

# MINUTES

Cumberland Special Town Council Meeting  
Town Council Chambers

**WEDNESDAY, October 8, 2014**

## 7:00 P.M. Call to Order

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

### I. MANAGER'S REPORT

He attended the gubernatorial debate this morning sponsored by the Chamber of Commerce. He had the pleasure to attending the debate with 8 Greely High School students.

He referred to letter from a resident thanking the members of the Fire/EMS and Police Departments who saved his life.

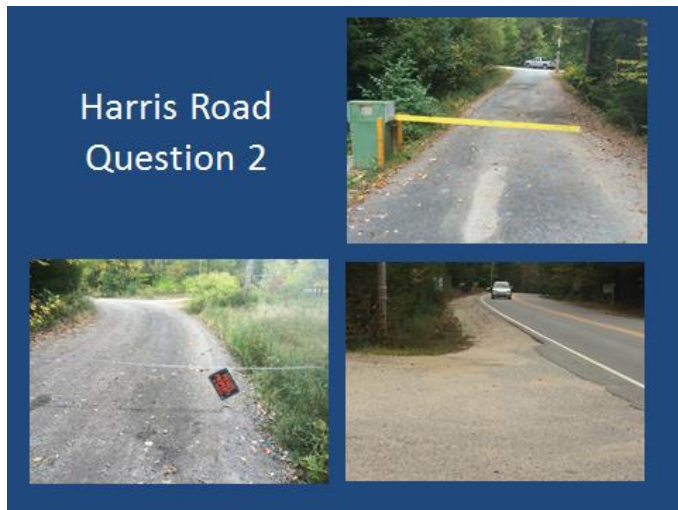
### II. PUBLIC DISCUSSION

None

### III. LEGISLATION AND POLICY

#### 14 – 163 To hear a report from the Town Manager and to accept public comment re: Harris Road Referendum.

Town Manager Shane presented the following presentation:



### Contract Zone

In February, Justin Fletcher requested the Town Council grant a Contract Zone for his property located at 3 Longwoods Road to allow him to divide the property and build two homes or two duplexes. In exchange, he would give the Town 1 acre of land so that a Town road could be built from Harris Road to Route 9 / Longwoods Road.

The current Zoning is RR 1 which requires 4 acres of land to build a home. The Contract Zone approved on July 14<sup>th</sup> allows for 1 duplex and 1 single family on a 4 Acre lot.

In exchange for the CZA, the Town will get 1 Acre of Land to build a Connector Road from RT 9/ Longwood Road to Harris Road.



## Question 2



"Do you support the following Town Council's action on July 14, 2014: Adoption of Ordinance approving Contract Zone amendment for property located at 3 Longwoods Road, Cumberland, Maine to create two lots and to convey to the Town of Cumberland a right-of way from Longwoods Road to Harris Road."

### What's in this Contract Zone?

Lot Regulations	Current RRI District	New Contract Zone
Lot Frontage	200 feet	200 feet
Front Setback	50 feet	50 feet
Rear Setback	75 feet	75 feet
Side Setback	30 feet; combined width at least 75 feet	15 feet; combined width at least 40 feet
Sheds	15 feet from side and rear	10 feet from side and rear and 100 feet from front
Driveways	15 feet from side and rear	10 feet from side
Minimum Lot Size	Four acres or two acres for lots served by sewer	.98 acres
Duplex/Multiplex	2.5 acres per dwelling unit or one acre per dwelling unit for lots served by sewer	.49 acres per dwelling

### Harris Road

- 75 properties along or on Harris Road
- Posted MDOT Speed limit of 35 mph
- Paving Scheduled for 2017- expected PCR 2.3-2.7 (fair low end)
- Longest Dead End Road in Town – 8,500' – 1.6 Miles Greely Rd Extension 1.5 miles or 7,800'
- **Extension through to Route 9 of Harris Road Dissolved** in Falmouth in the 1990's when paper streets were being turned back by Towns to abutting owners. ( Next Slide)

### What is a Contract Zone?

- A Contract Zone is simply a zone change.
- The Town Council assigns special conditions such as setback and density and asks the Planning Board for their recommendation.
- Both the Town Council and Planning Board unanimously agreed, the CZA was consistent with the Comp Plan, improved traffic flow and improved Public Safety.
- Comp Plan – 66% supported connecting major roads  
66% supported an interconnected network  
47% supported connecting Harris to Rt. 9

### Recent Contract Zone

- Main St** – 6 Units of Affordable Senior Housing
- Main St** – 4 units of 55 and Older Housing
- Rt One-** Commercial development – Home to SEAFAX, Exactitude and Pack Edge
- Main St-** AFR Credit Union
- Village Green-** 58 Units of Housing – Village Master Plan
- Morrison Hill & Castle Rock-** 34 units of Affordable Housing

### Contract Zone – The Big Issue

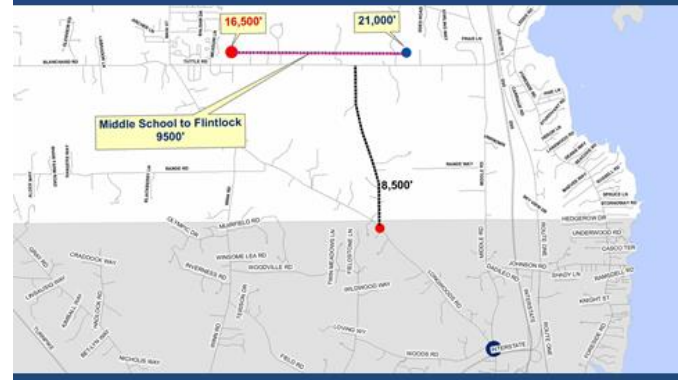


## Contract Zone – The Big Issue

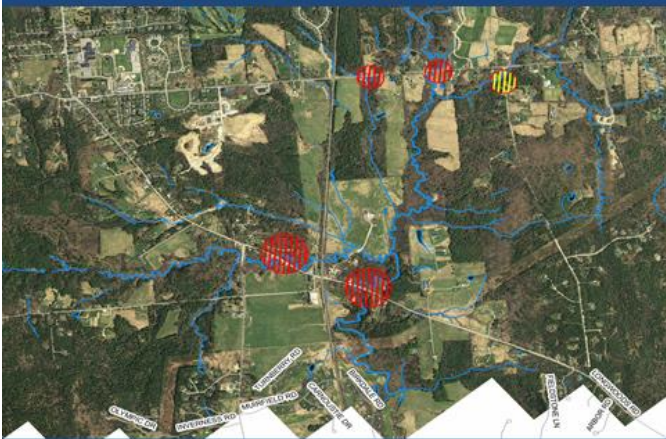


## Contract Zone – 118 Properties Flintlock to Middle School

**Labor Day Tournament – 17 Towns – 4 from the South**



## Flood Areas-August 2014



### Cost for Harris Road

Paving	\$ 26,000
Excavation & Gravel	\$ 40,000
Clean-up	\$ 5,000
Contingency -20%	\$ 13,500

**Total for Budget Purposes \$ 84,500**

Most likely will not be added but replace an existing project in \$890,000 Annual Road program

### If Added to Tax Rate:

**One Year Tax Impact \$00.068 per thousand**

\$100k = \$6.80      \$350k = \$ 23.80      \$ 500k = \$34

### Question 2 is about the CZA

- Speed bumps, future paving, signage, truck restrictions, speed limits, and other issues.....
- All are questions related to budget and policy not Question 2.
- I won't be asking for additional monies in FY 16 for the improvements, I will be requesting a reallocation and re-prioritization of our existing project list.
- What I've presented is a safe, reliable and interconnected road network that benefits the entire community.



**Town of Cumberland  
Tuesday, November 4, 2014  
7:00 AM to 8:00 PM**

### Question 2 – Municipal Ballot

**Absentee Voting Now Available  
Monday – Thursday  
8 AM - 5 PM**

14



Kris Lindsey of 286 Harris Road presented the following:

## Harris Road

Make an informed vote about a bad connection.



## Emergency Vehicle Access

- Emergency access exists via the access road
- During times of heavy flooding:
  - Use Middle Road, Route 1 or Route 88
  - Harris Road access road can be opened to detour

Tonight I'm speaking to elaborate on some of the reasons put forth by Mr. Shane and our Town Council to describe why approving the contract zone is in the best interest of Cumberland.

I think we can all agree that select statements don't always paint a complete picture.

I see many information gaps to be filled for Cumberland voters around this contract zone issue. Hopefully the information I'm about to provide will help ensure that informed votes can be cast on question #2.

One of the Town's positions is that Emergency vehicles need access to Route 9 via Harris Rd.

In Fact: Emergency vehicles can respond to emergencies via the Harris Road Access Road. This provision is written into the lease agreement between the Harris Road Access Road and Homeowners Association and the current land owner, Mr. Fletcher.

In fact there was a medical emergency last Saturday night on Rock Ridge Run whereby a first responder used the access road successfully.

Another issue raised by the town is Flooding. They say if route 9 or Tuttle Road flood over, emergency vehicles need another route to access lower Tuttle Rd. or lower Rt. 9.

In Fact: In addition to the emergency access just mentioned, 3 other roads, Middle Road, Rt. 1 and Rt. 88 already serve that purpose. Instead of spending town money to change the character of Harris Road to prepare for the BIG FLOOD that may never happen, fix the root cause of the flooding.

In a previous meeting, I believe Mr. Shane said money has been budgeted to address one of the problem areas. That's great! Let's continue to fix the actual problem.

## 2006 Public Survey

- 2,705 surveys were mailed
- 865 were returned (32%)
- Comprehensive Planning Committee utilized survey data to develop the town plan.

## Survey Finding

Q18B – Connecting existing main roads where possible 66%

30% strongly support  
+ 36% somewhat support  
= 66%

## Survey Finding

Q20C - Connection between Tuttle Rd. and Route 9 via Harris Road 47%

26% strongly support  
+ 21% somewhat support  
= 47%

## Consider Real Numbers

Surveys Mailed	2,705	100%
Surveys Returned	865	32%
“Strongly Support” Harris Road Connection	225	8%

Here’s something we’ve heard several times from the town during previous meetings: Connecting Harris Road to Route 9 is aligned with the comprehensive plan.

Here’s some background: The 2009 comprehensive plan was developed in large part using the findings of a community survey sent to residents in 2006.

- A total of 2,705 surveys were mailed
- 865 were returned (32%)

For comparison purposes: Our petition to overturn the town councils decision to approve the contract zone collected over 700 signatures. The town stopped counting at 612.

It’s true... When you consider some of the community survey findings individually, you would get the impression that making the Harris Road connection to route 9 would be positive for the town.

One question gauges the support of:

“Connecting existing main roads where possible.” 66%

Here’s the data behind this statement:

30% strongly support + 36% somewhat support = 66%

“Somewhat support” also means “I don’t fully support”. You could further interpret these findings to show that most feel making road connections should be considered on a case by case basis, as the impacts can be unique.

This is illustrated beautifully when the survey posed the question about Harris Road.

Question: Would you support or oppose a connection between Tuttle Road and Route 9 via Harris Road?

The comprehensive plan reported 47% being in favor of the connection (not majority)

Here's the data behind this statement:

(26% strongly support + 21% somewhat support = 47%)

Consider the real numbers here. Only 32% of all the surveys mailed were returned. Of this 32%, only 26% strongly support the Harris Road connection. This represents a mere 8% of all surveys initially sent. This support was without knowing the tax payer cost or any other concerns with this road.

Our petition alone gathered more than 700 signatures from residents who do not strongly support this contract zone to establish the Rt. 9 connection.

For those who feel that opening Harris Road will save gas and make for more efficient travel, it's worth mentioning that many of the people who live on lower Harris Road and middle Tuttle Road happily signed the petition to overturn approval of the contract zone. Because they would stand to benefit the most from the connection, their signatures validated how much Harris Road is truly valued for what it currently offers.

What can we conclude: Each road connection has its unique impacts – both positive and negative. The survey results speak for themselves regarding Harris Road. Approving the contract zone to connect route 9 to Harris Road is not aligned with the comprehensive plan – especially when safety is involved.

### Transportation Goals

1. **Manage and control** through traffic so as to **minimize adverse impacts and assure safety for residential neighborhoods.**
2. Develop road standards for subdivisions which match the level of use they will service.
3. Provide **safe roads** in good condition.
4. To strive for **safe roads for bicycles and pedestrians.**
5. Take steps to **encourage residents to use alternate forms of transportation.**

### Harris Road is now...

- Well-used by pedestrians, bikes and sports teams
- Narrow with no sidewalks or paved shoulders
- Speed is controlled and difficult sight lines are familiar to residents

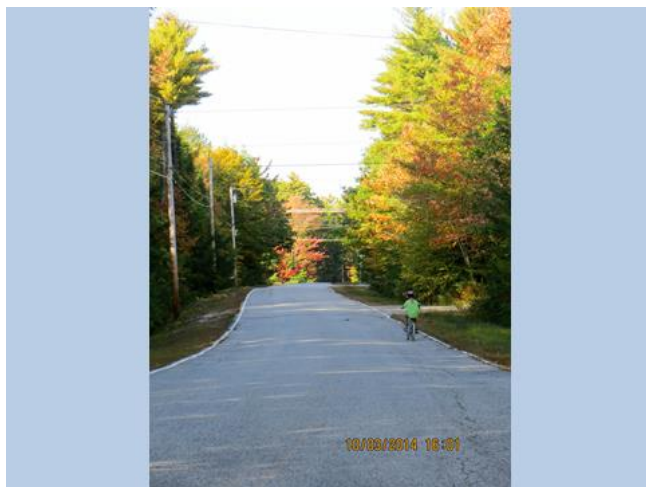
Take a look at the following specific goals listed in the Transportation chapter of the comprehensive plan:

1. Manage and control through traffic so as to minimize adverse impacts and assure safety for residential neighborhoods.
2. Develop road standards for subdivisions which match the level of use they will service.
3. Provide safe roads in good condition.
4. To strive for safe roads for bicycles and pedestrians.
5. Take steps to encourage residents to use alternate forms of transportation.

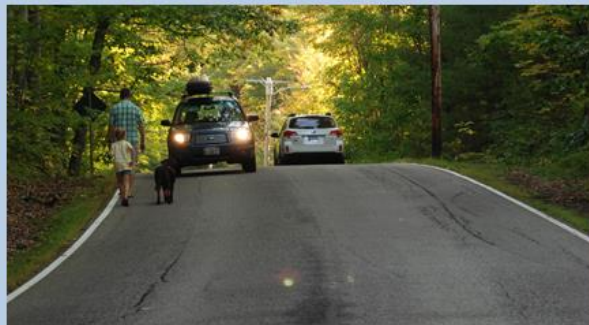
Notice in red that 4 out of 5 of the goals relate to safe roads and promoting bicycle and pedestrian travel.

Currently:

- Harris Road is well-used by pedestrians, bikes and sports teams
- Harris Road is narrow with no sidewalks or paved shoulders
- Harris Road residents take great care with their speed and are familiar with the difficult sight lines to avoid accidents



### Potential Dangers



### Transportation Goals

- Manage and control through traffic so as to minimize adverse impacts and assure safety for residential neighborhoods.
- Develop road standards for subdivisions which match the level of use they will service.
- Provide safe roads in good condition.
- To strive for safe roads for bicycles and pedestrians.
- Take steps to encourage residents to use alternate forms of transportation.

### Goal 4 Action Step

Conduct neighborhood meetings to determine the desire for sidewalks in certain neighborhoods.

### Updated Plan, Goal #4

To connect the major roads in town to conserve fuel and allow for more efficient and convenient vehicle, bike and pedestrian travel.

**ACTION:** Inventory potential connections between the following roads:

Greely and Tuttle

Tuttle and lower Rt. 9 (via Harris Rd.)

Greely Road Extension and Pleasant Valley Road.

If contract zone is approved:

- Recreation will be mixing with higher traffic flow
- Please keep in mind that the resurfacing scheduled for Harris Road in 2017 does not contain provisions for widening or shoulder improvement – yet the town expects a significant increase in traffic

Harris Road currently meets 4 out of 5 of these transportation goals in the 2009 plan. Approving the contract zone without adding measures for safe pedestrian and bike travel will no longer allow Harris Road to meet the 4 goals.

Look at Goal #4 again – To strive for safe roads for bicycles and pedestrians,

One of the action steps listed to meet this goal is to....Conduct neighborhood meetings to determine the desire for sidewalks in certain neighborhoods.

It's now 2014 and we are still waiting for a call from the town on that one. Harris Road is a neighborhood whether it fits the town's definition or not. If we could bend the road into the shape of a cul-de-sac, perhaps we would if it meant avoiding all of this.

The 2009 comprehensive plan was recently updated. Here's GOAL 4:

To connect the major roads in town to conserve fuel and allow for more efficient and convenient vehicle, bike and pedestrian travel.

ACTION: Inventory potential connections between the following roads:

- ☐ Greely and Tuttle
- ☐ Tuttle and lower Rt. 9 (via Harris Rd.)
- ☐ Greely Road Extension and Pleasant Valley Road.

“Efficient” and “convenient” travel do not necessarily result in safe travel.

Also, there's no mention of the 2006 survey results in this update, as if they no longer matter. Consider our recently collected petition signatures. Over 700 of our voters have said, by the act of signing... *Wait – I'm not sure this road connection is a good thing.*

Please,  
vote NO on #2



Our town leaders have been clear about their agenda to make this road connection happen. Though they followed the “process” of holding the necessary meetings, I regret feeling that our concerns seemed to fall on mostly deaf ears.

I suppose this was to be expected since recent conversation with Mr. Fletcher indicated that the town initially proposed this idea to him as a mutually beneficial business transaction.

I urge voters to vote no on question #2. Don’t allow a road that’s now safe for all modes of travel to be converted to an unsafe road people can no longer enjoy other than as a means to drive between Tuttle Road and Route 9. This is bad deal for the people who live in Cumberland, as we deserve roads that are made safe for those traveling by foot, bicycles and vehicles. This is a step backward. Please vote No on 2.

Adam Lee of 10 Harris Road said that Cumberland is a great town to live in. We have easy access to Route 9, Route 1 and Route 88. From his house on Harris Road, he can be on Route 1 or Route 9 in about 5 minutes. It would be more convenient if he could get to Route 9 in 3 to 4 minutes, but he is willing to drive the extra few minutes in order to preserve the nature of Harris Road. The nature of Harris Road is people walking their dogs, people riding their bikes, and even cross country skiing. If Harris Road becomes a major entry point to Route 9, he thinks that all these people would have to think twice before venturing out onto the road anymore. To get to Route 9, he can go up Tuttle Road, over Drowne Road or Middle Road. How many ways do we need to get to Route 9? How much is this project truly going to cost? Couldn’t the school or fire department use \$100,000 instead? Please vote no on Question 2. We don’t need it and we should not be spending tax payer money on a way for a few people to get to Route 9 just a little bit quicker.

Coleen Higgins of 59 Harris Road said that the reason they are here this evening because they feel that they were not heard in the public comments leading up to the Council’s decision to pass a contract zone. The overwhelming majority of the speakers were opposed to the contract zone making Harris Road a thruway, yet every Councilor voted against the views expressed. That is why the residents set the wheels of democracy in motion and took it to the streets, knocking on hundreds of doors, having conversations with fellow townspeople and informing them about the contract zone. They listened and learned and more than enough of them agreed and signed the petition to put the decision back in the residents hands on November 4<sup>th</sup>. Her roots are deep and her commitment strong to Cumberland. When you move your family to a dead end road, you expect safety, quietness, and sense of community. The residents of Harris Road feel a strong sense of responsibility for the safety of all of the children who live and play here. The Town claims that the benefit for the entire Town will be emergency access. Emergency access already exists and has for the past 25 years. There is public benefit in keeping Harris Road a safe, dead end road. Please vote no on Question 2.

Bob Vail of Cumberland Center feels that opening Harris Road to Route 9 will correct a wrong that Falmouth did to us 20 years ago when they abandoned one small piece of the road. Harris Road was always a through road prior to that happening. He feels that the use of the road by the general public will be minimal. He urged the Council to post other rights of way in Town so that people are aware that these areas are rights of way, even though they have not been maintained.

Chuck Staples of 232 Harris Road said that his family lives in Cumberland because of the great school system, the rural character, and it is a great place to raise a family. It is more than just houses and streets, it is neighbors and community. He felt lucky when he found his house 13 years ago on Harris Road, a dead end street. It has been a great place to raise his kids.

Piper Staples (10 years old) said that she has lived on Harris Road for 10 years. If the road goes through, she will not be able to ride to her friend's house or walk her dog. Lots of animals might get hit by cars.

Dave Lindsey of 286 Harris Road said that in regard to the Comp Plan survey question that asked "would you support or oppose a connection between Tuttle Road and Route 9 via Harris Road?" 837 people responded to the question, 619 (74%) were not in favor of it. Another question of "how strongly do you support or oppose the idea of connecting existing main roads if possible?" 70% were not strongly in favor. This is significant data. The Planning Board Chair admitted that he felt that the traffic on Harris Road will increase significantly on Harris Road, should this go through. It is an unknown how much traffic will actually go through, but the Town is still willing to spend the money.

Tom Shepard of Andrea Way said that the Town of Cumberland is not the geography within some space. It is not lines on a map. It is the people and the people get to weigh in on this topic. He feels that the private property owners were not consulted before the Town Council decided to take action. Those who have a right to that property should be consulted when it affects them, not after the fact. He thinks that the referendum process works and now, if someone knocks on his door and wants to talk about a referendum, he will listen.

Chairman Gruber closed the public comment portion of the meeting.

Councilor Turner said that in regard to the survey that many referred to, only about 20% of the Town responded to that survey. Numbers can be manipulated and the misstatement that he heard is that 700 people signed the petition. Some of those people signed the petition because they believe in the democratic process, but will not vote in favor of this item.

Councilor Copp said that the best thing to happen to this issue is for it to go before the voters of the Town. He applauded the Harris Road residents for all the work that they put into this.

Councilor Storey-King said that she wants to apologize to the people who felt as though they were not listened to. Speaking only for herself, she said that if she does not agree with someone that does not mean that she didn't listen to them. She understands the fear and she hopes that this goes through and the neighborhood notices no change. She is also glad that this is going to referendum.

Councilor Edes said that he is in favor of a yes vote on this. Justin Fletcher bought a house that was run down, next to a junk yard that has been the biggest eyesore in Town for many years. He is in favor of giving Mr. Fletcher the contract zone agreement just to make improvements to that area. He has no fear that this will open a flood gate of traffic. He is going to ask the voters of Cumberland to vote in favor of this item because of the gate. This gate is important to the people at the end of Harris Road and the Harris Road Association. Apparently, it is not important enough for the people at the lower end of Harris Road or the other people of Cumberland to have access. When people go to the polls on November 4<sup>th</sup> they should vote in favor of this. If it is good enough for the residents of upper Harris Road, it is good enough for the entire Town.

Councilor Bingham said that some people may remember Mark Robinson, who served as Chairman of the Planning Board for many years. Mark once remarked at a meeting that if we all react on the initial concerns of abutters and neighbors while considering residential projects, half the people present at the meeting would not be there. He would expand on Mark's comments to include Twin Brook, the renovated Greely High School, Greely Middle School, Atlantic Credit Union, Doc's Café, Louie's Café, the CMP substation, and the habitat houses. The habitat houses were particularly interesting. As one would have thought by listening to the initial testimony, it was going to be a trailer park. Over the last 30 years, between the School Board, Planning Board, Town Council and an abutter, he has been involved in most of the projects including municipal, residential and commercial that have taken place in Cumberland. He has also been involved in 4 Comprehensive Plans going back to the 1980's. As a member of the School Board, we proposed projects. As a member of the Town Council,

we have proposed projects such as Twin Brook and also developed ordinances that controlled development in various parts of the Town including the always adventurous Main Street. As a member of the Planning Board, all these actions were reviewed to ensure the aforementioned ordinances. He was an abutter when a development was proposed on Harris Road adjacent to their property. Like everyone, they were concerned but they worked with the developer and the Planning Board to ensure that the lots that were near their home were buffered and did not interfere with their water supply. The development was approved, but never build due to the recession at that time. It has been his experience that all these municipal bodies have made a sincere effort over the years to balance the concerns with the abutters and neighbors with the best interest of the Town in general. If you look at the list of positive things that Cumberland has been sighted for, one would think that things are moving in the right direction. It is bothersome to him when he hears comments such as “so-and-so listens, unlike the Town Council”. However, when you serve in an elected office, these things do happen and you have to respect the views of every citizen. He has tried to do that. He apologized for the few times that he has “gone off the rails” especially with his Harris Road neighbors. He believes that the contract zone is in the best interest of the majority of the citizens of Cumberland. Many of the concerns of the neighbors can and will be mitigated. He feels that access to Harris and Longwoods Road should be allowed for all Cumberland residents and not a select few.

Councilor Stiles said that generally speaking, people tend to think of their neighborhoods as “their road”. Any road or public right-of-way belongs to the entire Town. People have talked about walking, biking, riding, skiing, etc. All the same activities take place on his road (Range Road) where people tend to drive faster and there is more traffic. He is happy that this is going to Town referendum. If the access from Harris Road to Route 9 wasn’t valuable, there wouldn’t be a gate there. Obviously, it has value to somebody, so it should be available to the entire Town.

Chairman Gruber said that this was a Council action, not the action of the Town Manager. People should not go after the Manager. He thinks it is important for the community to make the decision and applauded those who went through the process to collect signatures. He also does not feel that there will be a huge increase in traffic if this goes through.

#### **IV. NEW BUSINESS**

**Councilor Copp** – None

**Councilor Storey-King** – the Land Use Committee will meet on the 16<sup>th</sup> and 30<sup>th</sup> of this month. These meetings are always open to the public.

Thank you to Councilor Edes for emceeding Meet the Candidates Night. He did a great job.

**Councilor Edes** – his son, Ryan harvested a moose recently donated 75-100 pounds of moose meat to the Food Pantry. He is very proud of his son for wanting to donate the meat.

**Councilor Bingham** – The Goodwill store in Falmouth has moved into a new store in the Falmouth Shopping center. It is a very nice store.

**Chairman Gruber** – he asked the Council to consider cancelling the October 27<sup>th</sup> Town Council meeting. There have been 2 Council meetings this month already, 2 Councilor’s will be out of Town, and there are really not any pressing agenda items to consider.

Motion by Councilor Bingham, seconded by Councilor Copp, to cancel the October 27, 2014 Town Council meeting,

VOTE: 7-0                      UNANIMOUS

Councilor Stiles – None

Councilor Turner – None

**V. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A., Section 841(2) to consider an application for a tax abatement based on hardship.**

Motion by Councilor Bingham, seconded by Councilor Edes, to recess to Executive Session pursuant to Title 36 M.R.S.A., Section 841(2) to consider an application for a tax abatement based on hardship.

VOTE: 7-0 UNANIMOUS

TIME: 9:00 p.m.

Reconvene to regular session at 9:04 p.m.

Motion by Councilor Bingham, seconded by Councilor Stiles, to grant a tax abatement for fiscal year 2013 in the amount of \$1,819.13 pursuant to Title 36 M.R.S.A., Section 841(2).

VOTE: 7-0 UNANIMOUS

**VI. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 9:05 p.m.

Respectfully submitted,

Brenda Moore  
Council Secretary