposal at a landfill facility currently licensed to accept such waste (there are several that could take it).

This Proposal Conflicts with the Solid Waste Hierarchy

Maine's Solid Waste Hierarchy, established in 38 MRSA §2101, provides that the management of solid waste must be based on the following order of priority: reduce, reuse, recycle, compost, waste to energy, and land disposal. Landfilling of raw MSW, as proposed in this permit application, is the lowest rung of the Hierarchy and should be done only when no other options exist.

After the State took ownership of the JRL, it issued a request for proposals (RFP) seeking an entity to operate the facility. In the RFP, and throughout the approval process, the Solid Waste Hierarchy was highlighted as an important consideration.

There is no need to change state policy and this permit application should be denied.

Conclusion

Allowing the disposal of raw MSW at the Juniper Ridge Landfill (JRL) is in conflict with Maine's Solid Waste Hierarchy, is not necessary, and is not the best use of the capacity at JRL. For those reasons, the state should not grant this application to amend the existing permit.

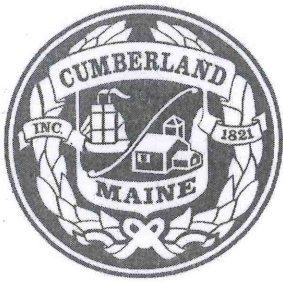
Sincerely,

William Stiles, Chairman
Cumberland Town Council

ITEM

13-041

To consider and act on authorizing the Town Manager to accept a release deed for property located at 32 Sullivan Drive and to auction said property pursuant to the attached release



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

February 21, 2013

Joy Anne Greer Andreasen,
Personal Representative of the
Estate of Mary J. Greer
26 Sullivan Drive
Cumberland, ME 04021

Re: Release of 32 Sullivan Drive, Cumberland

Dear Ms. Andreasen:

This letter is intended to confirm our understanding that based on the release deed to the Town of the property at 32 Sullivan Drive to facilitate our tax sale of that parcel, we will apply the proceeds from said sale to all taxes due on the abutting property at 26 Sullivan Drive and to the property at 32 Sullivan Drive. To the extent that there are excess proceeds beyond the back taxes and the current year on these two parcels, as well as the costs that the Town incurs in conducting this sale, we will deliver those funds to you.

Currently the taxes, fees, and advertisement for the auction on 32 Sullivan Drive are approximately \$29,500.00. The taxes and fees for 26 Sullivan Drive are approximately \$21,500.00. We will advertise the minimum bid for the 32 Sullivan Drive property at \$60,000.00.

Thank you for your cooperation in this regard.

Very truly yours,

William R. Shane
Town Manager

Enclosures

PERSONAL REPRESENTATIVE'S DEED of SALE
(Intestate)

KNOW ALL PERSONS BY THESE PRESENTS, that I, Joy Anne Greer Andreasen, of the Town of Cumberland, County of Cumberland and State of Maine, duly appointed and acting Personal Representative of the Estate of Mary J. Greer, deceased intestate, as shown by the probate records of Cumberland County, Maine, Docket No. 92-313, by the power conferred by the Probate Code and every other power, for consideration of One Dollar and other valuable consideration paid, grants to the Town of Cumberland, a municipal corporation, its successors and assigns, of said Town of Cumberland, County of Cumberland and State of Maine, whose mailing address is 290 Tuttle Road, Cumberland, ME 04021, the land and buildings in said Cumberland, County of Cumberland and State of Maine, located at 32 Sullivan Drive in said Cumberland and more particularly described in Exhibit A hereto attached and made a part hereof.

TO HAVE AND TO HOLD the above-granted premises with all the privileges and appurtenances thereof unto the said Town of Cumberland, its successors and assigns forever.

IN WITNESS WHEREOF, I, the said Joy Anne Greer Andreasen, in my capacity as Personal Representative as aforesaid, have hereunto set my hand and seal this 25th day of February, 2013.

WITNESS:

W. J. Greer

Estate of Mary J. Greer

By: Joy Anne Greer Andreasen
Joy Anne Greer Andreasen,
Personal Representative

STATE OF MAINE
CUMBERLAND, ss.

February 25, 2013

Then personally appeared the above-named Joy Anne Greer Andreasen, Personal Representative as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before, me,

Brenda L. Moore
Attorney at Law/Notary Public

Printed Name: _____

Commission Expires: BRENDA L. MOORE
Notary Public, Maine

My Commission Expires June 14, 2014

EXHIBIT A

That certain lot or parcel of land situate in the Town of Cumberland, County of Cumberland and State of Maine, located at the rear of Sullivan Drive, but abutting Woody Creek Lane, being more particularly described as follows:

Beginning at the north corner of land now or formerly of Henry Nelson on a Town range way, now known as Woody Creek Lane, and running southwesterly by said Nelson land to the corner of land now or formerly of one Hanson; thence northwest six rods and ten links; and thence northeast twenty-five (25) rods by said Hanson land back to said range road; thence by said road to the point of beginning. Being a part of Lot Numbered Six (6) in the range land of the Town of Cumberland and containing two (2) acres, more or less.

Excepting and reserving, however, therefrom any portion of Sullivan Drive encroaching on said premises and that parcel of 26,350 square feet conveyed to John E. Andreasen, et al., by deed dated March 12, 1973 and recorded in the Cumberland County Registry of Deeds in Book 3371, Page 123.

Being a portion of the premises conveyed to Howard E. Greer and Mary J. Greer as joint tenants by deed dated December 18, 1959 and recorded in said Registry of Deeds in Book 2517, Page 471. Said Howard E. Greer died in 1990 leaving Mary J. Greer as his surviving joint tenant and the Grantor herein was duly appointed Personal Representative of the Estate of said Mary J. Greer.

The purpose of this deed is to release to the Town of Cumberland the above premises by virtue of ripened tax liens recorded in said Registry of Deeds in Book 19909, Page 3; in Book 21605, Page 124; in Book 22762, Page 278; in Book 24064, Page 33; in Book 25204, Page 111; in Book 26150, Page 297; in Book 27015, Page 294; in Book 27858, Page 260; in Book 28773, Page 59; and in Book 29666, Page 243.

See also Order dated December 10, 1990 and recorded in said Registry of Deeds in 16980, Page 130 confirming the common boundary of said premises with the then abutter, Walter R. Theriualt, et al. and survey in regard to the same recorded in said Registry of Deeds in Plan Book 202, Page 78.

ITEM

13-042

To consider and act on authorizing the Town Manager to accept a release deed for property located at 8 Highland Avenue and to auction said property pursuant to the attached release

Jennifer A. Green
8 Highland Ave
Cumberland, Maine 04021

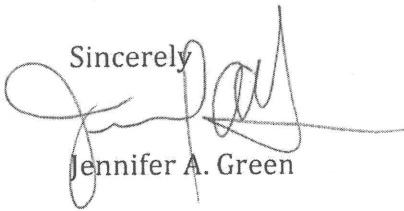
2/22/13

Mr. Shane ,

I just wanted to thank you and Tammy, for taking the time to go over the matters of 8 Highland Ave , and 98 Longwoods Road properties. I just wanted to make sure that our conversations with each other on 2/20/2013 are one in the same. That I will sign the release on 8 Highland Ave with the understanding that the price would be a bid of not less than \$50,000.00 to pay off the back taxes on both properties and that the 98 Longwoods Road property will not go to Auction at this time. That the bid would not be accepted if it did not pay off the taxes to both places. I also called you the very next day on 2/21/13 at the Town Hall as I just wanted to be reassured that was what was going to happen. Our conversation was that as soon as Terry Snow looked over the paper work again that I would be down to see you at the Town Hall on Friday 2/22/13 at the Food Pantry, to give you the Release. You sent me your telephone and email address by email on 2/21/13 at around 5:30pm .

Again I want to thank you for your understanding and professional attitude in this matter..

Sincerely

A handwritten signature in dark ink, appearing to read 'Jennifer A. Green', with a long horizontal flourish extending to the right.

cc. Terry Snow Esq,

Those certain lots or parcels of land situated in Cumberland Center, County of Cumberland and State of Maine, and being five (5) lots, numbered fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19), as shown on the Plan of Forest Homes, recorded in the Cumberland County Registry of Deeds in Plan Book 25, Page 24.

ALSO, a certain lot or parcel of land situated in said Cumberland abutting the above parcels, together with the buildings thereon, bounded and described as follows:

BEGINNING at a point on the southwesterly sideline of Highland Avenue in said Cumberland, distant northwesterly thereon 240 feet from the westerly side of the new Gray Road, so-called, thence southwesterly and at right angles to Highland Avenue, 90 feet to a point, thence northwesterly and parallel with Highland Avenue 90 feet to a point; thence northeasterly and at right angles to Highland Avenue, 90 feet to said Highland Avenue; thence southeasterly along said southwesterly sideline of Highland Avenue 90 feet to the point of beginning.

Being lots numbered twenty-nine (29) and thirty (30) and a part of lot numbered thirty-one (31), as shown on the Plan of Cumberland Heights, recorded in said Registry of Deeds in Plan Book 16, Page 8. Being a part of the premises conveyed by deed recorded in said Registry of Deeds in Book 1525, Page 422.

This conveyance is made subject to restrictions of record.

Being the same premises conveyed to Grantor by Daniel S. Fossett, by quitclaim deed acknowledged on October 3, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8973, Page 26.

RELEASE DEED

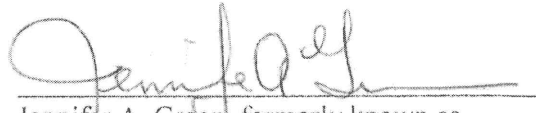
Quitclaim Deed without Covenant
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that I, Jennifer A. Green, formerly known as Jennifer A. Fossett, of the Town of Cumberland, County of Cumberland and State of Maine, for consideration paid, do hereby **RELEASE** and forever **QUITCLAIM** unto the Town of Cumberland, a municipal corporation, its successors and assigns, of said Town of Cumberland, County of County of Cumberland and State of Maine, whose mailing address is 290 Tuttle Road, Cumberland, ME 04021, the land and buildings in said Cumberland, County of Cumberland and State of Maine, located at 8 Highland Avenue in said Cumberland and more particularly described in Exhibit A hereto attached and made a part hereof.

This conveyance is given in recognition of various ripened tax liens filed by the Town of Cumberland against said premises, which tax liens are recorded in the Cumberland County Registry of Deeds in Book 25204, Page 110; in Book 26150, Page 295; in Book 27015, Page 293; in Book 27858, Page 259; in Book 28773, Page 57; and in Book 29666, Page 241.

WITNESS my hand and seal this 22nd day of Feb, 2013.

WITNESS:


Jennifer A. Green, formerly known as
Jennifer A. Fossett

STATE OF MAINE
CUMBERLAND, ss.

2-22-, 2013

Then personally appeared the above named Jennifer A. Green, formerly known as Jennifer A. Fossett and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Attorney at Law/Notary Public
Printed Name: Robert D. Savage
Commission expires: Nov 7 2010

EXHIBIT A

WORKSHOP

NEW BUSINESS

William Shane

From: Eric Anton <eanton@antonlemieux.com>
Sent: Wednesday, February 20, 2013 1:41 PM
To: Nathan Poore; William Shane
Cc: Jim Caldwell; James Barns; Ted Kern; Cohen, James; Hall, Christopher
Attachments: FCC Legislative Forum 3.8.13.pdf

Bill and Nathan, the Falmouth Cumberland Community Chamber is sponsoring a legislative forum on March 8th at 7:30 AM at the Falmouth Memorial Library. Representatives Mark Dion, Mary Nelson, Stephen Moriarty and Senator Dick Woodbury will provide their insight on issues facing them during this legislative session. We certainly hope that you, your staff and your respective town council members can join us. Please forward this invitation to others you think would like to participate. Thank you and we hope to see you on March 8th!

Regards,

Eric Anton, MBA, CFP®
Principal

Anton LeMieux Financial Group
Foreside Place
202 US Route 1
Falmouth, ME 04105

Tel: 207-899-4248
Fax: 207-899-0314
Cell: 207-650-7659
Email: eanton@antonlemieux.com
Website: www.antonlemieux.com

Introductions to friends, family members and colleagues are always welcome and appreciated.

Securities offered through Commonwealth Financial Network, Member FINRA/SIPC. Investment advisory services may be offered through Commonwealth Financial Network, a Registered Investment Adviser, and/or Anton LeMieux Financial Group, a Registered Investment Adviser.

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FALMOUTH CUMBERLAND



COMMUNITY CHAMBER

In Partnership with the Portland Regional Chamber

The Falmouth/Cumberland Community Chamber presents our Third Annual Legislative Forum

March 8, 2013

7:30 – 9 a.m.

Join the Falmouth/Cumberland Community Chamber for a legislative forum at the Falmouth Memorial Library. Representatives Mark Dion, Mary Nelson, Stephen Moriarty and Senator Dick Woodbury will offer their views of key issues facing them this legislative session. Each will provide a brief introductory remark followed by questions and dialogue with the audience. Coffee and donuts will be available.

Become more informed, ask questions, and express your voice!

Falmouth Memorial Library
5 Lunt Rd., Falmouth

Register: portlandregion.com / 207.772.2811 – *This event is free.*
PVN members – register by phone or email at registrations@portlandregion.com.
As a courtesy to our hosts, please register by March 7th.

Our Special Community Partners



Northeast Delta Dental



www.pressherald.com

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Include your name, organization and email address

Portland Regional Chamber, 443 Congress St. Portland, ME 04101 Tel. 207-772-2811
portlandregion.com

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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

FOR PERIOD 08 OF 2013

	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
000 Unclassified					
0011 0303 Excise Tax	-879,418.09	-879,527.75	-893,005.59	-900,651.73	-1,330,000.00
0011 0304 Boat Excise Tax	-4,572.00	-3,538.50	-3,085.70	-2,577.10	-10,000.00
0011 0325 Supplemental Taxes	.00	-3,623.92	.00	.00	.00
0011 0326 Tax Commitment	-15,762,892.88	-16,754,464.21	-17,378,405.88	-18,677,641.29	-18,699,045.00
0011 0328 Outer Islands Property Tax	-19,367.80	-19,831.68	-19,981.92	-20,232.32	-40,000.00
0012 0311 Hunting & Fishing License	-410.25	-431.50	-346.45	-261.75	-700.00
0012 0312 Marriage Lic & Vital Records	-2,140.00	-1,909.40	-1,243.80	-1,531.20	-3,000.00
0012 0313 Birth Certificates	-120.00	-209.80	-822.40	-794.60	-365.00
0012 0314 Death Certificates	-155.00	-790.20	-408.20	-1,082.00	-500.00
0012 0315 Clerk Licenses	-1,615.00	-2,770.00	-2,765.00	-706.00	-4,500.00
0012 0316 Shellfish Licenses	75.00	-2,780.00	-3,187.30	-2,041.38	-3,000.00
0012 0317 Conservation Fees	.00	-430.00	-842.70	-458.62	-500.00
0012 0334 Snowmobile Reg	-1,996.92	-1,850.52	-1,965.72	-355.00	-300.00
0012 0350 Solid Waste Permits	-150.00	.00	.00	.00	.00
0012 0361 Auto Reg. Fees	-12,641.00	-12,442.00	-12,029.00	-11,590.00	-20,000.00
0012 0362 Boat Reg. Fees	-205.00	-165.00	-132.00	-142.00	-500.00
0012 0366 Building Permits	-23,154.14	-19,611.50	-38,086.46	-62,004.73	-40,000.00
0012 0367 Electrical Permits	-7,207.90	-10,015.10	-8,725.80	-11,038.43	-15,000.00
0012 0368 Plumbing Permits	-5,487.50	-4,226.00	-7,737.00	-11,943.00	-10,000.00
0012 0369 Other Permits	-790.00	-1,650.00	-800.00	-550.00	-2,500.00
0012 0383 Agent Fees-Moses	-10.00	-6.00	-7.30	-10.00	.00
0012 0398 Application Fee	-200.00	-200.00	-1,100.00	-1,200.00	-1,000.00
0012 0401 Dog Revenue	-2,389.00	-3,010.00	-2,449.00	-1,363.00	-6,000.00
0012 0404 Commercial Haulers License	.00	.00	.00	-200.00	-500.00
0013 0327 Homestead State Reimb	-181,957.87	-115,976.23	-138,195.79	-171,007.14	.00
0013 0331 State Revenue Sharing	-419,304.17	-392,301.83	-413,180.91	-340,923.79	-575,000.00
0013 0332 Park Fee Sharing	.00	.00	.00	.00	-7,080.00
0013 0335 DOT Block Grant	-61,254.00	-61,254.00	-61,254.00	-40,836.00	-82,000.00
0013 0397 Windham-Fire & Rescue	.00	.00	-1,150.00	.00	-3,900.00
0013 0509 Regional Assessing	-10,556.98	-38,704.00	-37,504.00	-34,118.00	.00
0014 0545 North Yarm Sidewalk Plowing	-400.00	-750.00	-1,550.00	-750.00	-3,000.00
0014 0399 Staff Review Fee	-200.00	-500.00	-4,900.00	-10,250.00	-3,000.00
0015 0305 Interest & Penalties	-21,732.17	-18,348.31	-20,212.21	-16,798.04	-50,000.00
0015 0306 Over/Short	339.91	864.54	141.02	48.92	-100.00
0015 0364 Growth Permits	-800.00	-600.00	-1,000.00	-2,100.00	-750.00
0015 0365 Board of Appeals	-300.00	-100.00	.00	-100.00	.00
0015 0379 Interest on Investment	-6,631.47	-1.47	.00	-1,346.25	.00
0015 0380 Interest On Savings	-3,614.99	-8,493.65	-3,291.59	.00	-10,000.00
0015 0381 Building Rentals	-875.00	-150.00	.00	.00	-825.00

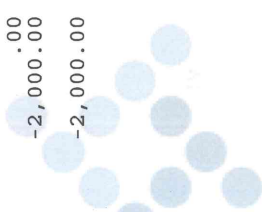
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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

FOR PERIOD 08 OF 2013

	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
0015 0382 Sale of Assets	-8,764.00	-25,000.00	-1,335.09	-714.00	-50,000.00
0015 0390 Misc. Revenue	-16,583.69	-1,429.45	-9,328.03	-1,624.11	-30,000.00
0015 0402 Cable TV Revenue	.00	-958.00	-116,173.63	-1,100.00	-110,000.00
0015 0403 Mooring Fees	-290.00	-105.00	-275.00	-130.00	-1,000.00
0015 0410 Private Ways	-400.00	-200.00	-200.00	-200.00	-400.00
0015 0432 Workers Compensation Dividend	.00	.00	.00	-7,300.34	.00
0015 0508 Impact Fees	.00	.00	-51,336.76	-36,601.60	-40,000.00
0015 0513 Assessing Records	-75.00	-75.00	-80.00	.00	-100.00
0015 0514 Credit Card Handling Fee	-724.00	-803.00	.00	.00	.00
TOTAL Unclassified	-17,458,970.91	-18,388,368.48	-19,237,953.21	-20,374,224.50	-21,154,565.00
210 Police					
0021 0347 North Yarmouth Channel 2	-950.00	.00	.00	.00	-2,000.00
0021 0348 North Yarmouth ACO Charges	-2,700.00	-2,025.00	-3,340.00	-3,122.22	-3,500.00
0021 0351 Police Issued Permits	-1,539.00	-3,657.00	-2,630.00	-2,033.00	-3,500.00
0021 0353 Police Insurance Reports	-380.00	-288.00	-384.00	-320.00	-500.00
0021 0427 PARKING TICKETS	-80.00	-360.00	-215.00	-327.20	-100.00
0021 0428 POLICE OUTSIDE DETAIL	-20,565.97	-17,682.00	-24,008.08	-20,320.58	-22,000.00
0021 0536 ANIMAL CONTROL OFF REVENUE	-1,881.00	-10,726.75	-1,690.00	-1,627.60	-2,500.00
0021 0546 Court Reimbursements	-2,139.96	-3,225.36	-2,368.17	-988.44	-3,500.00
0021 0547 Miscellaneous Police Revenue	-1,509.24	-110.00	-936.62	-21,521.67	-500.00
TOTAL Police	-31,745.17	-38,074.11	-35,571.87	-50,260.71	-38,100.00
220 Fire					
0022 0390 Misc. Revenue	-2,342.00	-33,392.00	-8,553.04	-10,518.50	-15,000.00
0022 0431 OUTSIDE COVERAGE	-1,550.00	-17,497.00	-11,705.00	-15,866.00	-15,000.00
0022 0504 Rescue Billing	.00	.00	-69,286.01	-48,838.64	-155,000.00
TOTAL Fire	-3,892.00	-50,889.00	-89,544.05	-75,223.14	-185,000.00
230 Rescue					
0023 0504 Rescue Billing	-64,692.87	-81,588.21	-10.00	.00	.00
0023 0507 Paramedic Intercepts	.00	.00	-1,500.00	-1,200.00	-2,000.00
TOTAL Rescue	-64,692.87	-81,588.21	-1,510.00	-1,200.00	-2,000.00



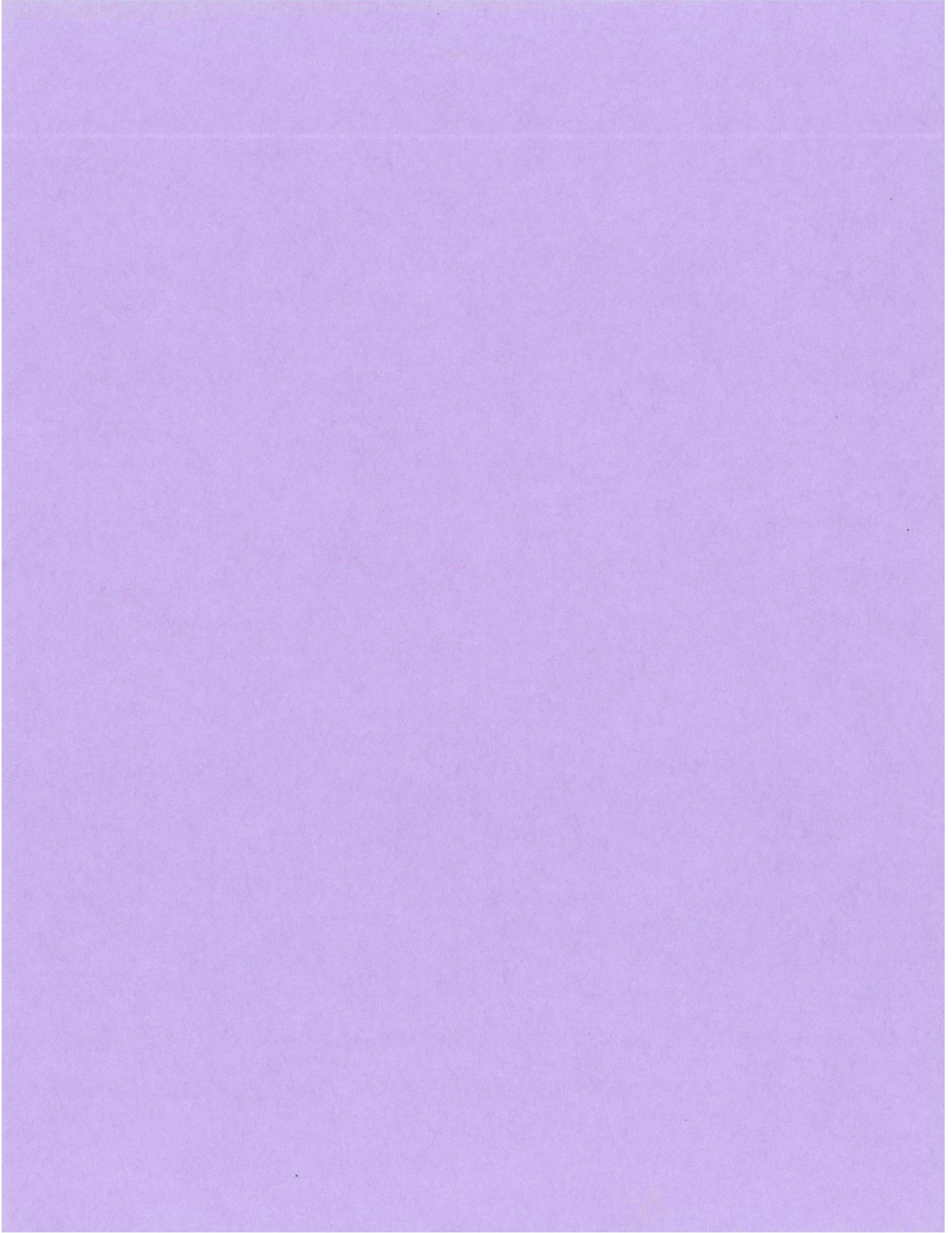
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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

FOR PERIOD 08 OF 2013

	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
310 Public Works					
0031 0355 Recycling Income	-14,028.52	.00	.00	.00	.00
0031 0390 Misc. Revenue	.00	.00	-485.18	-764.00	.00
0031 0517 Bags/Universal Waste	-101,416.50	-152,024.50	-141,145.50	-115,494.50	-290,000.00
0031 4680 Brush Passes	-26.00	-5,188.00	-944.00	-1,511.00	-5,200.00
TOTAL Public Works	-115,471.02	-157,212.50	-142,574.68	-117,769.50	-295,200.00
410 Recreation					
0041 0341 North Yarmouth Recreation Shar	-26,616.00	-26,664.00	-36,271.00	-25,176.50	-50,353.00
0041 0370 Recreation Programs	.00	-830.00	-7,480.98	-6,126.00	-10,579.00
0041 0371 Fall Recreation Revenue	-38,048.00	-40,931.25	-37,342.92	-41,773.90	-48,552.00
0041 0372 Winter Recreation Revenue	-74,307.60	-73,107.00	-87,081.62	-84,761.22	-69,563.00
0041 0373 Spring Recreation Revenue	.00	-60.00	-2,154.52	-367.10	-27,000.00
0041 0374 Summer Recreation Revenue	-29,912.00	-30,316.10	-29,874.68	-35,086.46	-204,370.00
0041 0375 MSAD #51 Recreation Revenue	.00	.00	.00	.00	-10,000.00
0041 0385 After School Programs	.00	.00	-79,622.39	-76,328.55	-122,236.00
0041 0570 Rec Soccer Revenue	.00	.00	.00	-1,755.00	.00
TOTAL Recreation	-168,883.60	-171,908.35	-279,828.11	-271,374.73	-542,653.00
430 Parks					
0043 0390 Misc. Revenue	.00	-100.00	-4,505.00	-10,223.77	-15,000.00
TOTAL Parks	.00	-100.00	-4,505.00	-10,223.77	-15,000.00
450 Library					
0045 0342 North Yarmouth Library Share	-69,364.50	-66,783.00	-70,248.50	-65,638.00	-131,276.00
0045 0392 Library Fines	-4,414.73	-3,787.55	-2,384.38	-3,005.94	-3,500.00
0045 0393 Library Interest Income	-81.00	-38.92	-219.34	-209.84	.00
0045 0394 Misc. Library Revenue	-904.30	-825.20	-998.00	-1,262.60	-1,000.00
TOTAL Library	-74,764.53	-71,434.67	-73,850.22	-70,116.38	-135,776.00
TOTAL General Fund	-17,918,420.10	-18,959,575.32	-19,865,337.14	-20,970,392.73	-22,368,294.00
TOTAL REVENUES	-17,918,420.10	-18,959,575.32	-19,865,337.14	-20,970,392.73	-22,368,294.00
GRAND TOTAL	-17,918,420.10	-18,959,575.32	-19,865,337.14	-20,970,392.73	-22,368,294.00



YPH
2-14 + 2-18

**TOWN OF CUMBERLAND
NOTICE OF PUBLIC HEARING**

**February 25, 2013
7:00 PM**

LEGAL ADVERTISEMENT

Notice is hereby given that the Town of Cumberland will hold a Public Hearing on February 25, 2013 at 7:00 p.m. at Town Hall, 290 Tuttle Road in Cumberland, for the purpose of receiving public comment on the following Cumberland Zoning Ordinance amendments as recommended by the Planning Board:

- To hold a Public Hearing to consider and act on draft amendments to Chapter 250 (Subdivision of Land), Section 6(D)(3) (Review and approval of plan for minor subdivision) of the Cumberland Code, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards), Section 11 (Expiration of Approval), and Section 12 (Standard Condition of Approval) of the Cumberland Code, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article V (Aquifer Protection) of the Cumberland Code to amend Section 315-36 (Regulations), and Section 315-37 (Continued Compliance), as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article VII (Non-conforming uses, buildings, or structures) to amend Section 315-74 of the Cumberland Code, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map U21/Lot 17B (27 Neba Way) from Village Office Commercial I (VOCI) to Rural Residential 2 (RR2), as recommended by the Planning Board.



- To hold a Public Hearing to consider and act on draft zoning map amendments to re-zone property identified as Tax Map R07C/Lot 40 (40 Wilson Road) from Rural Residential 1 (RR1) to Rural Residential 2 (RR2), as recommended by the Planning Board.



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: Joan Jensen <jjensen@mainetoday.com>
Sent: Wednesday, February 13, 2013 11:20 AM
To: Brenda Moore
Subject: RE: Ad for tomorrow and next week

Hi Brenda,

All set to publish your ad on tomorrow, February 14 and Monday, February 18.
The cost is \$455.60 includes \$2.00 online charge.

Joan

Joan Jensen
Legal Advertising/
Classified Call Center
Portland Press Herald/Maine Sunday Telegram
295 Gannett Dr.
South Portland, ME 04106
Ph: (207) 791-6157
Fax: (207) 791-6910
Email: jjensen@mainetoday.com

Portland Press Herald
Maine Sunday Telegram
www.pressherald.com

From: Brenda Moore [<mailto:bmoore@cumberlandmaine.com>]
Sent: Wednesday, February 13, 2013 9:17 AM
To: Joan Jensen
Subject: Ad for tomorrow and next week

Hi Joan,

Am I in time for the attached ad to run **tomorrow and Monday the 18th**?

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

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 public record and is available for review by any interested party.

**TOWN OF CUMBERLAND
NOTICE OF PUBLIC HEARING
February 25, 2013
7:00 PM**

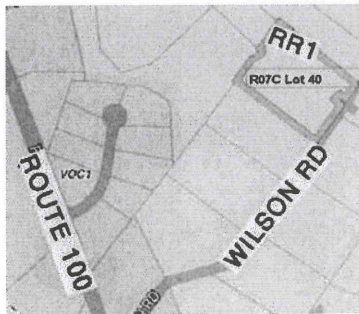
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All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

TOWN OF CUMBERLAND NOTICE OF PUBLIC HEARING FEBRU

TOWN OF CUMBERLAND NOTICE OF PUBLIC HEARING February 25, 2013 7:00 PM LEGAL ADVERTISEMENT
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Appeared in: **Portland Press Herald/Maine Sunday Telegram** on Thursday, 02/14/2013

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