

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, March 26, 2018

6:00 P.M. Workshop with the Ordinance Committee to review ordinance amendments

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Bingham, to accept the March 12, 2018 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

None

III. PUBLIC DISCUSSION

Cathy Wright of 60 Skillin Road said that she does not support the Town purchasing additional land in the Rines Forest. She would prefer that the Town keep the money and look for property for public access to Forest Lake.

Mrs. Wright added that in regard to moving the Town garage, since the Town purchased the land adjacent to the Town Forest as a site to relocate the garage, they should stick to that plan or leave it where it is.

Mrs. Wright reminded people that if they are walking their dogs off leash on Town owned land, please remember that there are people who may be afraid of dogs and do not appreciate being jumped on by them.

IV. LEGISLATION AND POLICY

18 – 033 To hold a Public Hearing to consider and act on forwarding a Contract Zone Agreement for John Paynter, 445 Greely Road Extension, to the Planning Board for a Public Hearing and recommendation.

Town Manager Shane explained that the Town will purchase 19 acres of land from Mr. Paynter around Knight's Pond, which will complete the loop around the pond in Cumberland. This Contract Zone Agreement is necessary so Mr. Paynter won't have to move his existing garage and shed due to setback requirements.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Stiles, to forward the Contract Zone Agreement for John Paynter, 445 Greely Road Extension, to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0 UNANIMOUS

18 – 034 To consider and act on authorizing the Town Manager to accept a warranty deed for Theresa and Robert Chamard for property located on George Road, Tax Map U20/Lot 19.

Town Manager Shane explained that this is a lot of land that abuts the turnpike and is the last parcel along this strip that the Town does not own (see photo below). The Chamard’s have offered to give the land to the Town. The Turnpike has expressed interest in purchasing these lots from the Town as a buffer. These are not buildable lots due to the small size and setback requirements.



 Parcel on George Road - .09 A - LT 4,000 SF

Motion by Councilor Bingham, seconded by Councilor Copp, to authorize the Town Manager to accept a warranty deed for Theresa and Robert Chamard for property located on George Road, Tax Map U20/Lot 19.

VOTE: 7-0 UNANIMOUS

18 – 035 To hold a Public Hearing to consider and act on a Mass Gathering Permit application for Girls on the Run 5K to be held on June 3, 2018 from 8:00 a.m. to 1:00 p.m. at the Cumberland Fair Grounds.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Mass Gathering Permit application for Girls on the Run 5K to be held on June 3, 2018 from 8:00 a.m. to 1:00 p.m. at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

18 – 036 To hold a Public Hearing to consider and act on a Mass Gathering Permit application for the Zerbini Family Circus to be held on July 27, 2018 from 8:00 a.m. to 10:00 p.m. at the Cumberland Fair Grounds.

Mike Timmons of the Cumberland Farmer’s Club explained that this is a new event. It is a very well organized event, they have all the necessary insurance in place, and the references that he checked were all very good. There will be 2 shows that can seat up to 800 people.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to approve the Mass Gathering Permit application for the Zerbini Family Circus to be held on July 27, 2018 from 8:00 a.m. to 10:00 p.m. at the Cumberland Fair Grounds.

VOTE: 7-0

UNANIMOUS

18 – 037 To hold a Public Hearing to consider and act on amendments to Chapter 30 (Boards and Commissions) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that the Council met in workshop earlier to review the many ordinance amendments being considered this evening. This one adds language that will allow the Chair of the two sub-committees of the Lands and Conservation Commission (LCC) to be active, voting members of the LCC.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Turner, to amend Chapter 30 (Boards and Commissions) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-1 (Edes opposed) MOTION PASSES

18 – 038 To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Ordinance Committee.

Mike Schwindt, Vice-Chairman of the Coastal Waters Commission explained that some changes were made to clarify some of the definitions and language was added in regard to moorings.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to amend Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0

UNANIMOUS

18 – 039 To hold a Public Hearing to consider and act on amendments to Chapter 162 (Mass Gatherings) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that a few weeks ago, Councilor Stiles raised concerns about the abundance of public safety personnel at the Cumberland Fair and the Farmer's Club being billed large amounts for excessive coverage. The language was amended in order to give the authority for determining the number of police officers needed at any large event to the Police Chief.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Copp, to amend Chapter 162 (Mass Gatherings) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

18 – 040 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that if major changes are to be made to a piece of property, depending on the size of the project, this ordinance has different levels of approval. It identifies square footage of land being effected or the quantity of earth being moved. It designates whether it needs major staff review or Planning Board site review. It does not apply to subdivisions.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

18 – 041 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 226 (Shoreland Zoning) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that these amendments to the Shoreland Zoning Ordinance have to do with bridges and who has authority over bridges. This clarifies that bridges, regardless of the zone they are located in, will come under the authority of the Code Enforcement Officer. All other structures in coastal waters or coastal wetlands will come under the authority of the Coastal Waters Commission.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 226 (Shoreland Zoning) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

18 – 042 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Mooring) of the Cumberland Code, as recommended by the Coastal Waters Commission.

Councilor Storey-King explained that this is the final piece in the clean-up of the Coastal Waters Ordinance and amending or adding mooring related fees

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to amend Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

18 – 043 To consider and act on a historical sign request on Town Landing Road.

Town Manager Shane explained that the sign below will be placed at the bottom of Town Landing Road. Descendants of the Felt family reached out to the Town and asked if a sign could be placed on Route 88, near Felt's Stream. Since the sign that the Coastal Waters Commission developed already listed a reference to George Felt, the family asked if the sign could be modified. We agreed that the sign could be modified to read "George Felt (1601 – 1693) one of Cumberland's first settlers, pioneer and trader with native people, built a sawmill on Felt's Stream".

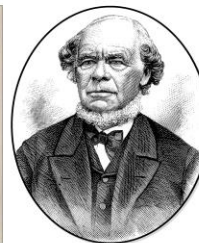
Points in the History of Cumberland, Maine

History of Town Landing Road

Cumberland, a seaside community, has relied on the ocean for food, natural resources, transportation and recreation since the town's earliest settlers arrived in the area in 1640. In the ensuing 375 years, the land around Town Landing Road has connected the community with the sea. Many shipmasters (captains) and mariners lived in nearby homes. Some were in command of "Cape Horners," while others commanded regional trading vessels. Many Cumberland residents continue to make their living on and from the sea today.



The 345 - ton clipper bark
Grapeshot built in
Cumberland in 1853

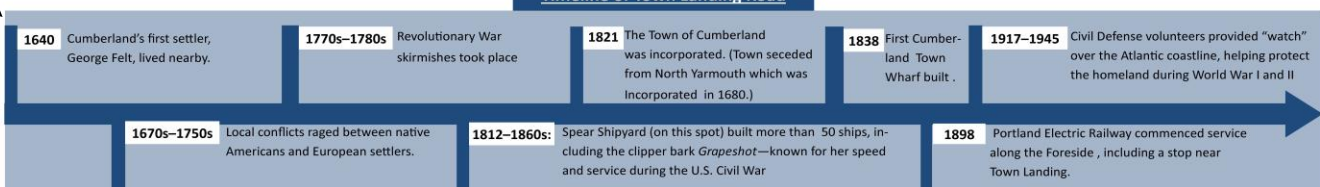


One of Cumberland's
noted ship captains,
Reuben Blanchard,
circa 1880.

From this Landing...

- Fishermen have gone to sea to earn their livelihoods;
- Ships built in Cumberland have been launched into the waves, many of them at the Spear's Shipyard adjacent to this location;
- Agricultural, forest, ocean, and manufactured products from Maine have been loaded onto great ships destined for ports throughout the world;
- Clammers have worked on the mudflats to harvest our prized shellfish;
- Small craft have headed out for a day on the water;
- Swimmers, hikers, and artists have enjoyed the beauty of the coast

Timeline of Town Landing Road



Motion by Councilor Gruber, seconded by Councilor Storey-King, to accept the new wording for the historical sign request at the end of Town Landing Road, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – None

Councilor Gruber – The Town Council had their final budget workshop last Saturday. He appreciates all the hard work of Town staff and the Town Council. We have a good budget process and he feels comfortable that we are presenting a good budget.

Councilor Storey-King – In regard to the purchase of land in the Rines Forest and Mrs. Wright's comments, she had a conversation with her uncle, Robert Storey, about this. His thoughts are if the Town does not buy it and it is developed, it will be more expensive to the Town if 10 houses are built there, with 2 students each at \$19,000 per student cost. He encouraged her not to have a narrow view on this.

She met with a resident of Village Green who is concerned about the Town Garage and the salt shed. That neighborhood will likely request a meeting or workshop with the Town Council in May to voice their concerns.

In mid-May, people may want to consider finding an alternative route instead of traveling on Middle Road as construction will begin again.

Councilor Copp – He passed along a two donations to the 4-H auction to Councilor Stiles that he received from a couple of very generous senior residents.

Chairman Edes – None

Councilor Stiles – He thanked everyone who donated to the 4-H auction fund for the Food Pantry. Councilor Copp donated himself and passed along donations from Bill Thurston and Dean Dakin. Councilor Copp has been very helpful in collecting donations for this worthy cause. If just 1,000 residents of Cumberland and North Yarmouth donate \$10.00, he will reach his goal of \$10,000.

The Public Hearing on the FY'19 budget will be on April 9th.

Councilor Turner – He thanked Mrs. Wright for her comments during public discussion regarding the dogs on Town land. It is frustrating when people know their dogs should be on a leash but they allow them to run free.

Town Manager Shane – At the last Coastal Waters Commission meeting, it was requested that the Town Manager seek authorization from the Town Council to obtain a separate bid proposal for the demolition and removal of the existing pier at Broad Cove Reserve. The thought process was if contractors are working in the area, they could bid on our demolition project while their barge and equipment are already close by.

The Council agreed to seek the bids for demolition of the existing pier at Broad Cove Reserve.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 7:58 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary