

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, October 17, 2017 - 7:00 pm**

A. Call to Order: Chairman Moriarty opened the meeting at 7:00 pm.

B. Roll Call: Present: Steve Moriarty - Chair, Paul Auclair, Gerry Boivin, Jeff Davis, Joshua Saunders & Peter Sherr. **Staff:** Carla Nixon - Town Planner & Christina Silberman - Administrative Assistant. **Absent:** Teri Maloney-Kelly.

C. Approval of Minutes of the September 19, 2017 Meeting: Minor corrections to the minutes were noted. Mr. Saunders moved to approve the minutes of the September 19, 2017 meeting as amended, seconded by Mr. Sherr and **VOTED, 5 yeas, 1 abstained (Boivin) - motion carries.**

D. Staff Site Plan Approvals: Accessory Dwelling Unit for Mullin Property at 7 Farwell Ave. Ms. Nixon said that the applicants, Katherine and Michael Mullin, live at 7 Farwell Ave. and they requested permission to build a new garage to include an accessory dwelling unit with 832 sq. ft. of living space. Ms. Nixon said based on the zoning ordinance requirements she has approved this.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Request for two - six month extensions to an approved Site Plan for Integrative Health Center to be located off Skyview Drive on Lot 2. *Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-2. Applicant and Owner: Dr. Sean McCloy.*

Chairman Moriarty introduced the item and explained that the Board granted approval for this project in August, 2015 and the approval lapsed. Approval was re-granted in November, 2016. The ordinance provides that an applicant may seek two six month extensions in order to have more time to get the project underway.

Mr. Sherr asked if Dr. McCloy anticipates starting the project within the two six month extensions and Dr. McCloy replied that he hopes to. Dr. McCloy said that he is waiting for a buyer for the lower level that he plans to sell as office condominiums.

Chairman Moriarty opened the public hearing. There were no public comments. Chairman Moriarty closed the public hearing.

Mr. Sherr moved to approve two six month extensions for major site plan approval for Integrative Health Center, Lot 2 Cumberland Foreside Village, seconded by Mr. Boivin and **VOTED, 6 yeas, unanimous - motion carries.**

2. Public Hearing: Sketch Plan Review: Ocean View at Cumberland, 90 - 100 dwelling units. *Tuttle Rd. Tax Map R04, Lots 4B, 4D and 4E. Applicant: Ocean View at Cumberland, LLC; John Wasileski. Representative: Frederic Licht, P.E, LSE.*

Chairman Moriarty introduced the item.

Christopher Wasileski from OceanView at Cumberland, LLC said he is here with Frederic Licht, Senior Engineer, Matt Teare, Director of Development and Chris Haynes, Construction Manager. Mr. Wasileski gave an introduction to his company, Sea Coast Management Company, and showed examples of previous projects that they have done.

Mr. Wasileski reviewed the company's commitment to social responsibility.

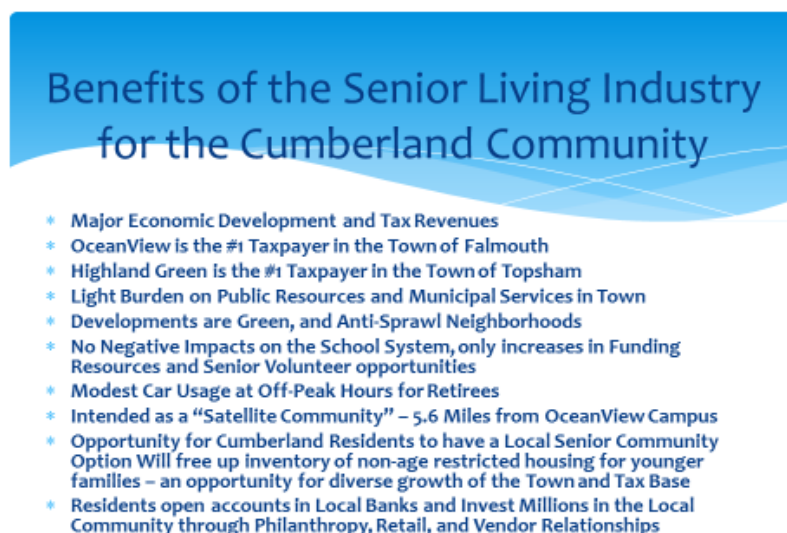


An ongoing commitment to Social Responsibility and Stewardship

- * **OceanView Resident Aid Fund – over \$750K Endowment**
- * Donations of all cleared firewood to the Cumberland Wood Bank
- * Over \$100K of Estimated Donations of demolition salvage material to Greater Portland Habitat for Humanity Re-Store
- * 144 Solar Panel Donation to the Friends School of Portland
- * Comprehensive Composting Program with “We Compost It”
- * Construction Recycling Program with Pine Tree Waste / Casella
- * **Ongoing Donations and Events to benefit nonprofits such as:**
- * American Red Cross, the Maine Alzheimer's Association, the American Heart Association, MPBN, Maine State Music Theatre, SMAA, Falmouth Memorial Library, Big Brothers Big Sisters, Maine Audubon, the Portland Symphony Orchestra, Osher Lifelong Learning Institute (OLLI) at USM, and Maine Legal Services for the Elderly (Amongst others...)
- * **Maine-Based Local Contractors / Vendors and Local Bank Financiers**

Chairman Moriarty explained that tonight the Board is conducting sketch plan review for this project which is the most introductory review. The Board will not vote to approve or disapprove anything tonight. This is a bird's eye view of the project. The Board will ask questions and hold a public hearing for members of the public to ask questions.

Mr. Wasileski reviewed the benefits of the senior living industry.



Benefits of the Senior Living Industry for the Cumberland Community

- * **Major Economic Development and Tax Revenues**
- * OceanView is the #1 Taxpayer in the Town of Falmouth
- * Highland Green is the #1 Taxpayer in the Town of Topsham
- * Light Burden on Public Resources and Municipal Services in Town
- * Developments are Green, and Anti-Sprawl Neighborhoods
- * No Negative Impacts on the School System, only increases in Funding Resources and Senior Volunteer opportunities
- * Modest Car Usage at Off-Peak Hours for Retirees
- * Intended as a “Satellite Community” – 5.6 Miles from OceanView Campus
- * Opportunity for Cumberland Residents to have a Local Senior Community Option Will free up inventory of non-age restricted housing for younger families – an opportunity for diverse growth of the Town and Tax Base
- * Residents open accounts in Local Banks and Invest Millions in the Local Community through Philanthropy, Retail, and Vendor Relationships

Mr. Wasileski showed an aerial view of the property and the surrounding area. The project focuses on Richard Doane's property which fronts on Tuttle Rd. and is adjacent to Val Halla Golf Course, the Crossing Brook neighborhood and the Godsoe property. Mr. Wasileski noted that he is not making a formal proposal for the Godsoe property tonight where they plan some future development.

Cumberland Aerial View with Boundaries



Mr. Wasileski showed an aerial view of the proposed development. The first phase of the project is for an access road with cluster development in the same fashion as the schoolhouse cottages at OceanView in Falmouth. These will be roughly 1,400 to 1,600 sq. ft., single story cottages.

Rick Licht, Licht Environmental Design, said this project is to build a community and will integrate community elements. The parcel is about 41 acres. Mr. Doane plans to keep a portion of the property along the old railroad right of way. The access road is about 1,500' and will be 22' wide and paved with a sidewalk coming off Tuttle Rd. There will be an easement for the road across two other parcels also owned by Mr. Doane. Mr. Licht explained that they are looking at a slightly different configuration of the road and are in preliminary discussions with the Allens regarding the Allen parcel.

Mr. Licht said that there will be a cul-de-sac with up to 18 units and then a loop road with 30 to 35 units for a total of up to 50 units.

Mr. Licht said there is a possibility for a future connection across the golf course to a parcel in the rear. The property is in the new Senior Housing Community Overlay District with a density of 10,000 sq. ft. per unit, which allows for 150 units. This proposal is for 45 to 50 units. There is a lot of opportunity for open space with connectivity to the open space at Crossing Brook. Mr. Licht said there is an opportunity to connect to Val Halla and the existing pathway system in Crossing Brook. They envision sidewalks, pathways and trails that will be integrated with the Town's system.

Mr. Licht identified the wetlands on the parcel and said that the plan is to minimize the wetland impacts.



Chairman Moriarty confirmed that this is the first of a possible two phase project and Mr. Licht agreed. Phase one will be called the Cumberland Cottage Community. Chairman Moriarty asked if a cottage is a duplex with two dwelling units. Mr. Licht said they are proposing single residential units. Mr. Licht noted that at some point, they may look at a duplex. Chairman Moriarty noted that the application indicates that this will be for younger residents and asked Mr. Licht what he has in mind. Mr. Licht said the boomer generation is the younger of the retirees and are more active. This will be a satellite community of OceanView in Falmouth and residents here will be able to access services there as well. There may be a proposal for an activity center, community center and a pool but this is still in the works.

Mr. Auclair said the introduction has a statement that this will serve the needs of Cumberland residents and asked if this will be limited to Cumberland residents. Mr. Licht said it will be open to anybody. Mr. Auclair confirmed if residents at this facility will have the same preference to move up to assisted living or memory care as the OceanView Falmouth residents have and Mr. Licht said this is correct. Mr. Auclair asked if the cost structure will be the same here as in Falmouth. Mr. Wasileski noted that assisted living or memory care would be done at the Falmouth facility and said that they anticipate the pricing to be a little bit more modest than in Falmouth due to the proximity to the campus in Falmouth.

Chairman Moriarty referenced the continuum of care that has been mentioned and asked if this project is for the most independent on the continuum. Mr. Wasileski said that the average age moving into the schoolhouse cottages is mid-60s to mid-70s.

Mr. Boivin noted that the plan shows several dotted lines and asked if this is trail access and Mr. Licht said yes, these are conceptual. Mr. Boivin said that people walking on the golf course will be very distracting to golfers. Mr. Licht replied that they will sit down with the Town to determine when the trails could be used.

Chairman Moriarty asked if the project as shown tonight will break an existing snowmobile trail. Mr. Licht replied that he is not sure. There is an old snowmobile trail that Mr. Licht pointed out on the plan. Mr. Doane indicated that this trail is lightly used. Chairman Moriarty asked if they would permit continued use of the snowmobile trail. Mr. Licht said unless it can be integrated on the other side, it would not be compatible with the community. Mr. Licht said they will sit down with the snowmobile club and the Town to figure out what they can do.

Mr. Saunders noted that the agenda title mentions 90 to 100 units and this proposal shows 45 to 50 units and asked for clarification. Mr. Wasileski said that they scratched the plan for duplexes for sales and marketing reasons. There are 45 to 50 units proposed in phase one and the 90 to 100 unit referenced would be with phase two that would be on an adjoining land parcel. Mr. Licht noted that these units conceptually allow for a two car garage.

Mr. Sherr asked for a sense of the timing for the project. Mr. Licht said they plan to complete their due diligence for topographic mapping and are ready to begin the preliminary design process in earnest. They hope to have approvals by spring and move forward with construction. Mr. Sherr said there was discussion about a community center and asked that this is noted on the plan moving forward.

Mr. Boivin asked if there is right, title and interest and Mr. Licht said it is under option.

Chairman Moriarty opened the public hearing.

Town Manager Bill Shane clarified that the trails shown connecting to Val Halla would be golf cart trails. Access to the golf course is restricted from mid-November to early March for walkers and in the winter there would be cross country ski trails. Mr. Shane said the snowmobile trail that was discussed has been discontinued and has been rerouted. Mr. Shane pointed out the Crossing Brook development on the plan and identified the Town owned open space. Mr. Shane said that originally they hoped to access utilities from

Crossing Brook but a contract zone and subdivision plan would need to be amended and there is a restriction on tree removal so this plan was scratched.

Atty. Bruce McGlaulin said he is here to speak on behalf of abutter Lawrence Allen. The Allens' primary issue is with the impacts of the access road and the housing proposed along the boundaries of their property. Atty. McGlaulin said he has reviewed the ordinance and it appears there will be a need for major buffering along the boundaries of the Allen property. Construction of the proposed road and development will be very disturbing. Atty. McGlaulin noted that the requirements for a cluster residential development are for a 75' buffer and under the new senior housing overlay the regulations are for a 50' overall buffer along the perimeter of the development. Atty. McGlaulin outlined the two boundaries and said he expects that there will be at least a 50' buffer of trees added in these areas. Mr. Wasileski responded that he has met with the Allens over the past couple of weeks and they have discussed acquiring the Allens' property and will further discuss this. Mr. Wasileski added that if Mr. Allen retains his property, they will work with him to meet his buffering request, as they would with any neighbor.

John Piacitelli said that one thing that hasn't been touched on is that his parents live across the street from the Falmouth project and their home appraisal has gone down by \$145,000 since the project went in. The project looks like a great benefit for the Town but the cost is \$750,000 to move into. Mr. Piacitelli said OceanView has their own ambulance system and do not use the Town ambulances so the Town will not benefit from ambulance services for this project. Mr. Piacitelli noted that he is trying to buy the Godsoe property. Mr. Piacitelli said that neighbors of the project that he has spoken with do not want to come to the Town Meeting because the Town is so close that they don't want to create a disturbance.

Chairman Moriarty clarified that Mr. Piacitelli is saying that the project could depress the property values of adjacent properties and Mr. Piacitelli replied absolutely. Mr. Piacitelli referred to the noise during the construction in Falmouth and said that there were cracked driveways across the road after the blasting that were not taken care of. Mr. Piacitelli noted that this project will not bring any kids into the school system and he doesn't think the residents will visit local stores because they will be bused to Falmouth.

Chairman Moriarty said that if there were a rescue call to the Town's ambulance service, he assumes they would respond. Mr. Shane responded that any calls to 911 will go to Cumberland's fire station. There are non-emergency ambulance transport services that occur and other agencies do this for appointments, dialysis, etc. Emergency 911 calls will be responded to by the Town ambulance service.

Mr. Auclair asked if the Town has estimated the tax value for a project like this. Mr. Shane replied that 50 units would be about \$25,000,000 in new taxable value. There is almost \$19,000 in property taxes generated for every \$1,000,000 in taxable revenue.

Genevieve Gardner, Catalpa Ln., said she has lived here for 2 years. Ms. Gardner said she did not move here to have this kind of development in her back yard and that to say she is disappointed with this project is an understatement. Ms. Gardner said she thinks her other neighbors would be here too but it is hard to go against a neighbor trying to use their land. Ms. Gardner is concerned about the road and the buffer zone. Mr. Licht said

the plans show the minimum 50' buffer around the developed area and he will look at the issue with the road buffer and discuss this with the Town Planner. Mr. Wasileski thanked Ms. Gardner for speaking and said that his company will deal with buffers for neighbors on a case by case basis. Ultimately Ms. Gardner wants the neighbors to be happy with the development and he will work with the neighbors for acceptable buffers.

Ms. Gardner said that the traffic going into this facility will be substantial and will have a huge impact on the neighborhood. Ms. Gardner said that the applicants spoke of developing a community but there is already a community here. The prices of these units are going to affect the people that live in the units. Ms. Gardner said they looked at OceanView in Falmouth with her mother and the prices are outlandish and not feasible. This project is not geared towards the typical Cumberland resident so there will be a lot of out of state people coming for this and the project will impact this area greatly. Ms. Gardner said that the Falmouth project is huge and this is just the beginning in Cumberland. Ms. Gardner expressed concern with inconsistencies in the application letter that refers to 90-100 units and now they say 50 units. Mr. Wasileski clarified that the unit count of 90-100 units assumes the acquisition of the Godsoe property. Ms. Gardner stated that the letter should have been corrected before it was submitted to match what the proposal is. Chairman Moriarty noted that it is not unusual for changes to be made to applications even on the day of the meeting. Mr. Sherr added that it was presented as part of the introduction as a phased construction project and it is good to hear the ideas that are being considered.

Mr. Piacitelli asked how many acres the Allen parcel is and Mr. Allen replied 8.2 acres. Mr. Piacitelli asked how many more units this would give for the project. Chairman Moriarty said that at this point, there is no proposal for the Allen property. If the applicant buys the Allen property they could propose additional units. Mr. Piacitelli said that the Godsoe property needs a zoning change before the applicants could do anything there. Ms. Nixon confirmed that the Godsoe property would have to be added to the Senior Housing Overlay before there could be the same type of density. Mr. Sherr asked for clarification of what properties are in the overlay. Mr. Shane explained the overlay zone and Ms. Nixon provided the list of properties within the overlay zone. Chairman Moriarty asked if the project is within the growth area and Mr. Shane replied that it is.

Robert Verrier, Tuttle Rd., said he lives across the street from the proposal. Mr. Verrier thinks this type of development is great for the Town because of the tax base and said that there is no impact on the schools. He likes that it is back within the woods and said it is a fantastic way to build. Mr. Verrier said that the damage in Cumberland is not done by this type of development, it is done by single homes built on five acre lots. Mr. Verrier said he is supportive of the project.

Chairman Moriarty asked if the project would be seen from Tuttle Rd. Mr. Licht said the access road will be 1,500' long before you would get to the development and the development would not be visible from Tuttle Rd.

Mr. Wasileski said that he welcomes anyone from the neighborhood to reach out to him with their concerns and he would be happy to meet with them and work things out.

Chairman Moriarty closed the public hearing.

Mr. Sherr asked if the Board wants a site walk. Mr. Boivin asked if the project is far enough along to stake out the areas of the project. Mr. Licht said typically they would have the surveyors go out and stake out the road while they are doing the topography and would have a pretty good idea of where the road would be. Mr. Licht said the Board would get a good feel for the property if they do the site walk. The Board agreed to conduct a site walk on Saturday, November 4, 2017 at 8 am. Ms. Nixon noted that she will be away on November 4th.

Ms. Nixon asked when the applicant plans to come back to the Board for preliminary review. Mr. Licht said that they want to sort out the issues raised tonight and the Allen property and he is hesitant to give a date.

Chairman Moriarty said this concludes the sketch plan review and he called for a 5 minute break.

3. Public Hearing: *Recommendation to the Town Council to amend 315, Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and to repeal and replace Chapter and Section 45 (Conversions) of the Town of Cumberland Zoning Ordinance.*

Chairman Moriarty resumed the meeting and introduced the item. Chairman Moriarty explained that Accessory Dwelling Units (ADUs) have been under discussion over the last few months. Draft language proposed tonight will change the definition of an accessory dwelling unit and will address the process of conversions. ADUs are currently allowed in all zones and will continue to be allowed. An ADU is a dwelling unit that is subordinate to a primary dwelling unit and other terms and conditions will apply.

Ms. Nixon said the proposed changes began with the Town Council Ordinance Committee and she explained the process. The proposal requires that one of the dwelling units be owner occupied and would allow the accessory dwelling unit to have up to 2 bedrooms. The area of the ADU can be up to 40% of the primary dwelling unit area. There is a provision that the ADU, if detached, needs to be within 100' of the primary residence. The changes allow for someone to have another dwelling unit on their property when the minimum lot sizes for the zoning district would not allow two dwelling units. The ADU could be used by family and friends or as a rental unit. Chairman Moriarty noted that an ADU could not be added outside of the building envelope.

Chairman Moriarty opened the public hearing. There were no public comments. Chairman Moriarty closed the public hearing.

Mr. Sherr moved to recommend to the Town Council the October 11, 2017 draft amendments to Chapter 315, Section 4 (Word Use and Definitions – Accessory Dwelling Unit) and Chapter 315 and Section 45 (Conversions) of the Town of Cumberland Zoning Ordinance, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous - motion carries.**

4. Public Hearing: *Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1*

and Rural Residential 2 zoning districts; and to amend Chapter 315 to include a new Section 315-49.1, "Farm-based Special Events".

Chairman Moriarty introduced the item and said the Planning Board had a workshop on this on Oct. 10th and this was sent to the Board for a recommendation by the Town Council. Chairman Moriarty outlined the proposal.

Mr. Shane outlined what the proposed ordinance would entail. Mr. Shane noted that the Mass Gathering Ordinance provisions would apply to events over 500 people. The Ordinance Committee wanted there to be some type of license requirement and that there be an annual compliance review by the Town Council so if the process is abused, the license could be rescinded.

Chairman Moriarty noted that the language the Board is looking at has deleted the requirement for registered farmland. Mr. Saunders noted that there are two versions of the proposal. Mr. Shane said that at the workshop, Mr. Davis raised a question about registered farmland which was a different scenario. All the Town Assessor calls for is for someone to come in and say they have a farm and give a revenue report. The requirement for farm registration at the State level has been removed. Mr. Sherr noted that the Board is looking at the Town Attorney's 10/12/17 version. Mr. Shane said the proposal should state that this applies to registered farms with the Town of Cumberland Assessor and this requirement should be added to the language. Chairman Moriarty clarified that farmland that does not produce any income would not be considered a registered farm and Mr. Shane said that is correct.

Mr. Davis asked if the requirement for 5 contiguous acres applies if it is registered farmland. Mr. Shane responded that the thought at the Ordinance Committee level is that parking for these events could be 100 cars per acre and this would be a concern on smaller lots and they want to ensure that everything could be off the street. Mr. Davis asked how many registered farms there are in Town with less than five acres and Mr. Shane answered that there are two.

Mr. Boivin asked about the hours of operation being 10 am to 10 pm and said this is for music. Mr. Shane said the proposal is for no amplified music between 10 pm and 10 am. Mr. Boivin said he is concerned with a tear down after the event at 10 pm being loud. Mr. Saunders asked why the noise limit is only for amplified music because if a voice is amplified that is over 60 decibels at the property line this would be just as annoying as music. Mr. Saunders said it should restrict sounds over 60 decibels as measured at the boundary. Mr. Shane said he would remove the "amplified music" reference. Mr. Boivin asked if a tear down would be allowed after 10 pm because of lights and said that the Town restricts business lighting after a certain time. Mr. Sherr said businesses are open 6 to 7 days a week and the farm based events would only be 8 times a year. Mr. Sherr said he is fine with breaking down after 10 pm as long as the sound is under 60 decibels at the property line. Mr. Boivin said the licensing with the Town Council should take care of any issues that may arrive.

Mr. Saunders noted that events would have to go through site plan review. Chairman Moriarty asked if there would be a site plan application per event. Mr. Shane said site plan review would not be per event, it would be for the use of the property. The Planning Board would review the property to determine if it is eligible for farm based

specialty events and the applicant would not have to come to the Board every time. Mr. Shane added that the safety net that the Ordinance Committee would like to see is the licensing requirement for applicants to come before the Council so if there is a series of complaints, there is a way to rescind the license. Mr. Sherr confirmed that the applicant would come to the Planning Board for site plan review to hold the events and the Town Council would license the events and Mr. Shane agreed.

Mr. Saunders said that there is a language issue in the new 315-49.1 paragraph b and suggested it be rephrased to say "No farm based special event shall occur for a duration of more than 8 hours. Time spent preparing for/setting up prior to or cleaning up after the event provided that such time does not include loud noises greater than 60 decibels shall not be included in the 8 hours."

Chairman Moriarty opened the public hearing.

Joanne Fryer, 111 Bruce Hill Rd., said she and her husband have Mow Field Farm. They produce apples for hard cider, have a flower farm, hay, black walnuts and other fruit. Ms. Fryer said that the Comprehensive Plan was written in 2009 and she is the first person to make a request under the Plan. One of the major goals of the Plan in preserving agriculture in Cumberland was to modify Town regulations to give more flexibility to farm operations so that additional revenue streams can be created. For example, allow for renting a site for weddings or other functions; allow farms to have summer camp programs and allow additional accessory use buildings with fewer restrictions. Ms. Fryer said she was happy to see this in the Plan. There is a decline in small to medium scale farms in Maine. Ms. Fryer noted that even though there are 34 registered farms in Town, only about 12 of these would be suitable to have a large event and only a handful where someone would want to have a wedding.

Ms. Fryer read a letter from Terry Skillin of Skillin's Greenhouse in support of the ordinance. Ms. Fryer read a quote of Town Manager Bill Shane from the Portland Press Herald in 2011 saying "We've worked really hard over the last few years to make our ordinances and Comprehensive Plan much more friendly to the right kind of businesses and development because without growth we cannot afford to preserve the rural character and community feel that has made this Town so attractive." Ms. Fryer said this is where keeping the farms keeps what makes Cumberland special.

Ms. Fryer said that she thinks it is easy to place enough restrictions on these events that the Town can deal with any concerns of neighbors while still preserving the farms and creating streams of revenue that really are needed. Ms. Fryer said she applied for this ordinance change in January and missed this season. People are starting to make their plans right now for next season. Ms. Fryer said she wants to have 4 weddings at her place. Cumberland is certified to be a business friendly Town. Ms. Fryer said this has been going on for a long time and she does not want to miss two seasons. Ms. Fryer said she appreciates the Board looking at this. Ms. Fryer said it is important for the Town to make a decision and if the Town decides no, then the Comprehensive Plan needs to be amended.

Tom Monroe said they just moved into the Schuster Road Veterinary Clinic and are raising alpacas. Mr. Monroe said he is part of the farming and education community. One of Mr. Monroe's goals are to educate kids and the community about farming. Mr.

Monroe said that the Comprehensive Plan really does sum it up, farms need these alternate income streams. Mr. Monroe said he does farming out of love and started out with a couple of chickens on Bruce Hill Rd. and then quite a few alpacas and now they are growing. Mr. Monroe said he wants start farming full time. Mr. Monroe says he has a concept to run summer camps for kids. If events are limited to 8 hours a day, and he wants to run a camp from 8 to 4, he would be in violation. Mr. Monroe asked if he runs a summer camp, would 1 week of camp be an event or 1 day of camp or if the summer is one event. Mr. Monroe said he will have some farm based education events and his understanding is that as long as the events are free / nonprofit he can do this. Mr. Monroe said that he hopes the Board gives careful consideration about what the Town needs to do to preserve the farming community in Cumberland. Mr. Monroe suggested keeping the site plan review simple and said he would have to go through the State Fire Marshall and other reviews for permitting. Mr. Monroe said if there is a lot of work to be done for permitting, it will be much less of an incentive to go through the process.

Cassie Pitassi said she owns Hideaway Acres Farm at 30 Rosa Way. Ms. Pitassi said she is here to support her neighbors because she knows what it is like to own a farm and how expensive it is to maintain. These farms should be allowed the ability to use their property to do events to help them make a little bit of income otherwise the Town will change and people will start to sell off their property for subdivisions and she doesn't want this for her neighborhood. Ms. Pitassi said that if someone has a big parcel of land and has an event, it is not likely that very much will be heard. Ms. Pitassi asked that the Board do whatever they can do to expedite this.

Chairman Moriarty reiterated that the Board can only make a recommendation and cannot make this change, only the Town Council can.

Greg Sweetser, owner of Sweetser Farm, said he is in the MDR zone so he assumes he would not be allowed to do weddings. Mr. Sweetser said that this is a great irony considering the 200 year heritage of his farm. Mr. Sweetser asked that his farm and the MDR zone be included in this zoning change. Mr. Sweetser said he doesn't plan to work two jobs for the rest of his life and when he retires, he will need to supplement the revenue that helps fuel the farm. Mr. Sweetser said he had his son's wedding at his farm a couple of years ago and it is a fabulous site and is probably one of the nicest farm sites for farm based activities in Maine. Mr. Sweetser said that his interpretation of action 2 of the Comprehensive Plan was that farms were sort of covered and he only learned recently that farm based special events are not an option in his sustainability plan. Mr. Sweetser said he has an expensive piece of property with taxes and an expensive overhead. Mr. Sweetser said he sometimes works past 10 pm and starts early in the morning and he thinks the intent was not to have music after 10 pm and asked that activities not be restricted.

Greg Fryer, 111 Bruce Hill Rd., said that the Comprehensive Plan Committee surveyed the Town and concluded that residents like the rural atmosphere and character and that residents value keeping Cumberland the way it is. Mr. Fryer said that the language as proposed does call for a review of items by Town officials in advance of granting the license. Mr. Fryer said each property is different and if the Board tried to come up with words tonight that fit every property appropriately it would be difficult to do. Mr. Fryer urged the board to leave it to the process itself to fill in some of the details about

loudness and this and that. The Comprehensive Plan stresses the need to keep restrictions on farm operations to a minimum and simplicity is consistent with the Plan.

Chairman Moriarty said he watched a portion of the Town Council meeting where this referral to the Planning Board was made and asked if the Town Council gave any thought to the MDR zone. Town Councilor Tom Gruber said he does not recall any discussion about the MDR zone when the Council went through this. Mr. Auclair asked how many farms are in the MDR and Mr. Shane responded that there is 1 and if any farms would be grandfathered it is the Sweetser farm. Mr. Shane said he feels that not including this was an oversight. Mr. Shane said he does not see other properties in the MDR that would qualify for this. Councilor Peter Bingham said that he thinks that not including the Sweetser farm was an omission and ultimately the Town Council will decide on Oct. 23rd.

Chairman Moriarty asked if there was any discussion on the distinction between summer camps and summer rec programs. Councilor Bingham said the discussion never got this far and he doesn't think there were issues with camps or recreational programs.

Mr. Sweetser referred to the Maine State Chapter 2B Title 7 registration process and noted that there are only 4 farms under this license in Maine and he is one of them.

Mr. Shane said that farmers are protected for a lot of things under Maine Statutes and a lot has to do educational programing. Mr. Shane believes that if there is a farm based education program, they can do this.

Chairman Moriarty asked if a generic recommendation from the Board is acceptable. Mr. Shane replied he thinks it is and if there are significant changes from the Town Council, the item will have to come back to the Planning Board by law. Mr. Shane said the changes he has from tonight are to some grammar, dealing with the amplified music and adding the MDR zone.

Mr. Monroe suggested that the Board look at Broadturn Farm in Scarborough who have put on special events and educational programs.

Chairman Moriarty noted that there were letters received in support of the ordinance from Jennifer Trott, Erin & Josh Houghton and Betsy & Rick Smith.

Chairman Moriarty closed the Public Hearing.

Chairman Moriarty noted that there are changes to be made to the language. Mr. Davis said that Mr. Shane has outlined the changes that the Board would like made. Ms. Nixon said that she and Mr. Shane can make these changes.

Chairman Moriarty suggested recommending these changes with a 1 year sunset as a trial period. Mr. Shane said this could be a logistical nightmare because brides are making plans 2 to 3 years in advance. Mr. Shane said that the licensing process would be in place to deal with any problems.

Mr. Davis said he is in favor of this but is concerned about the sound. Open areas carry sound more.

Mr. Boivin would like the MDR zone included.

Mr. Sherr summarized what the Board has talked about adding the requirement for registering with the Town, adding the MDR zone and modifying the language for sound.

Mr. Davis asked if summer camps and activities need to be discussed. Mr. Shane said this is part of farming education and would be allowed.

Mr. Saunders moved to recommend to the Town Council to amend as modified tonight the Town of Cumberland Zoning Ordinance Chapter 315, Section 4 (Word Use and Definitions) and Section 6 (Rural Residential Districts (RR1 and RR2) and the Medium Density Residential District (MDR)) to add Farm-based Special Events as a new definition and a permitted use in the Rural Residential 1, Rural Residential 2 zoning and Medium Density Residential zoning districts; and to amend Chapter 315 to include a new Section 315-49.1, "Farm-based Special Events", seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

G. Administrative Matters/New Business: Mr. Boivin said that years ago the Board reviewed the growth ordinance and asked how we are with building permits and if the contract zones are included? Ms. Nixon said she does not think contract zones are included and will check with Mr. Longley.

Ms. Nixon noted that there is a Mylar that the Board needs to sign for Stratton Woods Subdivision.

H. Adjournment: Mr. Sherr moved to adjourn the meeting at 9:45 pm, seconded by Mr. Boivin and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.