

AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, March 26, 2012
5:40 p.m. Nominating Committee
6:00 p.m. Workshop
7:00 p.m. Call to Order

6:00 P.M. WORKSHOP: re: Growth and Impact Fee Ordinance

I. CALL TO ORDER

II. APPROVAL OF MINUTES
March 12, 2012

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 12 – 039** To hold a Public Hearing to consider and act on draft zoning amendments to the Growth Management Ordinance, as recommended by the Planning Board.
- 12 – 040** To hold a Public Hearing to consider and act on draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance, as recommended by the Planning Board.
- 12 – 041** To hold a Public Hearing to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.
- 12 – 042** To hold a Public Hearing to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.
- 12 – 043** To hold a Public Hearing to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; *subject to the provisions of Section 420*, as recommended by the Planning Board.
- 12 – 044** To hold a Public Hearing to consider and act on draft amendments to the Site Plan Ordinance to include a definition of “*Total Building Area*”, as recommended by the Planning Board.
- 12 – 045** To hold a Public Hearing to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
- 12 – 046** To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club’s “Cumberland/Windham Family Fundraiser” to be held at the Cumberland Fairgrounds on May 5, 2012 from 1:00 – 8:30 p.m.
- 12 – 047** To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for Nassau Broadcasting’s “Maine’s Ultimate Yard Sale” to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. – 2:00 p.m.

- 12 – 048** To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.
- 12 – 049** To appoint a member to the Recreation/Community Education Advisory Board.
- 12 – 050** To set the week of May 14th – 18th as Bulky Item Pickup Week.
- 12 – 051** To consider and act on a Victualer's License for Doc's Café & Marketplace.
- 12 – 052** To hold a Public Hearing to consider and act on adoption of the FY'13 Municipal Budget.
TABLED TO APRIL 9th.

VI. NEW BUSINESS

- VII. EXECUTIVE SESSION** - pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

VIII. ADJOURNMENT

MOTIONS

MOTIONS

- 12 - 039** I move to adopt amendments to the Growth Management Ordinance as presented.
- 12 - 040** I move to adopt amendments to the Recreational Facilities & Open Space Impact Fee Ordinance as presented.
- 12 - 041** I move to amend Section 104.140 (definition of Self Storage Facilities) of the Cumberland Zoning Ordinance, as recommended by the Planning Board.
- 12 - 042** I move to amend Section 420 (Self Storage Facility) of the Cumberland Zoning Ordinance to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.
- 12 - 043** I move to amend Section 204.14.1.13 (Industrial District) (Self-Storage Facilities) of the Cumberland Zoning Ordinance to add "*subject to the provisions of Section 420*", as recommended by the Planning Board.
- 12 - 044** I move to amend the Site Plan Ordinance to include a definition of "Total Building Area", as recommended by the Planning Board.
- 12 - 045** I move to amend the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
- 12 - 046** I move to set a Public Hearing date of April 9th to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club's "Cumberland/Windham Family Fundraiser" to be held at the Cumberland Fairgrounds on May 5, 2012 from 1:00 - 8:30 p.m.
- 12 - 047** I move to set a Public Hearing date of April 9th to consider and act on a Mass Gathering Permit for Nassau Broadcasting's "Maine's Ultimate Yard Sale" to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. - 2:00 p.m.
- 12 - 048** I move to set a Public Hearing date of April 9th to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 21st - 24th from 8:00 a.m. - 5:00 p.m.
- 12 - 049** To appoint Steven Carey to the Recreation/Community Education Advisory Board.
- 12 - 050** I move to set the week of May 14th - 18th as Bulky Item Pickup Week.
- 12 - 051** I move to table this item to April 9, 2012.
- 12 - 052** I move to table this item to April 9, 2012.
- I move to recess to Executive Session - pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.
- I move to return from Executive Session.
- I move to enter into an Employment Agreement between the Town of Cumberland and William R. Shane for a 3-year period beginning April 1, 2012.
- I move to adjourn.

MINUTES

03-12-12

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, March 12, 2012
6:00 Workshop
7:00 p.m. Call to Order

Present: Chairman Perfetti, Councilors Moriarty, Turner, Storey-King, Gruber, Copp & Stiles.

I. APPROVAL OF MINUTES

February 27, 2012

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the minutes with one correction.

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

“We have some amazing residents in Cumberland”. The Manager referred to a thank you note from a resident who needed general assistance in the past and is now in a financial position to pay it forward and make a donation of \$200.00 to the general assistance fund. That is so special and deserves some recognition.

This Thursday is the deadline to submit an application to get a name on the Veterans Recognition Monument. We are preparing the final list of names to submit to the monument company in order to be ready for a Memorial Day dedication.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 027 To hold a Public Hearing 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 2012 – April 2013.

Town Manager Shane explained that this is an annual license. The applications are complete and staff is recommending approval.

Public discussion: None

Councilor Storey-King congratulated the Smith's on running a successful business. She was at the restaurant last Friday evening and every table was full.

Motion by Councilor Stiles, seconded by Councilor Copp, to approve the 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 2012 - April 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 028 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Boys Lacrosse Jamboree to be held at Twin Brook Recreation Facility on May 5th from 8:00 a.m. – 5:00 p.m.

Town Manager Shane said that Town Clerk, Tammy O'Donnell has met with both the boys and girls lacrosse groups and is recommending approval.

Public discussion: None

Chairman Perfetti said he would be abstaining from this item and the next because he is involved with the clubs.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to approve the Mass Gathering Permit for a Boys Lacrosse Jamboree to be held at Twin Brook Recreation Facility on May 5th from 8:00 a.m. - 5:00 p.m.

VOTE: 6-0-1 (Perfetti abstained) MOTION PASSES

12 – 029 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook Recreation Facility June 2nd from 8:00 a.m. – 5:00 p.m.

Public discussion: None

Motion by Councilor Turner, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook Recreation Facility June 2nd from 8:00 a.m. - 5:00 p.m.

VOTE: 6-0-1 (Perfetti abstained) MOTION PASSES

12 – 030 To send to the Planning Board for a Public Hearing and recommendation, amendments to the Contract Zone Agreement for Small Brook Crossing. *TABLED FROM 02-27-12*

Chairman Perfetti explained that the Council has met 4 times in workshop to discuss this issue and this evening they are prepared to send it to the Planning Board with the following recommendation: 1) to cap the interest at 20 years; 2) to allow rentals; and 3) to allow prepayment of mortgage and interest.

He advised Crossing Brook residents to pay attention to the April Planning Board meeting as that is when the Planning Board will consider these recommended amendments to the Contract Zone Agreement for Crossing Brook.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to refer to the Planning Board for a review and recommendation, the attached proposed Amendments to the Second Amended Contract Zoning Agreement by and between the Town of Cumberland and George R. Rickley relating to the Small's Brook Crossing Subdivision (a) capping the interest on the Town's silent second note and mortgage; (b) clarifying that owners may pay off that mortgage voluntarily; and (c) allowing a short-term rental.

Councilor Moriarty explained the three attachments that are included within this motion are:

- I. Amend Section IV (3)(a) to delete the existing paragraph and restate is as follows:
"The Note will bear interest at a simple annual rate of four percent (4%), which will accumulate annually except that said accumulation shall terminate after twenty (20) years as to any owner of a lot at Small's Brook, who has continuously resided in the home as his principal residence for said 20-year period."
- II. Amend Section IV (3)(c) to add an additional sentence as follows:

“The houses at Small’s Brook may be rented once for up to a two (2) year period during the ownership thereof based on approval by the Town Manager on an application by the owner documenting in a manner satisfactory to the Town Manager, or his designee, in his sole discretion that said owner is unable to continue to reside therein.”

- III. Amend Section IV to add an additional paragraph at the end of the section as follows:
“As to lots subject to the second mortgage and note running to the Town specified herein, either the initial owner or any subsequent owner, who has assumed said note and mortgage, may pay-off that note in full with accrued interest at any time.”

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 031 To reappoint William Longley as Code Enforcement Officer and Plumbing Inspector, and Daniel Small and Stanford Brown as alternates.

Town Manager Shane explained that the State requires reappointment of the Code Enforcement and Plumbing Inspector annually.

Motion by Councilor Copp, seconded by Councilor Turner, to reappoint William Longley as Code Enforcement Officer and Plumbing Inspector, and Daniel Small and Stanford Brown as alternates, for the period of April 1, 2012 – March 31, 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 032 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 033 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 034 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; *subject to the provisions of Section 420*, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; subject to the provisions of Section 420, as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE

12 – 035 To set a Public Hearing date (March 26th) to consider and act on draft amendments to the Site Plan Ordinance to include a definition of “Total Building Area”, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft amendments to the Site Plan Ordinance to include a definition of "Total Building Area", as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE

12 – 036 To set a Public Hearing date (March 26th) to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE

12 – 037 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.

Town Manager Shane explained that the multiple categories that were previously in the Growth Permits have all been eliminated. There are 45 homes and 5 affordable homes that this will apply to. The Impact Fees will go from \$1.36 per square foot (after the first 500 feet) to \$1.09 per square foot.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE

12 – 038 To set a Public Hearing date (March 26th) to consider and act on adoption of the FY'13 Municipal Budget.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of March 26th to consider and act on adoption of the FY'13 Municipal Budget.
VOTE: 7-0 UNANIMOUS PASSAGE

IV. NEW BUSINESS

Chairman Perfetti reopened Public Discussion for a member of the audience who wished to speak. Brad Hilton of Blanchard Road had some comments regarding the Growth & Impact Fee Ordinances. He feels that the amendments to the Impact Fee Ordinance are “morally wrong and the Town may have some legal issues with it”. Mr. Hilton said that he feels that the Town has not carried through with expending the impact fees per the Ordinance. If the Town were to simply do away with the ordinance, he would not have an issue. Now that the Town wants to change it, he has a right (according to paragraph 1.10 of the Impact Fee Ordinance) to request some return of his impact fee, if the Town is not expending the impact fees per the Ordinance. The

Impact Fee Ordinance was intended to keep open space and recreation efforts at a 2001 level. Mr. Hilton said that the Town is currently 2 or 3 times the 2001 level.

Town Manager Shane explained that when impact fees were implemented back in the early 2000's. There was a lot of growth in the 1990's and early 2000's. The growth ordinance was put in place to slow the impact on the schools. The Town has collected over \$730,000 in fees, and during the early 2000's built and expanded the Twin Brook recreational area and purchased the Rines Forest. Those two projects were over \$2.8 million. \$731,000 of the impact fees went toward paying the notes for those projects.

Councilor Moriarty addressed Mr. Hilton and said that impact fees are defined in terms of helping with the acquisition and development of additional recreational land. 2001 was not a freeze frame, but rather the fees were intended for the future. It was designed to be flexible enough for 1) what we owned already; 2) what improvements we might make to what we owned already; and 3) for acquisitions that we might make in the future. Councilor Moriarty said he did not understand Mr. Hilton's reference to being "locked into 2001 standards". It is much more flexible than that.

Chairman Perfetti thanked Mr. Hilton for his comments and reminded him that this evening a Public Hearing date was set to discuss this topic at the next meeting. He encouraged Mr. Hilton to contact each Council member before the next meeting to discuss his views and to show up at the next meeting.

Councilor Turner – Congratulations to the Greely boys' hockey team who won the State Championship. In regard to the Impact Fee Ordinance, Councilor Turner said that it is difficult for him to accept Mr. Hilton's premise on the issue, but said that nobody is drawing conclusions about what will happen at the Public Hearing on this issue. He also encouraged Mr. Hilton to attend the Public Hearing.

Councilor Copp – He attended the boys' hockey tournament and was very impressed with the team and how well they played together.

In regard to a letter to the Council from a resident who received General Assistance in the past and was now in a position to make a donation to the GA fund, he said this proves that people do appreciate the help when they need it.

Councilor Storey-King – She also attended the boys' hockey game and said it was a phenomenal game. There was a Middle School assembly today to honor Kim Brandt who was awarded the Maine Principal of the Year. Ms. Brandt was very thankful and deserving of the award. She thanked the Manager and Town Planner for the workshop last Saturday regarding the future development of Cumberland. The Planning Board and Lands & Conservation Commission also attended and it was a very productive session.

Councilor Moriarty – In reference to an e-mail, he asked the Manager about reports that there are trees marked on Blueberry Hill.

Town Manager Shane responded that there appears to be several acres of tree markings for what appears to be for harvesting. He will attempt to contact the land owner to be sure that she is aware of this.

Chairman Perfetti – Regarding the lack of public attendance during our budget workshops, he prefers to take "the glass half full" approach and think that people trust their representatives to do what is right.

Councilor Stiles – He reminded the public that this Saturday is the budget workshop. The public is welcome and encouraged to attend.

Councilor Gruber – The M.S.A.D. 51 Strategic Thinking Committee has put out a survey to the public about core values and the strategic direction of our schools over the next 50 years. He signed up for the Citizen Oriented Protection Service Program offered through the Police Department. Reminder to the public that the Lands & Conservation Commission is in desperate need of new members. They do very good work.

Town Manager Shane – None

V. ADJOURNMENT

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

VOTE: 7-0

TIME: 7:57 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

ITEM 12-039

To hold a Public Hearing to consider and act on draft zoning amendments to the Growth Management Ordinance, as recommended by the Planning Board.

**Please refer to
workshop materials**

William Shane

From: Liz Orser <lizzyor@maine.rr.com>
Sent: Monday, March 26, 2012 2:18 PM
To: Michael Perfetti; Ron Copp; George Turner; Steve Moriarty; William Stiles; Tom Gruber; Shirley Storey-King
Cc: William Shane
Subject: Impact fees

Dear Councilors,

I am writing today to ask you to carefully consider the senior citizens in this town, who would like to stay in the town where they have lived for many years but in downsizing and building a new, smaller home, face impact fees, when you are voting tonight. It is my understanding that these fees were originally meant for new families moving into town. Elimination of the impact fees would be a good idea, or perhaps exclude senior citizens from this burden.

Thank you for your time,
Elizabeth Orser

ITEM 12-040

To hold a Public Hearing to consider and act on draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance, as recommended by the Planning Board.

**Please refer to
workshop materials**

ITEM 12-041

To hold a Public Hearing to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.

ITEM 12-041

- .138 **School:** A public or private kindergarten, elementary or secondary school, approved as such by the State of Maine, including accessory uses thereto, and providing instructional services to more than ten students. [Amended, effective 12/13/89]
- .139 **School, Commercial:** Any facility providing instructional services which is not included in the above definition with the exception of day-care or nursery schools. [Amended, effective 12/13/89]
- .140 **Self-Storage Facilities:** A fully enclosed structure divided into separate compartments individual, secured units ~~used to meet the~~ for the exclusive purpose of temporary storage ~~needs~~ of non-hazardous business or personal materials. [Amended, effective 6/26/06, Amended, effective]
- .141 **Setback:** The shortest horizontal distance between a lot line and any structure on a lot, except that for purposes of regulation of lots, buildings, structures and uses located within the shoreland area, setback shall also mean the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. A street or other right-of-way, other than a driveway that serves no more than two (2) residential lots, that is or may be utilized for motor vehicle access or a street shown on a subdivision plan recorded in the Registry of Deeds in which the Town has reserved its right under the provisions of 23 M.R.S.A. § 3032 shall not be included within a setback. Where a street or other right-of-way that is or may be used for motor vehicle access, other than a driveway that serves no more than two residential lots, is located within the boundaries of a property, the required setback shall be measured from the nearest edge of the street or right-of-way rather than the property line. [Adopted, effective 12/10/91, Amended, effective 3/24/03]
- .142 **Shore Frontage:** The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation. [Adopted, effective 12/10/91]
- .143 **Shoreland Area:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river or salt water body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water

Notice of Decision

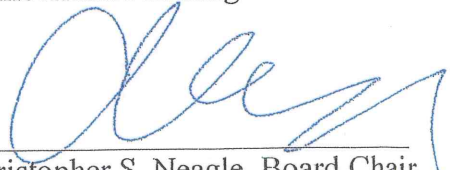
Date: March 7, 2012

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 amendments to the
Cumberland Zoning Ordinance as follows:

Section 104.140 – Definitions: Self-Storage Facilities: A fully enclosed structure divided into separate compartments individual, secured units used to meet the for the exclusive purpose of temporary storage needs of non-hazardous business or personal materials. [Amended, effective 6/26/06, Amended, effective]

Cumberland Planning Board


Christopher S. Neagle, Board Chair

ITEM 12-042

To hold a Public Hearing to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.

ITEM 12-042

Sec. 420 Self Storage Facility

A Self Storage Facility is a fully enclosed structure with individual, secured units (accessed with or without supervisions) **from separate internal doors** used for the exclusive purpose of storage of non-hazardous business or personal materials. The footprint of the structure shall be no larger than 15,000 sq. ft. in size. The building shall not exceed a height of 35'; and shall be required to meet all applicable lot standards of the zone in which it is located. There shall be no outside storage of any kind including such large items such as RVs and boats. The structure shall be landscaped with plantings sufficient to buffer the structure from adjacent properties. The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and brick, clapboard or shingle siding. The use of the vinyl siding is acceptable; metal siding is not. **There shall be no more than one (1) standard (residential garage) size door on the front of the building facing the road. There shall be no more than two (2) larger overhead doors on the remainder of the building, these shall be located on the side or rear of the building.**
[Amended, effective 6/15/06, Amended, effective]

Notice of Decision

Date: March 7, 2012

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 amendments to the Cumberland Zoning Ordinance as follows:

Section 420 Self-Storage Facility: A Self Storage Facility is a fully enclosed structure with individual, secured units (accessed with or without supervisions) from separate internal doors used for the exclusive purpose of storage of non-hazardous business or personal materials. The footprint of the structure shall be no larger than 15,000 sq. ft. in size. The building shall not exceed a height of 35'; and shall be required to meet all applicable lot standards of the zone in which it is located. There shall be no outside storage of any kind including such large items such as RVs and boats. The structure shall be landscaped with plantings sufficient to buffer the structure from adjacent properties. The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and brick, clapboard or shingle siding. The use of the vinyl siding is acceptable; metal siding is not. There shall be no more than one (1) standard (residential garage) size door on the front of the building facing the road. There shall be no more than two (2) larger overhead doors on the remainder of the building, these shall be located on the side or rear of the building. [Amended, effective 6/15/06, Amended, effective]

Cumberland Planning Board


Christopher S. Neagle, Board Chair

ITEM 12-043

To hold a Public Hearing to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; *subject to the provisions of Section 420*, as recommended by the Planning Board.

ITEM 12-043

204.14

Industrial (I)

The purpose of the Industrial District is to provide controlled areas for manufacturing, production, processing, treatment, research, warehousing and distribution as well as other compatible but less intensive uses with the goal of creating employment opportunities within the Town of Cumberland. [Amended, effective 12/28/2009]

204.14.1: The following uses are permitted in the Industrial District, subject to Site Plan Review: [Amended, effective 6/28/10]

- .1 Industrial;
- .2 Low Impact Industrial;
- .3 Extraction of Earth Materials; subject to the provisions of Sec. 410;
- .4 Aggregate Processing;
- .5 Boarding Kennels
- .6 Business and Professional Offices;
- .7 Commercial Health and Recreation;
- .8 Landscaping Services;
- .9 Retail Store;
- .10 Personal Services;
- .11 Private Kennels
- .12 Veterinary Office;
- .13 Self Storage Facilities, subject to provisions of Section 420; [Amended, effective]
- .14 Contractor's Space;
- .15 Motor Vehicle Service Repair;
- .16 Wholesale Distribution Facilities;
- .17 Warehousing and Storage;
- .18 Construction Operations;
- .19 Research Facilities;
- .20 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
- .21 Timber harvesting subject to provisions of Section 429; [Amended, effective 10/26/98]
- .22 Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- .23 Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89]
- .24 Primary buildings of a public utility;
- .25 Above ground utility transmission lines not located within public ways;
- .26 Agriculture;
- .27 Animal Husbandry;
- .28 Municipal Uses and Buildings;
- .29 Uses and building accessory to those above.

Notice of Decision

Date: March 7, 2012

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

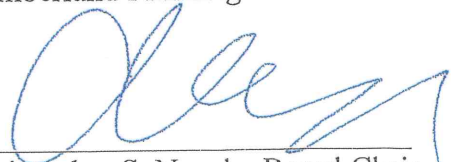
Re: Public Hearing: To recommend to the Town Council draft zoning amendments to the Cumberland Zoning Ordinance as follows:

Section: 204.14.1.13 – Industrial (I) district: 204.14.1.13: Self Storage Facilities; subject to the provisions of Section 420.



FRONT ELEVATION

Cumberland Planning Board



Christopher S. Neagle, Board Chair

ITEM 12-044

To hold a Public Hearing to consider and act on draft amendments to the Site Plan Ordinance to include a definition of “*Total Building Area*”, as recommended by the Planning Board.

ITEM 12-044

SITE PLAN REVIEW ORDINANCE

TOWN OF CUMBERLAND

[Amended 2/25/02, effective 3/19/02, Amended, effective 10/22/07, Amended, effective: 7/12/2010, Amended, Adopted, Effective January 9, 2012]

SECTION 1: TITLE, PURPOSE, AUTHORITY

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

1.3 Review and Approval Authority:

The Town Planner is authorized to review and approve projects classified as Staff Review. However, the Town Planner may refer a Staff Review project to the Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources.

The Planning Board is authorized to review all other projects.

SECTION 2: CLASSIFICATION

There are three classification levels of site plan review:

- 1) Minor Staff Review
- 2) Major Staff Review
- 3) Planning Board Site Plan Review

The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff Review is designed for the review of smaller projects, while larger projects will be reviewed by the Planning Board.

When calculating square footage as referenced below, include the total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

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Type of Activity	<u>Minor Staff Review Required</u> <u>Subject to Section 1.3</u>	<u>Major Staff Review Required</u> <u>Subject to Section 1.3</u>	<u>Planning Board Site Plan Review Required</u>
The construction of a new structure (other than single family and duplex) that contains:	Less than 1000 sq. ft.	Between 1000 and 3000 sq. ft.	Over 3000 sq. ft.
The expansion of a non-residential building or structure, including accessory buildings, that increases the total floor area by: <u>The total area, in square feet, of all floors of a building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.</u>	Less than 1000 sq. ft.	Between 1000 and 3000 sq. ft.	Over 3000 sq. ft.
The construction of an impervious surface such as a support pad or paved or gravel parking area:	Less than 1000 sq. ft.	Between 1000 and 3000 sq. ft.	Over 3000 sq. ft.
The conversion of existing approved buildings or structures from one approved use to another, without enlargement of gross floor area or increase in required parking.	ALWAYS REQUIRED		
Site preparation activities of up to 1 acre of disturbed area including clearing, grubbing, grading, the construction, or reconstruction of driveways and entrances, including the installation of driveway culverts.	ALWAYS REQUIRED		

SECTION 3: FEES

3.1 Application Fee

Any application for any type of site plan review must be accompanied by an application fee set by order of the Town Council. This fee is to cover the cost of the municipality's administrative processing of the application, including

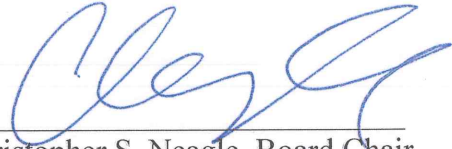
Notice of Decision

Date: March 7, 2012

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 amendments to the Site Plan Ordinance to include a definition of total building area:**
The total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

Cumberland Planning Board

A handwritten signature in blue ink, appearing to read 'C. Neagle', is written over a horizontal line.

Christopher S. Neagle, Board Chair

ITEM 12-045

To hold a Public Hearing to consider and act on draft amendments to the
Route 100 Design Standards to add Section 2.1.5 (Overhead Doors),
as recommended by the Planning Board.

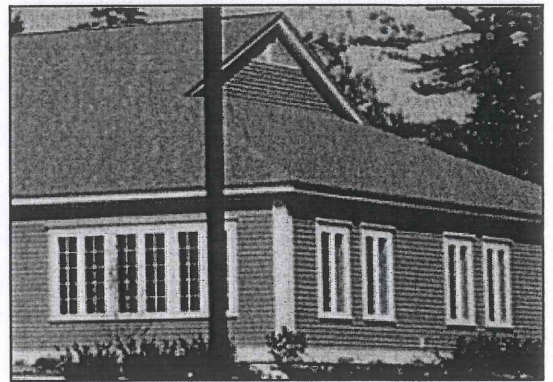
2.1.4 Building Materials

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building's façade. Roofing colors are usually darker than the color of the façade.

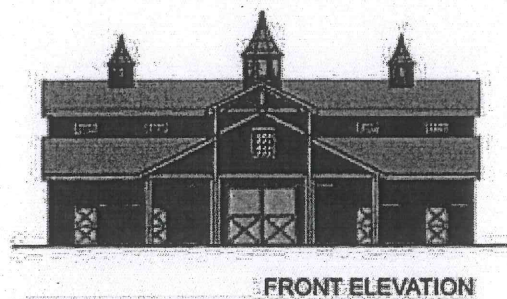
Colors commonly found in historic New England houses vary by period. In the Federal and Greek Revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted "sober" colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red, or weathered shingle.

Windows with multiple panes of glass, the sober beige clapboard and white corner boards make this building appear traditional.



2.1.5 Overhead Doors

Due to their size, overhead doors can become the predominant architectural feature of a commercial building. Given this, overhead doors should blend in with the architectural style of the building to the greatest extent possible. An example of this is a barn door design on a large barn style building, as shown below.



Notice of Decision

Date: March 7, 2012

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 amendments to the Cumberland Zoning Ordinance as follows:

Route 100 Design Standards to add Section 2.1.5 "Overhead Doors"

2.1.5 Overhead Doors

Due to their size, overhead doors can become the predominant architectural feature of a commercial building. Given this, overhead doors should blend in with the architectural style of the building to the greatest extent possible. An example of this is a barn door style design on a large barn style building, as shown below.



Cumberland Planning Board


Christopher S. Neagle, Board Chair

ITEM

12-046

To set a Public Hearing date (April 9th) to consider and act on a Mass
Gathering Permit for the Cumberland Farmers Club's
"Cumberland/Windham Family Fundraiser" to be held at the
Cumberland Fairgrounds on May 5, 2012 from 1:00 – 8:30 p.m.

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Cumberland-Windham Family Fundraiser

I held a meeting at 2:00 p.m., on Tuesday, March 6, 2012, Police Chief Charron, Lt. Milt Calder, Cumberland Farmer's Club President Mike Timmons, and Fire Chief Dan Small.

Mr. Timmons is requesting that the Mass Gathering Permit Fee be waived for this event as the funds raised will be donated to The Barbara Bush Children's Hospital and The Make a Wish Foundation.

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

- This is a new event organized by Mr. Timmons. The event is a fundraiser for The Barbara Bush Children's Hospital and the Make a Wish Foundation.
- Events include a variety of games, a parade with Emergency Vehicles, a Silent Auction, and a Bean Supper.
- Exact attendance levels are unknown, however, it was determined that 2,500 is likely.
- Cumberland Fire and Rescue will have 1 Paramedic and 1 EMT on duty. There will also be volunteers from Windham.
- Cumberland Police Department will have 2 Officers on duty.
- No admittance or parking fee will be charged, and all parking will be on the fairgrounds. Volunteers from the Cumberland Farmer's Club will be handling the parking.
- The event will be held Saturday, May 5, 2012.
- The Parade will start at 2:00 p.m.
- The Auction will start at 3:00 p.m. The Auction will be conducted by Keenan Auction Company.
- Communication between parties will be by two way radio and cell phone.
- Anita Andersen will conduct inspections.
- A copy of the contract with Toriano Waste as well as a copy of the event insurance coverage is attached to the application.

The Town fees for this event are listed below:

\$250.00	-	Mass Gathering Fee
\$325.00	-	Police Department
\$325.00	-	Fire Department

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

TOWN OF CUMBERLAND

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

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

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

Name of Applicant: Cumberland Farmers Club

Address of Applicant: 140 Bruce Hill Rd. Cumberland, Me 04021

Name of Event: Cumberland-Windham Family - Fundraiser

Facility where the event will be held: Cumberland Fairgrounds

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): Windham Interact Club, Cumberland Farmers

Telephone number: 207-653-9783

Date of Event: May 5, 2012 Time (start and finish times): 10.m 8³⁰pm

Number of tickets available: No Admission

Expected attendance: 1000-3,000

Description of event: Community Fundraiser to benefit

Make-A-Wish Children / Barbara Bush Children's Hospital

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) A bean Supper is planned, Popcorn, Candy sales

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) _____

*See attached outline of Program.

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. Cumberland Fair - CFC - 40,000⁺
2. Car show - 1500⁺
3. Sports Events Year Rd. - 1500⁺

Description of facility:

- A. Seating capacity: 2000 permanent; 1500 temporary
- B. Other seating capacity: _____ festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: 15 permanent; _____ portable
- D. Number of parking spaces available: 4,000⁺ on-site; N/A off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: ✓ yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: Public
- G. Refuse containers available, number and size: 600 55 gallon containers w/ liners
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) Triano Rubbish Removal - on file
- I. When will refuse be picked up? Tuesday A.M - 5 o'clock

Public Safety:

- J. Describe first aid facilities: Cumberland Rescue
- K. Describe emergency facilities: Cumberland Equip - building on site
- L. Describe communication facilities: Public address system
- M. Number of certified police officers: Cumberland/Windham - Several Each comm.
- N. Other security personnel (include company name and qualification): Rescue, Fire, Police from each community.
- O. Describe fire personnel: Same as above.

Other:

- P. Name of liability insurance Cross, Hanover, Maine Ins.
Amount of coverage 1,000,000; amount of property insurance _____
- Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)
N/A -

Michael Timmons
Authorized Signature

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

Authorized Signature

ITEM

12-047

To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for Nassau Broadcasting's "Maine's Ultimate Yard Sale" to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. – 2:00 p.m.

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Maine's Ultimate Yard Sale

I held a meeting at 2:00 p.m., on Tuesday, March 6, 2012, Police Chief Charron, Lt. Milt Calder, Cumberland Farmer's Club President Mike Timmons, and Fire Chief Dan Small.

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

- Event participators will register online through the ultimateyardsale.com site.
- Registration levels have been increased to 300 from the previous level of 250.
- Exact attendance levels are unknown, however, it was determined that 5,000 is likely. Therefore, the organizers will pay the Major Mass Gathering fee of \$500.00.
- Registration cost will be \$30.00 per 12 x 12 foot booth.
- Entrance fee for attendee is \$2.00 per person
- No parking fee will be charged.
- The event will be held Saturday, June 9, 2012 and occur within a fenced area.
- There will be no collection of the entrance fee at the gate. Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking and at the gate of the fenced vendor area.
- The rain date is June 16, 2012.
- If the event is to be cancelled for any reason, a 24 hour notice will be provided by email to all participants and to the public through the broadcasting agency's seven radio stations.
- Registrants are required to set up between 5:00 a.m. and 8:00 a.m.
- Additional staff (6) have been hired by "At Work" flaggers to control parking.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 3 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club.
- Anita Andersen will conduct food vendor inspections during the set-up hours.
- A copy of the contract with Blow Brothers as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Fire Chief Schools has approved a 15 foot space between each vendor row for emergency access.

- Nassau Broadcasting will have approximately 25 employees in attendance throughout the event.

The Town fees for this event are listed below:

\$500.00	-	Mass Gathering Fee
\$445.00	-	Police Department
\$380.00	-	Fire Department

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

TOWN OF CUMBERLAND

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

Mass Gathering Application-Major Outdoor Event
(5,000 or more 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 \$500.00.

Name of Applicant: NASSAU BROADCASTING

Address of Applicant: 477 CONGRESS ST. 3RD FLOOR ANNEX

Name of Event: MAINE'S ULTIMATE YARD SALE

Facility where the event will be held: CUMBERLAND FAIR GROUNDS

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: 207-797-0780 x207

Date of Event: 6-9-2012 Time (start and finish times): 9AM-2PM

Number of tickets available: _____ RAIN DATE: 6/16/12

Expected attendance: 5000

Description of event: LARGE YARD SALE

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
 what types)

FAT GUYS & STEVE'S FRIED DODGERS - ALL Food Vendors contracted
BY THE CUMBERLAND Farmer's Club

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. YARD SALE - Oct 2011 CUMBERLAND FAIR GROUNDS
2. YARD SALE - June 2011 " "
3. YARD SALE - Oct 2010 " "

Description of facility:

- A. Seating capacity: None permanent; _____ temporary
- B. Other seating capacity: None festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: _____ permanent; 13 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: _____ yes; _____ no, if no, which lots are not lighted _____)
- F. Source of potable water: _____
- G. Refuse containers available, number and size: Blow Brothers - see attached
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) _____
- I. When will refuse be picked up? Monday 6/11/2012

Public Safety:

- J. Describe first aid facilities: CUMBERLAND FIRE & EMT
- K. Describe emergency facilities: _____
- L. Describe communication facilities: _____
- M. Number of certified police officers: 3 (Cumberland Police - contracted)
- N. Other security personnel (include company name and qualification): _____
- O. Describe fire personnel: 3 (Cumberland Fire - contracted)

Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. *ALL PARKING AND TRAFFIC FLOW IN PARKING LOTS THROUGH ATWORK - 6 EMPLOYEES*
- Q. Describe methods used to publicize alternate routes of reaching the scene of the event. *Signage & radio*
- R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management

- S. Plan for discouraging those not holding tickets for the event from not coming to the event Site. *Admission is at gate*
- T. Plan for preventing trespassing on private property in the area. *(Area is gated)*
- U. Will all publicity stop as soon as it is apparent that the event is sold out? ☐ Yes;
☐ No
- V. Description of how the event will be publicized, include how a sell-out will be publicized. *Radio and television*

Other:

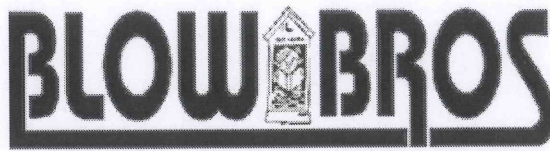
- W. Name of liability insurance Commercial Insurance - see attached
Amount of coverage _____; amount of property insurance _____
- X. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)



Authorized Signature

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

Authorized Signature



" We're # 1 in the # 2 Business "

P.O. Box 221

Old Orchard Beach, ME 04072

PROPOSAL

March 5, 2012

TO: Nassau Broadcasting
Attn: Stan Manning / Pat Collins
Phone: 207-712-6965
Email: smanning@nassaubroadcasting.com (CC: pcollins@nassaubroadcasting.com)

RE: Portable Toilet Rentals for Ultimate Yard Sale at Cumberland County Fairgrounds on 6/9/12

We hereby submit specifications and estimates for:

10 Standard Portable Units (\$ 55.00 per unit)	\$	550.00
3 Barrier Free Portable Units (\$ 85.00 per unit)	\$	255.00
Waterless Hand Sanitizer	\$	No Charge
TOTAL	\$	805.00

*****DELIVERY TO BE 6/8/12, PICKUP TO BE 6/11/12

Price Includes: Delivery, Set Up, Pick-Up, Paper Goods, Chemicals, Deodorization and Disposal.

We propose hereby to furnish material and labor—complete in accordance with the above specifications:

TERMS AND CONDITIONS

1. The customer agrees to pay all invoices related to the service of the portable sanitation facilities, including extra and overtime charges for any service rendered over and above normal servicing schedule. Customer authorizes uses of credit card number on file for all charges incurred in accordance with terms and conditions cited above. Blow Bros. reserves the right to prosecute any customer who intentionally issues a credit card or negotiating a worthless instrument knowing that it will not be honored by the maker or drawee in accordance with State of Maine Law.
2. The customer agrees to pay for any and all damage to or loss of the portable sanitation facilities as an insurer of cause or fault, except for reasonable wear and tear, while the portable sanitation facilities are at the site address.
3. Blow Bros. reserves the right to NOT remove, pump dry and lock the unit until account is paid in full. If lock is destroyed or continued use of unit occurs the customer will be subject to additional charges.
4. The customer agrees not to sell, rent, lease, or otherwise give up possession of the portable sanitation facilities listed herein without prior consent from BLOW BROS.
5. The customer agrees to keep the portable sanitation units clear and accessible for service trucks at all times and to assume any and all tow charges resulting from substandard site conditions.
6. The customer acknowledges that Blow Bros. will not be liable for any damages to pavement, curbing, lawns or any other property resulting from trucks servicing units placed at customer request.
7. The customer agrees to pay a late charge of 1.5% per month on the unpaid balance for all invoices over 30 days. This is an Annual Percentage Rate of 18%. The customer also agrees to pay costs of collection including attorney fees.

Payment to be made as follows:

Due prior to delivery

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Payment will be made as outlined above.

***Must sign and fax back to (207)934-1723. A representative from Blow Bros. will contact you for completion of your detailed order.**

Date of Acceptance: _____

Authorized Signature: _____

Note: We may withdraw this proposal if not accepted within _____ 30 _____ days.

Signature: M. Brown
Margi Brown, Office Manager

Pat Collins

From: Pat Collins
Sent: Monday, March 05, 2012 2:40 PM
To: Pat Collins (pcollins@nassaubroadcasting.com)
Subject: FW: Flaggers

From: Sherri Richards [<mailto:srichards@atworkpersonnel.com>]
Sent: Wednesday, March 05, 2012 10:56 AM
To: Stan Manning
Subject: Flaggers

Stan

This is a conformation that I will be sending 6 flaggers to Cumberland Fair Ground on 6-09-12 for the Yard Sale

Thank you,

Sherri



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/5/2012

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 Conner Strong Companies Inc Marlton NJ 08053	CONTACT NAME:	
	PHONE (A/C,N o. Ext): 877-861-3220	FAX (A/C,N o): 856-642-7708
INSURED Nassau Broadcasting Partners, L.P. 619 Alexander Rd., Third Floor Princeton NJ 08540	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Vigilant Insurance Company	
	INSURER B : Federal Insurance Company	
	INSURER C : Great Northern Insurance Company	
	INSURER D : Chubb Insurance Company of New Jers	
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER: 1582447487

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 SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY		35796784	5/28/2011	5/28/2012	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person)	\$10,000
						PERSONAL & ADV INJURY	\$1,000,000
						GENERAL AGGREGATE	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COMP/OP AGG	\$1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						\$
B	AUTOMOBILE LIABILITY		73527087	5/28/2011	5/28/2012	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
							\$
D	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	79797386	5/28/2011	5/28/2012	EACH OCCURRENCE	\$15,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$0					AGGREGATE	\$15,000,000
							\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		71649615	5/28/2011	5/28/2012	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N				E.L. EACH ACCIDENT	\$500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE	\$500,000
						E.L. DISEASE - POLICY LIMIT	\$500,000

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

Spring Yard Sale to be held June 6, 2012 from 9am to 2pm.

CERTIFICATE HOLDER

CANCELLATION 10 days notice for non-payment

Cumberland Farmers Club 197 Blanchard Rd 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 <i>W. Michael Thompson</i>

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ITEM

12-048

To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Chickadee Classic Dog Show (formerly Penobscot Valley Dog Show)

I held a meeting at 2:00 p.m., on Tuesday, March 6, 2012, with Cumberland Farmer's Club President Mike Timmons, Police Chief Charron, Lt. Milt Calder, and Fire Chief Dan Small.

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

- Certificate of Insurance attached.
- The event will run for four days this year, June 21st, 22nd, 23rd and 24th. The gates will be open from 8 a.m.-4 p.m. The 21st will be a set up day for the event.
- There will be fee of \$3.00 per car at the gate. Vehicles will be entering through the East Gate entrance to the parking area.
- No parking fee will be charged.
- Trash collection will be by Toriano Waste Company. Trash barrels will be provided and dumped daily by the Cumberland Farmers Club.
- Attendance levels are expected to be approximately 500 per day. As a result, Police Chief Charron and Fire Chief Small do not require a presence of Police on site or to have an ambulance dedicated to the event. Both departments will be on call and staff appropriately. The event will be reviewed yearly by the Police Department and the Fire Department.
- Communication by parties will be by cell phone and radio.
- The barnyard restaurant will be open and staffed by the Gray Methodist Church.
- Inspections will be conducted by Anita Andersen and the Fire Department.
- There will be four portable restrooms available.

The Mass Gathering Permit fee of \$250.00 has been received by the Town. There will not be any additional fees unless Police presence or Fire presence is necessary.

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

TOWN OF CUMBERLAND

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

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

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

Name of Applicant: Chickadee Classic Dog Shows (L/A KC POKC KC)

Address of Applicant: 22 NORMAN D LANE, EDDINGTON, ME 04421

Name of Event: DOG SHOW

Facility where the event will be held: Cumberland Fair Grounds

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: 207-843-6362

Date of Event: 6/21, 22, 23, 24 Time (start and finish times): 8 AM - 5 PM

Number of tickets available: 500 + Daily

Expected attendance: 500 - 1000 max.

Description of event: 4 Day Dog Show

Will any food vendors be serving at the event: _____ yes, _____ no, (if yes, how many, and
what types) _____

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. Cumberland Fair Grounds June 2011 500-1000
2. Cumberland Fair Grounds June 2010 500-1000
3. Cumberland Fair Grounds June 2009 500-1000

Description of facility:

- Rolling Arena
- A. Seating capacity: 200+ permanent; ☒ temporary
- B. Other seating capacity: N/A festival; N/A standing room only (sq. ft.)
- C. Number of toilets available: 1 permanent; 4 portable
- D. Number of parking spaces available: 1500 on-site; 500 off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: ☒ yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: Town of Cumberland
- G. Refuse containers available, number and size: 10 yds + 20 yds
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Triario Rubbish
- I. When will refuse be picked up? Daily by Cumberland Staff

Public Safety:

- J. Describe first aid facilities: located on fairgrounds
- K. Describe emergency facilities: located on fairgrounds
- L. Describe communication facilities: Cumberland Fair Office & numerous cell phones
- M. Number of certified police officers: Town of Cumberland
- N. Other security personnel (include company name and qualification): Town of Cumberland Police, Fire, & Rescue on call
- O. Describe fire personnel: AS ABOVE - ON CALL

Other:

P. Name of liability insurance MANOVER CROSS, MAINE INSURANCE
Amount of coverage \$2,000,000 ; amount of property insurance —

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

Authorized Signature

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

Authorized Signature

ITEM 12-049

To appoint a member to the Recreation/Community Education
Advisory Board.

TOWN OF CUMBERLAND
APPLICATION FOR MEMBERSHIP TO A TOWN BOARD OR COMMITTEE



I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD(S) OR COMMITTEE(S):

- | | |
|--|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT & APPEALS | <input type="checkbox"/> PRINCE MEMORIAL LIBRARY ADVISORY BOARD |
| <input type="checkbox"/> BOARD OF ASSESSMENT REVIEW | <input type="checkbox"/> LANDS & CONSERVATION COMMISSION |
| <input type="checkbox"/> BOARD OF SEWER APPEALS | <input checked="" type="checkbox"/> PERSONNEL APPEALS BOARD |
| <input type="checkbox"/> PLANNING BOARD | <input checked="" type="checkbox"/> RECREATION/ COMMUNITY ED ADVISORY BOARD |
| <input type="checkbox"/> COASTAL WATERS COMMISSION | <input type="checkbox"/> RTE 88 BIKE/PED COMMITTEE |
| <input type="checkbox"/> DOANE PROPERTY DEV. COMMITTEE | <input type="checkbox"/> SHELLFISH CONSERVATION COMMISSION |
| <input type="checkbox"/> CUMBERLAND HOUSING AUTHORITY | <input type="checkbox"/> VAL HALLA & REC CENTER BOARD OF TRUSTEES |
| <input type="checkbox"/> RINES FOREST ADVISORY COMM | <input type="checkbox"/> VETERANS MONUMENT COMMITTEE |
| <input type="checkbox"/> TWIN BROOK ADVISORY COMM | |
| <input type="checkbox"/> GREELY SCHOLARSHIP COMM | |
| <input type="checkbox"/> COOL CITIES COMMITTEE | |
| <input type="checkbox"/> COMPREHENSIVE PLAN COMMITTEE | |
| | <input type="checkbox"/> VILLAGE CENTER COMMITTEE |

PLEASE PRINT or TYPE

NAME: Steven M. Carey, Esq.
ADDRESS: 21 Mill Ridge Rd CITY/STATE/ZIP Cumberland, ME 04021
TELEPHONE: Home: _____ Work: (207) 287-3258 Cell: 207-329-9995
EMAIL ADDRESS: stevencareyesq@yahoo.com

PLEASE TELL US WHY YOU ARE INTERESTED IN SERVING ON THE BOARD (S) OR COMMITTEE(S) YOU HAVE SELECTED? DO YOU HAVE ANY SPECIAL TRAINING OR SKILLS IN THIS AREA?

I am interested in becoming more involved in the town and this board is the first logical choice since I have a strong belief in role sports and social activities play in a child's development. I coach baseball and soccer already and plan on coaching other sports in town. I also feel it is important to offer affordable adult education and enrichment programs.

ARE YOU AVAILABLE FOR EVENING MEETINGS? yes

DATE: 11/18/11 SIGNATURE: [Signature]

Note: Thank you for your interest in serving the Town of Cumberland. This application will be kept on file for one year. You may be asked to attend a brief interview meeting with a subcommittee of the Town Council prior to your appointment when committee vacancies occur. Please return this form to the Town of Cumberland Administration Office at 290 Tuttle Road, Cumberland, ME 04021.

-----Town of Cumberland Use Only-----

Date Application Received/Posted _____ Interview Date _____
Committee/Board Nominated/Approved _____ Term Expiration _____

ITEM 12-050

To set the week of May 14th – 18th as Bulky Item Pickup Week.

MEMORANDUM

To: William Shane, Town Manager
FROM: Christopher Bolduc, Director of Operations/Public Services
RE: Bulky Item Pick up Week May 14th -18th 2012
Date: March 22, 2012

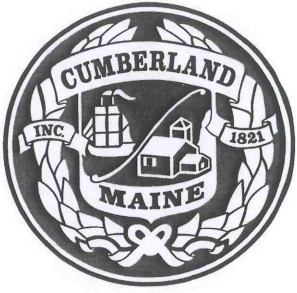
I am requesting that the Town of Cumberland's bulky item pick-up week be set for May 14th -18th 2012.

In response to the Council's concerns last spring regarding residents using this week to dispose of disallowed items that were meant to be disposed of through the regular trash, we developed an informational program to educate residents on what they could and could not dispose of during the bulky item pick-up week. We posted public service messages on the Town website and on channel 2 explaining that the bulky item pick-up week is not a free trash disposal week, but rather an opportunity to dispose of large items that would not normally be picked up with the weekly trash in the Town's PAYT bags. These messages detailed examples of what is accepted and what isn't, and residents were given direction on how to dispose of items that are not accepted. A post card was sent in the mail to every home in Cumberland reminding residents of the bulky item pick-up week and again reminding them of the items that would not be accepted. In addition, a door knob informational hanger was used for after the bulky waste week, which was hung on doors of homes that put out items that were not accepted directing them as to how they could appropriately dispose of those items. After all these efforts, we only saw a slight decrease in our tonnages for the October bulky item pick-up week.

This spring we will once again make an effort to educate residents on what items will and will not be picked up during the bulky item-pick week. We have met with Pinetree Waste, the town's solid waste hauler, and have instructed them not to pick up items that do not classify as bulky items and could fit in the Town's PAYT bags. We have also provided Pinetree Waste with stickers that they can place on the items they are leaving behind instructing the resident as to how to dispose of the items.

ITEM 12-051

To consider and act on a Victualer's License for
Doc's Café & Marketplace.



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, Town Clerk

DATE: March 20, 2012

SUBJECT: Doc's Café & Marketplace Victular's License

I have received payment from Mrs. Rebecca Williams for her Victular's License for Doc's Café & Marketplace. I will request that the Health Officer, Code Enforcement Officer, and the Fire Chief perform their inspections prior to issuance of the license.

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

Business or Trade Name: Doc's Cafe & Marketplace
Business Address: 371 Tuttle Rd Cumberland Ctr, ME 04021
Name of Manager: Rebecca E. Williams Bus. Phone: (757) 376-0299
Date of Event or New License: May 1st 2012

Signature of Authorized Person: [Signature] Date: 3/14/12
+++++

CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

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

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

Application Rec'd: 3/19/12 Date of Issuance _____ Cert No. _____

ITEM 12-052

To hold a Public Hearing to consider and act on adoption of the
FY'13 Municipal Budget.

TABLED TO APRIL 9th

NEW BUSINESS

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A
Cumberland Center, ME 04021
Web site: www.msad51.org - Phone: 829-4800
Board of Directors**

Agenda

**Annual Meeting with the Town of North Yarmouth
Selectmen/Women, Cumberland Town Council,
and MSAD #51 School Board**

Date: March 27, 2012
Time: 6:00 PM
**Location: Greely High School Library
303 Main St.
Cumberland, ME 04021**

- 1. Call To Order - by MSAD #51 Board of Directors Chair, Jim Ballinson ____ PM.**
- 2. Towns of North Yarmouth Selectmen/Women, Town of Cumberland Council and MSAD #51 School Board discussion:**
 - Proposed MSAD#51 Budget**
 - North Yarmouth and Cumberland budgets and other future issues impacting finances**
 - North Yarmouth Memorial School Task Force recommendation**
- 3. Adjourn Meeting _____ PM**

03/22/2012
14:12:46

TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 08 OF 2012

ACCOUNTS FOR:	General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001						
130	Administration	316,233.92	317,814.25	312,481.08	343,561.27	446,771.00
140	Assessor	86,556.56	84,702.01	95,183.19	103,973.60	64,823.00
150	Town Clerk-HR-Tax Collector	198,760.84	187,687.91	149,963.54	114,782.51	231,891.00
160	Technology	129,188.14	113,934.39	122,712.67	135,991.26	159,109.00
165	Elections	16,590.80	5,852.48	6,096.53	2,769.68	17,949.00
170	Planning Board	52,362.71	51,334.09	42,006.70	38,998.51	58,300.00
190	Legal	18,768.25	41,450.16	27,173.02	18,614.75	40,000.00
210	Police	650,859.99	682,750.30	635,877.86	722,535.70	1,009,608.00
220	Fire	265,580.63	482,556.93	500,183.55	489,272.44	740,897.00
230	Rescue	367,722.60	144,888.00	66.06	0.00	0.00
240	Code Enforcement	40,656.83	29,093.11	36,950.25	38,294.62	81,189.00
260	Canine Control	27,039.41	29,791.95	28,185.71	23,843.55	34,084.00
310	Public Works	631,135.58	622,248.42	597,921.09	657,250.39	879,155.00
320	Waste Disposal	508,202.26	484,939.76	424,929.58	394,958.17	678,010.00
410	Recreation	376,123.15	353,017.16	354,610.24	406,151.82	461,776.00
430	Parks	144,352.70	133,604.65	111,534.91	103,689.38	187,552.00
440	West Cumberland Rec	5,048.94	5,783.41	5,009.91	4,977.13	8,914.00
450	Library	253,574.66	247,497.48	233,753.81	237,338.08	363,875.00
580	General Assistance	15,480.38	29,428.72	19,212.60	18,991.31	30,000.00
590	Health Services	2,562.07	8,653.36	4,153.36	6,153.37	8,952.00
620	Cemetery Association	25,130.00	25,179.98	24,277.50	22,195.00	22,500.00
630	Conservation Commission	1,500.00	0.00	1,956.00	0.00	3,000.00
650	Debt Service	382,338.92	442,323.67	728,878.45	661,834.82	951,583.00
750	Insurance	208,520.45	234,247.83	241,434.94	236,342.51	263,275.00
800	Fire Hydrants	34,163.54	34,778.07	36,517.87	37,212.45	59,000.00
810	Street Lighting	19,335.37	28,110.49	21,416.08	21,733.37	35,000.00
830	Contingent	4,259.03	35,932.22	7,710.00	5,760.23	10,000.00
840	Municipal Building	76,124.40	102,667.95	107,937.57	109,503.25	172,903.00
850	Abateements	18,322.48	0.00	13,997.03	4,531.23	10,000.00
860	MSAD #51	6,906,002.88	7,282,017.06	7,875,424.64	8,224,908.88	12,354,475.31
890	County Tax	588,870.00	615,032.00	600,901.00	601,242.00	601,242.00
910	Capital Imp. Plan	420,000.00	532,538.00	333,485.00	333,485.00	333,485.00
	TOTAL General Fund	12,791,367.49	13,245,112.69	13,701,809.62	14,120,896.28	20,319,318.31
	TOTAL EXPENSES	12,791,367.49	13,245,112.69	13,701,809.62	14,120,896.28	20,319,318.31
	GRAND TOTAL	12,791,367.49	13,245,112.69	13,701,809.62	14,120,896.28	20,319,318.31

WORKSHOP

RECREATIONAL
FACILITIES & OPEN
SPACE IMPACT FEE
ORDINANCE

Notice of Decision

Date: February 29, 2012

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 amendments to the Growth Management and Impact Fee Ordinances.

This is to advise you that on February 28, 2012 the Planning Board voted to approve and recommend to the to the Town Council the draft zoning amendment to the Growth Management and Impact Fee ordinances.

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

RECREATIONAL FACILITIES AND
OPEN SPACE IMPACT FEE ORDINANCE
OF THE TOWN OF CUMBERLAND, MAINE

ARTICLE I. GENERAL PROVISIONS

1.1. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Maine Constitution and Title 30-A, MRSA, Section 3001 and Section 4354.

1.2. Short Title

This Ordinance shall be known and may be cited as the "Recreational Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland, Maine", and will be referred to herein as "this Ordinance."

1.3. Purpose

The general purposes of this Ordinance are to maintain the Town's financial capacity to provide adequate public facilities to meet the additional needs for recreation and open space created by future residents. Further, this Ordinance establishes a fair and equitable process by which to ensure that new residential development in the Town of Cumberland will be accomplished in a safe and healthful manner, and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified recreational infrastructure necessary to service such development through the payment of impact fees that shall be dedicated to paying for the needed improvements.

1.4. Applicability

1. This Ordinance shall apply to the issuance of any building permit for a new residential structure within the Town of Cumberland. ~~but shall exclude senior housing projects as defined in this ordinance.~~
- ~~2.~~ 3. This ordinance shall not apply to developers who have been issued or applied for a Town of Cumberland growth permit by the Code Enforcement Officer prior to date of the adoption of this ordinance, provided however, that the said Growth Permit is converted into a building permit as prescribed in the Growth Management Ordinance.
- ~~3.~~ 2. This Ordinance shall not apply to additions to residential structures existing at the time of the adoption of this ordinance.
4. This ordinance shall apply to any addition to a residential structure built following the adoption of this ordinance where such addition is made within five (5) years of the issuance of the original building permit. The fee for any such addition shall be assessed as for new construction as set forth in Section 1.11 below, except that the initial five hundred (500) square foot discount shall not apply. This Ordinance shall not apply to additions to residential structures made after the expiration of five (5) years from the issuance of the original building permit.
- ~~5. This ordinance shall not apply to any project that converts an existing municipal structure into a senior housing project.~~
- ~~6.~~ 5. No building permit shall be granted for any residential construction activity described herein that requires payment of an impact fee under this Ordinance until the impact fees hereby required have been paid.

1.5. Definitions

Impact fees are charges or assessments imposed by the Town of Cumberland against new residential construction to help with the acquisition and development of ~~additional~~ recreation lands and facilities and for the acquisition and preservation of open space for the future use and enjoyment of the town's residents.

Developer is a person who has received an approval for residential construction under either the subdivision or site plan ordinance, or a person who has otherwise applied for a residential building permit for any activity described herein.

Gross floor area shall include the entire floor area of each floor measured from the outside of exterior walls, and shall include all interior partitions and spaces whether finished or not, but shall exclude basements, garages intended for the storage of automobiles, unheated porches and any portion of a room or attic with sloping ceilings measuring less than five (5) feet from floor to ceiling.

Residential Structure shall refer to any living unit including those in single-family homes, multi-family homes, attached and/or detached residential structures, condominiums, apartments, manufactured housing and mobile homes.

Senior Housing Project shall refer to a residential development constructed solely for elderly residents who meet strictly enforced age guidelines and within which the residential units are by deed or covenant restricted to occupation by residents who meet such age guidelines.

1.6. Payment of Fees

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1.11 below.

1.7. Impact Fee Accounts

All impact fees collected under the provisions of this ordinance shall be segregated from the Town's general fund revenue and be accounted for in a separate impact fee account. ~~s designated for the particular improvements in question. The impact fee accounts are as follows:~~

- ~~1. Open space land acquisition account (36% of each fee collected).~~
- ~~2. Recreational facility improvement and capacity expansion account (64% of each fee collected).~~

1.8. Use of Impact Fees

Impact fees collected under the provisions of this ordinance shall only be used to pay for site acquisition and capital improvements for the creation or expansion of recreational facilities and for the acquisition and related improvement of open space. No portion of the fee shall be used for routine maintenance or operation activities.

The following costs are examples of, but are not intended to limit, capital improvements:

1. Acquisition of land or easements including conservation easements and development rights.
2. Engineering, surveying and environmental assessment services directly related to the acquisition, design, construction and continued upgrading of the improvement.
3. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of land, and necessary capital equipment dedicated to the site.
4. Mitigation costs.
5. Legal and administrative costs associated with construction of the improvement, including any borrowing necessary to finance the project.

6. Debt service costs including interest if the Town borrows for the acquisition or construction of the improvement.
7. Relocation costs.
8. Similar costs that are directly related to the improvement project.

1.9. Refund of Fees

1. If a building permit or other relevant permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition of its issuance. A request for a refund shall be made in writing to the Town Planner, and shall occur within ninety (90) days of the expiration of the permit.
2. If the funds collected annually are not expended or obligated by contract for their intended purpose by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid, the prorated share of the funds shall be returned to the current owner of the property for which the fee was paid, provided that a request is made in writing to the Town Planner within one hundred eighty (180) days of the expiration of the ten (10) year period.

1.10. Waiver of Impact Fee

The Town Council may, by formal vote following a public hearing, waive the payment of a required impact fee, in whole or in part, if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct an improvement for which the impact fee would be collected, or an equivalent improvement approved by the Town Council.
2. The developer of a subdivision offers to dedicate and/or improve public lands or recreational amenities and the Town Council finds these public lands or recreational amenities to be of town-wide benefit.

1.11. Calculation of Fees

The recreational facilities and open space impact fee shall be a per square foot fee established by the Town Council, and shall be based upon the Town's impact fee calculation methodology. This methodology has been adopted by the Town Council and is on file and available for review in the Town Planner's office. The amount of the fee paid by a developer shall be determined by multiplying the gross floor area as defined in this ordinance less five hundred (500) square feet by the per square foot fee established herein. The total amount of the impact fee due for each project shall be determined by the developer, subject to the approval of the Code Enforcement Officer (CEO), using the impact fee calculation worksheet provided by the CEO and shall be based upon the following:

1. The developer shall determine, subject to the CEO's approval, the gross floor area of the residential structure subject to the impact fee based upon plans and other documents submitted by the developer.
- ~~2. The developer shall determine, subject to the CEO's approval, the amount of the recreational facilities portion of the fee by subtracting five hundred (500) square feet from the gross floor area determined in Section 1.11.1 of this ordinance and multiplying the difference by \$0.87 per square foot unless the Town Council has waived that portion of the fee in accordance with Section 1.10 of this ordinance.~~
- ~~3. The developer shall determine, subject to the CEO's approval, the amount of the open space portion of the fee by subtracting five hundred (500) square feet from the gross floor area determined in Section 1.11.1 of this ordinance and multiplying the difference by \$0.49 per square foot unless the Town Council has waived that portion of the fee in accordance with Section 1.10 of this ordinance.~~
4. The developer shall determine, subject to the CEO's approval, the total impact fee due by ~~combining the recreational facilities portion and the open space portion as calculated above. Unless the Town Council waives the fee required in either section 1.11.2 or section 1.11.3 above, the sum of the per square foot impact~~

~~fees described in those sections shall be multiplying \$1.09~~ per square foot of gross floor area, less five hundred (500) square feet.

5. The five hundred (500) square foot reduction in gross floor area discussed in this section of the ordinance shall not apply to residential additions made within five (5) years of the issuance of the original building permit for the home.

ARTICLE II. ADMINISTRATIVE PROVISIONS

2.1 Validity and Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

2.2 Conflict with Other Ordinances

Should any section, phrase, sentence or portion of this Ordinance be found to be in conflict with other local, state or federal Ordinances or regulations, the more stringent section or provision shall prevail. Existing provisions for building permit fees are to be held separate from the impact fees described herein and are not affected by this Ordinance.

2.3 Review and Revision

The Town Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of development subject to the fee is no longer appropriate, the Council may adopt changes to the impact fee. Any changes adopted as a result of such review shall apply to all future development but shall not apply retroactively to projects that have already paid an impact fee. A public hearing shall be held prior to the adoption of any amendment. Notice of such public hearing shall be in accordance with state and local requirements.

2.4 Right to Appeal

A developer may appeal the determination of the Code Enforcement Officer as to either the applicability of the impact fee to a particular project, the gross floor area subject to the fee, or the amount of the fee to be paid. Appeals shall be made in writing to the CEO within ten (10) days of the CEO's initial determination of the amount of the impact fee due for a particular residential structure. The Board of Adjustment and Appeals shall consider such appeal at their next regularly scheduled meeting and shall issue a determination either upholding the CEO's decision or modifying the CEO's decision within seven (7) days of the date of the hearing at which the appeal was heard.

2.5 Effective Date

This Ordinance shall take effect upon its adoption by a majority of the eligible voters present at the June 28, 2001 Town Council Meeting. The effective date of this Ordinance is June 28, 2001.

[Adopted June 28, 2001, effective June 28, 2001, Amended...]

TOWN OF CUMBERLAND RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE METHODOLOGY

This methodology sets out the procedure for determining the impact fee that should be paid by development for recreational facilities and open space. In developing the fee, we looked at the potential need for new or expanded infrastructure to meet the need for recreation and open space to identify possible areas for the creation of impact fees. For each area, we looked at whether there is a need for expanded capacity to accommodate growth resulting from development, if so, the type of new or expanded facilities that would be needed, the possible cost of the expanded capacity, the share of the capacity available to accommodate growth, who should pay an impact fee, and how the fee should be calculated. Here is a summary of that analysis:

The Need for Expanded Facilities: In 2000, the Town's Comprehensive Plan and Open Space Plan identified the need to expand the supply of recreational facilities and open space to serve a growing population and proposed the use of impact fees to fund some of this cost. The impact fee was established in 2001 based upon the anticipated need for additional or improved recreational facilities and open space resulting from expected population growth.

In 2000, Cumberland had approximately 600 acres of permanent open space, the largest portion of which is the Twin Brook Recreation Facility acquired through two purchases. The first was a 148 acre parcel on Tuttle Road in 1994 for \$530,000 and the second a 100 acre parcel on Greely Road in 1996 for \$390,000. The total open space in 2000 also included Chebeague Island and resulted in 0.084 acres of open space per capita based upon a population of 7,159. Between 2000 and 2010, Chebeague Island seceded from the Town of Cumberland, causing the population of Cumberland to decrease by 341 residents. Cumberland's total population, however, experienced a net increase of 52 residents, for a total of 7,211 in 2010.

In 2003, the Town purchased a 216 acre parcel, the Rines Forest, to be utilized as open space for residents of the community. Then in 2006, the Town began a comprehensive upgrade to the existing 248 acre Twin Brook recreation facility that was completed in 2009. Today, Cumberland has a total of 1,135 acres of open space which translates to 0.157 acres per capita. The significant increase in open space and improved recreational facilities coupled with minimal population growth has allowed the Town of Cumberland to meet the needs identified in the Town's Comprehensive Plan and Open Space Plan for the foreseeable future, as well as to provide excess capacity for anticipated future growth.

~~The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, natural areas, and open spaces. In Cumberland, there are a number of sources of permanent open space including Town-owned conservation land and easements, the Town forest, state conservation land/easements, and conservation land and easements owned by the land trust. The Town's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population and proposes the use of impact fees to fund some of this cost. This is repeated in the Town's Open Space Plan and in the Long Range Plan for Chebeague Island.~~

~~The state's most recent State Comprehensive Outdoor Recreation Plan (SCORP) reports that the typical Maine community with a population of more than 2,500 residents had 14-15 acres of municipal recreational areas per 1,000 residents or approximately 0.015 acres per capita. This ratio serves as a reasonable basis for estimating future needs for recreational facilities created by population growth in Cumberland. A population growth of 1,000 residents will create a need for 15 acres of additional municipal recreation facilities.~~

~~There is no state or national standard for the amount of open space that is appropriate for a community. Cumberland currently has approximately 600 acres of permanent open space or 0.084 acres per capita based upon~~

a 2000 population of 7,159. This ratio serves as a reasonable standard for additional open space as the Town's population grows.

The Estimated Cost for Expanded Facilities: The development costs for recreational facilities can range from \$20,000 per acre to \$100,000 per acre depending on the type of facility and the site with an average cost of \$50,000 per acre. The estimated cost for acquiring open space land based upon recent acquisitions in Cumberland is \$4,000—\$6,000 per acre assuming that some portion of the land acquired is developable.

The Share of Need Attributable to Growth: In 2000, Cumberland had 2,548 households including Chebeague Island. In 2010, Cumberland had 2,697 households and Chebeague Island had 171 households. Adjusting for the loss of households on Chebeague Island, Cumberland experienced a net increase of 320 households. The Town of Cumberland's Growth Management Ordinance limits growth permits for new dwellings to a maximum of fifty (50) per year, while the average of actual new development over the last ten years was 36 dwellings per year.

The existing housing stock accommodates a relatively stable population although decreasing household size appears to be reducing this population somewhat. Turnover in the existing housing stock is unlikely to increase the Town's population. New residential development is, however, adding to the population that must be served with recreational facilities and open space. This growth is partially offset by the declining population in the existing housing stock thereby reducing the effective need for additional recreational facilities and open space. Therefore, residential development is responsible for only a portion of the need for increased recreational facilities based upon the acreage per person standard. Between 1990 and 2000, the population of Cumberland grew by 1,323 while the number of households increased by 527. The survey of new households conducted in 1999 suggests that these new households have an average of 3.6 people. This means that the new households added approximately 1,900 residents. This was offset by a decline in the population living in the pre 1990 housing stock of 574 residents. Therefore only 70% of the new residents generate a need for additional recreational and open space with the balance offset by decreases in the occupancy of the pre-existing housing stock. To account for this, the impact fee should be established at 70% of the fee that would apply using the per capita basis and estimated costs.

Who Should Pay the Fee: Housing development has been relatively stable over the past ten years, but population appears to be declining, as evidenced by the decrease in average household size from 2.8 in 2000 to 2.67 in 2010. The current average household size of 2.67 translates to .42 acres of recreational facilities and open space per household. Although housing development may remain consistent, the reducing population means that the existing recreational facilities and open space should be adequate for the current population and anticipated growth in the near future. The acquisition of the Rines Forest and the upgrades to Twin Brook satisfy the needs for open space and recreational facilities of projected future development. Therefore, new residential development should continue to be assessed an impact fee to contribute to the costs of acquiring and improving these facilities, and their respective use thereof.

New residential development activity should pay this impact fee based upon the expected population of the project considering typical occupancy rates unless the Town determines that the unit is located in a project that includes an equivalent amount of open space as part of the development. Based upon national studies of occupancy levels of various types of housing in the northeast and the Town's housing survey, the following occupancy factors should be used in calculating the appropriate fee:

Single family dwelling with:

- | | |
|-------------------|-----------------|
| a. three bedrooms | 3.4 people/unit |
| b. four bedrooms | 3.8 people/unit |

There does not appear to be any justification for charging non-residential development an impact fee for recreation and open space facilities. Typically, non-residential uses do not generate a direct demand for these types of facilities and thus, should not be charged a fee.

Calculation of the Fee: The cost to acquire the Rines Forest in 2003 was \$1,241,000, \$5,745 per acre. Additionally, over the course of three years, the improvements to Twin Brook cost a total of \$1,594,546. The total cost of acquiring this additional open space and upgrading existing recreation facilities was \$2,835,546. The total of all impact fees collected prior to June 30, 2011 is \$730,814. The difference between the total cost of acquiring additional open space and upgrading existing recreation facilities (\$2,835,546) and the impact fees collected (\$730,814) equals \$2,104,732, the net cost of acquisition of the Rines Forest and upgrades to the Twin Brook recreational facility. Assuming that this net cost of acquisition is a debt to be paid over 30 years at 4%, the annual cost of open space acquisition and recreational facility upgrades is \$121,717. Based on the maximum allowable new development of fifty (50) units and the average gross living area of 2,239 sq. ft. (2,739 minus 500 sq. ft. exemption), the impact fee to new development equals \$1.09 per square foot.

Rines Forest Acquisition	\$1,241,000
	+
Twin Brook Improvements	\$1,594,546
Total Costs	\$2,835,546
	-
Impact Fees Collected to Date	\$ 730, 814
Total Unpaid Debt	\$2,104,732
Annual Debt	\$ 121,717 (Total Debt over 30 years at 4% interest)
Cost per Home	\$ 2,434 (Annual Debt / 50 max permits per year)
Cost per Square Foot (Impact Fee)	\$ 1.09 (Cost per Home / 2,239 s.f. avg. home size)

~~The recreational facilities and open space impact fee should be the sum of the per capita cost of providing additional recreational facilities and upgrading existing recreation facilities and the per capita cost of providing additional open space adjusted by 70% to account for the share of the need created by new residential development multiplied by the anticipated number of residents in the project allocated on a square foot of gross floor area basis.~~

~~The recreational facilities portion of the fee should be calculated by multiplying the average estimated development cost per acre of recreational facilities or \$50,000/acre by 0.015 acres per capita for a base per capita cost of \$750. This base cost should be adjusted by the 70% need factor resulting in an adjusted per capita recreational facilities cost of \$525. Any residential unit should be subject to an impact fee to cover this cost.~~

~~The open space portion of the fee should be calculated by multiplying the estimated average per acre cost of acquiring open space or \$5,000/acre by 0.084 acres per capita for a base per capita cost of \$420. This base fee should be adjusted by the 70% need factor resulting in an adjusted per capital open space facilities cost of \$294. Any residential unit should be subject to an impact fee to cover this cost unless the Town determines that the development in which the unit is located has provided an equivalent amount of open space.~~

~~The per capita recreational facilities cost of \$525 and the per capita open acquisition cost of \$294 per capita should then be charged to new residential development on a square footage basis. The Town's housing survey found that the average new three bedroom home had approximately 3.4 occupants while new four bedroom homes had approximately 3.8 occupants. The Town Assessor reports that the average three bedroom home has approximately 1,827 square feet of gross living area while the average four bedroom home has approximately 2,535 square feet. This translates into approximately 537 square feet per occupant in three bedroom homes and~~

approximately 667 square feet in four bedroom homes or an average of approximately 600 square feet per occupant. This factor should be used in developing the impact fee on a square footage basis.

Allocating the \$525 per capita recreational facilities cost to the 600 square foot per occupant factor results in a recreational facilities impact fee of \$0.87 per square foot. Allocating the \$294 per capital open space acquisition cost to the 600 square foot per occupant factor results in an acquisition impact fee of \$0.49 per square foot. The combined impact fee should therefore be \$1.36 per square foot of gross area of new residential construction to cover the cost of providing recreational facilities and acquiring open space to meet the needs generated by new residents of Cumberland.

6. Handling and Use of the Fee: The two portions of the fee should be accounted for separately and should be credited to the appropriate impact fee account and used for the purposes set forth in the ordinance.

[Adopted June 28, 2001, effective June 28, 2001, **Amended...**]

Town of Cumberland

Sample Impact Fee Amounts

Gross Floor Area (GFA)	Fee Amount (GFA – 500 sf X \$1.36 \$1.09 per sq. ft.)
1,000 sf	\$680 \$545
1,548 sf (average home in Small's Brook)	\$1,425 \$1,182
1,827 sf (average 3 bedroom home in Cumberland)	\$1,804 \$1,446
2,000 sf	\$2,040 \$1,635
2,535 2,739 sf (average 4 bedroom home in Cumberland)	\$2,768 \$2,441
3,000 sf	\$3,400 \$2,725
4,000 sf	\$4,760 \$3,815
5,000 sf	\$6,120 \$4,905

IMPACT FEE INSTRUCTION SHEET

for the

RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE ORDINANCE OF THE TOWN OF CUMBERLAND, MAINE

1. Using dimensioned building plans provided by the applicant, calculate the Gross Floor Area in accordance with the following definition as found in the “Recreational Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland, Maine”

Gross floor area shall include the entire floor area of each floor measured from the outside of exterior walls, and shall include all interior partitions and spaces whether finished or not, but shall exclude basements, garages, unheated porches and any portion of a room or attic with sloping ceilings measuring less than five (5) feet from floor to ceiling.

2. To aid the gross floor area calculation, you may choose to sketch out and dimension the floor plan for each floor of the proposed structure, excluding the basement level, on the reverse side of this sheet.
3. To the gross floor area as calculated in accordance with the definition above and expressed in square feet, apply the following formula:

$$\begin{aligned} & [\text{Gross Floor Area} - 500 \text{ square feet}] \times [\$0.87 \text{ ~~\$1.09~~ per square foot}] \quad (\text{recreation fee amount}) \\ + & \text{ ~~[\text{Gross Floor Area} - 500 \text{ square feet}] \times [\$0.49 \text{ per square foot}]~~ } \quad (\text{open space fee amount}) \\ = & \text{ Total Impact Fee*} \end{aligned}$$

*** Please show this calculation on the “Impact Fee Information and Calculation Sheet”**

4. This fee amount is due to the Code Enforcement Officer prior to the granting of any building permit for a residential use in the Town of Cumberland.

<p style="text-align: center;"><i>Town of Cumberland</i></p> <p style="text-align: center;">Residential Impact Fee Information and Calculation Sheet</p>		IMPACT FEE #:
		DATE RECEIVED:
		TIME RECEIVED:
		RECEIVED BY:
APPLICANT:	APPLICANT ADDRESS:	APPLICANT PHONE #:
PROPERTY OWNER:	PROPERTY OWNER ADDRESS:	PROPERTY OWNER PHONE#:
LOCATION / PROPERTY ADDRESS:	TAX MAP & LOT #:	EXEMPTIONS IF ANY:
PROJECT DESCRIPTION:		
IMPACT FEE CALCULATION		
TOTAL AMOUNT OF IMPACT FEE ASSESSED:		
I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:		
SIGNATURE OF APPLICANT:		DATE:



M E M O R A N D U M

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

To: Carla Nixon, Town Planner
From: William R. Shane, Town Manager
Date: February 1, 2012
Re: Update on Impact Fees & Growth Ordinance

Impact Fees & Growth Permits were enacted on July 1, 2000, to help control the rapid growth the Town experienced in the 1990's. The impact fees were calculated by an independent consultant and were developed to assist the Town in paying for (or reimbursing) the development and or purchase of new recreational facilities or open space.

The ordinances have been in effect for nearly twelve years. Maine law allows for the assessment of impact fees, but they must be reasonably related to the impact fee of new development and applied uniformly. Therefore, we cannot exempt long time property owners or families who deed a parcel of land to a child for a new home; things that may be reasonable exemptions, but are prohibited under state law.

The Planning Board is required to review the Growth Management Ordinance at least every three years and modify as needed. The Impact Fee Ordinance must also be reviewed at least every ten years to ensure that the fees meet the statutory requirement of being reasonably related to the impacts of new development. Neither ordinance has been reviewed since 2003.

Growth has slowed significantly since 2000. With only 408 new residents since 2000, or a 6% population increase, the demand for housing has dropped off significantly. The town has averaged only 14 growth permits per year since 2000. It is important to note, however, that senior housing is exempt under the current ordinances and during the last decade nearly 160 units of senior housing have been built in Cumberland.

	<u>2000</u>	<u>2010</u>
Chebeague	356	0
Cumberland	6,803	7,211
	7,159	7,211

The Formula:

Formulas for assessment of impact fees must be reasonably related to the impact of new development. It is defensible to conclude that the growth in our community since 1990 resulted in the purchase of the Rines Forest and many improvements to the Twin Brook facilities. The statute permits impact fees to be imposed either before or after completing improvements or acquisitions.

The assessment below will most likely not be obtained, but nearly \$731,000 was collected over the last ten years, which has offset property tax increases. The average annual impact fees have resulted in an offset of about \$.06 per thousand dollars of assessed home value. A \$350,000 home avoided paying an additional \$21 in property taxes because of impact fees.

Rines Forest Acquisition	\$1,241,000
	+
Twin Brook Improvements	\$1,594,546
Total Costs	\$2,835,546
	-
Impact Fees Collected to Date	\$ 730,814
Total Unpaid Debt	\$2,104,732
Avg. Home built 2000 -2010	2,739 SF
500 SF Deduction	2,239 SF (Applied to formula)
Annual Debt	\$ 121,717 (Total Debt over 30 years at 4% interest)
Cost per Home	\$ 2,434 (Annual Debt / 50 max permits per year)
Cost per Square Foot (Impact Fee)	\$ 1.09 (Cost per Home / 2,239 s.f. avg. home size)

The formula and explanation as to how fees are assessed have been reviewed and approved by the Town Attorney.

Changes since January Planning Board Meeting

After the January 2012 Planning Board meeting, the following changes were made to the **Growth Management Ordinance:**

Page 3: Affordable Housing permits were specifically identified in section 107.1.1 (5 now identified) as part of the 50 total permits. State Statute requires 10% of all permits be reserved for affordable housing.

The following changes were made to the **Impact Fee Ordinance:**

1.11.4 page 4 square foot price changed to **\$1.09 to account for the 500 sf discount** that was previously included in current ordinance. This change is also made **on page 7** – Calculation of the Fee; **Page 8** Sample Impact Fee Amounts Table; **Page 9** – Instruction Sheet- bullet 3.

The Annual Debt (**Page 7**) was re-calculated over a 30-year term instead of the previously calculated 20 year term.

Next Steps:

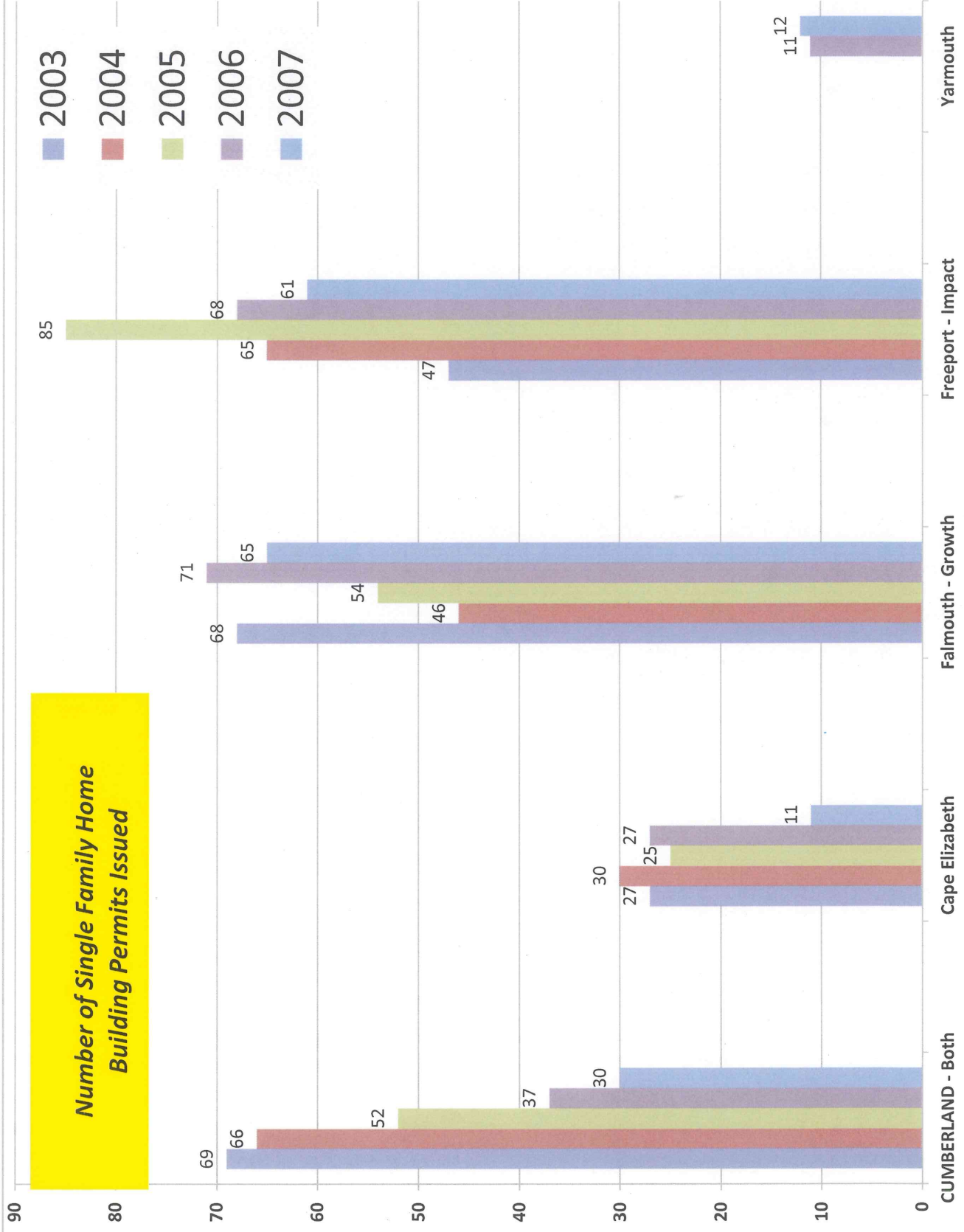
Both Ordinances require your recommendation before any action can be taken by the Town Council. Your choices are:

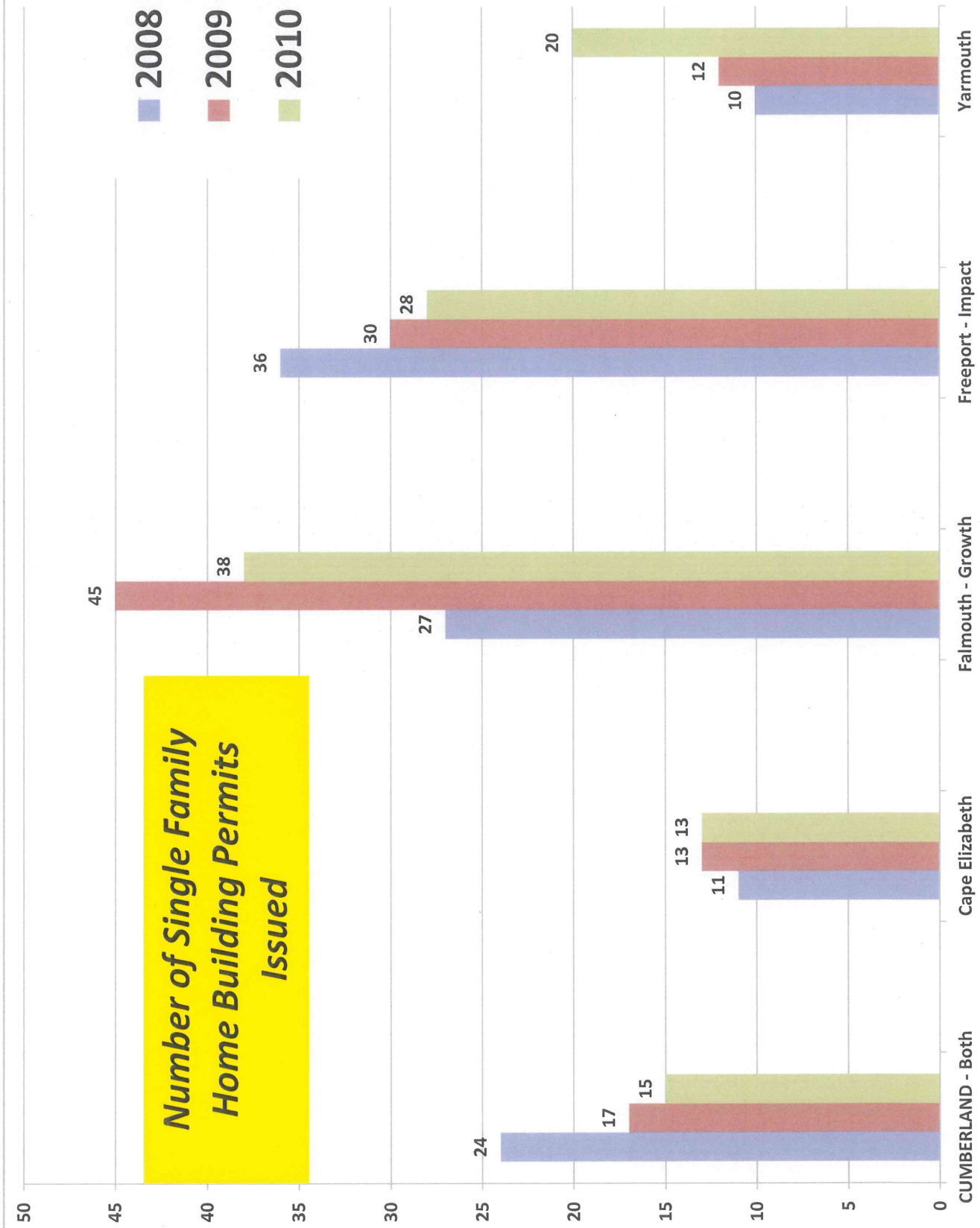
- Recommend with modifications.
- Recommend “As Presented”.
- Reject and recommend consideration for the elimination of the Growth Ordinance and Impact Fees.
- Any combination of the above.

Alyssa Tibbetts our Economic Development Director has prepared the text and narrative for the updated ordinances and is prepared to answer specific questions related to the changes.

The workshop will give me and my staff the ability to explain in more detail and answer any questions that still remain unresolved. Our presentation of the Ordinances is not intended to advocate for or against, but to follow through with a directive from the Town Council to update the documents. There is a possibility the Town Council may further modify or even abolish both Ordinances if they believe the current rules negatively impact growth or are no longer necessary.

**Number of Single Family Home
Building Permits Issued**





Town of Cumberland Growth & Impact Fee Ordinance Revisions

Brad Hilton
Blanchard Road
Cumberland, Maine
March 26, 2012

Growth Ordinance Revisions

- **No Opinion – Accept or Reject**

But Consider

“ Hilton Growth Ordinance for
Future Revision”

Recreational Facilities and Open Space Impact Fee Ordinance

- **Reject Revisions**
- **Discontinue Present Ordinance**
- Consider “Hilton Growth Ordinance” as a Concept to add “Pro – Growth” to a present All “Anti-Growth” Situation

Illustration of Growth Needs / Control

12 Month Average of New Residential Building Permits

Recalculate Each Month- Rolling Average

80 70 60 50 40 30 20

<p>"Apply" Anti Growth Impact Fee</p>	<p>Objective to Stabilize Start Recovery of School Population</p>	<p>AVG. Last 10 Years</p>
<p>A One Time Fixed Fee \$2,000 to \$3,000</p>	<p>No Credit No Impact Fee</p>	<p>School Population Loss Every Year 300 Less Students 50/ Yr Last 3 Years</p>
<p>A One Time Fixed Fee \$2,000 to \$3,000</p>	<p>No Credit No Impact Fee</p>	<p>With Permit A One Time Credit \$2,000 to \$3,000</p>

**JENSEN BAIRD
GARDNER HENRY**



Attorneys at Law

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VIA E-MAIL AND U.S. MAIL

March 14, 2012

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

Re: Amendments to Recreational Facilities and Open Space Impact Fee Ordinance

Dear Bill:

As requested, I have reviewed the draft amendments to the Town's Recreational Facilities and Open Space Impact Fee Ordinance. These amendments will, among other things, change the current method of calculation of impact fees owed by residential development by combining the open space and recreational facilities components, which have until now been calculated separately. At the same time, the Town is revising the Impact Fee Methodology to demonstrate the basis for the fee. The amendments take into account both the purchase of the Rines Forest and the upgrades to the Twin Brook Recreation Facility. In effect, the Town will use some of the impact fees to reimburse itself for costs already incurred for these. Fees could also be used for future improvements at either of the properties. The use of impact fees for reimbursement of costs already incurred is specifically provided for in 30-A M.R.S.A. § 4354. The reorganization of the Ordinance falls within the requirements of the statute.

You may want to make a slight revision to the Impact Fee Methodology to reflect that property acquisition and improvements have been done in part to provide excess capacity for anticipated future growth in addition to meeting existing needs. A statement to this effect could be inserted in the third paragraph after the heading "The Need for Expanded Facilities" on the first page of the Methodology (p. 5 of the document). A second revision might be considered on the second page of the Methodology (p. 6 of the document). The last sentence of the section entitled "Who Should Pay the Fee" now ends with the phrase "and their respective use thereof." You may want to eliminate that phrase, since it could cause confusion as to whether the fee is being used to fund maintenance, as opposed to capital costs, which would not be allowed under the impact fee statute. According to the rest of the document, the fee is appropriately utilized

~ Over 60 Years of Service ~

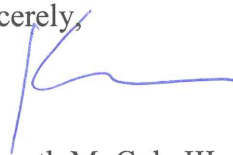
Jensen Baird
Gardner Henry

March 14, 2012
Page 2

under the statute, so the deletion of this phrase will just eliminate any potential future confusion about this issue.

Please let me know if you have any questions or need anything further.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line.

Kenneth M. Cole III

GROWTH MANAGEMENT ORDINANCE

Notice of Decision

Date: February 29, 2012

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 amendments to the Growth Management and Impact Fee Ordinances.

This is to advise you that on February 28, 2012 the Planning Board voted to approve and recommend to the to the Town Council the draft zoning amendment to the Growth Management and Impact Fee ordinances.

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

A handwritten signature in black ink, appearing to read 'C. Neagle', written over a horizontal line.

Christopher S. Neagle, Board Chair

GROWTH MANAGEMENT ORDINANCE

101. TITLE

This Ordinance shall be known as the “Growth Management Ordinance of the Town of Cumberland, Maine” and shall be referred herein as the “Ordinance”.

102. LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

103. PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland by placing limitations on residential development and meeting the following: (Amended 09/08/03, Effective 09/23/03)

103.1. To provide for the immediate housing needs of the existing residents of Cumberland.

103.2. To ensure fairness in the allocation of Building Permits. (Amended 09/08/03, Effective 09/23/03)

103.3. To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.

103.4. Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town’s capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

104. DEFINITIONS

Building Permit: A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.

Calendar Year: The period of time comprised of fifty-two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.

Family: A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.

Growth Permit: A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.

Manufactured Housing: A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-family modular home is assembled on the building site on a permanent foundation.

Person: A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

~~**Subdivision:** A subdivision shall be defined by 30 A.M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision. Adopted June 28, 2000 [Amended 3/26/01] [Amended 12/17/01, effective 1/1/02]~~

105. **APPLICABILITY**

This Ordinance shall apply to all new dwelling units (including manufactured housing) within the Town of Cumberland. No new dwelling unit which fails to meet the requirements of the Ordinance shall be constructed or placed within the Town of Cumberland.

106. **EXEMPTIONS**

This Ordinance shall not apply to the following:

- 106.1 The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.

106.2 Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.

106.3 Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.

~~106.4 Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.~~

~~106.5 Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board or equivalent body prior to the adoption of this Ordinance. [Amended, effective 3/26/01, amended, 12/17/01, effective 01/01/02]~~

107. ADMINISTRATION

107.1. Maximum Number of Dwelling Units

107.1.1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued ~~from January 1, 2002 to December 31, 2002 and~~ annually thereafter, shall be ~~forty five (45)forty-four (44), plus four (4) additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island,~~ plus ~~five (5) two (2)~~ additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization. [Amended, 12/17/01, effective 01/01/02]

~~107.1.2. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions except as permitted in Section 107.3.5. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A.1. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)~~

~~107.1.3. No more than twenty (20) permits over a 5 year period, beginning on July 1, 2001, shall be issued on Chebeague Island. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)~~

107.1.4.2 All Growth Permits shall be issued in accordance with the issuance procedure described in Section ~~6.C~~ 107.3 of this Ordinance. [Amended 12/17/01, 01/01/02]

107.2. Application Procedure

- 107.2.1. All Growth Permit Applications shall be submitted in person to the Code Enforcement Officer or his/her assistant or agent (hereinafter the CEO) during normal office hours on the form designated Growth Permit Application. No Growth Permit Applications shall be accepted by mail.
- 107.2.2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted. (Amended 09/08/03, Effective 09/23/03)
- 107.2.3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200 or equivalent), and/or confirmation for eligibility of a sewer user unit. [Amended 12/17/01, effective 01/01/02]
- 107.2.4. A separate Application shall be required for each dwelling unit.

107.3. Issuance Procedure

- 107.3.1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From the time of the adoption of this Ordinance onward, Applications will be accepted, and Growth Permits issued, as provided for in this Section. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)
- 107.3.2. Growth Permits shall be available on a first-come, first-served basis.
- 107.3.3.1. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO, and the CEO shall notify the applicant in writing of the date of the expiration of said thirty (30) days. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire. [Amended 12/17/01, effective 01/01/02]
- 107.3.3.2. Expired Growth Permits shall be available for reissue during the same calendar year. (Amended 09/08/03, Effective 09/23/03)

107.3.3.3. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.

107.3.3.3.1. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year. (Amended 09/08/03, Effective 09/23/03)

~~107.3.3.4. With respect to Growth Permits sought for property located within a subdivision, no more than four (4) Growth Permits shall be issued during any calendar year in a single subdivision. No person, partnership, or corporation shall be entitled in any calendar year to more than two (2) of the four (4) Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)~~

~~With respect to Growth Permits sought for property not located within a subdivision, no more than two (2) Growth Permits shall be issued during any calendar year to any one person, partnership or corporation. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)~~

107.3.3.5.4 Commencing January 1, 2012, and annually thereafter, all Growth Permits shall be issued on the basis of the calendar year (January 1 through December 31), ~~and in accordance with the following issuance schedule~~ [Amended 12/17/01, effective 01/01/02]

~~The number of Growth Permits to be issued annually in the "subdivision" category is twenty two (22), and the number of Growth Permits to be issued annually in the "non-subdivision" category is twenty two (22), for a total town-wide issuance of forty four (44) Growth Permits. In addition, four (4) additional Growth Permits shall be reserved for dwelling units located on Chebeague Island, plus two (2) additional Growth Permits shall be reserved for affordable housing~~

~~constructed by Habitat for Humanity or a similar not for profit organization. [Amended 12/17/01, effective 01/01/02]~~

~~Further, unused growth permits in the "subdivision" category shall be reallocated as follows: At 5 p.m. on the last day of the second calendar quarter of each year, 2 additional non corporate permits per subdivision shall be allowed, then one third (33%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non-subdivision" category. At 5 p.m. on the last day of the third calendar quarter of each year, 2 additional non corporate permits per subdivision shall be allowed, for a total not to exceed 8 non corporate for any one subdivision in any given calendar year, then one half (50%) of any remaining "subdivision" Growth Permits shall be reallocated to the "non subdivision" category. In cases where fractional numbers of permits result, the fractional numbers shall be rounded down to the nearest whole number. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)~~

- 107.3.3.6.5 If, at the end of any calendar year, there are any unissued Growth Permits still available, they shall not be carried over to the next year, except as permitted in Section 107.5. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)

107.4. Replacement with building permit and expiration

- 107.4.1. A Growth Permit shall be replaced by a building permit for a dwelling on the specific site for which the Growth Permit was issued. A Growth Permit which has not been replaced with a building permit within 90 days of Growth Permit approval by CEO shall be considered expired and must be resubmitted for consideration. Resubmitted Growth Permit Applications will not have any priority over other Growth Permit Applications. The expiration of the building permit shall be in conformity with the Town of Cumberland Building Code.

Re-issuance of an expired Growth permit from a previous calendar year shall not be counted toward the annual allocation in any category. A \$50 administrative re-instatement fee shall be assessed to the applicant. . (Amended 09/08/03, Effective 09/23/03)

107.5. Transferability

Growth Permits are not transferable. They shall be valid for construction on the lot specified on the Application and by the Applicant; provided however, that

such valid Permits shall be transferable to new owners of the lot should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

108. **CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

109. **SEPARABILITY**

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

110. **EFFECTIVE DATE**

The effective date of this Ordinance shall be [Council Meeting Date] ~~July 1, 2000, but the total number of Growth Permits available through June 30, 2001 shall be limited by Section 6.A hereof.~~

111. **REVIEW PROCEDURE**

This Ordinance shall be reviewed by ~~the Town Council in June 2002 to assess the efficacy of the Ordinance and shall be reviewed by~~ the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 112. [Amended 12/17/01, effective 01/01/02]

112. **AMENDMENTS**

112.1. An amendment to this Ordinance may be initiated by one of the following:

112.1.1 The Planning Board.

112.1.2 The Town Council.

112.1.3 The residents, pursuant to Article X, Section 2 of the Town Charter.

113. VIOLATIONS

113.1. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.

113.2. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

114. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

115. PENALTIES

115.1. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.

115.2. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section ~~14-A~~ 115.1 of this Ordinance.

116. APPEALS

116.1. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

Brenda Moore

From: Joan Jensen <jjensen@pressherald.com>
Sent: Thursday, March 08, 2012 2:31 PM
To: Brenda Moore
Subject: Re: Public Hearing Ad
Attachments: Cumberland 3_13.pdf

Hi Brenda,

All set to run your ad on Tuesday, March 13 and Monday, March 19.
The cost is \$137.00 includes \$2.00 online charge. I included a proof.
If you have any questions, please feel free to contact me.
Thank you,
Joan

--

Joan Jensen
Legal Advertising
Portland Press Herald/Maine Sunday Telegram
P.O. Box 1460
Portland, ME 04104
Tel. (207) 791-6157
Fax (207) 791-6910
Email jjensen@pressherald.com

On 3/8/12 9:31 AM, Brenda Moore wrote:
Hi Joan,

Could we please run the attached ad on March 13th and 19th. Thank you!

*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.

PUBLIC NOTICE**TOWN OF CUMBERLAND
NOTICE OF
PUBLIC HEARING
March 26, 2012
7:00 PM****LEGAL ADVERTISEMENT**

Notice is hereby given that the Town of Cumberland will hold a public hearing on March 26, 2012 at 7:00 p.m. at the Town Hall, 290 Tuttle Road in Cumberland for the purpose of receiving public comment on the following Cumberland Zoning Ordinance amendments as recommended by the Planning Board:

- amendments to Section 104.140, definition of Self Storage Facilities;

- amendments to Section 420, Self Storage Facility, to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building;

- amendments to Section 204.14.1.13, Self-Storage Facilities in the Industrial District, to add "*subject to the provisions of Section 420*";

- amendments to the Site Plan Ordinance to include a definition of Total Building Area as "*the total area, in square feet, of all floors of a building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements*";

- amendments to the Route 100 Design Standards to add Section 2.1.5, Overhead Doors;

- amendments to the Growth Management Ordinance and the Recreational Facility and Open Space Impact Fee Ordinance.

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

#4545430

Ad shown is not actual print size



1012245,
3-15-

Cumberland Town Council Meeting

Monday, March 26, 2012

6:00 Workshop

7:00 p.m. Call to Order

The Cumberland Town Council will hold a Workshop at 6:00 p.m. re: Growth and Impact Fee Ordinances, and its regular meeting at 7:00 p.m. on Monday, March 26, 2012, in the Town Council Chambers. An opportunity for public comment will be provided.

The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; subject to the provisions of Section 420, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft amendments to the Site Plan Ordinance to include a definition of "Total Building Area", as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on adoption of the FY'13 Municipal Budget.
- To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club's "Cumberland/Windham Family Fundraiser" to be held at the Cumberland Fairgrounds on May 5, 2012 from 1:00 – 8:30 p.m.
- To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for Nassau Broadcasting's "Maine's Ultimate Yard Sale" to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. – 2:00 p.m.
- To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.

EXECUTIVE SESSION - pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

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



Cumberland Town Council Meeting
Monday, March 26, 2012
5:40 p.m. Nominating Committee
6:00 Workshop
7:00 p.m. Call to Order

The Cumberland Town Council will hold a Workshop at 6:00 p.m. re: Growth and Impact Fee Ordinances, and its regular meeting at 7:00 p.m. on Monday, March 26, 2012, in the Town Council Chambers. An opportunity for public comment will be provided.

The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on draft zoning amendments to the Growth Management Ordinance, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.
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- To set a Public Hearing date (April 9th) to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.
- To appoint a member to the Recreation/Community Education Advisory Board.
- To set the week of May 14th – 18th as Bulky Item Pickup Week.
- To hold a Public Hearing to consider and act on adoption of the FY' 13 Municipal Budget.

TABLED TO APRIL 9th.

EXECUTIVE SESSION - pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

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



Cumberland Town Council Meeting
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7:00 p.m. Call to Order

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- To hold a Public Hearing to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; *subject to the provisions of Section 420*, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft amendments to the Site Plan Ordinance to include a definition of “*Total Building Area*”, as recommended by the Planning Board.
- To hold a Public Hearing to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
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EXECUTIVE SESSION - pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

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