

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 24, 2014

6:15 P.M. WORKSHOP with the Chebeague & Cumberland Land Trust re: acquisition of property around Knight's Pond/Blueberry Hill area.

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the March 10, 2014 minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

The Manager said he would hold his report until the New Business portion of the meeting.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

14 – 038 To hold a Public Hearing to consider and act on authorizing a Payment In Lieu of Taxes (PILOT) for the Friend's School. *TABLED*

Motion by Councilor Bingham, seconded by Councilor Turner, to table this item.

VOTE: 7-0 UNANIMOUS

14 – 039 To hold a Public Hearing to consider and act on a Conduit Financing request from the Friend's School. *TABLED*

Motion by Councilor Gruber, seconded by Councilor Edes, to table this item.

VOTE: 7-0 UNANIMOUS

14 – 040 To hold a Public Hearing to consider and act on a Credit Enhancement Agreement for Dr. Sean McCloy of Integrative Health Center of Maine to be located on Skyview Drive.

TABLED BY APPLICANT

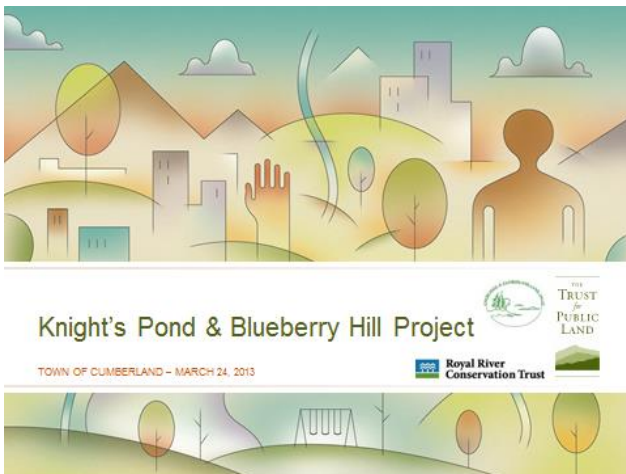
Motion by Councilor Storey-King, seconded by Councilor Copp, to table this item.

VOTE: 7-0 UNANIMOUS

14 – 041 To consider and act on authorizing the Town Manager to issue a letter of support for the Chebeague and Cumberland Land Trust's acquisition of property around Knight's Pond/Blueberry Hill area.

Chairman Stiles explained that the Council met in workshop before the Town Council meeting this evening and thoroughly discussed this item and heard a presentation from the Chebeague and Cumberland Land Trust (presentation below).

President of the Land Trust, Penny Asherman, explained that the Trust is applying for a “Lands for Maine’s Future Grant” that is due this Friday. The Land Trust is asking the Council for a letter of support for the project. The project consists of a 215 acre lot at the end of Greely Road Extension. They are applying for funds to hopefully acquire the property.



Mission Statement

The Trust for Public Land conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come.



THE TRUST FOR PUBLIC LAND
CONSERVING LAND FOR PEOPLE

Accomplishments

- 40 + years conserving land for people.
- Since 1972, we've completed: 5,000 park and conservation projects
- Conserving more than 3.2 million acres of land valued at over \$7b.



THE TRUST FOR PUBLIC LAND
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TPL Services



THE TRUST FOR PUBLIC LAND
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Physical Description



Physical Features:

- 215 acres
- Upland Forests, Part of 1600 acre forest block
- Network of Recreational Trails
- 46 acre pond
- Critical Bird Habitat
- Streams Supporting Wild Brook Trout in Rines Forest
- Views of Casco Bay
- Oak-Hickory Forest
- Spotted Wintergreen
- Close to Town Centers & Schools

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Public Benefits



- Recreational Opportunities
 - Hunting, Fishing, Trapping
 - Hiking, Running, Biking, Skiing, Snowshoeing
 - Canoeing, Kayaking
 - Nature Observation, Picnicking
- Water Quality Protection
- Wildlife Habitat
- Educational Opportunities
 - Schools, Land Trusts, Recreation Department

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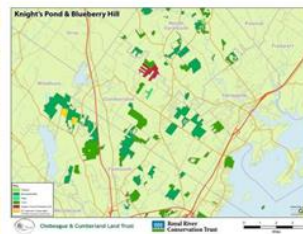
Knight's Pond & Blueberry Hill Trail Map



- Existing Trails on the Property
 - Green – Double Track
 - Black – Single Track
- Excellent Condition
- Trails Actively Used
- Connectivity to FAA Property, Farwell Forest, Utility Corridor, North Yarmouth

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Regional Connectivity



- Adjacent to FAA Property - 76 acres
- 1000 ft from Farwell Forest - 54 Acres
- Close to Rines Forest & Godsoe Addition
- Hadlock Forest in Falmouth 415 acres, 13 miles of trails
- Recreation & Habitat Corridor

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Land For Maine's Future Program

Overview:

- \$10,450,000 Funding Available
- \$7,300,000 for Conservation & Recreation
- Application Due March 28th
- Allocation Decisions July 2014
- Public Access Required, plus hunting fishing & trapping
- Maine Bureau of Parks & Lands Sponsor

Community Support Letters

- State Representatives Moriarty, Woodbury and Graham,
- Sno-Skimmers Snowmobile Club,
- Bicycle Coalition of Maine,
- GMS Science Teachers,
- Cumberland Congregational Church,
- Maine Audubon,
- Casco Bay Estuary Partnership,
- Presumpscot River Watershed Coalition,
- Mooney's Bait Shop,
- University Of Maine Ecology Professor,
- Local Real Estate Agents,
- Maine Outdoor Adventure Club,
- Small Business - Adventure Play

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Knight's Pond Project Overview



- Public/Private Partnership
- TPL Holds option to purchase at appraised FMV
- During option period:
 - Raise acquisition funds
 - Complete due diligence
 - Survey, appraisal, hazardous waste inspection, title, natural resource inventory
 - Develop ownership structure, stewardship and management plans

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Outcomes



- Proposed Municipal Ownership
- Conservation Easements held by CCLT, RRCT
 - Stewardship
 - Monitoring
- Management structure and maintenance costs

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Project Timeline



- Option Period expires May, 2015
- LMF Application due March 28 2014
- Tentative Public Hearing in Cumberland November 2014
- North Yarmouth Town Meeting April 2015
- Closing June 2015

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Motion by Councilor Gruber to authorize the Town Manager to issue a letter of support for the Chebeague and Cumberland Land Trust's funding request from Lands for Maine's Future for the property around Knight's Pond/Blueberry Hill area. (no second)

Councilor Turner said that he felt that it would make sense to amend the motion slightly to say ...to issue a letter of support *in principal*... He suggests this because there are still a lot of questions to be answered in regard to this purchase, such as, what will the responsibility of the Town be, etc.

Councilor Gruber asked Ms. Asherman if that wording would have an impact on the application.

Ms. Asherman said that she believed it would not.

Councilor Gruber withdrew his motion and made a new motion.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to issue a letter of support in principal for the Chebeague and Cumberland Land Trust's funding request from Lands for Maine's Future for the property around Knight's Pond/Blueberry Hill area.

VOTE: 7-0 UNANIMOUS

Town Manager Shane clarified that this was simply a funding request and there would be a lot more details to work out in the future. The Trust will be working with the landowners in the area as well as the Town.

14 – 042 To hear a recommendation from the Comprehensive Plan Update Committee and to set a Public Hearing date (April 14th) to consider and act on amendments to the 2009 Comprehensive Plan as recommended by the Planning Board.

Town Planner, Carla Nixon gave the following presentation:

Town of Cumberland Comprehensive Plan Update Planning Board's Recommendations to Town Council

March 24, 2014

Presented by: Carla Nixon, Town Planner

1

Town Council Charge

"The Cumberland Comprehensive Plan Update Committee shall review key elements of the 2009 Comprehensive Plan and recommend to the Town Council changes to the plan that reflect the current 10 year vision for the town."

2

Why Update the 2009 Plan?

1. There have been many changes relating to land use, infrastructure and affordable housing over the last 4 years;
2. Consider 2010 Census Data and begin 10 year plan update periods to reflect most recent decennial Census information;
3. Ensure current zoning reflects current needs.

3

Defined Scope of Work

- Update demographics w/ 2010 Census Data
- Review Housing Chapter
- Review Land Use Chapter
- Review Public Facilities Chapter

4

Highlights of Committee's Findings

- Consider if differentiating between RR 1 and RR 2 is necessary and equitable.
- Recognize the importance of infrastructure investments to provide for better public health and safety, as well as facilitate economic development.
- Emphasize importance of enabling affordable housing developments, and also for a continuum of care (e.g., assisted living, memory care, etc.)
- Continue to emphasize the importance of enabling new non-residential development to provide a balanced tax base and to allow residents to obtain basic goods and services locally.

5

Specific Recommendations by Chapter

- Housing
- Land Use
- Public Facilities (Infrastructure)
- Demographics

6

Housing Chapter

- Consider Housing Overlay for W. Cumb area now zoned Industrial and RR 2. This is to provide lower cost housing through increased density.
- Continue to work on Phase 2 of the Village Green plan to provide rental housing for single resident households.
- Consider ways to support the dev. of "continuum of care" facilities.
- Continue to expand options for accessory dwelling units.

7

Land Use Chapter

- Create an Affordable Housing Overlay District west of Rt. 100 in the current Industrial and RR 2 Districts.
- Consider changing the zoning from RR 1 to RR2 in area north of power lines...
- Consider allowing additional uses on Rt. 1. (restaurant and retail limited to 3,500 proposed.
- RR 1 and RR 2 lot size issue.....

8

RR1 & RR2 Lot Size

- **Committee's Recommended Action:**
- (Initially) Consider revising the two rural residential zones. Delete the RR 1 and create 1 RR zone with 2 acre min. lot size. Following wkshp and discussion, agreed to change rec. action to....
- **Planning Board's Recommended Action:** Consider establishing a committee to look at the RR 1 and RR 2 minimum lot size requirements

9

Public Facilities (Infrastructure) Chapter

- Continue fund the 2012 Pavement Plan.
- Continue to pursue alternative road funding sources.
- Continue to support expansion of the natural gas pipeline throughout town.
- Continue expansion of public water: *in W. Cumb. (Blackstrap area); *to Corey Rd. Bus. Park; *along Middle Rd; *to upper Bruce Hill & Pleasant Valley.
- Continue the Enterprise Fund model for maintaining sewer system.

10

Demographics Chapter

Reflect 2010 Census data changes in the following chapters:

- Population and Demographics;
 - Housing;
 - Public Facilities;
 - Land Use.
-
- Also update/revise relevant maps in the plan.

11

Tom Foley of 29 Granite Ridge Road presented the following:

He explained that his fear is not that there will be a plethora of fast food restaurants, but rather what is the best, taxable use for a prime piece of property that differs significantly from the strategic plan of the Towns of Falmouth and Yarmouth.

Below are the current businesses and the assessed value of them:

Business	Square Footage	Address	Assessed Value
Exactitude	32,614	12 Skyview Drive	\$2,295,200
Seafax	21,000	62 US Route 1	\$3,188,800
Lucinda's	4,916	263 US Route 1	\$885,500
Norton Insurance and Financial	12,418	275 US Route 1	\$1,822,800

Business	Square Footage	Address	Assessed Value
Integrative Health	8,400		Est. \$1,800,000 *
Maine Standards	28,833	221 US Route 1	\$4,049,600
Cumberland Realty Associates	3,735	269 US Route 1	\$831,300
*Direct comparison to sq. footage of Cumberland Realty Associates assessed value			
Total including Integrated Health estimate=\$14,873,200			

Comp Plan Update-Route 1 Additional Uses

Businesses like Exactitude, Seafax, Maine Standards, Norton Insurance and Financial and the proposed Integrative Health make up 90% of this tax base.

We should be using the lots in these prime acres along Route 1 to attract more of these kinds of businesses to a first class light industrial and office complex as currently zoned.

Adding small 3,500 square foot restaurants and retail to the approved use for these valuable lots dilutes the potential tax revenue by underutilizing this valuable parcel.

It is far more advantageous to the town to draw additional high tax base projects to occupy the available space on the Route 1 corridor.

Comp Plan Update-Route 1 Additional Uses

As for the need to serve the employees of the existing and future businesses locating along this portion of Route 1, there are 25 existing restaurants on Route 1 within a five minute drive from the entrance to Skyview Drive serving lunch and dinner.

A future business may be encouraged to include a cafeteria in their plans that could provide lunch within walking distance of the other businesses in the complex. A similar retail facility could provide minimal essential personal and office supplies.

These facilities would be adjuncts to the larger primary use of the building.

To maximize the potential multimillion dollar tax base available to the town of Cumberland along the Route 1 corridor, I ask the Town Council to reject the provision to add " Retail (limited to 3,500 s.f.) and restaurants (limited to 3,500 s.f.) to the approved uses in the Route 1 commercial districts as proposed by the Comprehensive Plan Update Committee.

Councilor Gruber said that he appreciates Mr. Foley's comments and presentation. He feels that if he were a business owner, looking to relocate his business in Cumberland, he would be looking at the amenities around the Route One area. There is something about being able to get a meal in your own neighborhood.

Mr. Foley pointed out that there are 25 existing eating establishments within a very short drive.

Councilor Edes said that he agrees with Mr. Foley, but feels that economics is going to drive what business will want to go in the Route One area. There are a couple of small lots on Route One, and to not allow a small restaurant there would be unfortunate. He agrees with Councilor Gruber. He wants to go to a restaurant in Cumberland.

Mr. Foley agreed. His concern is to not waste opportunity in the Chase property specifically.

Councilor Turner said that the issue of limiting retail and restaurants to 3500 sq. should be discussed by the new Comp Plan Committee, along with the RR1 and RR2 issue.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to set a Public Hearing date of April 14th to consider and act on amendments to the 2009 Comprehensive Plan as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

14 – 043 To hold a Public Hearing to consider and act on the disposition of foreclosed properties.

Town Manager Shane said that thanks to the tremendous work of Tammy O'Donnell, we are down to only 4 properties, one of which is an occupied home.

Manager Shane requested that the Council delay action on this item until the first meeting in May, to allow time for three of the parcels to be sold by the owner (they are currently under contract).

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Copp, to delay action on foreclosed properties until May 12, 2014, as recommended by the Town Manager.

VOTE: 7-0 UNANIMOUS

14 – 044 To appoint Democratic and Republican Election Clerks.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to appoint Republican and Democratic Election Clerks as recommended by the Town Clerk.

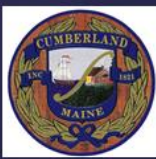
VOTE: 7-0 UNANIMOUS

14 – 045 To hold a Public Hearing to consider and act on adoption of the FY2015 Municipal Budget.

Town Manager Shane presented the following:

**Town of Cumberland
Municipal Budget
Proposal FY 2015**

William R. Shane, Town Manager
March 24, 2014



1

Budget Proposal FY 2015

	INCR	% INCR	% Incr over FY 14
A. Capital Improvements	\$190,175	2.21%	17.66%
B. Debt Service- Garage	\$94,442	1.04%	11.45%
C. Operations	\$ 55,776	0.62%	0.87%
D. County	\$ 30,398	0.34%	4.57%
Totals	\$370,791	4.09%	

2

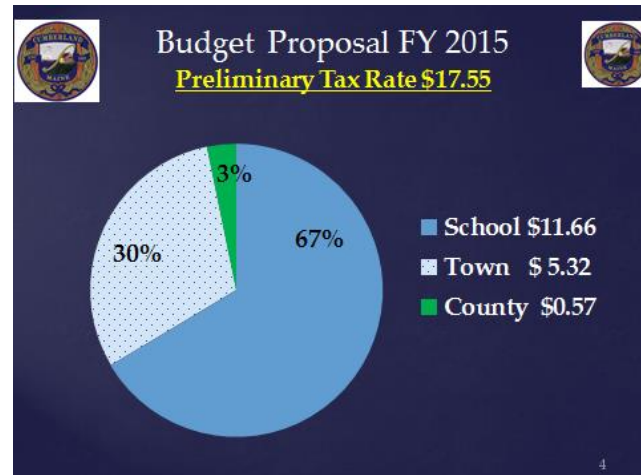
Budget Proposal FY 2015

Preliminary Tax Rate Impact

Municipal Expense Increase Total	- \$ 370,791
Tax Base Growth FY 15 vs FY 14	+ \$ 404,800
Decrease in Revenues (FY 15 to FY 14)	- \$ 55,637
Increase to FY 2015 Mil Rate - Town	- \$ 21,628

The School Numbers will not be ready until April, if they are near 5%
I expect a Mil Rate Increase of 3.24% or a new rate of \$17.55

3



Budget Proposal FY 2015

Question & Answers

All Department Budgets and Town Revenues on the Town Website at :
www.cumberlandmaine.com

Click on "Budget Information for Fiscal Year 2015"
Then the "Fiscal Year 2015...." tab at the bottom

5

Chairman Stiles opened the Public Hearing.

Public discussion: Brad Hilton asked how much the Town spends on energy and how much savings was found since natural gas is coming.

Town Manager Shane responded that the energy budget is the same amount as last year and the energy savings projection has not been received from Siemen's yet. We will not know what the savings will be for a few weeks. The energy cost savings will be used to fund the capital costs of replacing boilers, etc.

Mr. Hilton said that he hopes that the Town would take 10% of the savings and save that amount and take the other 10% to fund the infrastructure (new boilers, etc.).

Councilor Storey-King said that there is \$50,040 budgeted for heating fuel and that line has been decreased by \$4,837. That is an almost a 10% reduction.

Motion by Councilor Bingham, seconded by Councilor Copp, to approve the FY'15 Municipal Budget not to exceed \$9,432,584.00.

VOTE: 7-0 UNANIMOUS

14 – 046 To set a Public Hearing date (April 14th) to consider and act on a Mass Gathering Permit for Girls on the Run Maine 5K race to be held at the Cumberland Fairgrounds on June 8, 2014.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of April 14th to consider and act on a Mass Gathering Permit for Girls on the Run Maine 5K race to be held at the Cumberland Fairgrounds on June 8, 2014.

VOTE: 7-0 UNANIMOUS

14 – 047 To set a Public Hearing date (April 14th) to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club's Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 19th – 22nd, 2014.

Motion by Councilor Edes, seconded by Councilor Gruber, to set a Public Hearing date of April 14th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club's Chickadee Classic Dog Show to be held at the Cumberland Fairgrounds, June 19th – 22nd, 2014.

VOTE: 7-0 UNANIMOUS

14 – 048 To set a Public Hearing date (April 14th) to consider and act on draft zoning amendments to section 315-6A (1)(x) and section 316-6B (1)(w) Rural Residential I and II Districts (Outdoor recreational facilities subject to site plan review **if required), and section 315-15B (4) and section 315-16B (4) Village Office Commercial I and II (Outdoor recreation facilities subject to site plan review, **if required**).**

Town Manager Shane explained that this is simply a housekeeping matter for those site plans that come forward that have no impact. An example of this would be a disc golf course with no parking lot, no impact to the land, etc.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of April 14th to consider and act on draft zoning amendments to section 315-6A (1)(x) and section 316-6B (1)(w) Rural Residential I and II Districts (Outdoor recreational facilities subject to site plan review **if required**), and section 315-15B (4) and section 315-16B (4) Village Office Commercial I and II (Outdoor recreation facilities subject to site plan review **if required**).

VOTE: 7-0 UNANIMOUS

14 – 049 To set a Public Hearing date (April 14th) to consider and act on draft zoning amendments to Chapter 315, Article III (Overlay Districts) to add section 315-29 (West Cumberland Housing Overlay Zone) to the Cumberland Code and update the Cumberland Official Overlay Zoning Map, as recommended by the Planning Board.

Town Manager Shane explained that this came out of the Comprehensive Plan update and was approved by the Planning Board. This overlay zone will give credit to developers who bring Town water to the westerly side of the turnpike, and will encourage more affordable housing to be built in that area. Some of the gravel pits are now in the planning stages of residential development. The Planning Board looked at the plans and thought it was a good idea. The plan is designed to protect our aquifer and offer more affordable housing.

Motion by Councilor Copp, seconded by Councilor Storey-King, to set a Public Hearing date of April 14th to consider and act on draft zoning amendments to Chapter 315, Article III (Overlay Districts) to add section 315-29 (West Cumberland Housing Overlay Zone) to the Cumberland Code and update the Cumberland Official Overlay Zoning Map, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Turner – commented on the progress being made on the Friend’s School lot on Route One. He said that he doesn’t think we need to worry about if this project is going to happen (because the Friend’s School funding items have been tabled twice).

Councilor Bingham – he was saddened by the news of the passing of our former School Board member and Town Councilor, Joe Drummond. He was fortunate enough to serve with Joe on both the School Board and Town Council. The reason that our community is such a great place to live is because it is built on the foundation of the individuals that have come before us, and Joe is in that category.

Councilor Storey-King – condolences to Diane Hamlin and her family on the passing of our former Superintendent of Schools, Morton Hamlin. Typical of Mort, he did not want a funeral, as he did not want attention brought to himself. She wished many happy memories to Diane and the kids.

Congratulations to North Yarmouth resident, C.J. Bates. C.J. is a 7th grader in her Humanities class at Greely Middle School. He just won \$250 in a Maine Municipal contest on “If I Led My Community”. She is very proud of his work and his writing.

She attended a Twin Brook Advisory Committee meeting last week where the issue of dogs came up again. Some ordinance language will be coming to the Council soon to limit the number of dogs or the number of dogs allowed off lease in the park.

Volunteers are needed to organize a spring dog waste pick up event in Twin Brook, Val Halla, and the Rines Forest.

Councilor Gruber – thank you to all those involved in the Food Pantry. Every time he walks into Town Hall and sees all the food that has been donated on a daily basis, he is very thankful.

Chairman Stiles – the dog issue has also come up at the Val Halla and the Rines Forest committee meetings. People are allowing packs of dogs to run loose on Town property and this is going to force

us to prohibit dogs or at least require them to be on a leash. It is almost impossible for one person to have 10 dogs running loose and pick up after them (which they are supposed to do).

Everyone should be reminded that trapping (in the Rines Forest or any other Town owned land) is only allowed with the land owner's permission. This is State law and we will be forced to enforce it. Traps on Town owned land is dangerous for people and pets.

The Rines Forest Committee will be having educational sessions for volunteers and committee members on how to identify and combat the invasive species buckthorn. The "adopt an acre" program will hopefully get the community involved in helping remove the buckthorn.

Thank you to the Public Works department for all they do, especially this winter. It had to be very hard on them. He appreciates all they do.

Councilor Edes – the Finance Committee did a great job on the budget. If anyone objects to the 4 or 5% increase, they should show up at a School Board Committee meeting to express their opinion because any increase in the tax rate will come from the school budget.

He was recently appointed to the Cumberland/Falmouth Chamber of Commerce. The Chamber is going in the right direction by promoting business in the two communities.

Councilor Copp – the Council held their marathon budget meeting on March 15th and one member of the public showed up, on a 9 million dollar budget. The School is working on their budget now, and he hopes that people will show up because their budget represents 70% of their tax bills.

Town Manager Shane – he referred to a copy of a courtesy letter that will be sent to residents whose properties are getting ready to go to tax lien. The letter explains the State's lien process and the Town's lien process. It's important to remember that tax liens are issued to whoever the assessed owner is on April 1st of each year.

The Ordinance Committee should meet soon to work on a charge and a work outline for the new Comprehensive Plan Update Committee and report back to the Council at the next meeting.

VI. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request and pursuant to 1 M.R.S.A., §405(6)(A) re: a personnel matter.

Motion by Councilor Gruber, seconded by Councilor Bingham, to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request and pursuant to 1 M.R.S.A., §405(6)(A) re: a personnel matter.

VOTE: 7-0 UNANIMOUS

TIME: 8:28 p.m.

Reconvene to regular session at 9:30 p.m.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to table the Hardship Abatement Request to October 2015, prior to property going to foreclosure.

VOTE: 7-0 UNANIMOUS

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:35 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary