

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, FEBRUARY 14, 2011**

**6:00 P.M. Workshop** with Nathan Bateman of Bateman Partners, LLC re: Contract Zone Agreement for Phase I of the Doane Property Revitalization Project.

## **7:00 p.m. Call to Order**

**Present:** Chairman Storey-King, Councilors Stiles, Perfetti, Copp, and Turner

**Excused:** Councilors Moriarty and Porter

## **I. APPROVAL OF MINUTES**

January 24, 2011

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the minutes as presented.

VOTE: 5-0

UNANIMIOUS PASSAGE

## **II. MANAGER'S REPORT**

The Manager had a meeting with the Town of Falmouth and Portland Water District regarding our sewer contract with Falmouth, which is one month away from being 30 years old. The contract was reviewed and very little needs to be changed. It was discovered that the wet weather flow is 4-5 times the amount of flow going through the Falmouth pump stations than during a dry weather period. This is typically indicative of inflow (from sump pumps or an injection into the sewer system) and infiltration (leaky sewer pipes or manhole covers). Discussions will continue over the coming months and inspections will be done at the high flow locations.

Public Works is doing an outstanding job keeping up with plowing. We are at our allotment for salt for the year and overtime budget is looking good.

## **III. PUBLIC DISCUSSION**

None

## **IV. LEGISLATION AND POLICY**

### **11 – 017 To hear a report from Bateman Partners, LLC and to forward to the Planning Board for Public Hearing and recommendation, a Contract Zone Agreement for Phase I of the Doane Property Revitalization Project.**

Town Manager Shane explained that Phase I consists of 59 homes on what was formally known as the Doane Property with access from Wyman Way through to Drowne Road. The draft Contract Zone Agreement for Phase I consists of zoning changes to allow the project to move forward. The Council action this evening is to send the draft agreement to the Planning Board for a Public Hearing and public discussion. The Planning Board will hold its Public Hearing in March and send its recommendation back to the Council for any modifications or changes. Nathan Bateman of Bateman Partners, LLC is here this evening to answer any questions.

Public Discussion:

Bob Vail, Wild Way, asked if there is anything in the contract that ties Phases II & III to Phase I.

Town Manager Shane explained that will be a Council decision. At this point, the developer is bringing Phase I forward and presenting the master plan to the Planning Board, which shows the full build out. It will be going through DEP review for all the issues related to subdivision review.

Mr. Vail pointed out that there appears to be no mechanism to hold the developer to anything further than Phase I.

Chairman Storey-King said that is correct, however that has been discussed and the developer is more than eager to move forward with Phases II & III. Actually, it is the Town that is more reluctant on Phase II specifically.

Mr. Vail said that the presentation this evening does not offer anything to the community. They are offering 59 additional housing units to the Town without anything else. If you look at demographics, there are no birthrate numbers Statewide to support additional housing. Mr. Vail urged the Council to take some time to insert a mechanism into the contract to assure that all three phases have to be completed by the developer.

Councilor Perfetti said that he shares concern for “the lack of Phase II & III”. It is important for the community to understand that this property is something that the Council felt strongly about putting back on the tax rolls. Currently, no taxes are collected on this property and we have the opportunity to collect the taxes that 59 homes would produce.

Dave Swan, Hillcrest Drive, is opposed to Phase II. It’s nice to think that these homes will all be built and sold, but we all know that has not occurred lately. To merely transfer the property just to increase tax revenue does not make sense to him because of the types of homes that are to be built. The proposed homes will be 3 bedroom homes with two children in each home. Each child in the school system costs approximately \$8,000 – \$10,000 to educate. We can’t put 100 children into the school system and think it’s not going to cost money to educate them. To generate tax revenue is not a good reason to sell the property because, in his opinion, the Town will not make any money.

Chairman Storey-King asked Mr. Bateman to explain his marketing strategy and the timeline in building out and selling the units at Tidewater.

Mr. Bateman explained that they began the project at Tidewater in 2001, they were fully permitted in 2005, and are completely sold out from a developer’s standpoint. In regard to marketing this program, they have one real estate broker to market the development, they bring in 3-4 builders who can purchase lots to sell as packages, and a model unit will be completed within 4 months of the beginning of construction. They will be selling 3 lots to each builder and the builder will be required to put one spec house up. From that point forward, they continue to build homes, have activities, and market their product. The average price of the homes will be within the price range that 90% of the home sold within the last 4 years in this area.

Councilor Perfetti asked what the Town’s debt schedule is as far as something coming off it.

Town Manager Shane explained that every year we see a slight reduction and every 5 years we see a chunk of debt that comes off.

Councilor Perfetti explained that over time, items will come off the debt schedule and that allows the Town to do other things. He feels that growth can be very healthy for the community.

Ken Hartwell, Wyman Way, asked if Wyman Way would no longer be a private road.

Town Manager Shane said that is correct. The road would have to be reconstructed to meet Town road standards. This would likely occur early in Phase I.

Councilor Copp asked Mr. Bateman to speak about the timeline of each phase of the project.

Mr. Bateman responded that they will be ready to go by June. The Wyman Way entrance will be completed and paved as quickly as possible. There is a 3-5 year build out for the 59 housing units. Assuming that the referendum goes through in June, they will be willing to start construction on the school facility as soon as September. That would be approximately a 10 month construction to occupancy timeline. Phase II can move forward as soon as an approval from the Town. There is a substantial waiting list for future homeowners.

Councilor Stiles reminded everyone that all that is being done this evening is forwarding a Contract Zone Agreement to the Planning Board. It was determined that the reason the Contract Zone Agreement is necessary, is to simply relax some of the standards to make this project work. All the Council has concentrated on to date is Phase I. Bateman Partners has a lot of time and effort in the project and are not going anywhere before Phase II and III are completed. This project makes this piece of property useful to the Town and puts it on the tax rolls. Given the Bateman's track record, this project will likely be very successful.

Councilor Turner said that the Bateman's success at Tidewater translates here very nicely if we look at the present economic situation in the same light. There is a substantial amount of risk involved with this project and Bateman Partners are taking the brunt of that risk.

Councilor Perfetti summarized the details of the Contract Zone Agreement: to allow more growth, to allow flexibility of impact fees, and what is done with those impact fees.

Town Manager Shane explained that the majority of changes in this contract are allowed now with our current zoning. There is only some tweaking with the zoning because of the density and to allow for more open space with this project.

Motion by Councilor Stiles, seconded by Councilor Turner, to forward a Contract Zone Agreement for Phase I of the Village Green Revitalization Master Plan to the Planning Board for a Public Hearing and recommendation.

VOTE: 5-0

UNANIMOUS PASSAGE

**11 – 018 To hold a Public Hearing to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Val Halla Golf Course, for the period of February 2011 – February 2012.**

Town Manager Shane said that the paperwork is in order and staff recommends approval.

Public Discussion: None

Motion by Councilor Copp, seconded by Councilor Stiles, to approve the Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Val Halla Golf Course, for the period of February 2011 – February 2012.

VOTE: 5-0 UNANIMOUS PASSAGE

**11 – 019 To set May 2 – 6, 2011 as Bulky Waste Pickup week.**

Motion by Councilor Stiles, seconded by Councilor Turner, to set May 2 – 6, 2011 as Bulky Waste Pickup week.

VOTE: 5-0 UNANIMOUS PASSAGE

**11 – 020 To set a Public Hearing date (February 28<sup>th</sup>) to consider and act on a Mass Gathering Permit for a Boys Youth Lacrosse Jamboree to be held at Twin Brook on May 7, 2011.**

Town Manager Shane explained that the Town Clerk will be meeting with the applicants to discuss fees. This event went well last year. Town Clerk, Tammy O'Donnell will be present at the February 28<sup>th</sup> meeting to answer any questions.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of February 28<sup>th</sup> to consider and act on a Mass Gathering Permit for a Boys Youth Lacrosse Jamboree to be held at Twin Brook on May 7, 2011.

VOTE: 5-0 UNANIMOUS PASSAGE

**11 – 021 To set a Public Hearing date (February 28<sup>th</sup>) to consider and act on a Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook on June 4, 2011.**

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of February 28<sup>th</sup> to consider and act on a Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook on June 4, 2011.

VOTE: 5-0 UNANIMOUS PASSAGE

**V. NEW BUSINESS**

**Councilor Turner:** Extended a thank you to the Public Works crew for backing up the snow drifts at the end of Val Halla Road. He received a call from a resident concerned about the snow drifts. Councilor Turner called Town Manager Shane and the problem was taken care of an hour later. The Town Manager always makes himself available and the residents should appreciate this.

**Councilor Copp:** He received a request from an elderly gentleman on Island Avenue to have the snow banks pushed back because he cannot see over them in his vehicle.

Town Manager Shane said he will have it taken care of.

**Councilor Perfetti:** Referred to an interesting article in the Cumberland Historical Society's monthly newsletter that said that B&M Baked Beans were grown in Cumberland (10 tons/year).

**Chairman Storey-King:** There will be a workshop on February 28<sup>th</sup> to discuss the Village Center Committee work.

Wished a speedy recovery to Councilor Moriarty who had shoulder surgery.

Budget season is coming up. The Finance Committee is meeting Monday morning (February 21st)

There will be an Executive Session on February 28<sup>th</sup> to discuss the Town Manager's evaluation.

Good luck to all Greely teams. The winter sports teams are heading into their championship season.

**Councilor Stiles:** Thank you to the Public Works Department. They do a fantastic job.

**Town Manager Shane:**

Workshop on February 28<sup>th</sup> @ 6:00 p.m. report from the Village Center Committee

At the February 28<sup>th</sup> Town Council meeting, there will be discussions with the Ordinance Sub-Committee re: Water & Gravel Extraction recommendation. It is proposed to eliminate water extraction as a permitted use town wide, and to look at gravel extraction as a special exception.

## **VI. ADJOURNMENT**

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

VOTE: 5-0                      UNANIMOUS PASSAGE

TIME: 8:08 p.m.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary