

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, January 25, 2016

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 January 11, 2016 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane said that due to the busy agenda this evening, he would hold his report to New Business.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

16 – 005 To reconsider item 15-179: To hold a Public Hearing to consider and act on a request from the Moonlite Sno-Skimmers Snowmobile Club to allow access to the trails in the Town Forest for snowmobiling.

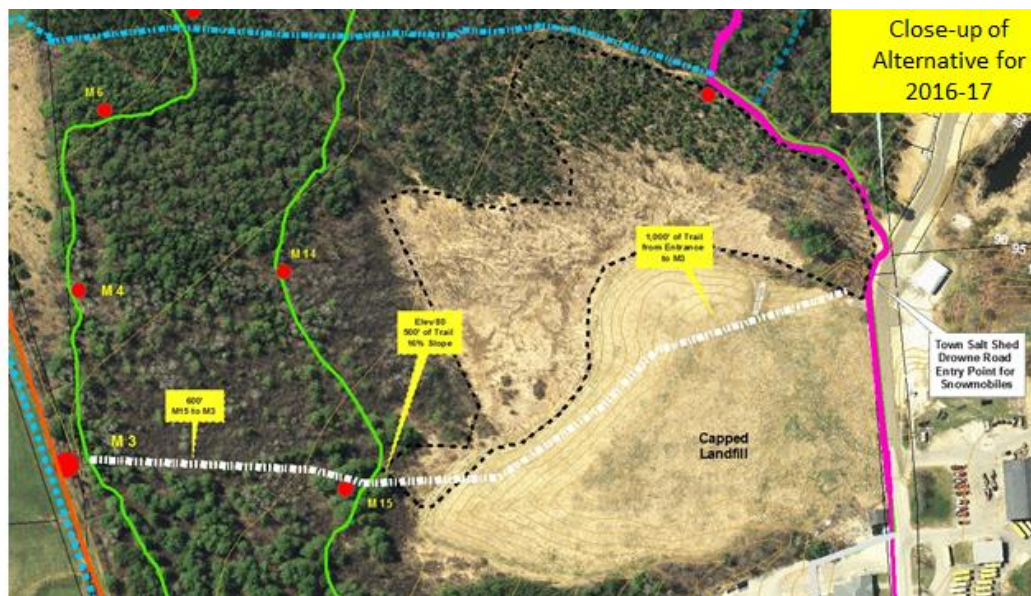
Town Manager Shane presented the following:



The white lines are the area that the Town Council authorized the snowmobile club to use. The Lands & Conservation Commission has met and has come up with an alternative that they will present.

Sam York, Chairman of the Lands & Conservation Commission explained that the Town Forest trail design and implementation has been in the works since 2013 and one of the original criteria established by the commission was that it was intended to be walking only trails. Then, the snowmobile club made the request to be able to access the trails. That goes against what the commission envisioned, mainly due to safety issues. Snowmobiles have always had access from Drowne Road and across the Town Forest, exiting to Tuttle Road.

The commission is recommending the following compromise:



Shawn McBrearty of the Moonlite Sno-Skimmers Club presented the following:

Town Forest Snowmobile Trail
Second Public Comment Presentation to
Cumberland Town Council - 1/25/16



Stewards of the local trails and landowners for 43 years

Moonlite Sno-Skimmers, Cumberland and
North Yarmouth Snowmobile Club.



- Active Club for 43 years, working to safely provide over 30 miles of multi-use trail access to Club Members, as well as benefiting non-members; dog walkers, snowshoers, cross country skiers, horse riders, "fat tire" mountain bikers, and many other folks who are not members who use private property where 90% of the trails are.
- Club has 25 or so combined Family and Business Members (\$33, \$43), 1/2 dozen or so of whom dedicate hours and hours each pre-season and during the short 8-10 weeks for trail access, putting up and taking down nearly 300 trail signs (32 road crossings), working with landowners, re-routing trails, administrative efforts, grooming, tree cutting, etc.
 - 200+/- sleds registered in both towns, so a little more than 10% are members. Similar rates to other towns and Clubs.
- We have one of the most difficult trail areas to maintain in the State, given the amount of new housing and re-routes that occur.



Highlights of previous discussions:

- These new multi-use trails intersect 3x with the "old" snowmobile trail.
 - These intersections would cause a safety issue. Both from going from soft ground to raised & hard pack trail crossings for the snowmobilers and intersection safety issues/speed for walkers, skiers, etc.
- The beginning of the trailhead at Drowne Road is on the snowmobile trail which may be the future location of the "Club House" where the grooming sleds, signs and equipment are kept. (Currently behind Town Garage.)
- This trail provides vital access to Tuttle Road, Val Halla, Rachel's, etc.
 - People (many teenagers) used to "run the railroad tracks", prior to the Club re-opening the Tuttle Road crossing last year with Lonnie Allen and Rick Doane, after nearly 10 years of closure.
- This system also provides vital access to Route 9, Irving, Turkey Lane, Range Road and Falmouth previously from the "Bateman Trail".
 - Bateman "cut" a trail for us, but it was bumpy, stumpy and there are multiple drainage trail crossing issues from Drowne Road runoff.
 - The "Beaver Bridge" to Route 9/Irving Trail was re-routed this fall on the other side of Kim Waite's gray house on Route 9, due to the new "blue" house built in the field where the snowmobile trail used to run near the horse fence.



12/2/15 1.5 hour meeting with L&CC
Town Councilor Thomas Gruber and Town Councilor Peter Bingham in attendance.

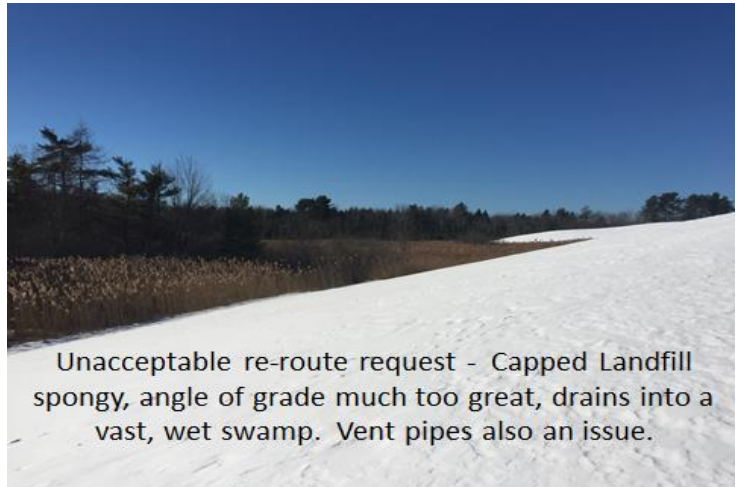
Previous concerns from L&CC:

- 1) **Pedestrian Safety** – We travel and maintain over 30 miles of multi-use trails in Cumberland and North Yarmouth each winter with zero issues. (Biggest potential issues are dogs off leash.) It's an 8-10 week situation to work together on. We hope to see seniors walking on a freshly groomed trail. (Many good talk on the trails.)
- 2) **Speed** – There isn't a straight-away on the "outer loop" trail for more than 50-100'. This greatly reduces speed from snowmobiles, 15-25 mph is average (video) on the hard pack. Less in loose conditions. "Reasonable and prudent" for the conditions is the Maine Law. There is no speed limit we can enforce, but we promoted safety.
- 3) **Request made to use aluminum nails for signs** – Not a problem, done.
- 4) **Noise & "Change in experience"** – (1) Every snowmobile manufactured after Feb. 1, 1975...in ME must be constructed to limit total vehicle noise to not more than 78 decibels of sound pressure level at 50 feet... Other common decibel levels, Traffic (80), Vacuum (80), Lawn Mower (90), Chain Saw (110). Snowmobiles currently use the Town Forest area. Never had a dog walker complain about their "experience" being ruined while walking on the trails the Club maintains. **The opposite in fact.**
- 5) **High School Ski Team usage** – They still have the use of Twin Brooks as primary (also no snowmobiling in Twin Brooks) training ground.



Previous approvals and work already completed:

- Approved to use roughly .70 miles of the "outer loop" Town Forest Trail for shared use with snowmobiles, by a 5-2 vote from the Town Council.
 - Similar to our partnership in multi-use trailover in the Rines Forest.
- Club spent 2 man hours cutting a 100' connection from the Outer Loop, over to the "Beaver Bridge" and Route 9/Irving Station trail (eventually ends up on private property).
 - This eliminated the "Bateman Trail" located directly behind the Drowne Road houses.
 - Route 9 Irving and the Halim family re-joined as Business Members because of access.
- Club spent 8 man hours properly signing the trails, putting up some 30 signs.
 - The inside "green" loop is signed as "No Snowmobiling" and is pedestrian only, etc. (M11-M16) and has similar mileage of the outer loop for walkers and skiers.
- Club agreed to groom and pack the "outer loop" during the winter and this provides easier access to groom to Route 9, Irving, Turkey Lane and the Falmouth line on the other side of Range Road and also groom over to Tuttle, Val Halla, Greely Road, the pole line, etc.
 - Also agreed to groom the "inner loop" where it is no snowmobiling.
 - This provides a hard base for skiers, dog walkers, snow shoers, or senior walkers who are concerned with snowmobiles.
 - Club spent 10 man hours grooming the trails twice prior to the rain on 1/10. Then twice since the 6" of snow fell. Both times to the ball fields near Senior Housing.
- Club spent 4 man and personal equipment hours putting in a 8' wide mat "bridge" across the open pipe culvert above M3, where Tuttle Road trail hooks into Town Forest. Bikers are also using this new bridge to ride from Tuttle Road to Drowne Road. \$1020 expense.



Next (current) Steps:

1. Request Town Council continue their support of the Club and the use of these and other multi-use trails across the Town and stand by their **previous 5-2 positive vote**. (Year to year approval is unnecessary, we all live and operate year to year.)
2. Allow previous request for the Town to flatten and backfill sand/gravel across the 100' "crossover" to the "Beaver Bridge" Trail and extend, if applicable, to property line, with a sign like those used in Rines Forest (you are now entering private property, etc.).
3. Club will continue to educate, promote safe and responsible snowmobiling in Cumberland and N.Y. via Facebook page (over 300 Likes), discuss at Club Meetings (1st and 3rd Wednesdays at Toddy Brook), consult with people on the trails, etc.
4. Club will be responsible Stewards of the Town Forest, assisting in cutting downed trees, removing branches, grooming the outer and inner loop trails, signage, etc.
5. We do not advocate spending more public funds to fix the "old trail" (swamp) and/or create a new parallel "Bateman Trail" (which would need 10-12 more culverts, etc.).
6. We ask for the Town Council to formally support the 102 CMP pole line re-opening, a **vital trail connector in North Yarmouth for those snowmobilers wanting to use the Knight's Pond area**. We request a letter to be written to the MDOC, attn. Scott Ramsay.



Chairman Bingham opened the Public Hearing.

Brad Hilton of Blanchard Road said that his suggestion is that the Town Council denies motorized vehicles access to the Town Forest trails. The Town accepted legal restrictions when they accepted the gift of the Town Forest from Elizabeth Drowne. He feels that the Town has a legal and moral obligation to not change the passive use of the trails.

Dave Ross of Pleasant Valley Road said that he was on his snowmobile this past weekend in the Town Forest and came across some other people enjoying the trails. He urged the Council to keep it the way it is and allow the snowmobiles access for this year (and hopefully beyond) to allow everybody the opportunity to enjoy the trails and the outdoors.

Bob Vail said that there should be some outreach by the snowmobile club to those property owners who allow snowmobile access on their land just to check in to be sure everything is going ok and that the property owners do not have any issues.

David Brink said that he has been a Cumberland resident for 25 years and he enjoys running, Nordic skiing and cycling. He uses the trails often and applauds the snowmobile club because the trails are in great shape to use for winter activities. He has not seen any snowmobilers when he has been out there.

Howard Coon of Baxter Lane said that his property abuts the snowmobile trail and he has never heard a snowmobile, so there cannot be much snowmobile traffic. If the snowmobile club is not grooming these trails, people would not be able to use them for walking or fat-tire biking. They are doing a great service for the Town.

Glenn Morazzini of Meadow Lane said that his concern is safety. This is a small trail system and the abuses will likely be from non-club snowmobilers. He would support some compromise, but how will we police the abuse? We can't. He does not want to see an accident.

Chairman Bingham closed the Public Hearing.

Councilor Stiles said that he respects both sides and the Lands & Conservation Commission does a great job. He is also concerned with safety and he has not heard of any unsafe situations going on. He is pleased that there is a compromise proposed. He feels that the club is doing us a great service by grooming the trails so that everyone can enjoy them.

Councilor Edes said that he would never vote on anything that would compromise public safety. This is not a safety issue. He thanked the snowmobile club for grooming all the trails so that everyone can enjoy them. He will stick by his original vote.

Councilor Gruber said that he is not going to change his original vote. He will continue to support the Lands & Conservation Commission.

Councilor Storey-King said that the Town cannot commit to grooming the trails in the Town Forest due to staff having other commitments and duties to attend to. To her, it comes down to money and the club is grooming the trails for everyone in Town at no cost. She also will stick to her original vote.

Councilor Turner said that both sides had good points. In his mind, it comes down to common sense and he also will stick to his original vote. He wants to support the Lands & Conservation Commission. In most cases, the Council will agree with the recommendation of a committee, but the Council consists of individuals who have their own opinion so it does not always go that way.

Councilor Copp said that he has the utmost respect for all committee members. He probably puts more miles on his snowmobile than anyone here tonight. A lot of the fear is what people do not know or understand about snowmobiles. He is not going to change his vote.

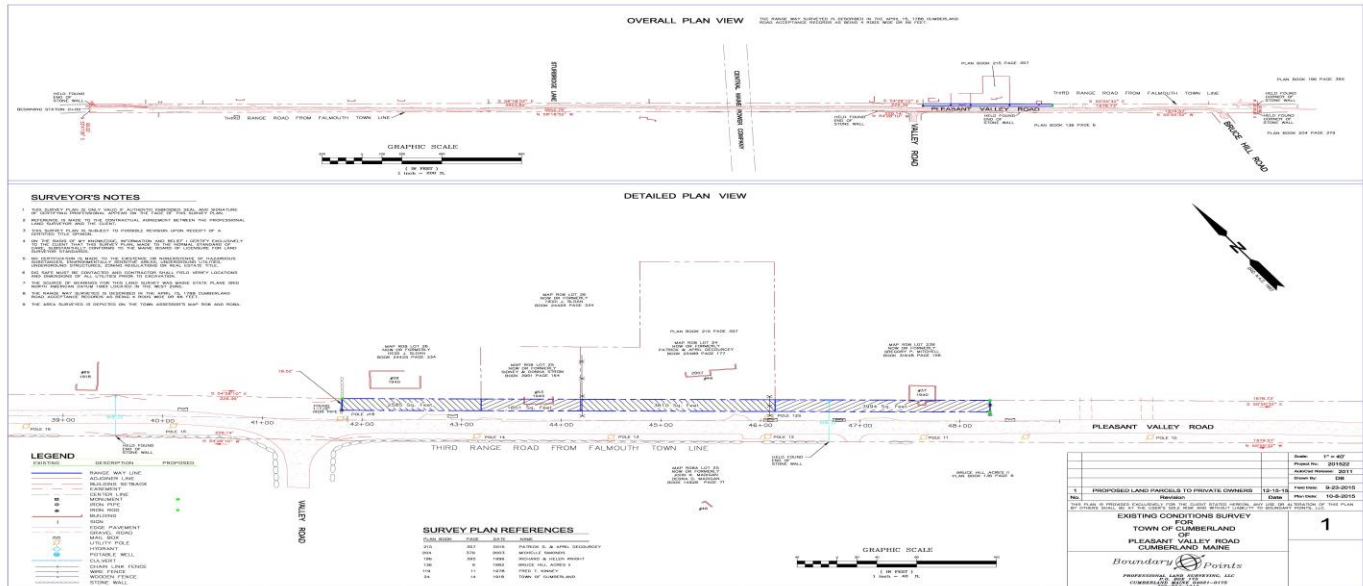
Chairman Bingham said that he is on the trails multiple times per week and now realizes that the "M3 cut off" simply is not going to work. We plan to work over the spring and summer to come up with alternatives for next year so we will have it worked out for next winter. He will support the motion to continue as is.

Motion by Councilor Edes, seconded by Councilor Copp, to allow the Moonlite Sno-Skimmers Snowmobile Club access to the Town Forest Trails as approved on December 28, 2015.

VOTE: 5-2 (Gruber & Turner opposed) MOTION PASSES

16 – 006 To hold a Public Hearing to consider and act on a reduction to the Pleasant Valley Road right-of-way between house #37 to #59 inclusive, as recommended by the Town Manager.

Town Manager Shane explained that it was discovered that house #37 through #59 (inclusive) Pleasant Valley Road are in the Town right-of-way and one of the homes that was rebuilt in 2007 is too close to the Town right-of-way for setback purposes. We can split the cost of legal fees and give each property owner a strip of land, or give the land to the homeowners and acquire an easement over that entire property for the Town. This gives the property owners 16 additional feet (+/-) of property and allows the Town the ability to add utilities in the future.



Chairman Bingham opened the Public Hearing.

Public discussion: None

Chairman Bingham closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the reduction of the Pleasant Valley Road right-of-way between house #37 to #59 inclusive, per the survey plan presented and as recommended by the Town Manager, and authorize the Town Manager to obtain public easements.

VOTE: 7-0 UNANIMOUS

16 – 007 To authorize expending up to \$36,000 from the Broad Cove Reserve Fund for the design, construction and installation of two floats at the Broad Cove Reserve as recommended by the Coastal Waters Commission.

Town Manager Shane explained that the Coastal Waters Commission has worked very hard on this float replacement plan. The two new floats will be 12x24 and allow dingy storage. The floats that were removed would not have been safe for public use.

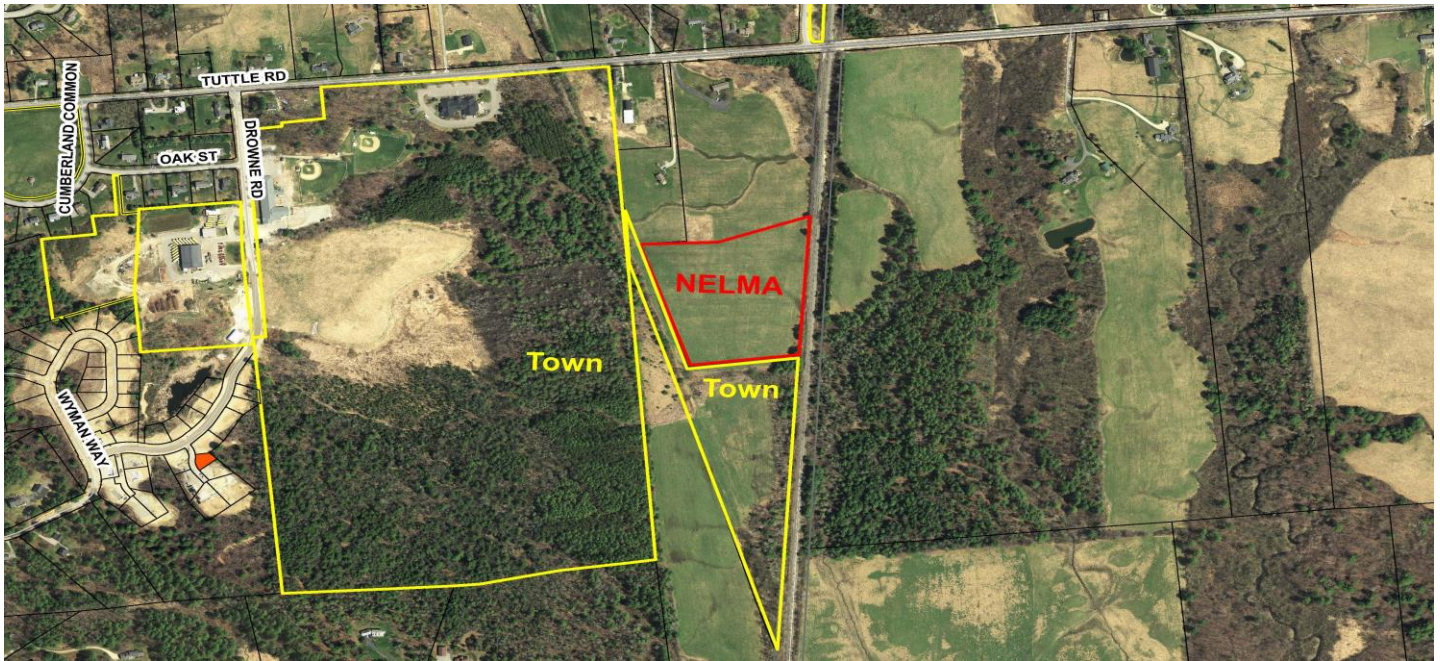
Councilor Copp asked what the life expectancy of the new floats is.

Town Manager Shane responded that they will last in excess of 20 years.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize expending up to \$36,000 from the Broad Cove Reserve Fund for the design, construction and installation of two floats at the Broad Cove Reserve as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

- 16 – 008 To consider and act on authorizing the Town Manager to execute a Purchase and Sale agreement with Northeastern Lumber Manufacturers Association (NELMA) for \$250,000 for the purchase of 10 acres of land.**



Town Manager Shane explained that we approached NELMA to see if they were interested in selling a portion of their property to the Town. This will add 32 acres of land in addition to the Town Forest. This would make an excellent location for senior housing or an assisted living facility.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to execute a Purchase and Sale agreement with Northeastern Lumber Manufacturers Association (NELMA) for \$250,000 for the purchase of 10-acres of land off Tuttle Road.

VOTE: 7-0 UNANIMOUS

- 16 – 009 To set a Public Hearing date of February 22nd to consider and act on authorizing engineering work and bonding of up to \$3.2 million dollars for the Middle Road reconstruction and waterline project.**

Motion by Councilor Storey-King, seconded by Councilor Gruber, to set a Public Hearing date of February 22nd to consider and act on authorizing engineering work and bonding of up to \$3.2 million dollars for the Middle Road reconstruction and waterline project.

VOTE: 7-0 UNANIMOUS

- 16 – 010 To consider and act on sending to the Planning Board for a Public Hearing and recommendation, a zone change request in the VCC Zone to allow multiplexes.**

Town Manager Shane explained that this request came from the developers of the shoe manufacturing facility on Route 100, on the old Allen's Farm property. They would like to construct 15-18 rental town houses on Tammy Lane. This is in the VCC zone and multiplexes are not allowed in that zone. The zoning text amendments would require a minimum parcel size of 5 acres, determine the maximum residential density based on 8,000 square feet per bedroom, and be part of a mixed use development that provides at least 1.25 square feet of commercial space for every 1 square foot of residential space.

Motion by Councilor Copp, seconded by Councilor Stiles, to send to the Planning Board for a Public Hearing and recommendation, a zone change request in the VCC Zone to allow multiplexes.

VOTE: 7-0 UNANIMOUS

16 – 011 To consider and act on sending to the Planning Board for a Public Hearing and recommendation, a zone change request in the OC-South to allow multiplexes, density & building height.

Town Manager Shane explained that at a Council Workshop recently, it was discussed to allow this type of use in the overlay piece of Route One (from the assisted living facility, back toward Tuttle Road). This would allow a 50 foot height and multiplexes to be built there. The lots in this area are going to be tricky to build on. Mr. Spellman came up with a creative idea of a building with 5,000 square feet of office space on the first level and up to 4 stories of residential condominium/apartments above.

Motion by Councilor Copp, seconded by Councilor Stiles, to send to the Planning Board for a Public Hearing and recommendation, a zone change request in the OC-South to allow multiplexes, density & building height.

VOTE: 7-0 UNANIMOUS

16 – 012 To consider and act on sending to the Planning Board for a Public Hearing and recommendation, amendments to the Contract Zone Agreement for Cumberland Foreside Village.

Town Manager Shane explained that David Chase requested a Contract Zone Agreement to allow up to 96 apartments to be built in his Route One development.

Councilor Storey-King commented that this particular Contract Zone Agreement has been amended so many times that it has lost its integrity and she is still trying to figure out what the public benefit is.

Motion by Councilor Copp, seconded by Councilor Gruber, to send to the Planning Board for a Public Hearing and recommendation, amendments to the Contract Zone Agreement for Cumberland Foreside Village.

VOTE: 6-1 (Gruber opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Edes – he thanked all the Lands & Conservation Commission members. Just because the Council does not agree with them, does not mean that they are not respected.

Councilor Gruber – The Aging in Place Committee continues to do great work.

The Planning Board has a new chairman, Steve Moriarty. He has heard many comments on how courteous and prepared Steve is.

Councilor Storey-King – last week she had the pleasure of being a guest speaker in her own class room. She and Steve Palmer of North Yarmouth did a joint discussion on community leadership. Her students wrote essays afterward entitled “If I Led My Community”.

She thanked the Town Manager for finding a bed for someone in need recently. He is always willing to try to help any resident in need.

Councilor Turner – Congratulations to us for avoiding the nor’easter that missed us recently.

Chairman Bingham – there was a disturbing story in the news recently where a woman in Wells was discovered in her home after passing away 2 ½ years earlier. He would like to think that in Cumberland we watch out for our neighbors and check in or contact the police if we don’t see them for a couple of days.

Another disturbing story was that we 200,000 people in our state who are struggling for food. There is something very wrong with our priorities in this country.

Councilor Stiles – he was fortunate to participate in a Library program recently where he presented 20 slides on 4-H activities and he had to speak for 20 seconds on each slide. Also presenting were Thomas Bennett (Library), Chief Small (Fire Department), Phil Stanhope (spoke on the Danish influence of the Town of Cumberland), and Town Manager Shane. It was a very interesting experience that was well received.

Councilor Copp – None

Town Manager Shane – There will be a neighborhood meeting Thursday evening with our traffic engineer to discuss the stop sign at the intersection of Blanchard and Skillin Road and the possible removal of it.

There is also a neighborhood meeting tomorrow evening regarding parking at Orchard Hill apple orchard and working with the owners to expand the shoulders on both sides of the road.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
Motion by Councilor Stiles, seconded by Councilor Gruber to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.
VOTE: 7-0 UNANIMOUS
TIME: 9:41 P.M.

Reconvene to regular session at 9:54 P.M.

- VIII. ADJOURNMENT**
Motion by Councilor Stiles, seconded by Councilor Copp, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 9:54 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary