

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, May 8, 2017

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the April 24, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the May 2, 2017 Special Town Council Meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Local children's book author, Grace Birch has published her 5th book entitled "Otto's Neighborhood Heroes". The book features the Cumberland Fire/EMS and Police Department, as well as Yarmouth Police Department and the State Police. Grace wants to do something to give back to our first responders and recognize all that they do for our community. We have tentatively chosen the dates of September 16th and 17th to feature the book in our Town Forest story walk. We will have emergency vehicles on display for the children to see. There will also be first responders on hand at each of the story stations to read to the children.

On the evening of Wednesday, May 24th, we will hold our first new resident orientation to let new residents know what types of services the Town offers and what is going on around Town.

Women of Harmony presented a check to the Food Pantry. They held a donation drive by placing jars in area stores and were pleasantly surprised to collect \$675.

III. PUBLIC DISCUSSION

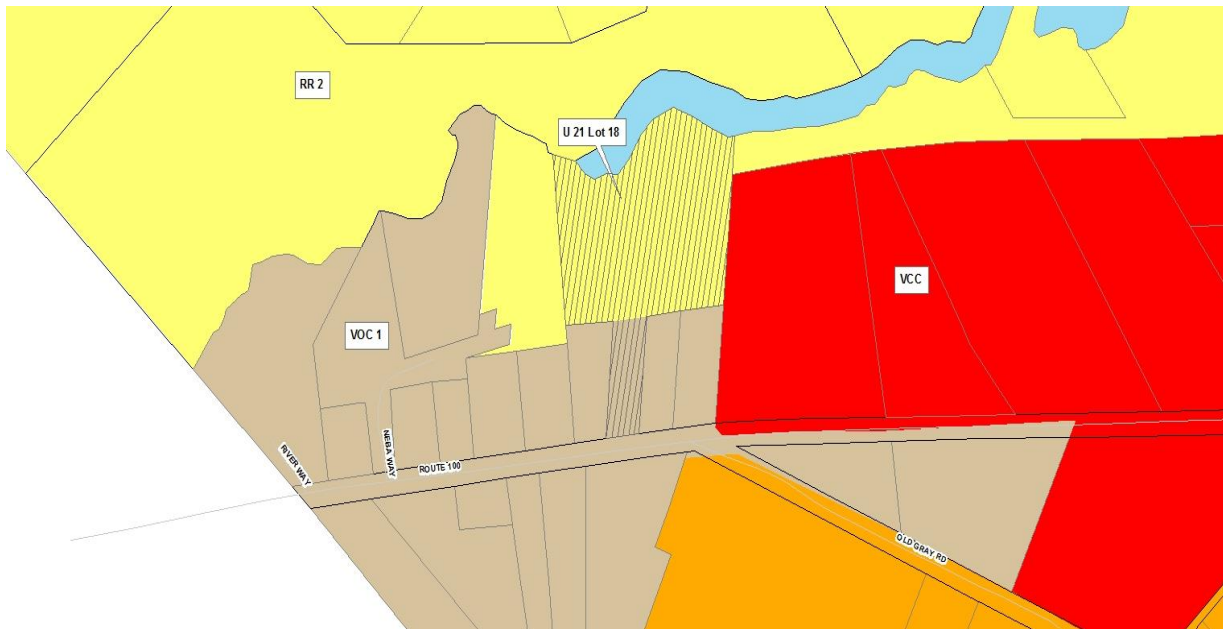
Dale Denno, District 45 State Representative gave an update of what is happening in Augusta.

IV. LEGISLATION AND POLICY

17 – 072 To hold a Public Hearing to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.

Town Manager Shane said that the Planning Board voted unanimously to approve this.

Applicants Nathan Pelsinski and Megan Morgan explained that they purchased the property located at 251 Gray Road and the lot is split between 2 zones. They are requesting that the entire lot be rezoned to be entirely located in the VOC1 zone. They plan to build a triplex as soon as they get approval and a second triplex in 3 to 5 years, much like Emerald Green apartments located across the street from their property.



Councilor Edes asked the Town Manager to explain the lot restrictions in each of the zones.

Town Manager Shane said that the RR2 zone requires 2 acres per dwelling unit and in the VOC1 zone, the lot size is 40,000 square feet, but residential homes are not allowed in that zone, only multiplex units. Multiplex's are considered to be commercial structures, which is why they are allowed in the VOC1 zone.

Chairman Turner opened the Public Hearing.

Public discussion: Mark Brainard of 254 Gray Road said that he was concerned that blasting would have to occur. There is a lot of ledge on the property.

Mr. Pelsinski said that there is a lot of ledge on the property. The buildings will be located toward the front of the lot and they hope to be able to avoid the ledge.

Sonya Neilsen of 246 Gray Road said that her concern is additional traffic. 6 units with 2 cars per day is an additional 12 vehicles. She is also concerned about the ledge and blasting on the property.

Chairman Turner closed the Public Hearing.

Councilor Bingham reminded everyone that there are 17 standards of approval that any developer has to meet as part of the Planning Board process, as well as an engineered drainage plan and a traffic study. This will go through the very strict set of standards before it will be approved and the public will get many opportunities to be heard on this.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend the official zoning map of the Town for property located at Tax Assessor Map U21, Lot 18 to be entirely located in the Village Office Commercial One (VOC1) zone, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 073 To hold a Public Hearing to consider and act on adopting a moratorium ordinance regarding retail marijuana establishments and retail marijuana social clubs, effective April 24, 2017 for a period not to exceed 180 days.

Town Manager Shane explained that this item is to extend the moratorium. The ordinance language will be at the Planning Board on May 16th to get a recommendation then it comes back to the Council on May 22nd.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman Turner closed the Public Hearing.

Councilor Bingham, made the following motion, Councilor Copp, seconded: NOW, THEREFORE, be it ordained by the Town Council of the Town of Cumberland, that a Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, enacted as attached to these minutes, and in furtherance thereof, the Town Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and any new medical marijuana cultivation facilities or dispensaries and the expansion of any existing medical marijuana cultivation facilities or dispensaries, within the Town. This Moratorium Ordinance shall take effect, once enacted by the Town Council, in accordance with the provisions of the Town Charter, but shall be applicable as of April 24, 2017. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the Town's current Code of Ordinances.

VOTE: 7-0

UNANIMOUS

17 – 074 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman turner closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

VOTE: 7-0

UNANIMOUS

17 – 075 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman turner closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

17 – 076 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman turner closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

17 – 077 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2107 at the Cumberland Fair Grounds.

Chairman Turner opened the Public Hearing.

Public discussion: none

Chairman turner closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2017 at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

17 – 078 To hold a Public Hearing to consider and act on a Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds.

Chairman Turner opened the Public Hearing.

Public discussion: Mike Timmons of the Cumberland Farmer's Club invited the Aging in Place Committee to hold an event at the fairgrounds museum. He gave an update on this year's fair.

Chairman Turner closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds, conditioned upon the receipt of a Certificate of Liability Insurance.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – He attended the Public Safety Banquet. It was very nice and very emotional.

Councilor Gruber – The Public Safety banquet was well attended and very enjoyable.

The Aging in Place Committee will meet on May 10th. There will be a volunteer recognition ceremony prior to the next Council meeting.

Little League is in full swing now.

The Food Pantry continues to receive donations. Thank you again to Women in Harmony for their donation and to Holy Martyrs Church for the food drive they held recently.

Councilor Storey-King – The Ordinance Committee will meet on May 11th and the new Recreation Committee will meet on May 18th.

Councilor Edes – He extended his condolences to Jane Boulier’s family. Jane was a long time teacher at Mable I. Wilson School.

He also extended condolences to the Milliken family of Falmouth. Specialist Kyle Milliken was killed in action last week in Somalia.

Chairman Turner – He seconded the condolences to the Milliken family. His family is friends with Kyle’s father and step-mother. This is a tough time for the family and a lot of hearts go out to them.

Councilor Stiles – He reminded the public that his efforts continue to collect donations for the 4-H auction to benefit the Food Pantry.

Construction has begun on the new fire station. It is coming along nicely. This is an exciting project for our community.

He walked through the Knight’s Pond property recently with his grandson. He asked if anyone knows what type of fish are in the pond, he would be interested in knowing this.

Councilor Copp – He attended the Public Safety banquet. There was a moving tribute to Brandon Thibeau, the young firefighter who passed away. Brandon was firefighter of the year and he would have had a great career ahead of him. Our hearts go out to his family.

Town Manager Shane – The weather is still not cooperating for the brown tail moth spraying on the Foreside. They should begin spraying next Monday.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:37 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary