

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, March 12, 2012
6:00 Workshop
7:00 p.m. Call to Order

7:00 P.M. Call to Order

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the minutes with one correction.
VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

This Thursday is the deadline to submit an application to get a name on the Veterans Recognition Monument. We are preparing the final list of names to submit to the monument company in order to be ready for a Memorial Day dedication.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 027 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 Rachel’s on The Green at Val Halla, for the period of April 2012 – April 2013.

Town Manager Shane explained that this is an annual license. The applications are complete and staff is recommending approval.

Public discussion: None

Councilor Storey-King congratulated the Smith's on running a successful business. She was at the restaurant last Friday evening and every table was full.

Motion by Councilor Stiles, seconded by Councilor Copp, to approve the Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License for Rachel's on The Green at Val Halla, for the period of April 2012 - April 2013.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 028 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Boys Lacrosse Jamboree to be held at Twin Brook Recreation Facility on May 5th from 8:00 a.m. – 5:00 p.m.

Town Manager Shane said that Town Clerk, Tammy O'Donnell has met with both the boys and girls lacrosse groups and is recommending approval.

Public discussion: None

Chairman Perfetti said he would be abstaining from this item and the next because he is involved with the clubs.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to approve the Mass Gathering Permit for a Boys Lacrosse Jamboree to be held at Twin Brook Recreation Facility on May 5th from 8:00 a.m. - 5:00 p.m.

VOTE: 6-0-1 (Perfetti abstained) MOTION PASSES

12 – 029 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook Recreation Facility June 2nd from 8:00 a.m. – 5:00 p.m.

Public discussion: None

Motion by Councilor Turner, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for a Girls Lacrosse Round Robin to be held at Twin Brook Recreation Facility June 2nd from 8:00 a.m. - 5:00 p.m.

VOTE: 6-0-1 (Perfetti abstained) MOTION PASSES

12 – 030 To send to the Planning Board for a Public Hearing and recommendation, amendments to the Contract Zone Agreement for Small Brook Crossing. *TABLED FROM 02-27-12*

Chairman Perfetti explained that the Council has met 4 times in workshop to discuss this issue and this evening they are prepared to send it to the Planning Board with the following recommendation: 1) to cap the interest at 20 years; 2) to allow rentals; and 3) to allow prepayment of mortgage and interest.

He advised Crossing Brook residents to pay attention to the April Planning Board meeting as that is when the Planning Board will consider these recommended amendments to the Contract Zone Agreement for Crossing Brook.

Motion by Councilor Moriarty, seconded by Councilor Gruber, to refer to the Planning Board for a review and recommendation, the attached proposed Amendments to the Second Amended Contract Zoning Agreement by and between the Town of Cumberland and George R. Rickley relating to the Small's Brook Crossing Subdivision (a) capping the interest on the Town's silent second note and mortgage; (b) clarifying that owners may pay off that mortgage voluntarily; and (c) allowing a short-term rental.

Councilor Moriarty explained the three attachments that are included within this motion are:

- I. Amend Section IV (3)(a) to delete the existing paragraph and restate is as follows:
"The Note will bear interest at a simple annual rate of four percent (4%), which will accumulate annually except that said accumulation shall terminate after twenty (20) years as to any owner of a lot at Small's Brook, who has continuously resided in the home as his principal residence for said 20-year period."
- II. Amend Section IV (3)(c) to add an additional sentence as follows:

“The houses at Small’s Brook may be rented once for up to a two (2) year period during the ownership thereof based on approval by the Town Manager on an application by the owner documenting in a manner satisfactory to the Town Manager, or his designee, in his sole discretion that said owner is unable to continue to reside therein.”

- III. Amend Section IV to add an additional paragraph at the end of the section as follows:
“As to lots subject to the second mortgage and note running to the Town specified herein, either the initial owner or any subsequent owner, who has assumed said note and mortgage, may pay-off that note in full with accrued interest at any time.”

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 031 To reappoint William Longley as Code Enforcement Officer and Plumbing Inspector, and Daniel Small and Stanford Brown as alternates.

Town Manager Shane explained that the State requires reappointment of the Code Enforcement and Plumbing Inspector annually.

Motion by Councilor Copp, seconded by Councilor Turner, to reappoint William Longley as Code Enforcement Officer and Plumbing Inspector, and Daniel Small and Stanford Brown as alternates, for the period of April 1, 2012 – March 31, 2013.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 032 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 104.140 (definition of Self Storage Facilities), to include design standards, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 033 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 420 (Self Storage Facility), to require internal access to units and limit external garage doors to one standard door on the front of building facing the road and no more than two overhead doors on the remainder of the building, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 034 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; *subject to the provisions of Section 420*, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to Section 204.14.1.13 (Industrial District) (Self-Storage Facilities), to add; subject to the provisions of Section 420, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 035 To set a Public Hearing date (March 26th) to consider and act on draft amendments to the Site Plan Ordinance to include a definition of “Total Building Area”, as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft amendments to the Site Plan Ordinance to include a definition of "Total Building Area", as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 036 To set a Public Hearing date (March 26th) to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 037 To set a Public Hearing date (March 26th) to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.

Town Manager Shane explained that the multiple categories that were previously in the Growth Permits have all been eliminated. There are 45 homes and 5 affordable homes that this will apply to. The Impact Fees will go from \$1.36 per square foot (after the first 500 feet) to \$1.09 per square foot.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of March 26th to consider and act on draft zoning amendments to the Growth & Impact Fee Ordinance, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 038 To set a Public Hearing date (March 26th) to consider and act on adoption of the FY’13 Municipal Budget.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of March 26th to consider and act on adoption of the FY’13 Municipal Budget.

VOTE: 7-0

UNANIMOUS PASSAGE

IV. NEW BUSINESS

Chairman Perfetti reopened Public Discussion for a member of the audience who wished to speak.

Brad Hilton of Blanchard Road had some comments regarding the Growth & Impact Fee Ordinances. He feels that the amendments to the Impact Fee Ordinance are “morally wrong and the Town may have some legal issues with it”. Mr. Hilton said that he feels that the Town has not carried through with expending the impact fees per the Ordinance. If the Town were to simply do away with the ordinance, he would not have an issue. Now that the Town wants to change it, he has a right (according to paragraph 1.10 of the Impact Fee Ordinance) to request some return of his impact fee, if the Town is not expending the impact fees per the Ordinance. The

Impact Fee Ordinance was intended to keep open space and recreation efforts at a 2001 level. Mr. Hilton said that the Town is currently 2 or 3 times the 2001 level.

Town Manager Shane explained that when impact fees were implemented back in the early 2000's. There was a lot of growth in the 1990's and early 2000's. The growth ordinance was put in place to slow the impact on the schools. The Town has collected over \$730,000 in fees, and during the early 2000's built and expanded the Twin Brook recreational area and purchased the Rines Forest. Those two projects were over \$2.8 million. \$731,000 of the impact fees went toward paying the notes for those projects.

Councilor Moriarty addressed Mr. Hilton and said that impact fees are defined in terms of helping with the acquisition and development of additional recreational land. 2001 was not a freeze frame, but rather the fees were intended for the future. It was designed to be flexible enough for 1) what we owned already; 2) what improvements we might make to what we owned already; and 3) for acquisitions that we might make in the future. Councilor Moriarty said he did not understand Mr. Hilton's reference to being "locked into 2001 standards". It is much more flexible than that.

Chairman Perfetti thanked Mr. Hilton for his comments and reminded him that this evening a Public Hearing date was set to discuss this topic at the next meeting. He encouraged Mr. Hilton to contact each Council member before the next meeting to discuss his views and to show up at the next meeting.

Councilor Turner – Congratulations to the Greely boys' hockey team who won the State Championship. In regard to the Impact Fee Ordinance, Councilor Turner said that it is difficult for him to accept Mr. Hilton's premise on the issue, but said that nobody is drawing conclusions about what will happen at the Public Hearing on this issue. He also encouraged Mr. Hilton to attend the Public Hearing.

Councilor Copp – He attended the boys' hockey tournament and was very impressed with the team and how well they played together.

In regard to a letter to the Council from a resident who received General Assistance in the past and was now in a position to make a donation to the GA fund, he said this proves that people do appreciate the help when they need it.

Councilor Storey-King – She also attended the boys' hockey game and said it was a phenomenal game. There was a Middle School assembly today to honor Kim Brandt who was awarded the Maine Principal of the Year. Ms. Brandt was very thankful and deserving of the award. She thanked the Manager and Town Planner for the workshop last Saturday regarding the future development of Cumberland. The Planning Board and Lands & Conservation Commission also attended and it was a very productive session.

Councilor Moriarty – In reference to an e-mail, he asked the Manager about reports that there are trees marked on Blueberry Hill.

Town Manager Shane responded that there appears to be several acres of tree markings for what appears to be for harvesting. He will attempt to contact the land owner to be sure that she is aware of this.

Chairman Perfetti – Regarding the lack of public attendance during our budget workshops, he prefers to take "the glass half full" approach and think that people trust their representatives to do what is right.

Councilor Stiles – He reminded the public that this Saturday is the budget workshop. The public is welcome and encouraged to attend.

Councilor Gruber – The M.S.A.D. 51 Strategic Thinking Committee has put out a survey to the public about core values and the strategic direction of our schools over the next 50 years. He signed up for the Citizen Oriented Protection Service Program offered through the Police Department. Reminder to the public that the Lands & Conservation Commission is in desperate need of new members. They do very good work.

Town Manager Shane – None

V. ADJOURNMENT

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

VOTE: 7-0

TIME: 7:57 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary