

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, September 28, 2015

7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Gruber, to accept the September 14, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane said that he would hold his comments until New Business.

III. PUBLIC DISCUSSION

Chris Neagle of 76 Orchard Road said that he was surprised that he was not notified of the September 14th Council meeting (regarding the stop sign at Blanchard and Skillin Road). In August, when he requested that the stop sign at Blanchard Road be removed he felt that the Council supported that request, but at the September 14th meeting, there was no support. There has been no review by a traffic engineer for 20 years. Orchard Road is not the same place it was 20 years. There are many large subdivisions in that area now and a busy apple orchard. Relying on 20 year old information is not fair to the residents. If the Council thinks that stop signs are a good method of speed control, let's put them half way down Greely Road, Blanchard Road, and Tuttle Road. Stop signs are not speed controls, speed limits are speed controls. Stop signs cause pollution, stop signs cost gas money, and stop signs cause wear and tear on vehicles. For people to say there is no problem because there have been no accidents, isn't fair. He was disappointed that the issue was killed without a vote. He requested that the Council consider funding a study that could save area residents hundreds of hours of time.

Mr. Neagle's next item is contract zoning. It is becoming a problem at the Planning Board (he is the Planning Board Chairman). A developer comes to the Council with a subdivision plan and convinces the Council that it is a good idea. The Council attaches it to a contract and sends it to the Planning Board for a recommendation. There is a lengthy process to go through for subdivision plans (at the Planning Board level). We don't have that process with the way these plans get sent to the Planning Board by the Council. He urged the Council to reconsider how they adopt Contract Zones by making a deal with the developer ahead of time, and sending the Planning Board a final plan.

Mr. Neagle's last topic is the Conservation Subdivision Ordinance. He was disappointed to learn that when the Planning Board forwarded its recommendation to form a committee to study the development of a Conservation Subdivision Ordinance, he was informed that this would not happen until January. He urged the Council to get the committee going sooner. There is a lot of energy for this process and it is important for the Town.

IV. LEGISLATION AND POLICY

15 – 124 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 318 Harris Road.

Town Manager Shane said that the Town Attorney has reviewed the document and staff is recommending authorization with a \$500 fee.

Motion by Councilor Gruber, seconded by Councilor Edes, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 318 Harris Road.

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

15 – 125 To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2015 – September 30, 2016.

Town Manager Shane said that this is adopted annually and it is the guidelines for our General Assistance program. Staff is recommending approval.

Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, move to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2015 – September 30, 2016.

VOTE: 7-0 UNANIMOUS

15 - 126 To set a Public Hearing date of October 12th to consider and act on authorizing the Town Manager to send a letter to inform the Town of Windham that effective December 1, 2015, the Town of Cumberland will no longer be able to provide primary response services for Fire, EMS and Police. The Town will continue to assist with mutual aid calls as circumstances allow.

Councilor Copp explained that we notified the Town of Windham about 3 years ago, that the road conditions around Forest Lake (on the Cumberland side) would have to be improved if we were to continue sending our emergency vehicles to that area. Nothing ever happened and we met with the Windham Town Council who talked about the problem, but still have made no movement toward a solution. He does not think that any road improvements will happen quickly, and they are aware that this action is coming.

Councilor Edes added that we will continue to assist Windham on emergency calls as needed, but will no longer be the primary public safety response to that area. We are doing the right thing and hopefully this problem will get fixed.

Motion by Councilor Turner, seconded by Councilor Stiles, to set a Public Hearing date of October 12th to consider and act on authorizing the Town Manager to send a letter to inform the Town of Windham that effective December 1, 2015, the Town of Cumberland will no longer be able to provide primary response services for Fire, EMS and Police. The Town will continue to assist with mutual aid calls as circumstances allow.

VOTE: 7-0 UNANIMOUS

15 – 127 To consider and act on sending to the Planning Board for a Public Hearing and recommendation, amendments Section 315-71(F) (Residential Care Facilities) as recommended by the Ordinance Committee.

Councilor Storey-King explained that Residential Care Facilities that provide nursing care for people have their own set of standards from the State. The Ordinance Committee is proposing that a Residential Care Facility with 25 or more units (previously 8 units). After 25 units, there must be affordable units available.

Motion by Councilor Storey-King, seconded by Councilor Edes, to send to the Planning Board for a Public Hearing and recommendation, amendments Section 315-71(F) (Residential Care Facilities) as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

15 – 128 To set a meeting date of November 9th to discuss the recommended amendments to the Town Center Growth Area and the proposed zone changes, as recommended by the Planning Board.

Town Manager Shane explained that this was the most controversial piece of the Comprehensive Plan updates. It will be more productive to isolate those two pieces for the Council to hold a meeting and invite the neighbors to hear their concerns before any action is taken on this.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a meeting date of November 9th to discuss the recommended amendments to the Town Center Growth Area and the proposed zone changes, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

15 – 129 To consider and act on sending to the Planning Board for a Public Hearing and recommendation proposed amendments to the Cumberland Code for:

- a) Eliminating Timber Harvesting in the OC-N and OC-S Zones**
- b) Allowing limited restaurants and retail uses in the OC-N and OC-S Zones**
- c) Create an overlay district for restaurant and retail uses in the OC-S Zone**

The Ordinance Committee had no issue with the Land Use Committee's recommendation on this one and decided to move it forward to the Council.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to send to the Planning Board for a Public Hearing and recommendation proposed amendments to the Cumberland Code for:

- a) Eliminating Timber Harvesting in the OC-N and OC-S Zones
- b) Allowing limited restaurants and retail uses in the OC-N and OC-S Zones
- c) Create an overlay district for restaurant and retail uses in the OC-S Zone

VOTE: 7-0 UNANIMOUS

15 – 130 To consider and act on sending to the Planning Board for a Public Hearing and recommendation a proposed recommendation to prohibit drive-through's in the OC-N and OC-S Zone.

Councilor Storey-King explained that the Ordinance Committee looked at this and decided that they did not want to prohibit a use that might be the only possible use for a tiny piece of land (such as the triangle lot between Route One and 295 for a coffee kiosk, for example).

Motion by Councilor Storey-King, seconded by Councilor Turner, to send to the Planning Board for a Public Hearing and recommendation a proposed recommendation to prohibit or allow drive-through's in the OC-N and OC-S Zone.

VOTE: 7-0 UNANIMOUS

15 – 131 To set a Public Hearing date of October 12th to consider and act on an Automobile Graveyard/Junkyard and Automobile Recycling Permit for Cumberland Salvage for the period of October 31, 2015 – October 31, 2020.

Motion by Councilor Stiles, seconded by Councilor Edes, to set a Public Hearing date of October 12th to consider and act on an Automobile Graveyard/Junkyard and Automobile Recycling Permit for Cumberland Salvage for the period of October 31, 2015 – October 31, 2020.

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

15 – 132 To set a Public Hearing date of October 12th to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 31, 2015 – October 31, 2020.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of October 12th to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 31, 2015 – October 31, 2020.

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

15 – 133 To set a Public Hearing date of October 12th to consider and act on draft amendments to change the zoning from Rural Residential One (RR1) district to Village Mixed Use Zone (VMU) for the property located at 306 Tuttle Road, as recommended by the Planning Board.

Town Manager Shane explained that this item went to the Planning Board and they came back with a positive recommendation and staff is recommending October 12th for the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of October 12th to consider and act on draft amendments to change the zoning from Rural Residential One (RR1) district to Village Mixed Use Zone (VMU) for the property located at 306 Tuttle Road, as recommended by the Planning Board.

VOTE: 6-1 (Sties opposed) MOTION PASSES

15 – 134 To set a Public Hearing date of October 26th to consider and act on draft amendments to the 2009 Comprehensive Plan as recommended by the Planning Board in their Notices of Decision dated August 19th and September 16th, 2015 (excluding Town Center Growth Area).

Town Manager Shane explained that this is basically a housekeeping issue and we are taking the recommendations to the Comp Plan update and adopting them, excluding the Town Center Growth Area.

Motion by Councilor Storey-King, seconded by Councilor Turner, to set a Public Hearing date of October 26th to consider and act on draft amendments to the 2009 Comprehensive Plan as recommended by the Planning Board in their Notices of Decision dated August 19th and September 16th, 2015 (excluding Town Center Growth Area).

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – None

Councilor Gruber – The Aging in Place forum will be held on October 31st from 10:00 a.m. to 2:00 p.m. at the Middle School.

The Coastal Waters Commission has done some great work and made a lot of progress at their last few meetings.

The food pantry is a tremendous success due to all the donations that we receive. A couple recently got married and requested donations in lieu of gifts. They raised almost \$2,500. Thank you to them!

Thank you to Peggy Picinni for organizing the Veterans recognition night at a Greely football game recently.

Councilor Storey-King – Pete Smith passed away last Sunday and he will be sadly missed. He was a great man and she has many fond memories of him.

To those who watch from North Yarmouth, she reminded them that there will be two important referendum questions on the ballot in November and she encouraged everyone to get out and vote.

Councilor Turner – None

Chairman Bingham – He encouraged everyone to come to the fair and stop by the Lion's Club food booth.

In regard to Mr. Neagle's comments during Public Discussion, he asked the Council if there is any interest in doing a traffic study.

Councilor Stiles said that the stop sign on Blanchard Road does not make sense to him either. He agreed with Mr. Neagle that there is much more traffic in that area now that it is much more developed than it was 20 years ago. He doesn't necessarily want to spend money on it, but it just doesn't make sense to him.

Councilor Turner said that he agrees with Councilor Stiles to a certain extent. He thinks that part of the reason the stop sign was installed was because it used to be that people thought that road was part of Skillin Road, the way that it curved to the left off Blanchard Road. He travels that road almost every day and has never seen cars lined up at that stop sign, as Mr. Neagle said.

He also travels that area a lot and grew up on Skillin Road. That stop sign has only been there for about 15 years and there was not a stop sign on Skillin Road back then. There were many, many accidents before the stop signs were installed. He has an issue with the Town spending \$5,000 to \$7,000 just to find out if it should go or if it should stay. He would be more comfortable for the Council to simply make a decision.

Town Manager Shane said that for \$2,500 we could get raw data of the traffic counts of that intersection. That way we could see what the counts are on the Blanchard Road side and the Orchard Road side and if one side is more heavily traveled than the other.

Chairman Bingham asked the Council if they are in favor of the traffic count.

Councilors Gruber and Edes said they are not in favor of spending money on this and would prefer leaving it as it is. They have heard from no other residents about this.

Councilor Copp said that we should hold a Public Hearing to see if anyone else comes forward that has an issue before spending any money.

Councilor Turner said that in regard to Mr. Neagle's comments about contract zone agreements, we have a Council that is here to make policy, take recommendations, and then make their own conclusions about those recommendations. He does not see anything wrong with the process and does not agree with Mr. Neagle about this.

In regard to Mr. Neagle's comments regarding not waiting to get the Committee working on the Conservation Subdivision, the Council agreed to move up the selection process for that committee.

Councilor Stiles – Harland and Carol Storey came to his house to deliver their donation to the 4-H auction. He appreciated that very much. The total right now is \$8,700. We have a couple of days to raise \$1,300. The 4-H group and the Town really appreciate this fundraiser.

Councilor Copp – He thanked Councilor Stiles for all his hard working raising money for the 4-H auction that will benefit the food pantry with meat. He has done a great job and put a lot of effort into this. He reminded the public that they have one more day to donate before the auction.

Town Manager Shane – Alex Lear, our Forecaster Reporter, lost his father this week. Our thoughts go out to Alex and his family.

We are getting a lot of calls regarding potential development in Town.

We will close on the Knight's Pond property by the end of October.

VI. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Turner, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:20 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary