

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

Monday, June 5, 2023

6:00 Workshop re: Traffic in Val Halla Neighborhood

7:00 P.M. Call to Order

Present: Councilors Edes, Filson, Foster, Segrist, Storey-King and Vail

Excused: Councilor Copp

Chairman Foster said that this is her last meeting as Chairman and serving on the Town Council. With this being the end of her term, she strongly encouraged others to consider serving the community on the Town Council. This has been one of the most rewarding experiences for her. Her fellow Town Councilors are amazing. We don't always agree politically, we come from different backgrounds and different experiences that led us to Cumberland, but she always feels respected and heard by the other Town Councilors. She thanked those who voted for her and for being kind and patient during her 3-year term. Thank you to her fellow Councilors for teaching her and thank you to the Town Manager and Brenda. This has been a wonderful experience and she will always treasure it.

I. APPROVAL OF MINUTES

Motion by Councilor Segrist, seconded by Councilor Vail, to accept the May 22, 2023 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

We had a workshop with the Hedgerow Drive neighborhood earlier this evening regarding traffic and vehicles speeding in the neighborhood. He will be presenting some ideas that came out of the workshop to the Town Council in a month or so.

One of his favorite days of the year in Cumberland is Memorial Day. The parade, the thousands of people who show up and participate in all festivities is amazing. He reminded everyone that every 5 years or so, we add new names to the Veteran's monument. If there is a Veteran with ties to Cumberland who isn't currently on the monument, please contact Town Hall to fill out the form.

III. PUBLIC DISCUSSION

John Paynter of 445 Greely Road Extension said that the Council should consider some other intersections in Town that are very dangerous, not just the Blanchard/Skillin Road intersection. The intersections at Tuttle and Middle Road and Greely Road Extension and Route 9 (Main Street) are also dangerous.

Mr. Paynter thanked Chairman Foster for her service.

IV. LEGISLATION AND POLICY

23 – 057 To hold a Public Hearing to consider and act on the recommendation of Gorrill Palmer Engineers re: the intersection of Blanchard and Skillin Roads.

Chairman Foster reminded everyone that at our last meeting we heard a presentation and the recommendation from the traffic engineer. We have had a study of this intersection done 3 times and the engineer's recommendation each time has been to keep the stop sign on Skillin Road and remove the stop sign coming from Blanchard Road Extension, making it a one stop sign intersection instead of a two.

Chairman Foster opened the Public Hearing.

John Paynter of 445 Greely Road Extension said that he is advocating for the engineer's recommendation of a single stop sign on Skillin Road. If we create a T intersection the through road on the T (Blanchard Road) has the same street name going through.

Linda Powell of 304 Blanchard Road said that she remembers the previous recommendation from the engineering firm, and it didn't make sense to her then and it doesn't make sense to her now. Many, many houses have been built on Blanchard Road Extension and there is a lot more traffic. The speed of traffic is incredible. It is very difficult to pull out of her driveway on what used to be considered a rural road. Without the stop sign there, her fear is that they will just continue to fly through the intersection while speeding down Blanchard Road. She doesn't understand what is to be gained by taking the stop sign away, but she knows what could be lost. She hopes that the Council will consider the safety of the people who live there.

Brenda Sherwin of 292 Blanchard Road said that she lives right at this intersection, and she sees traffic every day and it is too fast. Almost everyone rolls through that stop sign. She thinks that it would be dangerous to remove the stop sign. This is not a normal T intersection. Yes, the road is a continuation of Blanchard, but the traffic flow is around the corner to Skillin. There will be more accidents if that stop sign is removed. There has been 1 accident over the past 3 years at that intersection. Keep it the way it is.

Chris Neagle of 76 Orchard Road said that he has been advocating for this for 7 years. There are many similar intersections where there is no stop sign. This is the only intersection of its type. His summary of the traffic engineers report is that they found no reasonable explanation for the stop sign, and they identified 2 distinct kinds of accidents that could occur and eventually will occur, which is when people driving northbound come up to the left turn and they don't know that there is a stop sign, so they hesitate and the car behind them hits them. They also described the accident that could happen when someone is stopped at the stop sign, and they don't know that the people coming in the opposite direction don't have to stop. These are identified accidents that could occur because of the design. Another important point is that the Town has liability, and the Town has heard the recommendation of the engineer. If the Town ignores that recommendation and an accident occurs the Town could be sued for a lot of money. For those who think if it isn't broken, don't fix it, you are exposing the Town to considerable liability. There are 4 negative impacts of stop signs that he has identified:

- 1) They burn gasoline.
- 2) Gas costs a lot of money.
- 3) Wear and tear on engines, brakes, and transmissions.
- 4) The traffic report says that every time he goes through that stop sign, he loses 5 seconds of his life. He calculated that he has been sitting at that stop sign for 14 hours since he moved into his house 16 years ago.

Regarding the "if it ain't broke, don't fix it" argument, it is a safe intersection, but it's broken. The engineers said the stop sign will cause accidents and it would be safer without the stop sign.

John Paynter of 445 Greely Road Extension said that a possible compromise would be a three-way stop. For safety and speed control, the three-way stop might be the best option.

Bruce Sherwin of 292 Blanchard Road submitted the following comments via email:

1 – Gorrill-Palmer Engineers stated that vehicles stopping and starting to tend to cause more accidents than free flowing traffic does.

I believe this statement actually makes the case for keeping the stop sign in place. There will be many, many vehicles travelling north and stopping on Blanchard to wait for traffic travelling south on Blanchard to turn left onto Skillin if the right of way becomes Blanchard Road with no stop sign.

The stopping to turn left with no stop sign is significantly more problematic than the current in place stop sign on Blanchard, which causes no need to stop to turn left. Also, there frequently can be multiple vehicles (6 or 8 at times) turning left onto Skillin. If they each have to wait to avoid oncoming Blanchard Road traffic, there will probably be significant wait time for backed up vehicles. This very well could result in a need to build another lane at the intersection to enable impatient drivers to continue straight on Blanchard with no impediment. This, in turn, could cause problems for stopped vehicles trying to turn left from Skillin to go north on Blanchard Road. I strongly believe the current setup with the stop sign is much safer than removing it.

2 – Gorrill-Palmer Engineers stated that the current set up causes “driver indecision” because it is not treated as a normal conforming “T intersection”.

I do not agree with their assumption in this case either. The intersection is well signed to influence all drivers in their decision making upon approach. The current stop signs and left turning right angle curve sign when approaching driving north are well positioned and make decision making by drivers relatively easy. The signs make the right of way decisions for them. With so much turning left and crossing traffic involved I feel that there will be significantly more decision-making problems without the stop sign. For example, if the stop sign is removed, as a line of vehicles wanting to turn left backs up and bad decisions start to be made by stressed drivers, more problems are bound to result. This scenario reminds me of another problem intersection getting attention at the other end of Skillin Road, where a roundabout is under consideration. Why fix problems at one end and cause them at the other end.

3 – The Town Council is actively working on developing commercially the Route 100 corridor. And the Town Council is also working on an affordable housing development on Blackstrap Road of ninety plus residences. Both activities will result in even more, possibly quite substantially more, left turning, lane crossing traffic at the Blanchard-Skillin Roads intersection. It makes little sense to change it with active development goals beyond the intersection in the opposite direction from the center of town and beyond.

4 – My family has lived at the corner of Blanchard and Skillin since October 16, 1981 – coming up on forty-two years - and have seen very, very few accidents or problems. The signs and configuration have been as it is today all of that time. It was decided long ago to install that stop sign for good reason. I believe their reasoning then holds true even more in today's fast paced, “speedy” environment.

*5 – I have always found the following theory to be true, which I also stated to the Town Council the last time this stop sign issue arose. **It is always better to plan and act for safety than to react to tragedy.***

6 – Just to be very, very clear, I believe it would be a colossal mistake to remove the stop sign on Blanchard Road. It makes no sense when looking at the past performance, or when looking at the future of West Cumberland.

Leah Marshall submitted the following comments via email: My name is Leah Marshall. I live at 291 Blanchard Road with my two children. In the Gorrill Palmer report, our home is noted as the “residential driveway”. I have one child who has her driver's permit and another who will get his next year, and the safety at this intersection is extremely important to me.

As I will not have the opportunity to speak in person at tomorrow's Town Council meeting, I would like to take the opportunity to give our experience with and perspective of the intersection of Blanchard and Skillin Roads over the last 6 and 1/2 years.

The Gorrill Palmer report recommends removing the southbound Blanchard Road stop sign at this intersection. While I believe this is the most logical answer, whether or not the stop sign is removed is less important than speed and unsafe driving.

Our experience has been that the stop sign creates both confusion, especially for those not familiar with the intersection, and an unsafe situation. Many drivers coming southbound do not observe the stop sign and, after looking straight and right, accelerate through the intersection. Drivers driving northbound also tend to accelerate through this intersection, whether continuing straight on Blanchard Road or taking a left on Skillin Road. This has become increasingly more common over the last several years.

While the Gorrill Palmer report notes only one crash over the last three years, I can assure you there have been many that have almost occurred because of unsafe driving. After having nearly been hit several times when leaving our driveway, I no longer assume drivers will be observing either stop sign or the speed limit.

I suspect the young man tasked with observing this intersection did not see much of this behavior from drivers, as a car parked on the side of the road likely created a pause for those drivers who generally disregard the stop sign and speed limit.

Lastly, since living here I do not recall seeing either a radar speed sign or a parked police car at this intersection. I have seen these from lower Blanchard Road to the Fairgrounds, and on Skillin Road. I invite law enforcement again anytime day or night to use our driveway to observe the intersection. This would be welcomed.

Thank you for the opportunity to share.

Chairman Foster closed the Public Hearing.

Councilor Segrist said that he will likely be supporting the engineer's recommendation for two reasons. First, he has always found it to be a very awkward intersection when he is taking a left onto Skillin Road. Second, he is also very concerned about the liability issue that Mr. Neagle mentioned. The Maine Tort Claims Act limits a Town's liability to \$400,000 *unless* the acts of the Town were negligent. His concern is that at some point there will be a serious accident there and it being brought up in a court of law that not only did we know about this issue but disregarded the engineer's recommendation twice. As a result, our \$400,000 liability cap under the Maine Tort Claims Act would be waived and we would be subject to all the liability.

Councilor Edes said that he will be voting against this. There are thousands of cars going through this intersection and there have been no accidents. Removing the stop sign is a disaster waiting to happen.

Councilor Filson said that data backed decision making is paramount for her. We've had some great feedback from the community and a lot of the anecdotal information provides valuable context for the Town Council. We tasked Gorrill Palmer Engineers to report on the intersection to ensure that we're mitigating our biases and the subjective interpretations that can cloud our judgement. She will be voting to remove the stop sign at Orchard Road, which reflects the engineer's recommendation.

Councilor Vail said that the obvious solution for him is to remove the stop sign at Skillin Road and put the curve back in the road because our traffic volume is going to increase down that road. It makes sense to him to facilitate not stopping traffic and create that flow of traffic. He is going to stick to the status quo in spite of the recommendation of the engineer and the legalese.

Chairman Foster said that she has driven through that intersection countless times and she gets the “don’t fix what’s not broken” argument. She wanted to do the traffic study again to see if the traffic counts had changed and she is glad we did it because the counts are higher, but it’s the same traffic patterns and it’s still at a level that doesn’t warrant a 3-stop sign intersection.

Councilor Storey-King said that she is concerned about speeding and speeding increasing in the other direction. Unless we promise to enforce the speed limit and keep the traffic slow, she will err on the side of caution vote to keep the stop sign.

Motion by Councilor Segrist, seconded by Council Filson, to approve the engineer’s recommendation to stop only the Skillin Road traffic and remove the stop-sign at the northwest corner of the intersection along Blanchard Road.
VOTE: 3-3 (Edes, Storey-King & Vail opposed) MOTION FAILS

23 – 058 To review the results of the Rental Housing Supply and Demand Analysis prepared by LDS Consulting Group, LLC.

Chairman Foster presented the following:



KEY TERMS

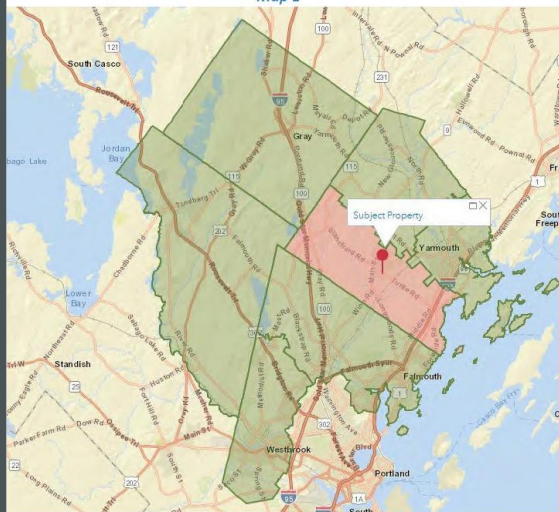
- Annual Median Income = AMI
- Department of Housing & Urban Development (HUD): Administers programs that provide housing and community development assistance. The Department also works to ensure fair and equal housing opportunity for all.
- American Community Survey (ACS): nationwide survey designed to provide communities with a fresh look at how they are changing by collecting population & housing information every year instead of every 10 years
- Ribbon Demographics: Household income data source relying on US Census ACS data as its foundation to estimate 2023 and projects to 2028
- Study Area: Includes Cumberland and 5 surrounding communities of Falmouth, Gray, North Yarmouth, Windham, Yarmouth and Westbrook
- Market Developments: Cumberland Foreside Village (Cumberland), Cumberland Woods (Westbrook), Residences at Crosstree (Freeport), Sweetser Village (Yarmouth), Yarmouth Green (Yarmouth) and Yarmouth Landing (Yarmouth)
- Affordable Senior Developments: Cumberland Meadows (Cumberland), Village Green (Cumberland), Dr. Berry Apartments (Westbrook), Millbrook Estates (Westbrook), Lewis H. Emery Apartments (Westbrook), Presumpscot Commons (Westbrook), Spring Crossing (Westbrook) and Bartlett Woods (Yarmouth)
- Affordable Family Developments: Clearwater Bend (Westbrook), Golder Commons (Westbrook), Hyacinth Place (Westbrook), Steeple Square (Westbrook) and Westbrook Pointe (Westbrook)
- Capture Rate = % of available demand served by supply of various property counts

SUBJECT LOCATION

(RED OUTLINE IS APPROXIMATE BOUNDARY)



STUDY AREA



DEMOGRAPHIC & ECONOMIC SUMMARY

	CUMBERLAND		MAINE	
Population & Household Totals	2010	2022	2010	2022
Total Population	7,221	8,531	1,328,361	1,370,382
Total Households	2,709	3,267	557,219	587,939
Population & Household Growth (2010-2022)	#	%	#	%
Population Growth	1,310	18.1%	42,021	3.2%
Household Growth	558	20.6%	30,720	5.5%
Tenure Characteristics (2010-2019 ACS)	#	%	#	%
Owner Occupied Households	2,464	83.5%	419,024	73.4%
Renter Occupied Households	485	16.5%	152,040	26.6%
Rent Burdened Households (>30% Monthly Income)	107	22.0%	35,675	23.5%
Severely Rent Burdened Households (>50% Monthly Income)	93	19.1%	27,889	18.3%
Economic Characteristics				
Median Household Income (ESRI 2022)	\$138,415		\$63,833	
Median Home Sales Price	\$714,000		\$460,200 (Portland MSA)	

HOUSING & URBAN DEVELOPMENT (HUD) INCOME TABLE

2023 Portland HMFA HUD Income Limits						
Annual Median Income (AMI)	1-Person	2-Person	3-Person	4-Person	5-Person	6-Person
30% AMI	\$24,850	\$28,400	\$31,950	\$35,500	\$38,350	\$41,200
40% AMI	\$33,160	\$37,880	\$42,600	\$47,320	\$51,120	\$54,920
50% AMI	\$41,450	\$47,350	\$53,250	\$59,150	\$63,900	\$68,650
60% AMI	\$49,740	\$56,820	\$63,900	\$70,980	\$76,680	\$82,380
80% AMI	\$66,250	\$75,700	\$85,150	\$94,600	\$102,200	\$109,750
100% AMI	\$82,900	\$94,700	\$106,500	\$118,300	\$127,800	\$137,300
110% AMI	\$91,190	\$104,170	\$117,150	\$130,130	\$140,580	\$151,030
120% AMI	\$99,480	\$113,640	\$127,800	\$141,960	\$153,360	\$164,760

8.9% or 264 Cumberland households earn below \$40,000 Annually (ACS, 20172021)

48.4% or 1,426 Cumberland households earn more than \$40,000 but less than \$150,000 Annually (ACS, 20172021)

RENTAL RATE COMPARISON

Monthly Rental Rates			
	1 Bedroom	2 Bedroom	3 Bedroom
Low Market Rent at Market Dvlpmnts	\$1,710	\$2,058	\$3,300
High Market Rent at Market Dvlpmnts	\$2,194	\$2,723	\$3,300
Avg Market Rent at Market Dvlpmnts	\$1,909	\$2,496	\$3,300
Max Rent at AMI Portland ME HUD Area Levels			
30% AMI	\$628	\$754	\$871
50% AMI	\$1,047	\$1,257	\$1,452
60% AMI	\$1,257	\$1,509	\$1,743
80%	\$1,676	\$2,012	\$2,324
100% AMI	\$1,955	\$2,235	\$2,515

RENT VS OWNERSHIP

Monthly Rental Rates			
	2 Bedroom	3 Bedroom	
Average Market Rent at Market Developments	\$2,496	\$3,300	
Max Rent at AMI Portland ME HUD Area Levels			
30% AMI	\$754	\$871	
60% AMI	\$1,509	\$1,743	
100% AMI	\$2,235	\$2,515	
Home Purchase Scenarios			
Purchase Price	Down Payment	~Monthly Mortgage* Payment at ~8% APR	~Monthly Mortgage* Payment at ~5% APR
\$700,000	\$140,000	\$4,100	\$3,000
\$560,000	\$112,000	\$3,300	\$2,400
\$400,000	\$80,000	\$2,350	\$1,700

*Does not include Property Taxes, Home Insurance or Fees

QUALIFICATION & CAPTURE TABLES

Study Area: 40%60% AMI Renter Capture Analysis FAMILY

	2023	2028
Qualified HH	1,099	1,026
Competitive Units	332	332
Qualified Less Competition	767	694
Max Capture Rate	10%	10%
~ Max Subject Rental Units	77	70

Study Area: 40%60% AMI Renter Capture Analysis SENIOR

	2023	2028
Qualified HH	2,214	2,090
Competitive Units	365	592
Qualified Less Competition	1,849	1,498
Max Capture Rate	10%	10%
~ Max Subject Rental Units	185	150

Cumberland: 40%60% AMI Renter Capture Analysis FAMILY

	2023	2028
Qualified HH	60	72
Competitive Units	0	0
Qualified Less Competition	60	72
Max Capture Rate	10%	10%
~ Max Subject Rental Units	6	7

Cumberland: 40%60% AMI Renter Capture Analysis SENIOR

	2023	2028
Qualified HH	149	143
Competitive Units	68	123
Qualified Less Competition	81	20
Max Capture Rate	10%	10%
~ Max Subject Rental Units	8	2

QUALIFICATION & CAPTURE TABLES

Study Area: 80%120% AMI Renter Capture Analysis FAMILY

	2023	2028
Qualified HH	1,035	1,061
Competitive Units	0	0
Qualified Less Competition	1,035	1,061
Max Capture Rate	5%	5%
~ Max Subject Rental Units	51	53

Study Area: 80%120% AMI Renter Capture Analysis SENIOR

	2023	2028
Qualified HH	3,421	3,478
Competitive Units	0	0
Qualified Less Competition	3,421	3,478
Max Capture Rate	5%	5%
~ Max Subject Rental Units	171	174

Cumberland: 80%120% AMI Renter Capture Analysis FAMILY

	2023	2028
Qualified HH	127	144
Competitive Units	0	0
Qualified Less Competition	127	144
Max Capture Rate	5%	5%
~ Max Subject Rental Units	6	7

Cumberland: 80%120% AMI Renter Capture Analysis SENIOR

	2023	2028
Qualified HH	372	334
Competitive Units	0	0
Qualified Less Competition	372	334
Max Capture Rate	5%	5%
~ Max Subject Rental Units	18	17

SUMMARY

- There is sufficient need in the Town of Cumberland to support the construction of Affordable Housing
- Need in the Town of Cumberland is at or around the 30% AMI thresholds and the ~~30%~~ 40% AMI thresholds
- Need is more significant for affordable family housing but a need does exist for age restricted housing as well

After some discussion among the Council members, it was decided that a workshop with the company that prepared the study would be the next step.

23 – 059 To hold a Public Hearing to consider and act on a liquor license application for Rise Pizza & Pub.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Segrist, to approve the liquor license application for Rise Pizza & Pub.

VOTE: 6-0 UNANIMOUS

23 – 060 To hold a Public Hearing to consider and act on a liquor license renewal for Rachel's on the Green.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Segrist, to approve the liquor license renewal for Rachel's on the Green.

VOTE: 6-0 UNANIMOUS

23 – 061 To hold a Public Hearing to consider and act on a liquor license renewal for RC Corporation d/b/a Cumberland House of Pizza.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Segrist, to approve the liquor license renewal for RC Corporation d/b/a Cumberland House of Pizza.

VOTE: 6-0 UNANIMOUS

23 – 062 To hold a Public Hearing to consider proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter.

Chairman Foster explained that when the Charter language was created, Juneteenth was not a recognized holiday. The way the June election falls, the Council would meet on Juneteenth, which is a holiday for the Town. This amended language would allow flexibility to meet on an alternate date when needed. The action this evening would be to put this Charter amendment on the November ballot.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Segrist, to approve the proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter, and

Be it Ordered that the proposed amendment to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter as presented at this meeting be placed on the ballot for the November 7, 2023 election and that the proposed amendment be printed in its entirety on the ballot. The proposed amendment shall be effective November 8, 2023.

VOTE: 6-0 UNANIMOUS

23 – 063 To consider and act on amendments to Chapter 242 (Stormwater Management) of the Cumberland Code.

Town Manager Shane explained that this is strictly housekeeping. We have a 5-year permit with the EPA and the Maine DEP for our stormwater management. This is to clean up the language and staff is recommending approval.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Segrist, seconded by Councilor Storey-King, to amend Chapter 242 (Stormwater Management) of the Cumberland Code.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Storey-King – she attended the Greater Portland Council of Governments summit, and the speaker was Kevin Bunker from the Developers Collaborative. He was an amazing speaker who had a lot of projects in his repertoire. He has 16 affordable housing projects going right now as well as housing for asylum seekers. He's someone that we might want to talk to at some point.

She said that it has been a pleasure working with Councilor Foster.

Councilor Edes – when Chairman Foster was elected to the Town Council, he didn't know her and didn't know what to expect. His admiration for her now is second to none. She takes the time to talk to people. They haven't always agreed on everything, but she has shown true leadership that he will never forget. It has been a true honor to work with her.

Councilor Segrist – he wants to take a moment to recognize Chairman Foster and her accomplishments on the Town Council, and how much she will be sorely missed. On a personal note, she is one of the reasons that he is on the Town Council. Allison has done a great job of bringing everyone together and making sure that everyone feels heard, regardless of the issue or how the vote plays out. Her work on "Smashing the Stigma" and bringing awareness to mental health issues in our community has been paramount. Her diligent and thoughtful work on the Town survey, where over 5,000 people responded, really helped shine a light on our community and how it has changed. She also has an unbelievably quick grasp on anything Excel or finance related. She has focused a lot of her effort on communication and outreach to our community, which has made everyone feel included. This falls very much in line with the equity and inclusion training that she spearheaded for the Town. On behalf of himself, the Town Council, and Town staff, thank you for serving your community and for being such a thoughtful, kind, and considerate leader, and thank you for allowing him to serve as her vice-chair.

Councilor Vail – he thanked Chairman Foster for her service.

Councilor Filson – she first sat down with Chairman Foster about 2 years ago when she was thinking about running for Town Council. From the beginning Allison helped her believe in herself and has always been so thoughtful in her encouragement and support along the way. Thank you for everything!

Town Manager Shane – thank you Chairman Foster for being an amazing leader from the entire Town staff.

VI. ADJOURNMENT

Motion by Councilor Vail, seconded by Councilor Segrist, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 9:14 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary