

**PLANNING BOARD MEETING
MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, June 19, 2012
7:00 p.m.**

A. *Call to Order*

Chairman Neagle called the meeting to order at 7:00 p.m.

B. *Roll Call*

Members Present: Chris Neagle, Chair, John Ferland, Vice-Chair, Peter Bingham, Gerry Boivin, Ronald Dillon

Members Absent: April Caron, Peter Sherr

Staff Present: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

C. *Approval of Minutes of May 15, 2012*

Mr. Bingham moved to approve the minutes of May 15, 2012 as written.

Mr. Ferland seconded.

VOTE: Unanimous

D. *Staff Site Plan Approvals:* 1) On-Call Communications

Ms. Nixon stated the owner/ applicant is Richard Morton, of 33 Corey Road, Tax Assessor Map U07, Lot 3B. The application was for Staff Site Plan Review for the construction of a 12' x 20' (240 sq. ft.) addition to an existing building. The business is a 24-hour phone answering service (use classified as Business and Professional Office) and a private residence. There will be no changes to the entrance, parking, landscaping or utilities on the site. There will be no increase in the number of employees (10 employees – mix – full and part time with staggered hours such that not all are on site at the same time). There are 10 designated parking spaces plus additional area for more parking if needed.

E. *Hearings and Presentations:*

- 1. Public Hearing: Major Subdivision Amendment: Maeve's Way**, to amend Lot # 6 of the R & N Woods Subdivision, Tax Assessor Map U02, Lot 5E: Terrance DeWan Associates, Representative, R & N Enterprises, LLC, Owner.

Ms. Nixon presented background information as follows: The applicant/owner is R & N Enterprises, LLC. The request is for an amendment to Lot 6 of the R & N Woods subdivision. Lot 6 has a small building envelope and there is a prospective buyer for the lot who would like to expand the building envelope. The expansion is now possible because the applicant/owner has purchased land adjacent to this parcel. This amendment would increase the size of the lot and the building envelope.

The parcel is shown on Tax Assessor Map U02, Lot 5E. It is in the Limited Density Residential (LDR) zoning district.

Terrance DeWan is the representative.

TOWN ENGINEER'S REVIEW – 6/5/12- Scott Decker, P.E. SYTDesign Consultants:

We have received and reviewed the subject submission prepared by Sebago Technics for the referenced project and we offer the following comments:

Comment#1: The Applicant explains that R&N Enterprises has a prospective buyer for lot 6 at the end of Maeve's Way. However, the existing building window is very limited due to site constraints and will not work with the proposed house plan. The developer has recently purchased the abutting 23± acre parcel of land to the north and would like to relocate the northern lot line of Lot 6 to increase the size of the lot and the building window. The new building envelope has been designed to avoid wetland impacts or other site constraints.

Comment#2: The Applicant states the developer has recently purchased the 23± acre parcel of land to the north. However, there is no deed with the submission to confirm this purchase.

Comment#3: The submitted drawing "Amended Subdivision Plan, Lot 6" should be sealed by a licensed professional engineer.

Comment#4: The applicant explains that there may be a need to obtain Town and Department of Environmental Protection approval of a revised Stormwater Management Plan if the proposed impervious area on lot 6 is planned to be more than 5500 S.F., which is the previously approved amount. The Town may wish to require the Applicant to submit a lot site plan to show the impervious areas.

Comment#5: Applicant must file a revised Subdivision Plat Plan at the Cumberland County Registry of Deeds.

Mr. Terrance DeWan reviewed the proposal stating they have met with MDEP and the Town regarding Stormwater issues. Tomorrow they will meet with the builder and submit a grading plan to Scott Decker, P.E., Peer Review Engineer, and MDEP to meet requirements to amend the stormwater permit.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Dillon asked if the DEP Permit was germane to the application.

Ms. Nixon stated yes, it is listed as a condition of approval.

The Board reviewed the Proposed Findings of Fact.

Mr. Bingham moved to approve and adopt the findings of fact as presented.

Mr. Dillon seconded.

VOTE: Unanimous

PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;

- B. The nature of soils and subsoil and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

The parcel is served by public sewer.

The location of the new building envelope has been designed to avoid wetland impacts.

There are no streams on the site.

Based on the information provided the standards of this section have been met.

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

The parcel will utilize public water. A letter dated 10/12/05 from the Portland Water District is on file stating that there is an adequate supply of clean and healthful water for this project.

Based on the information provided the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

The parcel will utilize public water. A letter dated 10/12/05 from the Portland Water District is on file stating that there is an adequate supply of clean and healthful water for this project.

Based on the information provided the standards of this section have been met.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The plan has been reviewed and approved by the Town Engineer.

Based on the information provided the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

The lot size amendment will not affect the traffic count provided in the trip generation report provided for subdivision approval.

Based on the information provided the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

The parcel will utilize public sewer. A letter from the Portland Water District is on file.

Based on the information provided the standards of this section have not yet been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

The lot amendment will not affect solid waste capacity.

Based on the information provided the standards of this section have been met.

8. Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

The subdivision approval contained a letter dated 4/22/04 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area. A letter dated September 13, 2005 from Stockwell Environmental Consulting states that a rare plant survey was conducted on the property and no variable sedge or other rare vascular plant species were found on this property.

A letter dated 12/28/05 from the Department of Inland Fisheries and Wildlife states that there are no known significant wildlife habitat or threatened or endangered species in the vicinity of the project.

The lot size amendment will not impact any sensitive areas.

Based on the information provided the standards of this section have been met.

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The plans have been reviewed and approved by the Town Engineer and found to be in compliance with the ordinances.

Based on the information provided the standards of this section have been met.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

The lot size amendment does not require the applicant to provide financial capacity information. Technical capacity is evidenced by the use of a Licensed Landscape Architect.

Based on the information provided the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

This section is not applicable.

12. Ground water. The proposed subdivisions will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

The project will be served by public sewer. A letter is on file from the PWD.

Based on the information provided the standards of this section have been met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The parcel is located in Zone C- Areas of Minimal Flooding.

Based on the information provided the standards of this section have been met.

14. Storm water. The proposed subdivision will provide for adequate storm water management;

The lot amendment does not affect the stormwater management plan prepared by Associated Design Partners, Inc., and approved by the Planning Board as part of the subdivision approval.

Based on the information provided the standards of this section have been met.

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Wetlands were delineated as part of the subdivision approval. The lot amendment does not affect any wetland areas.

Based on the information provided the standards of this section have been met.

16. River, stream or brook... Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

There are no rivers, streams, or brooks on the site.

Based on the information provided the standards of this section have been met.

Mr. Bingham moved to approve the Limitation of Approval, Standard Conditions of Approval, and the three (3) recommended Conditions of Approval.

Mr. Boivin seconded.

VOTE: Unanimous

LIMITATION OF APPROVAL

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

ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITIONS OF APPROVAL:

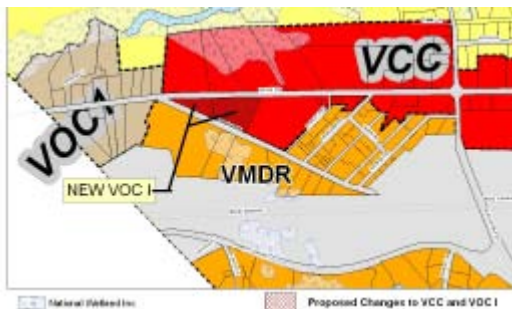
This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which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

RECOMMENDED CONDITIONS OF APPROVAL:

1. The existing town and state approvals allow no more than 5500 s.f. of impervious area on Lot 6. The building plans for structure should be reviewed prior to the issuance of a building permit to ensure that this limit is not exceeded.
2. The revised subdivision plan shall be sealed by a licensed professional engineer.
3. The revised subdivision plan shall be recorded at the Cumberland County Registry of Deeds and a copy of the recorded plan shall be submitted to the Planning Department.

Items 2, 3, & 4 were tabled until the July 17, 2012 meeting.

5. **Public Hearing:** To recommend to the Town Council draft zoning amendments to the **Official Zoning Map** to change Tax Assessor Map U21, Lots 1 and 2 from Village Center Commercial District (VCC) to the Village Office Commercial I (VOCI) district as shown on the enclosed map.



Ms. Alyssa Tibbetts, Economic Development Director presented background information as follows: Andrew Haggerty, owner of Emerald Commons Subdivision, has requested a zoning change in order to construct multiplex buildings on his property. The property is located in the VCC zone on Route 100 next to the Board Barn. A neighborhood meeting, Town Council Workshop, and Town Council/Planning Board joint workshop were held to discuss this proposed change. All discussions showed favorable support of this project and the recommendation to move Emerald Commons and the direct abutter to the adjacent VOCI zone.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Bingham moved to recommend to the Town Council draft amendments to the Official Zoning Map to change Tax Assessor Map U21, Lots 1 & 2 from the Village Center Commercial district (VCC) to the (VOCI) district as shown on the proposed map.

Mr. Ferland seconded.

VOTE: Unanimous

- 6. Public Hearing: To recommend to the Town Council draft zoning amendments to Village Office Commercial I (VOCI) district: Section 204.10.3.2 In the case of multiplex developments the minimum lot area shall be 8,000 square feet per bedroom.**

Ms. Nixon stated she had received a letter from Tim Gooch of River Way in support of the request.

Ms. Alyssa Tibbetts, Economic Development Director presented background information as follows: The purpose of amending the language is that in most other zone where multiplex is allowed they specify a lot size minimum for a multiplex use. The VOCI does not specify lot size for a multiplex. The Staff recommends adding language to clarify that the minimum lot size for a multiplex dwelling shall be 8,000 square feet per bedroom as is consistent with the State Plumbing Code.

Mr. Neagle asked if we had a square foot requirement per bedroom in any other zones.

Ms. Nixon stated no, only defined as per dwelling unit.

Mr. Neagle clarified the purpose of the amendment was to allow five units per acre for more dense development.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Dillon asked about future lot size requirements in the VOCII and Mixed Use Zone.

Ms. Nixon said the same process would occur for future projects; the developer would approach Town Staff or Council with a request which would be reviewed for consistency with the Comprehensive Plan.

Mr. Dillon thought this process was based on reaction, and voiced concern of zoning consistency.

Ms. Nixon stated there has not been a lot of commercial development and sometimes the process is started with a request from a developer.

Mr. Bingham stated he felt the request was consistent with the Comprehensive Plan which encourages affordable and higher density housing.

Mr. Neagle shared Mr. Dillon's concern sometimes it is reactionary zoning. To the Town's credit we have a flexible and proactive Town Hall staff.

Mr. Ferland stated the vision of the Route 100 Corridor Committee hasn't unfolded within the letter of the Ordinances. Based on the economy the requests have come as a result of client requests.

Mr. Bingham moved to recommend to the Town Council draft zoning amendments to the Village Office Commercial I (VOCI) district as follows: Section 204.10.3.3 In the case of multiplex developments the minimum lot area shall be 8,000 sq. ft. per bedroom.

Mr. Ferland seconded.

VOTE: Unanimous

- 7. Public Hearing:** To recommend to the Town Council draft amendments to Section 104.103.1 (definitions). 103.1 Net Residential Acreage .1 ~~15% for~~ Area for roads and parking as shown on the proposed plan.

Ms. Nixon presented background information as follows: when a subdivision is proposed, the number of lots allowed is calculated by dividing the net acreage of the parcel by the minimum lot size for the district in which the land is located. This agenda item will modify the Definitions section of the Zoning Ordinance which lists the specific types and amount of area to be deducted when calculating net residential acreage. Currently, a flat 15% of the gross land area is deducted for roads and parking. However, we have found over the years that the 15% deduction, (which is required in most towns' ordinances) almost always exceeds the actual area shown on the plans. This is especially the case since the adoption and frequent utilization of the cluster style subdivision option. Thus the proposed change is recommended. At next month's meeting as a housekeeping item the Board will act on Section 3K of the Subdivision Ordinance to match this change.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Dillon moved to recommend to the Town Council draft zoning amendments to Section 104.103.1 (definitions) to amend Net Residential Acreage as follows: ~~15% for~~ Area for roads and parking as shown on the proposed plan.

Mr. Bingham seconded.

VOTE: Unanimous

- 8. Public Hearing:** To recommend to the Town Council draft zoning amendments to Section 204.6 Highway Commercial (HC) to allow up to two (2) uses per lot, and add as permitted uses residential and Motor Vehicle Service / Repair:

204.6.1

- .1 Single Family detached dwellings:
- .2 Duplex dwellings;
- .3 Multiplex dwellings
- .14 Motor Vehicle Service / Repair

204.6.3 The following lot standards apply in the HC District:

- .1 40,000 square feet minimum lot size; which allows for up to two principal uses.
- .2 In the case of a duplex or multiplex dwelling, the minimum lot size shall be 20,000 square feet per dwelling unit.
- .3 There shall be no less than 150 feet of lot frontage on a public right-of-way; [Amended, effective 8/10/98]

Ms. Alyssa Tibbetts, Economic Development Director presented background information as follows:

A neighborhood meeting was held on Wednesday, May 23rd in the Council Chambers at Town Hall to discuss additional permitted uses in the Highway Commercial (HC) district. The proposed additional uses are single family dwelling, duplex, multiplex dwellings and auto service / repair. Four residents attended the meeting and all were supportive of the proposed additional uses. Staff also recommends adding language to the lot standards Section 204.6.3 that reads "40,000 square feet minimum lot size; which allows for up to two principal uses" and "In the case of a duplex or multiplex development, the minimum lot size shall be 20,000 square feet per dwelling unit".

Mr. Dillon asked about consistency among the zones and stating residential is a special exception use in the MUZ and why dwellings would be a permitted use in the HC district.

Ms. Nixon stated there has not been a comprehensive overhaul of zoning ordinances due to time constraints. These requests are in conformance with the Comprehensive Plan. An example of responsive zoning is that two uses that make sense for this zone are not currently permitted. Ms. Nixon stated she does not believe it is essential that all zoning districts be consistent with one another. There is a reason why there are differences, whether related to uses, density, etc. The important element is that proposed rezoning be consistent with the Comprehensive Plan.

Mr. Shane stated the Highway Commercial district is 56% residential. The Mixed Use Zone on Route 100 was drafted to encourage commercial development along the corridor. The Local Business previously allowed dwellings as a special exception use.

Mr. Neagle asked why not a special exception in this zone, would the Town have a problem with dwellings as a special exception use.

Ms. Nixon stated it is an extra step of review that requires an additional month of time and that the special exception review process by the Board of Appeals is less comprehensive than that of the Planning Board, so the Town has moved many uses from special exception to permitted.

The public portion of the meeting was opened.

Ms. Noreen Ward of 128 Longwoods Road stated she owns some of the property in the zone; the zone was re-zoned in 1998 with the idea of bringing in more business. The people have spoken and kept the zone mostly residential. When she and her husband moved to Cumberland they purchased in that area of town, they didn't like the looks of the Corey Road Business Park, so they purchased it and fixed up the properties. We removed a Quonset house and replaced it with a building; we housed an auto mechanic shop, which was a grandfathered use. That use is not allowed in the Highway Commercial district, and I now have a new tenant would like to do vehicle inspections; but in order to be licensed he needs to have auto repair. My circumstance is the Cumberland Glass building is located between zones, the dwelling is in RR1, and the business is in the Highway Commercial district. I had a tractor museum on my property which is an ideal place for a duplex or single family dwelling with a garage underneath. It is not suitable for commercial use due to wetlands in the front, with limited parking and it is at the end of my driveway; so it is not a good place for a business. On the same property is a little white cape which is a residential house, and is presently rented. That use is grandfathered, and can be expanded. However, I cannot do a thing with the museum because it considered an accessory building and can't be converted into a residence under current zoning. If you look at the HC zone it goes way up Route 9 and I can't imagine any commercial properties up there. One of the restrictions in our end of town is the density limit due to no public water and sewer.

Mr. Mike Twist proprietor of Twist Family Motors, LLC at 7A Corey Road stated this is a family owned and operated business; he has sold 44 cars since February, and more than fifty percent of sales customers have asked if they can come back for service. The State Motor Vehicle Code requires 16 hours of being open for service and inspections every week to issue him a license. Currently, we are not able to do that, we can currently service vehicles for re-sale; but are driving vehicles to Westbrook for inspections. His business could provide service to the local neighborhood and community.

The public portion of the meeting was closed.

Mr. Bingham suggested a review of the boundaries of the district to create a rectangle.

Mr. Shane stated at the neighborhood meeting they looked at doing that but found that it was a complex undertaking, today zones follow lot lines.

Mr. Bingham moved to recommend to the Town Council draft zoning amendments to the Highway Commercial (HC) district Section 204.6 Highway Commercial (HC) to allow up to two (2) uses per lot, and add as permitted uses residential and Motor Vehicle Service / Repair:

204.6.1

- .1 Single Family detached dwellings:
- .2 Duplex dwellings:
- .3 Multiplex dwellings
- .14 Motor Vehicle Service / Repair

204.6.3 The following lot standards apply in the HC District:

- .1 40,000 square feet minimum lot size; which allows for up to two principal uses.
- .2 In the case of a duplex or multiplex dwelling, the minimum lot size shall be 20,000 square feet per dwelling unit.

Mr. Dillon seconded.

VOTE: Unanimous

- 9. Public Hearing:** To recommend to the Town Council draft zoning amendments to the Cumberland Zoning Ordinance, to Section 104.75 (definitions) and 204.14.2.2 (Industrial Zone) to eliminate junkyards as a special exception use.

Mr. Shane, Town Manager stated One-Steel is already under review and won't be affected by this amendment. This would stop future junkyards in order to protect the aquifer. He is working with John Sevee, of Sevee and Maher Consulting Engineers (Hydrogeologists) to develop a list of appropriate uses in the zone given its location above the aquifer.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Ferland moved to recommend to the Town Council draft zoning amendments to the Cumberland Zoning Ordinance, to Section 104.75 (definitions) and 204.14.2.2 (Industrial Zone) to eliminate junkyards as a special exception use.

Mr. Dillon seconded.

VOTE: Unanimous

- 10. Public Hearing:** To recommend to the Town Council draft amendments to the Recreational Facilities & Open Space Impact Fee Ordinance.

Ms. Alyssa Tibbetts, Economic Development Director reviewed the proposed changes: The Recreation Facilities & Open Space Impact Fee Ordinance was amended in April, 2012 to include a revised impact fee methodology. Following that amendment, a scenario was presented to staff that was not clearly addressed within the ordinance. It involved moving an existing home to a new, vacant lot and building a

new home on the lot from which the house was previously moved. The definitions section of the ordinance referred to “new residential construction”, which raised the question: what about a home that has been moved from one lot to another within town? Several other questions were also raised as a result. The Town Council ordinance subcommittee considered these questions and proposed the following revisions to the ordinance:

1.4 Applicability

1. New Residential Structures:

- a. This Ordinance shall apply to the issuance of any building permit for a new residential structure within the Town of Cumberland.
- b. This Ordinance shall not apply to the issuance of a building permit for the repair, replacement or reconstruction of a residential structure that was unintentionally damaged or destroyed by fire, flood or other natural disaster, provided the number of dwelling units is not increased.
- c. This Ordinance shall apply to the issuance of a building permit for the replacement or reconstruction of a residential structure that was intentionally demolished, provided that the first 1,000 sq. ft. or the square footage of the demolished structure, whichever is greater, shall be exempt from calculation of the impact fee as set forth in Section 1.11.
- d. This Ordinance shall not apply to the issuance of a building permit to relocate an existing residential structure to a new lot within the Town of Cumberland.
- e. This Ordinance shall apply to the issuance of a building permit for a new residential structure on the lot from which another residential structure was previously relocated, provided that the first 1,000 sq. ft. or the square footage of the previously relocated structure, whichever is greater, shall be exempt from calculation of the impact fee as set forth in Section 1.11.

2. Additions to Residential Structures:

- a. This Ordinance shall not apply to additions to residential structures existing at the time of the adoption of this ordinance.
- b. 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 one thousand (1,000) 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.

1.5 Definitions

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

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed

Mr. Bingham moved to recommend to the Town Council draft amendments to the Recreational Facilities & Open Space Impact Fee Ordinance as written.

Mr. Ferland seconded.

VOTE: 4 in favor (Dillon, Neagle, Ferland, Bingham)

1 Abstain (Boivin)

Mr. Neagle asked Mr. Boivin the reason for his abstaining. Mr. Boivin stated he is not in favor of impact fees.

G. Administrative Matters – None

H. Adjournment: The meeting was adjourned by Chairman Neagle at 8:15 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Board Clerk