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**Report of the
Chebeague Island
Secession Territory
Representatives**

to the

Maine State Legislature

Regarding LD 1735

**An Act To Authorize Chebeague Island To Secede
from the Town of Cumberland**

**Submitted
February 24, 2006**

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Introduction

Pursuant to Title 30-A, Chapter 113, §2172, M.R.S.A., *Information to be submitted with legislation proposing secession*, this report addresses the topics and issues required by the Maine State Legislature.

In addition, the *Report of the Chebeague Island Secession Territory Representatives to the Town of Cumberland* is included as Appendix “A” (page 31). This includes detailed information regarding the history and description of Chebeague Island, the proposed separation from the Town of Cumberland, reasons for seeking self-government, and our vision for the future, including a draft budget for the new Town of Chebeague Island.

Much of this report is based upon the legislation presented in LD 1735, summarizing the agreements with the Town of Cumberland and with Maine School Administrative District (MSAD) #51. This document is included as Appendix “C” and lays out the details and conditions, to the satisfaction of all parties, under which secession might proceed. The legislation is the result of good-faith negotiations within the scope and intent of the portion of Maine law governing secession from a municipality and separation from a school district.

Other sections of the report rely heavily upon Chebeague Island’s comprehensive plan, entitled *Chebeague Island Long Range Plan*, which is included as Appendix “D.”

The most recent drafts of the *Chebeague Education Plan* are included as Appendix “E” and details how the new Town of Chebeague Island will provide schooling for its children pre-K through 12.

Other appendices detail other aspects of the formation of the new Town of Chebeague Island and Chebeague Island itself. With the exception of some of the appendices, this summary report was written in its entirety by a committee comprised of year-round Chebeague Island residents.

While we believe that this report contains all the information requested by the Legislature, plus a considerable body of further data and information, we stand ready to provide whatever other material might be required by the Legislature to make an informed decision regarding Chebeague Island’s request for self-government.

Chebeague Island Secession Territory Representatives

Mabel Doughty
Mark Dyer
Beverly Johnson
Jeff Putnam
David Stevens

Preface

The Legislature has found that “the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it.” (M.R.S.A., Title 30-A, Chapter 113, §2171; Subchapter 2: Secession Process, Legislative Intent)

Chebeague Islanders live in a community at risk. Without self-government we fear that the island school will close, families will move away, old homesteads will be purchased for vacation getaways, and a traditional rural island fishing village will disappear and become an exclusive summer colony. **In short, secession is about preservation of an endangered community.**

On November 8, 2005, 89% of Chebeague Island’s electorate turned out to vote and, of those, 86% voted in favor of Chebeague Island seceding from the Town of Cumberland. Clearly, the majority of the registered voters on Chebeague Island, including the Secession Territory Representatives, wish to govern their own community and to make their own decisions regarding the education of their children.

Therefore, the residents of the Chebeague Island Secession Territory, with approval and support from the Town of Cumberland and from MSAD #51, seek authority from the Legislature of the State of Maine to secede from the Town of Cumberland.

I. Report on attempts to resolve differences

From the beginning of their political union, the relationship between mainland Cumberland and Chebeague Island has been strained. The inclusion of Chebeague Island and the surrounding islands in the Town of Cumberland in 1821 was the result of a legislative compromise which sought to balance the number of paupers in the newly formed communities. The following statement illustrates how problems created by the physical separation of Chebeague and the other Cumberland islands from the mainland are not new. However, as will be seen, the differences do not all focus on apportionment of money.

In ordinary towns, and under ordinary circumstances, the division of our school funds in such a manner as to secure the greatest good to the greatest number, would not be a matter requiring great study. But in this town situated as it is, made up as it is of main land and islands, containing as it does, school districts with but few scholars, having as it has a Free High School, comparatively easy of access to about three-fifths of our scholars, while to the other two-fifths it is almost inaccessible; the apportionment of our school money is a matter requiring considerable thought, and an accurate knowledge of the condition and wants of our schools.

— L. P. STURDIVANT, *Supervisor*
Annual Report of the Town of Cumberland
Fiscal Year ending February 21, 1883

Over the years, Chebeague Island and the mainland government (both municipal and educational) have experienced many conflicts, ranging from the settlement of Civil War debt, to responsibility for building roads, to delivery of educational services and proposed industrial development near Chebeague Island. (Please see Page 4 of Appendix “A” for a short history of Chebeague).

Many attempts to resolve controversies have resulted in a lack of mainland understanding of island issues and in inadequate responses. Island communities experience unique needs, which are difficult for some mainland officials to fully comprehend.

A major factor, if not the cause, in most of these conflicts is the physical separation of Chebeague Island from the mainland. The defining characteristic of an island, being completely surrounded by water, creates what has become an insurmountable obstacle for local government. The physical isolation of Chebeague makes government participation on the mainland very difficult, costly and inefficient.

Particularly in recent decades, Chebeague’s island isolation has led to miscommunications among government officials and Islanders and breakdowns in understanding of island issues by governing bodies.

Because the seat of government is on the mainland, it is not unusual to see 75 to 100 Islanders traveling to the mainland to lobby for their needs.

While the public on the mainland is able to watch the Town Council meetings on cable TV in their living rooms or drive a few miles to the meetings at the Town Hall, Islanders have to incur extra travel time and expense in order to participate or even to see the proceedings. Requests by Islanders to bring cable television to Chebeague and, with it, televised government proceedings, have been rejected by the Town.

This breach in communication has resulted in the effective disenfranchisement of Chebeague Island residents from participation in local government.

Almost since the establishment of the Town of Cumberland in 1821, Chebeague Islanders have been attempting to mitigate their physical distance from the mainland. Perhaps the most notable attempt was the campaign to construct a bridge between the Island and the mainland, following CMP’s construction of the bridge to Cousins Island in 1955. Several times, Islanders petitioned the Legislature to build the bridge but, after eight years, all attempts failed. Though the bridge was never built, Islanders maintained access to their homes by creating a resident-owned and operated ferry service (Chebeague Transportation Company, or CTC).

1966 saw the creation of Maine School Administrative District #51. At this time, Chebeague lost a guaranteed seat on the board of directors. It is now necessary for an Island candidate who will represent 350 people to prevail over a mainland opponent who will represent over 7,000. It is a hardship for a Chebeague resident to commit the time and resources to serve on the MSAD #51 board. Not only must youngsters be left at home, the long meetings often dictate that the Island board member stay on the mainland overnight. Needless to say, attendance by

Islanders at Board meetings and at the District's public budget vote is equally difficult. Consequently, Chebeague Island has been less than adequately represented in educational government.

The council/manager form of government was adopted by Cumberland in 1972. Chebeague opposed the change until a seat on the Town Council was guaranteed for a Chebeague resident. As with the MSAD #51 Board of Directors, it is difficult for an Islander to serve as a councilor.

The Island representative's job has often been one of educating fellow councilors and mainland residents regarding the unique aspects and needs of island life and culture. However, these efforts must be repeated when new counselors take office, town staff members change, or new residents move into Cumberland. New people constantly replace those who may have come to understand island issues.

Within the past several decades, many efforts have been made to bridge the gap between the Island and the mainland. In efforts usually initiated by Chebeaguers, people on both sides have formed task forces, special committees, and have tried a variety of methods to foster unification and understanding between the communities. Success has been sporadic and short-term with the changing of school and/or municipal administration.

Despite repeated attempts by Cumberland and Chebeague to work together, understand each other's needs and function as a unit, Chebeague Island remains as politically separated from Cumberland as it is physically separated. Even in today's electronic age, all efforts have been unsuccessful. The three miles of Casco Bay separating the two sections of town is just too great a gulf to span. Chebeague and Cumberland may share a charter, but they do not share a community.

Recent efforts to resolve differences

The single precipitating event which brought all these concerns to a head was MSAD #51's proposal to close the 4th and 5th grades on Chebeague and transport 9 and 10 year-olds to the mainland for school. The Chebeague community requested that the MSAD #51 Board of Directors come to the Island to hear concerns not only for the safety and education of the students, but also for the future of the Chebeague Island School. The Board declined to do so and instead sent their chairperson to a public meeting on Chebeague.

The Chebeague community then traveled to the mainland *en masse* and attended MSAD #51's budget meeting, at which time our concerns were heard and the grade closing proposal was tabled, temporarily. However, the lack of cloture regarding this issue and the continued fears for the future of the school and, therefore the Island, led to serious talk of secession.

As the secession process unfolded, numerous meetings were held among Island residents, Town government and MSAD #51 officials. With the successful secession vote on Chebeague, the Island came to be represented by the five Secession Territory Representatives.

Maine law addresses secession from a municipality in Title 30-A and it covers withdrawal from a school administrative district in Title 40-A. However, there is no provision for simultaneous

separation from both a municipality and a school district. Consequently, the process of secession was doubly complex and complicated, necessitating many meetings with the Department of Education and the Attorney General's Office, in conjunction with Town and District officials.

During the course of simultaneous dual negotiations with the Town of Cumberland and MSAD #51, several public hearings were held both on the mainland and on Chebeague Island. The negotiations themselves were held in several closed-door sessions.

The product of these negotiations is an agreement which combines the settlements reached with the Town of Cumberland and MSAD #51. The individual agreements may be viewed as Appendix "B". The terms of the entire agreement have been incorporated into LD 1735 (Appendix "C").

It is the opinion of the Secession Territory Representatives that this agreement constitutes a fair and equitable settlement of the issues surrounding the separation of the Secession Territory from the Town and the District and clears the way for the granting of permission by the Maine State Legislature to authorize the creation of the new Town of Chebeague Island.

II. Effective date

The date on which a proposed secession is effective is intended to be July 1, 2007

III. Provision of educational services

For a detailed description of this topic, please refer to the most recent drafts of the Chebeague Island Education Plan (still under development), Appendix "E." The first draft describes the separation from MSAD #51, while the second addresses the operation of the Chebeague Island School.

A. Plan for the provision of educational services

Upon secession from the Town of Cumberland, the Town of Chebeague Island will become a municipal school unit as defined by Title 20-A Maine Revised Statutes Section 1(19). Please see the letter from Department of Education Commission Susan A. Gendron (Appendix F").

No further referenda, legislation, and/or dispensations by the State, or any of its officers, departments or agencies shall be required of the Town of Chebeague Island prior to undertaking the education of its school-age children.

The requirements of Title 20-A regarding the provision of public education to students, including, but not limited to, matters of curriculum, instruction, transportation, mainland student transition, attendance, student eligibility for enrollment, student records, audits, employee and applicant records, standards and assessment of student performance, health, nutrition and safety, immunization, school lunch programs, special education, school finances, gifted and talented students, career and technical education and adult and

vocational education will be addressed among the educational services provided by the Town of Chebeague Island.

B. School transportation services for all students in the proposed secession territory

Through its School Committee, the Town of Chebeague Island will be responsible for providing transportation on the Island for all students attending the Chebeague Island School. Furthermore, bus transportation to the ferry landing and ferry transportation will be provided for all students attending mainland schools. Mainland transportation will be provided as a part of the tuition agreement with the contracted mainland school district or by the Chebeague Island School Department.

IV. Distribution of tangible assets and liabilities. Plans regarding the distribution of assets and liabilities

For a detailed description of this topic, please refer to the agreement between the Secession Territory Representatives and the Town of Cumberland and MSAD #51, as reflected in LD 1735, Appendix “C.”

V. Collection and disbursement of property taxes.

Chebeague Island remains a part of the Town of Cumberland for all purposes including liabilities, obligations and the collection and disbursement of property taxes up to the effective date of separation and the Town of Cumberland maintains its customary level of service to Chebeague Island until that date. After that date, each municipality is separately responsible for raising and collecting the revenues necessary to fund its respective government.

VI. Information about the municipality

A. Population

1. Present

According to the 2000 Census, the population of the Secession Territory was 357 (356 on Great Chebeague Island, and 1 on Hope Island; ten of the other islands of the territory are unoccupied, with three islands each having a small number of seasonal residents). Of the total population, 69 were under the age of eighteen, 18 of whom were under the age of 5.

Average household size on Great Chebeague Island was determined to be 2.09. There were 138 owner-occupied housing units, 32 renter-occupied housing units, and 329 “vacant housing units,” the latter assumed to be seasonal homes. Applying the U.S. average household size of 2.59 to the seasonal housing, an estimate of 852 seasonal residents is obtained. The latter occupy the Island primarily in July and August. This total population of 1209 compares to an

informal door-to-door survey of seasonal and year-round homes performed on July 4, 1990 which estimated that particular holiday population of year-round and seasonal residents, and their family, mainland visitors, and guests at 1700 people.

2. Past

The 1990 Census estimated the population of Great Chebeague Island at 295. This was the Island's lowest population level reflecting small declines through the middle of the 20th Century. Prior to World War II, the Island's population had hovered near 350.

In the late 1800s, Great Chebeague Island and mainland Cumberland had similar populations of between 600 and 800 people each. While the Island's population declined slowly over the ensuing years, mainland Cumberland's grew steadily and, at times, rapidly. Between 1950 and 2000, the town's population more than tripled to over 7,100 residents. The Island's population has been relatively stable since the 1920s, with minor fluctuations.

3. Projected

While no statistical projections have been performed on the Island population, the trend in recent years has been a slight increase. Births and deaths are relatively balanced, and minor in-migration accounts for the small increases that augment a relatively stable population. There is no evidence to suggest that the population will have either declined below 350 or risen above 400 by the 2010 Census.

B. Land

1. Quantity of land within the secession territory

Great Chebeague Island, the largest unbridged island on Casco Bay, is approximately 1,800 acres in size.



2. Natural terrain of the secession territory

a) General topography

The ground surface elevations range from mean sea level to approximately 200 ft above mean sea level at the highest point in the center of the island, which is also the highest point in all of Casco Bay. The land consists of a mix of open fields and forested uplands consisting of a mix of hardwoods and softwood species.

b) Major watersheds

Several small watersheds are present on the island which drain into the ocean, but no large rivers or lakes exist on the island.

c) Soil conditions

The soil conditions of the island are quite variable and range from low permeability glaciomarine clays to well drained sand and gravel deposits. Two gravel pits have been developed on the island, one active and one inactive. All residents rely on groundwater for their drinking water and consequently the island aquifer is a sole source aquifer. No significant sand and gravel aquifers have been mapped on Chebeague and the majority of businesses and homeowners rely on the bedrock aquifer as their drinking water supply. All homes are serviced by wells and septic systems

d) Natural features as rivers and lakes

No large rivers or lakes exist on the island.

C. Physical development

1. Residential

There are, according to the 2000 Census, 499 total housing units on Great Chebeague Island. There are 4 housing units on Hope Island, and 3 minimal cabins or sheds on three of the other Territory islands. Chebeague's housing stock has a median age of 66 years, with 5.3 rooms. Of the total territory housing stock of 506, 139 are owner-occupied, 32 are renter-occupied, and 335 are "vacant," i.e., seasonal homes. Median value of the homes on Great Chebeague Island was \$137,500.

Homes are relatively evenly dispersed around the Island, with slightly denser development in the "East End" neighborhood at the northeast end of the Island near the Chebeague Transportation Company ferry landing at the Stone Wharf, the "Central Landing" neighborhood, and the Chandler's Cove neighborhood near

the Casco Bay Lines ferry landing at Chandler's Wharf. Several residential wharves will be found at various locations around the shore.

2. Industrial

There is no industrial development on the islands of the Secession Territory.

3. Commercial

All commercial development in the Secession Territory is on Great Chebeague Island:

- 26-room hotel and restaurant
- 2 bed and breakfast establishments
- A small seasonal take-out restaurant
- A proposed café (licensed, yet to open for business)
- 1 gift shop
- A general store
- A boatyard that also sells automotive gasoline and diesel
- 2 automobile repair shops, one also specializing in welding
- A heating fuel supplier
- A full-time boat-builder
- A retail lobster pound at the Stone Wharf
- A lumberyard
- A sand and gravel pit
- Fishing floats, fish houses and other marine/fishing infrastructure
- Many other Island-based small businesses, including craftspeople and other home occupations

4. Agricultural

There are four substantial parcels of land in Tree Growth that are under forest management plans. Numerous parcels are fenced for non-commercial animal husbandry such as goats, sheep, chickens, and horses. There is a Grange Hall with an active membership.

5. Institutional land uses

- Public elementary school with four classrooms : K-2 and 3-5, a multipurpose room and an art room; plus office, kitchen, two bathrooms, two utility closets and a mechanical room
- Public playing field
- Recreation center with gymnasium, teen center, swimming pool, arts and crafts room and outdoor tennis and basketball courts
- A 7-bed assisted living facility
- Public library
- Community center and meeting hall
- Health center
- Cemetery

- Church and Parish Hall
- Grange Hall
- Historical museum
- 2 public wharfs
- Numerous public-access beaches
- Private golf course with free lessons for children
- Private tennis club with free lessons for children
- Sailing club with public sailing school
- Fire and rescue station
- Municipal works garage
- Waste transfer and recycling center
- U.S. Post Office

Chebeague Island hosts several charitable organizations (in addition to the charitable work done by organizations listed above):

- Recompense Foundation – a 501(c)(3) organized for the betterment of Chebeague Island
- Stephen Ross Scholarship Fund
- Mechewana – a church-sponsored summer camp

6. Transportation network

a) Potential transportation issues

Two ferries serve the Island. One is a public entity operated by the Casco Bay Island Transit District (CBITD), Casco Bay Lines (CBL), that lands at the south end of the Island at the state-built and maintained Chandler's Wharf, connecting with Portland and the other year-round Casco Bay islands. The other ferry service is the Chebeague Transportation Company which is an Islander owned and operated private corporation which lands at the north end of the Island at the town-maintained Stone Wharf and runs between there and Cousins Island in Yarmouth. CTC was founded by Islanders and is locally owned by approximately 2000 stockholders, who are year-round and seasonal residents. The captains and crew are also Chebeague residents.

The CTC provides automobile and light to mid-size truck barging from the Stone Wharf to Yarmouth. Private mainland barging companies barge from Portland and land at both Island landings. Waste and recycled materials leave the Island by barge. Private water taxi service is also available from Portland to the Island. A privately-owned automobile taxi serves the Island.

The CTC provides emergency medical transport service from the Island to mainland. Mainland-based rescue services meet the ferry on the Yarmouth side to provide ambulance services to area hospitals.

The CTC operates a bus to deliver riders to and from the ferry and remote parking facility located on Route 1 in Cumberland, near the Yarmouth line.

Both ferry lines are vital to the survival of the Island. The Casco Bay Lines (CBL) is stable but provides limited service to the Island. CBL delivers the mail and most heavy freight. The CTC is the primary mode of transportation to the mainland for year-round residents, seasonal residents, school children, commuters, service personnel, shoppers, and tourists. It carries light freight on its passenger runs. It operates a parking lot near the ferry dock on Cousins Island in Yarmouth, and a remote parking facility in Cumberland about six miles away from the dock. The continued use of both facilities has been threatened in the past necessitating the involvement of the Maine Department of Transportation in the late 1990s to guarantee the futures of the facilities and continued access to Chebeague Island.

Winter ice in Casco Bay has the power to severely limit access to and from Chebeague Island. Extended periods of ice have occurred several times in the past fifty years, forcing suspension of ferry services to Cousins Island and complete reliance upon CBL service to Portland. Even that route has been compromised by ice at times.

b) Proposed highway development;

There is no proposed highway development within the Secession Territory.

D. Land use

For an overview of this topic, the reader is referred to the 2002 Chebeague Island Comprehensive Plan, Appendix "D."

1. Controls and planning presently being utilized

Chebeague has been governed by Cumberland's planning, zoning and subdivision policies and ordinances since they were first adopted in 1949. By custom, one member of the Town's Planning Board has been from Chebeague, and one meeting in the summer of each year is held on the island. The Comprehensive Plans of 1959, 1989 and 1998 covered the entire town, mainland and island.

However, the Town's policies and laws do sometimes recognize that Chebeague is unlike the mainland. It has its own zoning districts - Island Residential and Island Business. The zoning regulations for private road construction exempt those districts, though the design and construction standards in the subdivision

ordinance do not, which sometimes creates problems. See “Island Zoning Regulations,” Appendix “G.”

When the Town developed an Open Space Plan in 1999, Chebeague was not included in it. When Chebeague developed its own comprehensive plan in 2001, an open space section similar to the mainland’s plan was included in it.

2. Comprehensive plans for development

As indicated above, the Town’s 1998 Comprehensive Plan covers Chebeague as well as the mainland. At about the same time that it was adopted, a comprehensive Town property tax assessment raised concerns among islanders that the island was changing fast and made residents — year-round and summer alike — realize that if they wanted to see the survival of the traditional year-round, working community, and the beautiful semi-rural character of the island, they would have to work to make that happen. Developing a more detailed, comprehensive plan for Chebeague, within the framework on the Town’s plan, seemed an obvious step.

In the spring of 1999 the Town Council authorized an island committee to undertake this effort. The committee reported its findings and prioritized recommendations to the Council in June 2000. After review by the Town’s administrative departments, the Planning Board and the Council, the Chebeague Plan was adopted as part of the Town’s Comprehensive Plan in the summer of 2002. At that point the Council appointed the Cumberland Islands Committee to work on implementing the plan and to advise the Council on issues affecting the island. This committee meets monthly on the island.

The Chebeague Comprehensive Plan is included here as Appendix “D.” It is broad in scope, covering not only ‘physical development’ issues such as natural resources, land use, open space, roads, transportation and affordable housing, but also issues related to the island’s economy as well as educational and social service needs. A list of the recommendations that have been worked on or met is also found in Appendix “D.”

E. Present and proposed governmental services

This section provides an overview of governmental services in the Secession Territory, both present and proposed. The proposed services described are as anticipated at the time of this report

It will be noted that interlocal agreements will be critical to the delivery of governmental services to the new Town of Chebeague Island. Conversations with neighboring towns have been very encouraging, as evidenced by a letter of intent from the Town of Long Island (Appendix "I").

1. Water and sewer service

Presently, there are no municipal water or sewer services provided on Chebeague Island. All residential wells and septic systems are privately owned.

Under the proposed Town of Chebeague Island, efforts are under way to provide septic pumping to protect the groundwater and ensure that systems are properly maintained. This plan may involve cost sharing to make it more affordable for Island residents.

2. Fire protection

Presently, the Chebeague Island Volunteer Fire Department, a division of the Cumberland Fire Department, provides fire protection for Chebeague Island.

Under the proposed Town of Chebeague Island this service will continue, with training, dispatch, and administrative services provided locally or through an interlocal agreement with a nearby municipality.

3. Rescue services

Presently, the Chebeague Island Rescue, a division of Cumberland Rescue, provides rescue services to Chebeague Island.

Under the proposed Town of Chebeague Island, this service will continue, with training, dispatch, and administrative services provided locally or through an interlocal agreement with a nearby municipality.

4. Police protection

Presently, the Town of Cumberland provides police protection to Chebeague Island. In addition, harbormaster/clam warden services are included in the police department.

Under the proposed Town of Chebeague Island, police protection will continue through an interlocal agreement with a nearby municipality or with the Cumberland County Sheriff. The new Town of Chebeague Island will create its own harbormaster/clam warden position, perhaps in conjunction with marine conservation resources.

5. Street improvements and maintenance

Presently, the Cumberland Public Works Department performs road improvements on Chebeague Island. This includes maintenance of the Stone Wharf, along with its floats and ramps, plus the Cumberland float and ramp located at the Cousins Island Wharf. The wharf at Chandlers Cove is maintained by the State of Maine.

Under the proposed Town of Chebeague Island, a local municipal public works may be created or (at least initially) provided through an interlocal agreement with a nearby municipality..

6. Administrative and financial services

Presently, the Town of Cumberland provides administrative and financial services for Chebeague as a part of its service for the entire town.

Under the proposed Town of Chebeague Island, a part-time administrator and town clerk will be hired to provide administrative and financial services.

7. Assessing services

Presently, the Town of Cumberland Assessor assesses properties on Chebeague Island.

Under the proposed Town of Chebeague Island, properties will be assessed by an independent individual, possibly in cooperation with one or more other municipalities.

8. Code enforcement

Presently, code enforcement services are provided by the Town of Cumberland, in cooperation with the Town of Yarmouth.

Under the proposed Town of Chebeague Island, part-time code enforcement services may be contracted with an individual or through an interlocal agreement with one or more nearby municipalities.

9. Planning services

Presently, planning services are administered by the Cumberland Planning Board under the leadership of the Town Planner.

Under the proposed Town of Chebeague Island, there will be a local planning board which may contract the services of an outside town planner.

10. Waste management services

Presently, waste management services are provided by contract between the Town of Cumberland and Regional Waste Systems (RWS). Barging of waste to the mainland is by contract with an independent barge service.

Under the proposed Town of Chebeague Island, a similar contract will be negotiated with RWS or another appropriate service, as will waste barging services.

11. Transportation services

Presently, transportation services are provided by the Casco Bay Island Transit District, a quasi-municipal service and by the Chebeague Transportation Company, a locally owned and operated transportation system..

Under the proposed Town of Chebeague Island, no immediate changes in transportation services are anticipated. The Town of Chebeague Island will remain a part of the Casco Bay Island Transit District pursuant to Title 35-A, §5101. There will be no change in ownership of state-owned wharves or equipment.

12. Library services

Presently, the Chebeague Island Library functions independently of the Town of Cumberland with the exception of some financial support provided by the Town.

Under the proposed Town of Chebeague Island the Library will continue as in the past with a municipal contribution supplied by the Town of Chebeague Island.

13. Recreational facilities

Presently, the Chebeague Recreation Center functions independently of the Town of Cumberland with the exception of financial support provided by the Town.

Under the proposed Town of Chebeague Island the Recreation Center will continue as in the past with a municipal contribution supplied by the Town of Chebeague Island.

F. Environmental stewardship and pollution prevention

For an overview of this topic, the reader is invited to read the 2002 Chebeague Island Comprehensive Plan, Appendix “D.”

1. Existing or potential problems

We are not aware of any significant existing or potential environmental pollution on the Island. The Maine Department of Environmental Protection (MDEP) has responded to several small petroleum spills in the past five years and these have been remediated to their satisfaction. In 2005, MDEP sponsored a successful oil tank replacement program on Chebeague and filmed a television ad for the program on the Island.

The island landfill was closed in 1993; presently solid waste is collected at the transfer station and transported off-site to Regional Waste Systems for disposal.

Efforts to protect to island groundwater resources have been on-going for several decades and include evaluation of septic system impacts and saltwater intrusion on groundwater quality and an Island-initiated junk car removal program completed in 2005.

2. Need for additional services to resolve these problems

Chebeague Island will continue to work cooperatively with MDEP and other state and local environmental agencies to protect the natural resources on the Island.

3. Stewardship of outer islands

As described in the Report to the Town of Cumberland (Appendix “A”) the Secession Representatives have a deep concern for the stewardship of the “outer islands,” those small islands in the Secession Territory south and east of Chebeague Island.

Stewardship of the outer islands can be accomplished most effectively and efficiently by people who see the islands, fish around them, and have a means of access to them.

Dozens of Chebeague lobstermen are fishing the waters around the outer islands all year and recognize when something isn’t right. They are stewards to the waters around Chebeague and the outer islands. Fishermen are constantly aware of threats to the marine environment such as oil spills, hazardous waste, and obstructions. Furthermore, relations with the Department of Marine Resources will be more effective when conducted by those with a vested interest in the environmental health of the waters in question.

Chebeague Island is central to an important marine and estuarine area of Casco Bay, including the grounds of fishermen from the municipalities of Long Island, Portland, Yarmouth, Freeport, Falmouth, Brunswick, Harpswell, and Cape Elizabeth and points in between. We envision the new Town of Chebeague Island as being central to future regional efforts to best manage and steward these scarce resources.

G. Fiscal data

A detailed analysis of the impact of Chebeague's secession upon the municipality, along with a projected budget for the Town of Chebeague Island is presented in the Report to the Town (Appendix "A").

1. Net tax capacity of the proposed secession territory

The Secession Territory, exclusive of the Outer Islands, as of April 1, 2005, is valued at \$111,435,900 and, at the current mill rate of \$18.80, the tax capacity of the Territory is \$2,095,000. In addition, half of the projected real estate taxes from the Outer Islands are projected at \$36,000. Various fees and excise taxes are projected at \$55,000.

2. Impact on the municipality from which the territory proposes to secede

The Town of Cumberland will experience a reduction in total expenditures of over \$93,000 due to secession. If the Town engages in co-operative service agreements with the new town of Chebeague Island, these service revenues will also reduce any financial impact on the Town of Cumberland.

3. Present bonded indebtedness

The Secession Territory currently has no bonded indebtedness, but will incur debt as the result of agreements with the Town of Cumberland and MSAD #51. It has agreed to pay the Town of Cumberland a lump sum that will cover its fair share of Cumberland's debt. To do so, the territory will have to issue a \$1.3 million bond payable over 20 years.

The Secession Territory will also have to pay its fair share, based on State certified valuations, of MSAD #51's existing debt, which will approximate \$300,000 in the first year of incorporation and decline over time in accordance with the District's repayment schedule.

The Secession Territory has also agreed to pay MSAD #51 a lump sum of \$3,500,000 in consideration for the acceptance of tuition students from the Town of Chebeague Island, for the turnover of various assets on Chebeague Island, in full and final satisfaction of all outstanding obligations and liabilities of the Town of Chebeague Island to SAD #51 except for ongoing debt obligations. This obligation will be financed by the issuance of a general obligation bond or bonds payable over a seven to twenty year period, the initial debt service of which might approximate \$440,000.

4. Local tax rates of the county,

The county currently imposes a 0.0007% tax on the valuation of each municipality. This means that the territory will pay Cumberland County \$80,700.

5. Local tax rates of the school district

The MSAD #51 budget process will generate tax impacts which are dependent on both the secession impacts on Cumberland and the impacts on North Yarmouth. During settlement discussion, it was noted that Cumberland's mill rate would decline slightly while North Yarmouth's would increase slightly. Overall, the District's mill rate would increase by perhaps \$0.17.

The settlement between the Secession Territory and MSAD #51, as outlined in the Separation Agreement and LD 1735, succeeded in mitigating any adverse tax impacts to either the Town of Cumberland, the Town of North Yarmouth, or MSAD #51 as the result of the separation of Chebeague Island from MSAD #51. It further ensures that MSAD #51 will benefit from the tuitioning of Chebeague Island students for the ensuing seven years.

6. Local tax rates of the municipality;

Cumberland's mill rate will decline after secession from \$18.80 to \$18.68.

H. Effects

1. On communities adjacent to the secession territory

These are speculative at the moment. Due to the current education funding formula, Cumberland would experience a small tax decrease. North Yarmouth would see no tax increase. Other communities (such as Yarmouth, Falmouth, Long Island, Harpswell, Freeport, and Portland) would be unaffected, directly. The new Town of Chebeague Island will tuition its middle and high school students to MSAD #51. This will have a beneficial impact on that system's and municipality's finances. Nothing precludes the Secession Territory from tuitioning its students to another proximate school system, paying an appropriate tuition, if that is in the best interest of the student. Further, the new town will likely seek cooperative agreements with neighboring municipalities for the provision or sharing of various services (e.g., fire and rescue, assessing, code enforcement, and others) which would also have mutually beneficial financial impacts.

2. On school districts within and adjacent to the secession territory

The separation of Chebeague Island from MSAD #51 does not result in a significant negative financial or educational impact on either Cumberland or North Yarmouth.

Much as for the adjacent municipalities, school districts could, if they so choose, benefit from cooperative arrangements with the new town (e.g., tuitioning students, sharing resources, sharing administration and special services, etc.).

The Town of Long Island should enjoy a positive impact as the new Town of Chebeague Island plans to share educational and administrative services.

I. Ability of municipal government to deliver services to secession territory

1. Enhanced regional collaboration

The heart of the Town of Chebeague Island's governmental services will be collaborations with neighboring communities. Through a system of interlocal agreements, Chebeague will be better able to coordinate with other municipalities, especially in the areas of public safety, education, fisheries management, environmental stewardship, transportation, and other critical services. As an example, please see the letter of intent from the Town of Long Island (Appendix "I").

2. Financial capacity

Chebeague has a dependable and substantial source of revenue — property taxes which in 2004 amounted to nearly \$2.1 million. As a town, Chebeague could also collect significant permit and license fees as the Town of Cumberland currently does. Budget estimates of future expenses for existing levels of service provision are matched by revenues. Further, opportunities exist for creative ways to manage town costs through, for example, competitive bidding on service contracts and interlocal agreements. Plus, both revenue collection and service expenditures are determined democratically at Town Meeting by any and all town citizens who choose to participate. The "bottom line" is that Chebeague can more than meet its costs without sacrificing services... and without raising taxes significantly.

3. Professional capacity

There are 492 organized towns in Maine. 218 have fewer than 1000 residents; of those, 105 are smaller than the proposed Town of Chebeague Island.

Chebeague Island has a history of taking care of its own needs. More than 140 of Chebeague's registered voters (about half) participate in 30 Island organizations as trustees, directors, or board members. In addition, many more people (both year-round and seasonal residents) are involved in Island organizations day in and day out as members or volunteers. Please see Appendix "H," *Island Organizations and Officers*.

There are no problems anticipated in filling elected and appointed Town positions. Several members of the Chebeague community have held elective offices and/or served on school or municipal committees in Cumberland and other

cities and towns. Many others have expressed an interest to do so in the new Town of Chebeague Island.

VII. Community support

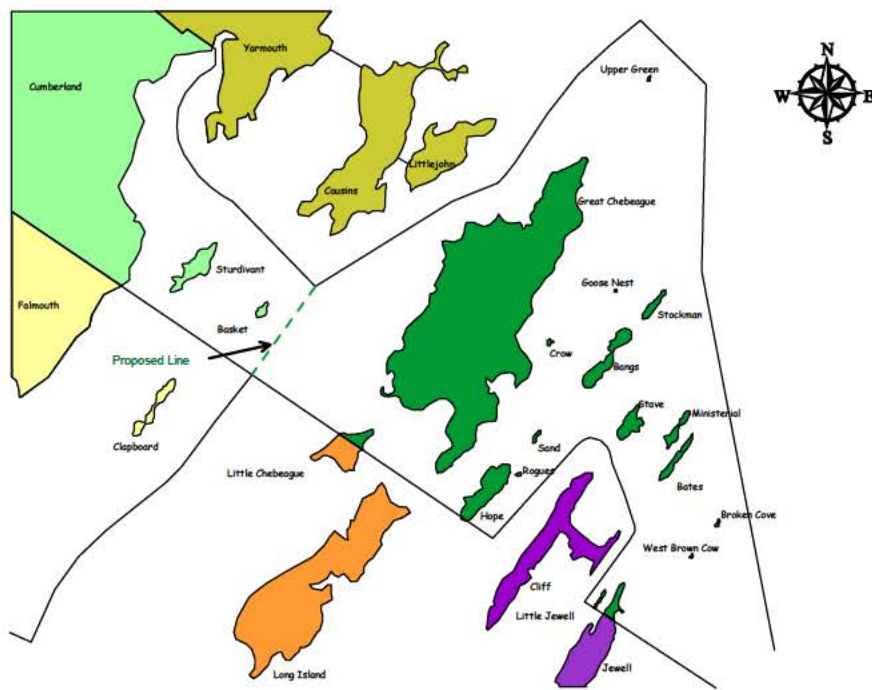
A. The extent to which the proposed secession territory and the affected municipality or municipalities have demonstrated support or opposition for a proposal for secession

1. Petitions

Pursuant to M.R.S.A., Title 30-A, Chapter 113, §2171 et seq., a petition signed by more than 50% of the registered voters within the secession territory requested a municipal public hearing for the purpose of discussing whether the specified territory should secede from the municipality. A total of 273 signatures were submitted from the 336 voters registered on Chebeague (81%) and, of these, 176 were examined and 176 were verified by the Town Clerk to ensure that at least 50% had signed the petition.

2. Votes

On May 13, 2005, a secret ballot straw poll was taken to measure the interest in exploring the possibility of Chebeague Island seceding from the Town of Cumberland. Among registered Chebeague voters, the vote was 72 in favor, 6 opposed and 1 undecided. The total vote was 82 in favor, 6 opposed, and 1 undecided.



On November 11, 2005, advisory referenda were held on Chebeague Island and mainland Cumberland. The question was, “**Do you favor secession of the territory described below from the municipality of Cumberland?***” The results were:

CHEBEAGUE		MAINLAND CUMBERLAND	
YES	NO	YES	NO
246	41	1357	1507
86%	14%	47%	53%
287 voters (89% turnout)		2973 voters (54% turnout)	

TOTAL CUMBERLAND	
YES	NO
1603	1548
51%	49%
3260 voters (56% turnout)	

3. Other methods of indicating support or opposition

Editorial and media support:

Most newspaper articles, editorials and letters to the editor are available on the Internet at www.chebeague.org/TOWN. Summarized below are four editorials, followed by copies of other articles.

- a. *Portland Press Herald*, June 15, 2005, “If that is their ultimate decision, and as long as the town and state agree, too, then they should have that opportunity, as state law provides.”
- b. *Portland Press Herald*, August 24, 2005, “Island communities are part of Maine's heritage. Cumberland officials should recognize that Chebeague offers a unique historical and cultural perspective and make a serious effort to address the concerns of the islanders.”
- c. *Portland Press Herald*, November 10, 2005, “Chebeague residents have spoken. Now the process must find a way to reconcile their desire for independence with the rights of their fellow citizens on the mainland.”
- d. *Portland Press Herald*, January 11, 2006, *Talks the right way to deal with secession*; “Chebeague Islanders took a big step toward independence from the town of Cumberland thanks to a financial accord

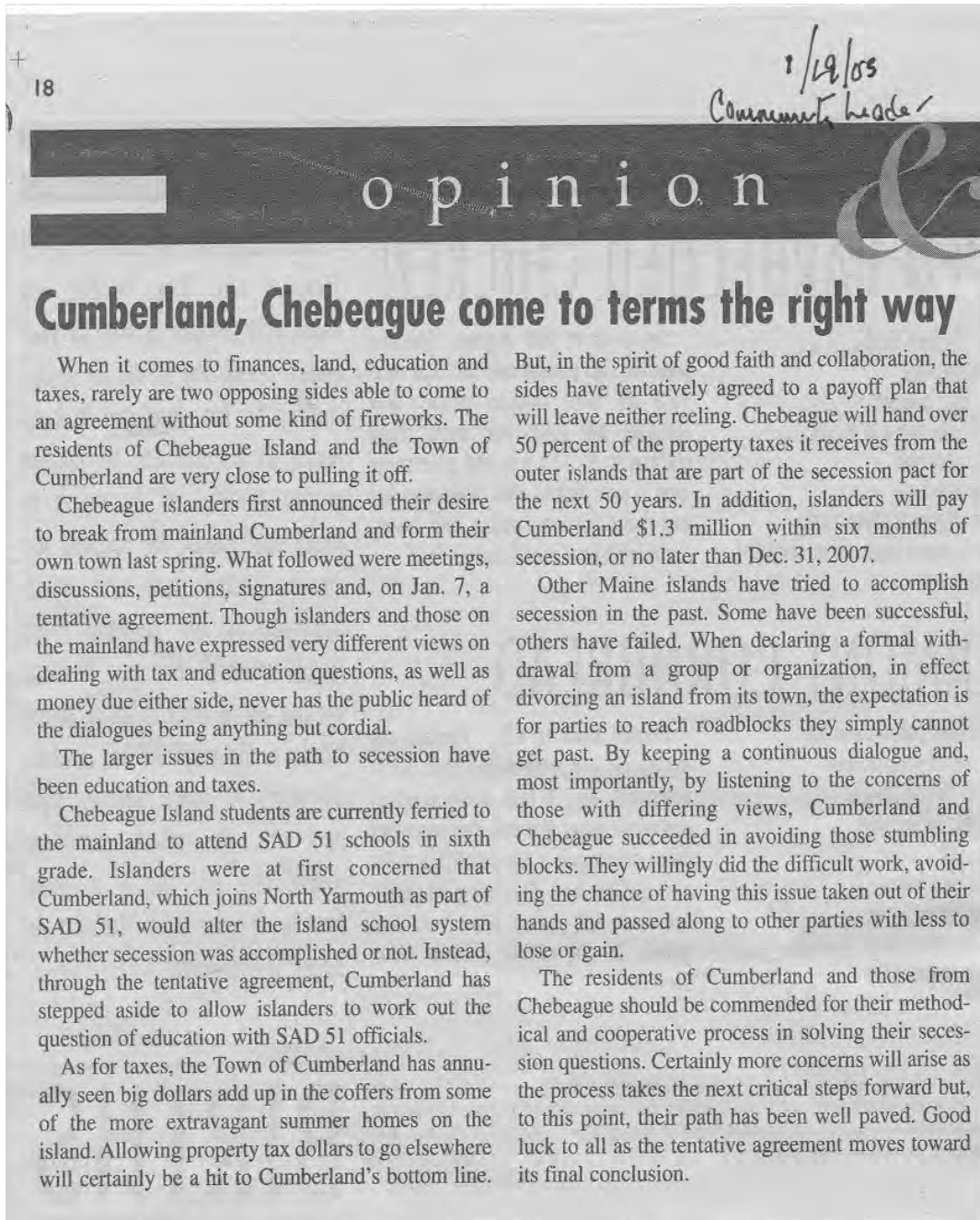
* Description of Secession Territory: All of Great Chebeague Island and those other islands that lie, in whole or part, within the boundaries of the Town of Cumberland except those islands lying northwest of a line running from 70 degrees, 10 minutes, 18 seconds West, 43 degrees, 43 minutes, 44 seconds North to 70 degrees, 9 minutes, 35 seconds West, 43 degrees, 44 minutes, 29 seconds North.

Explanation: The islands of Bates, Hope, Jewell (easterly portion), Little Jewell, Ministerial, Sand, Stave, Crow, Bangs, Stockman, West Brown Cow, Upper Green, Goose Nest, Rogues, Broken Cove, Little Chebeague (easterly portion), and Great Chebeague are intended to be included in the secession territory.

struck this weekend... Taxes are expected to remain stable on the mainland if the agreement holds and projected state school funding figures are on target, said Town Manager William Shane. 'It is a good settlement for both sides,' Shane said"

B. Press Reports

Reproduced below and on the following pages is a sampling of the considerable amount of press coverage generated by the Chebeague Island secession effort.



Chebeague secession worthwhile, if the parting is amicable

State law provides that the decision involves more than just island residents, as is proper.

A number of residents of Chebeague Island in Cumberland, along with some nearby islands, have expressed interest in going their own way as a separate town.

If that is their ultimate decision, and as long as the town and state agree, too, then they should have that opportunity, as state law provides.

That's the case regardless of the motives of the dissidents, who in this case appear to be expressing a mixture of dissatisfaction over recent property tax increases and concerns over the future of the island's K-6 school.

Such motives are not illegitimate, even though the fate of the school, which is part of SAD 51, is not up to the town to determine.

In seeking to increase their power to decide their own issues their own way, the islanders are expressing a basic principle of self-government.

That principle is not absolute, of course. Because it involves the interests

of all the other residents of the town, they have a right to participate in making the decision, as does the Legislature, which must approve the change.

So far, the secession movement is at the talking stage, with residents planning to circulate petitions soon. If it gains majority support on the islands, however, it should be treated with serious respect.

Issues involving such items as a new fire truck purchased for the island can be worked out, with mainland residents properly compensated.

The residents of Long Island in Casco Bay and Frye Island in Sebago Lake recognized that island life is unique when they successfully pursued secession from Portland and Standish, respectively.

Chebeaguers know that, too, and see its historic expression as threatened. Wanting to preserve it is a worthy cause - so long as their fellow citizens on the mainland agree.

PPH

6/15/05

Secession by Chebeague a matter to be taken seriously

Money is a legitimate issue for mainland residents as is preserving the island way of life.

Make no mistake, residents of Chebeague Island are serious about secession from the town of Cumberland. The process has been simmering for several months, but a public hearing is now officially scheduled, prompted by a petition signed by 273 islanders - representing more than 80 percent of Chebeague's registered voters.

Many islanders say they are interested in secession as a last-ditch effort to save their unique culture, of which their small island school is a big part.

Others say they hope that secession would give them local control over property taxes, which have been rapidly escalating on a par with the value of waterfront properties in Maine.

At stake is a considerable amount of property tax revenue for Cumberland and School Administrative District 51. Neither can be reasonably expected to take a hit financially. One possible solution would be for the newly formed town of Chebeague Island to agree to stay in

SAD 51 so long as its school is maintained. That would achieve independence for the island without harming taxpayers on the mainland.

A Cumberland Town Council vote is the next step in the process. People on both sides admit the two entities have resembled distant relatives for some 184 years. Putting aside the financial picture, which is still unsettled, Cumberland officials should recognize that Chebeague Island is an opportunity and an asset to the town.

Chebeague has preserved much of what Cumberland has lost - the slower pace and small-town feel. A better alliance between the island school and mainland schools - from field trips to teacher exchange programs - could be a start toward improved relations.

Island communities are part of Maine's heritage. Cumberland officials should recognize that Chebeague offers a unique historical and cultural perspective and make a serious effort to address the concerns of the islanders.

8/24/05

MAINE VOICES

Secession is Chebeague's only hope

Perhaps island life as we know it is doomed, but people deserve the chance to preserve it.

Chebeague Island is seriously contemplating seceding from the town of Cumberland and people want to know why. The issues are more complex than they might appear and, oddly enough, it's not all about money. It is highly unlikely that secession will immediately lower property taxes on Chebeague, if ever.

The defining characteristic of an island creates the need for independence – physical isolation. It isn't that easy or efficient to participate in mainland government when a body of water intervenes and one depends on the ferry schedule to do what others take for granted.

When municipal and educational circumstances force residents to wonder if there is any future for the island, it becomes clear that we must take matters into our own hands.

It isn't for lack of trying. In their early days as a town (formed in 1821), Cumberland and Chebeague were even more distant, since there were no direct transportation links other than private sailing vessels. Back then, Chebeague was functionally an independent community, though its residents occasionally locked horns with the mainland.

It has only been since the 1956 bulding of the bridge from the mainland to Cousins Island and regular ferry service began between Cousins and Chebeague that students began traveling to the mainland for schooling and more two-way participation in

ABOUT THE AUTHOR

David R. Hill, a small-business consultant, is a year-round resident of Chebeague Island and a volunteer with the Chebeague Island Community Association.

government developed.

Also, the system became more formalized with the creation of Maine School Administrative District 51 (1966) and adoption of the council/manager form of government (1972). Chebeague initially opposed both of these actions.

This form of long-distance representative government has failed. Chebeague and Cumberland may share a charter, but they do not share a community.

Despite repeated attempts by Cumberland and Chebeague to work together, understand each other's needs and function as a unit, it just hasn't worked. The 3 miles of Casco Bay separating the two sections of town is just too great a gulf to span.

While Cumberland's priorities tend to focus on controlling growth within the rapidly growing Portland suburb, Chebeague's priorities deal with the basic survival of a traditional rural island community.

NOT ABOUT TAXES

More than 80 percent of the registered voters of Chebeague signed a petition seeking a meeting with the Town Council to discuss secession. Soon, both communities will vote on the issue.

Practically every petition signer will say that secession is not about taxes. So, what is it about? Three things: fear, survival and independence.

Fear that our school will close. Fear that young people won't be able to find a place to live on Chebeague. Fear that older people can't afford to stay in their homes. Fear that the fishing

community will be forced off the island. Fear that the islands near Chebeague will fall prey to destructive development. Fear that a vibrant working waterfront community will become another Nantucket or Martha's Vineyard.

Those concerns all point to a very strong fear that the community may not survive in its present form. Maine had more than 300 island communities (each with its own school) in 1900. Today, that number has dwindled to 14.

RIGHT TO SURVIVE?

Does a community have a right to demand that it survive? Maybe not. But does it have an obligation to do everything within its power to ensure its survival? The American way would answer, "Most assuredly, yes."

And that leads to independence. When municipal and educational circumstances force residents to wonder if there is any future for the island, it becomes clear that we must take matters into our own hands. Maybe we'll fail, and Chebeague will become the summer resort island of the 2020s. But if we don't try, failure is virtually assured.

What is much more likely is that with self-government will come self-preservation. We'll keep the elementary school open to teach just one pupil, if it comes to that. We'll provide affordable housing. We'll support our fishing community and serve as responsible stewards to the small islands near us. We'll use our tax dollars to ensure our futures.

The time has come for Chebeague Island, with the encouragement and support of the town of Cumberland and the state of Maine, to follow the lead of Thomas Jefferson and "assume the blessings and security of self government."

— Special to the Press Herald

10/04/05

Chebeague residents can go it alone

How would the islanders handle independence? The same way they always have handled life.

ABOUT THE AUTHOR

Andrew Grannell (e-mail: grannell@maine.rr.com) is a resident of Portland.

My dad spent his boyhood summers on the island of Chebeague from 1912-1925. These were great days when the summer tourist hotels and boarding houses were flourishing.

Folks from "away" - Chicago, Montreal and Washington, D.C. - came to spend a week. The natives were good at hospitality and there was still a good deal of economic independence.

When he came back to a busier island to spend his retirement summers in the early 1970s, he would often say, "You know, Andy, this island is going to hell in a handbasket." But then he lived to see that he had been dead wrong. Never count out Chebeague Island.

Island life is demanding. You soon learn that you can not rely on handouts, sympathy or tourist dollars. In fact, you cannot depend on any outside program or public service. If it is going to be done, look no further: All who elect to live on the island soon realize that they are elected.

MEETING THE THREAT

So, what does a small community of 350 year-round residents on an island off the coast of Maine do when it must meet a real threat to its survival as viable way of life? Here is a starter list gathered from observation over the past 35 years.

What does such a community do when the only ferry service becomes increasingly undependable and the island-hopping run seems to take forever to get to Portland? Why, they set to work and create their own ferry and barge service - and run it without public subsidy of any kind and without mishap for more than

three decades.

What does it do when the only library is 15 miles and an hour's boat and car ride away? Chebeaguers set to work and have designed a wonderfully functional, architecturally inviting library. They raise all of the money for it. And they run it largely through countless hours of devoted volunteer labor as a bona fide center for all ages throughout the year.

So, what does a small community of 350 year-round residents on an island off the coast of Maine do when it must meet a real threat to its survival as viable way of life? Here is a starter list gathered from observation over the past 35 years.

What does it do when the elders are forced to leave their community prematurely and settle for a nursing home on the mainland? They make their needs known and a summer resident offers a splendid home to serve as an assisted-care facility. Once again they put their collective shoulder to the wheel, successfully raising the needed funds to renovate it and to make it work.

What does it do when its youth are feeling isolated and uncared for and badly need a place to "hang out"? The community rallies to design, fund and run a

splendid recreation center complete with a swimming pool. The funding for this again comes from the dedicated folks on the island and no tax dollars are asked for or used in the construction - although tax dollars do support the ongoing staffing.

What does it do when the treasures of a 200-year-old community are being discarded, the stories are being forgotten and traditions are misplaced? The community reclaims one of its closed schoolhouses turned maintenance facility, and in its stead creates a state-of-the-art museum that will annually celebrate this heritage through educational programs and exhibits.

Therefore, what must it do when the community's real and present needs cannot get a sustained and focused hearing from those who make the decisions?

WIDENING GAP

The gap of understanding between island residents and mainland residents steadily widens.

The island school must meet continued challenges and an uncertain future. The increasing and onerous taxes leaving the island do not come back in ways that meet the islanders' perceived needs. For example, all but one notable stretch of the main roads are in poor, bordering on dangerous, condition.

Finally, the northward sweep of "Nantucketization" threatens to populate the island with "castles," leaving working people with increasingly hard choices.

The answer? Islanders will take control of their own affairs and run the civic affairs of this island responsibly, just as they have in the chosen illustrations.

Never underestimate what a hearty community of 350 souls can and will do when put to the test.

- Special to the Press Herald

Cumberland, Chebeague should find fair solution

Now that secession requires negotiation, it behooves both sides to seek equity over enmity.

The nearly unanimous vote by the Cumberland Town Council to reject an application by residents of Chebeague Island to secede from the town means both sides now have to negotiate face-to-face.

If that fails, they can then participate in a mediation process that would give them six months to find common ground.

That process means hard bargaining lies ahead if islanders hope to persuade mainlanders that they should agree to let them go. That, however, is a direction that is both more fair and more suitable to the current relationship between the town and the islanders than what has been happening so far.

Islanders have demanded the right to leave, citing their relative powerlessness in town affairs, including schooling and land use policies that they say would alter the nature of island life.

Mainlanders, on the other hand, point out that the island has been part of the town for 184 years. Thus, islanders share in the obligation to repay long-

term debt and support the mainland schools that their older children would still attend.

In addition, the loss of valuable island properties from the town's and local school district's tax base is a legitimate concern of mainlanders, as is the fate of 16 smaller islands near Chebeague.

Now those issues and others have a chance to be ironed out before the quest for Chebeague's independence can proceed.

That's the way it should be. Basic fairness means that the interests of both of the involved groups should be given equal weight in any secession talks. While the opportunity to secede is rightly provided under Maine law, it's not a one-way street.

The process and its outcome should be fair to both sides before any proposed solution is to be presented to the Legislature for approval. Otherwise, it's not a political process, it's just a matter of power politics.

That's not how Mainers should settle their differences.

PPH 11/30

Community leader

JANUARY 12, 2006

Secession petitioners, council reach tentative agreement

Following a day of discussion, the Cumberland Town Council and a group of secession petitioners from Chebeague Island reached a tentative agreement to allow the island to secede from the town. The agreement was made on Jan. 7 at 5:20 p.m.

Cumberland Town Manager Bill Shane called the agreement "a good settlement for both sides," saying the effective date of secession may be July 1, 2007.

Last summer members of the Chebeague Island Community Association presented the council with a petition calling for exploration of secession, breaking a link that goes back to Cumberland's incorporation in 1821. Sixteen other islands, including Hope, Stave, Bates and Ministerial, are also included in the secession and would become part of the Town of Chebeague if the Maine

Legislature ultimately approves the break.

The agreement's six points include one requiring Chebeague to pay Cumberland \$1.3 million within six months of the effective date of secession, or no later than Dec. 31, 2007. This sum includes \$258,000 for a new Chebeague fire truck that Cumberland purchased last summer and which the island should be receiving in the spring. There is also Chebeague's approximately \$600,000 portion of all Cumberland town debt, and less than \$300,000 in the island's share of public lands and assets.

Meanwhile, the island town would have to pay Cumberland 50 percent annually of the property taxes committed to Chebeague from the 16 "outer" islands for the 50 years following secession. Shane said Cumberland currently receives

\$72,000 from those islands, meaning that Chebeague would be paying \$36,000 per year in today's dollars. Chebeague and Cumberland would be allowed to agree upon a lump sum or alternative payment schedule of the money owed.

Whether Chebeague succeeds in seceding, the tentative agreement is a validation of the town and island's ability to work together, Shane said, a critical factor in the future relationship of the neighbors.

"I feel good about it," said Mabel Doughty, one of the petitioners. "I feel relieved. I didn't think we expected to get as far as we did that day."

There are still hurdles to clear. Chebeague must resolve issues with SAD 51, and a more comprehensive agreement is anticipated by the parties involved following completion of those negotiations.

Chebeague

from page 1

The payment will mitigate any potential tax impacts in Cumberland or North Yarmouth. Early predictions from Cumberland calculated an annual increase of \$300,000 in North Yarmouth's tax burden, although a December presentation by Jim Rier, information systems team leader for the Maine Department of Education, suggested the potential tax impact on the smaller town would be closer to \$180,000.

In consideration of that payment, SAD 51 representatives have agreed to educate Chebeague Island's sixth through 12th-grade students for seven years from the date of secession, without additional tuition payments.

All property owned by SAD 51 on Chebeague Island would become the property of the Town of Chebeague Is-

land, and all other property owned by SAD 51 would remain the property of the district.

The agreement with the district comes on the heels of an earlier agreement with the Town of Cumberland.

That agreement requires Chebeague Island to pay Cumberland 50 percent of the property tax value of the 16 outer islands included in the secession territory for a period of 50 years.

The island will also be responsible for paying \$1.3 million to Cumberland by the end of 2007. The payment, which will be in addition to the \$3.5 million paid to the SAD, represents a portion of the money the town has already spent on capital assets on the island.

The agreement with the town was contingent upon islanders reaching a satisfactory agreement with the school district. The Town Council is scheduled to meet in executive session on Thursday, Feb. 16, for a final discussion before vot-

ing on the issue.

Another provision makes Chebeague Island responsible for 13 percent of Cumberland's contingent and overlapping debt, in the event the notes are called for repayment.

The secession movement gained momentum last February, after the School Board discussed the possibility of reducing the already tiny Chebeague Island School to one classroom, with fourth- and fifth-grade students to be shipped to the mainland. The kindergarten- through fifth-grade school now serves the island's 22 elementary school students.

Islanders argued that the closing of schools is a major factor leading to islands ceasing to remain viable as year-round communities. Other issues included islanders' perception that their property tax burden is disproportionate to mainlanders'. Secession representatives say the inability to afford high property taxes is another factor that drives

residents from the island, threatening its survival as a year-round community.

State Rep. Terrence McKenney, a Cumberland Republican, drafted a bill in November meant to serve as a framework for a secession agreement. Right now, the bill only describes what is required of both parties, according to state statute.

McKenney said some form of a bill had to be ready in the event that both sides are ready for secession to be voted on during this legislative session. In order for that to happen, McKenney said, an agreement between the town and the secession representatives would have to be brought to the Legislature by the end of February, at the latest.

Representatives of the secession territory have identified July 1, 2007, as the target date for the secession to take effect.

Jaime McLeod can be reached at 781-3661 ext. 113 or jmcleod@theforecaster.net.

Chebeague Islanders reach agreement with school district

By Jaime McLeod

CUMBERLAND - Negotiators representing School Administrative District 51 and the proposed new Town of Chebeague Island have reached a tentative agreement for the division of assets if the island secedes from mainland Cumberland and the school district.

Separate negotiations with representatives from the town and school district began late last fall, after 86 percent of Chebeague Island voters cast ballots in favor of seceding. Secession must ultimately be approved by the state Legislature.

Secession representatives hired Bob Lyman, former superintendent of Freeport schools, to help them navigate through their negotiations and eventual separation from the district.

During a Dec. 5, 2005, meeting, School Board members voted unanimously on a set of guidelines for negotiations, agreeing the district would not oppose secession if islanders could negate potential nega-

tive effects on the education of students, the district's long-term financial obligations, including debt and lease agreements, and the governance structure of the board.

The guidelines further stipulated that district assets must be divided fairly and made clear board members' position that they would not agree to a tax increase for residents of Cumberland or North Yarmouth.

School Board Chairwoman Betts Gorsky said she believes the agreement reached is true to those objectives. According to the agreement, the Town of Chebeague Island would continue to pay a proportionate share of the district's existing bonded annual debt service.

Those payments are scheduled to continue through the end of fiscal year 2026.

Chebeague will also pay the sum of \$3.5 million to the district at the time of secession.

See page 35

VIII. Other Issues

A. Cemetery Association

The Territory has four identified cemeteries, one of which is municipal. During the 1930s the Town of Cumberland created the Cumberland Cemetery Association which manages the cemetery and its finances, including invested perpetual care funds.

The cemetery association employs a caretaker who maintains the cemetery and makes arrangements for burials.

Under the proposed Town of Chebeague Island the Island cemetery funds will be withdrawn from the Cumberland Cemetery Association and a local cemetery commission will be either elected or appointed. They will be responsible for the management of the cemetery and make recommendations to the Town regarding annual municipal budget allocations and the investment of perpetual care funds.

B. Laws and Statutes

Initially, the Town of Chebeague Island will adopt the laws and statutes of the Town of Cumberland. These laws and statutes may be revised as deemed necessary by the governing body of the Town of Chebeague Island.

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- Tab “D”
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- Tab “F”
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- Tab “G”
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TAB “A”

**Report of the Chebeague Island
Secession Territory Representatives**

**Report of the
Chebeague Island
Secession Territory
Representatives**

to

The Town of Cumberland

**Originally submitted
September 15, 2005**

**Revised to include updated
financial information and budget
(Sections III.E and V.H)
October 18, 2005
February 17, 2006**

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I. Introduction and Summary

A. Introduction

The State of Maine statutes addressing secession specify that “The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the municipality as well as in the secession territory.” (M.R.S.A., Title 30-A, Chapter 113, §2171-C)

This written report addresses much more than just the impact on property taxes, which will be found in Section III.E.

It describes a community composed of Chebeague Island and its surrounding islands and provides insight into what makes the community unique and worth preserving. It outlines the external forces which put our community at risk and lead Chebeague Islanders to fear for the future of our island. It presents our vision of the future as a self-governing autonomous municipality, free to direct our own course and shape our own destiny.

As described in statute, this report to the Town of Cumberland is the second step in the secession process. Many more steps will follow. This report represents a commitment to the survival and long-term viability of Chebeague Island as a year-round community. It also presents a blueprint to achieve that goal. If future circumstances dictate changes in our plans for the Town of Chebeague Island, they will be documented as we move forward in the process.

This report was written in its entirety by a committee comprised of year-round Chebeague Island residents.

B. Summary

After 184 years as a part of the Town of Cumberland, the people of Chebeague Island find it necessary to seek authority from the Legislature of the State of Maine to secede from the Town of Cumberland. Furthermore, after 39 years as a part of Maine School Administrative District (MSAD) #51, we find it necessary to restructure our relationship with that district, simultaneous with secession from Cumberland.

Secession from Cumberland removes Chebeague from MSAD #51. To retain educational services from MSAD #51 as they currently exist, Chebeague would have to petition in to the district as a third town. If this path is not taken, we will create a Chebeague Island School System, which will include running the existing island elementary school and establishing a secondary school relationship with either MSAD #51 or another school system.

An amicable secession will resolve the mainland/island issues that have clouded the past and will set Chebeague Island on course for a brighter, independent future.

An island, by definition, is separate from the neighboring mainland. As a separate and distinct geography, Chebeague Island has grown in directions very different from those of mainland Cumberland.

Currently, mainland Cumberland is dealing with issues of rapid growth, a mobile population, open space preservation, and many of the other problems that modern suburban communities face daily. Chebeague, on the other hand, is a stable, cohesive community struggling for its very survival. The population declined after World War I and leveled off after World War II. The Town of Cumberland closed Chebeague High School in 1956 and closed the junior high school in 1964. We fear the elementary school is also threatened. Chebeague Islanders know from the experience of other islands that when the school is gone, the year-round community will dwindle and die.

Chebeague's struggles are centered on concerns about the future of the Chebeague Island School, long-time residents moving away from Chebeague, rising property taxes, maintenance of a working waterfront and the associated fisheries, and worries that the vibrant year-round Chebeague community will become a thing of the past.

Perhaps most disturbing in our continued efforts to address these problems is the barrier in communications encountered between mainland government and the Island. Primarily due to geographic isolation, Chebeague Island finds itself physically removed from much of the municipal and educational decision-making process. Furthermore, the issues of importance to the Island are often of little or no consequence to the mainland and vice versa. This has led to further "disconnects" and consequently, loss of opportunities.

Over the years, many attempts to improve communications have been made by people on both the mainland and the Island. Even in the electronic age in which we now live, such efforts have been unsuccessful.

When the mainland has been unable or unwilling to provide for Chebeague, Chebeague has provided for itself. The citizens of Chebeague Island have built their own library, historical society museum, recreation center, recycling program and assisted living facility. Even the ferry, which is the transportation lifeline for the Island, was established and continues to be operated by Chebeague residents.

This pattern of self-sufficiency and public-spirited involvement of Islanders convinces us that self-government will work best for Chebeague Island. We know how to identify and meet our needs.

We know that we will be able to take care of our roads, marine infrastructure, school building, and emergency vehicles and equipment. We will provide appropriate

funding for our needs. We will ensure that there will always be a school on Chebeague Island and that young families will be welcome. We will take steps to assure adequate affordable housing for both young families and older residents. We will carefully monitor and control municipal spending. We will preserve access to our shores. We will strive to manage our groundwater, timber, and shoreline resources in a manner consistent with our unique geographic realities.

The lessons of history, the facts of geography, the divergence of island and mainland communities, the contrasting priorities of the two, the persistent misunderstandings between Islanders and municipal and educational authorities across the water – all these have led Chebeague residents to consider self-government.

We can do a better job managing our island simply because we are here on the Island. We know what has to be done, and we know how to do it.

The time has come for Chebeague Island, with the encouragement and support of the Town of Cumberland and the State of Maine, to follow the lead of Thomas Jefferson and “assume the blessings and security of self-government.”

“I have lived on Chebeague Island since 1945. I have had time to look at all aspects of what Chebeague is about, having taken part in just about any project or activity which has been offered.

“We are different from the mainland community and it is time for us to leave our parents and establish our own foundation.

“I am confident we are ready. The Town of Chebeague Island has a nice sound.”

— Mabel Doughty

II. Who We Are

A. History of Chebeague Island

Great Chebeague Island was settled by the Chandler family from North Yarmouth in the late 1740s. The District of Maine was the frontier of colonial Massachusetts and deadly skirmishes between the settlers and Native Americans were still occurring on the mainland. Ambrose Hamilton bought land on Chebeague in 1756 and raised a large family. Many of his descendants still live on the Island.

The waters along the Maine coast were the Route 1 of the eighteenth century. Commerce thrived along the New England shore and travel by sea was much easier than travel by land. Chebeaguers saw Portland burn at the hands of the British in 1775 and feared for their own safety. While Islanders cleared the land to create subsistence farms on Chebeague, they captained and crewed coastal merchant vessels. From time to time they joined the ranks of the privateers as the new country struggled to build its navy.

By 1790, seventy people lived on Chebeague. Although the early settlers had attended the Congregational church in North Yarmouth, the new generation answered the call of the missionaries and became Methodists and Baptists.

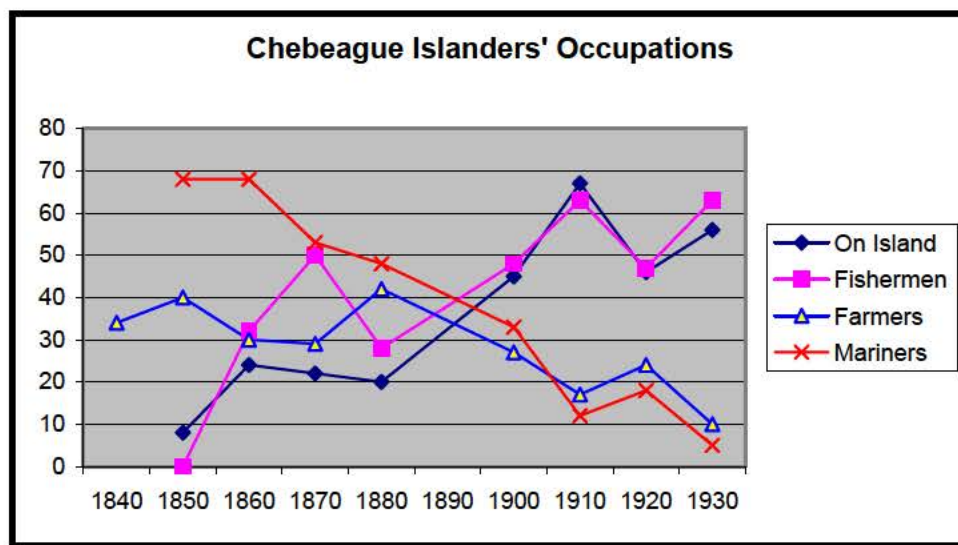
When the first generation of Chebeaguers reached adulthood, they settled the east end of the Island, which necessitated a request to create two school districts in 1818. By the time Cumberland became a town, thirty-five families lived on Chebeague.

The residents of North Yarmouth wished to create a new town comprised of the southwestern part of the town including Basket and Clapboard (now Sturdivant) Islands. A few days before the new Maine legislature met to consider North Yarmouth's petition, the majority of Chebeague Islanders petitioned to join the new Town of Cumberland. It appears that the outer islands (see map in Section III.C.1) were included at this time. Recent research indicates that the addition of Chebeague and the outer islands to Cumberland's territory was part of a legislative compromise which resulted from conflicting opinions of North Yarmouth's legislative representatives.

By the early 1830s the union had soured. Chebeague and what is now Cumberland Foreside attempted to leave the Town after a decision was made to move the Town House further inland. The initiative failed and Cumberland Center became the political center of the Town. During the antebellum period mainland Cumberland's population slowly declined while Chebeague's population grew (see chart later in this section). By 1850 Chebeague had its first selectman and comprised 25.2% of the Town's population; by 1860 more than one third of the Town's population lived on Chebeague; and by the 1890s 40% of Cumberland residents resided on Chebeague. The 1895 Town Report states that nearly as many students live on Chebeague as the mainland. During this period of unprecedented growth on the Island and population decline on the

mainland, Chebeague still faced political challenges that resulted in talk of secession. Chebeaguers felt their share of Civil War debt was too great and that coupled with the distance to travel to vote, caused discontent. By 1866 an island voting district was created for State and Federal elections, but this did not solve the problem of local control. Chebeague did not have a Town road that connected both ends of the Island. Every attempt to convince the Town to build a road failed, forcing Islanders to sue the Town. In 1871, Cumberland County Superior Court ordered the Town to pay land damages and build a road as laid out by the Cumberland County Commissioners. The North and South Roads were built at this time.

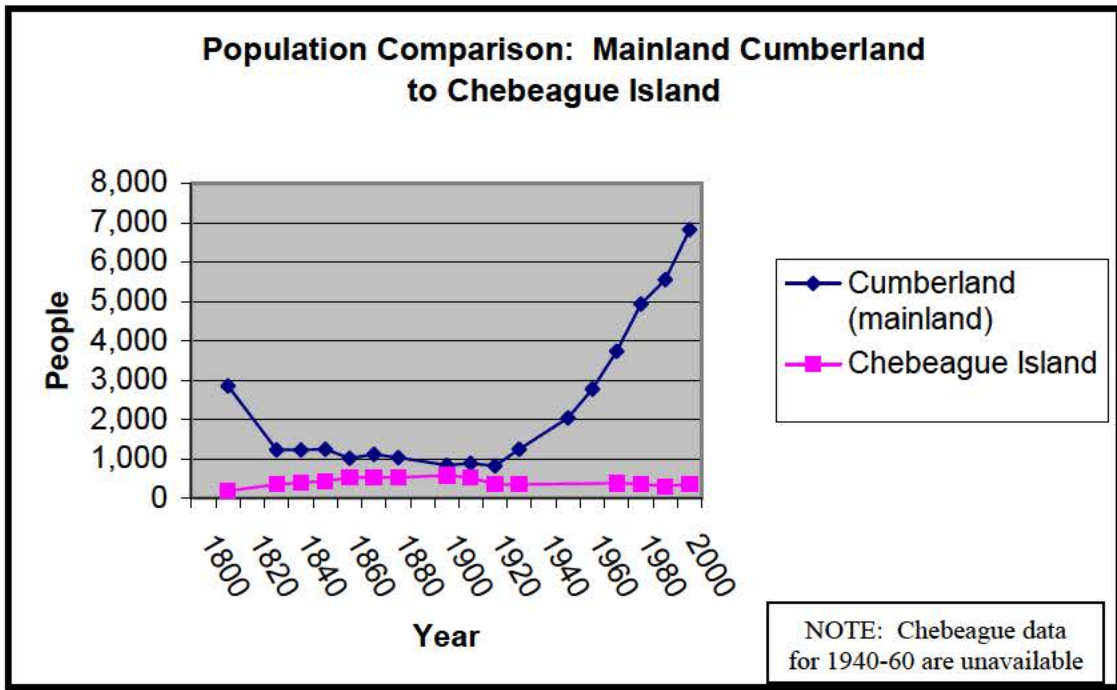
During the nineteenth century, Chebeague's economy was based on agriculture and maritime endeavors. While much of Chebeague's land was in cultivation and some farms raised hay and vegetables commercially, most men went to sea at some point in their careers. Fishing and rock slooping brought outside money to the Island and helped the community flourish. Islanders paved their roads with clam shells reflecting the importance of the clam to the local economy. Many island homes were built during the mid-nineteenth century. Chebeague had several churches, stores, and factories. In 1873 Islanders formed a company to provide steamboat service to Chebeague. Writings and material culture show that Chebeague was a Victorian middle class community, and as such, Chebeaguers began taking in boarders from the mainland about 1871. By the twentieth century, many Islanders had expanded their homes to accommodate the many tourists who wanted to spend the summer on the Island. A few island farms were subdivided and many cottages were erected, creating employment for Islanders who no longer had to face the elements at sea to make a living. Many of Chebeague's summer residents' roots extend back into the nineteenth century. Known on the Island as summer natives, these folks feel connected to Chebeague and participate in many island organizations and activities



Despite the economic boon of the tourist industry, Chebeague's population began to decline after 1910. The Island could not sustain the more than three hundred Islanders

who were born after the Civil War. When the majority of children reached maturity they, like many of their mainland peers, moved to the cities in search of work. This out-migration coupled with a lower birth rate resulted in a population decrease of 187 on the Island and 66 on the mainland between 1910 and 1920.

While Chebeague’s population has remained relatively constant since that time, census records show that mainland Cumberland’s population increased by 427 during the Roaring Twenties. The automobile provided mainland residents with a way to work in the city during the day and sleep on the farm at night. The suburb was born. By the decade of the 1960s the sound of hammers could be heard from dawn to dusk in an attempt to have supply keep up with demand. The Town of Cumberland grew by 48% in that decade alone. The agrarian community of Cumberland had evolved into one of Portland’s most desirable suburbs, and with that came the need for new schools, swimming pools, increased municipal services and infrastructure. A school district was formed and residents gave up the town meeting form of government when they decided that volunteers could no longer manage the Town’s business.



While this uncontrolled and unplanned growth was occurring on the mainland, Chebeague’s population remained constant. Many of the men who had served in the War chose not to come back to live on the Island. A new K-12 school opened on Chebeague in 1953 only to have the high school students sent to the mainland three years later. While Islanders attempted to convince the State to build a bridge to the Island, more island families left following their children to mainland schools. Islanders resisted the creation of a school district that did not provide them with a guaranteed seat on the School Board and voted against creating a council/manager form of government

until they were guaranteed a seat on the Council. Junior high school students were sent to the mainland and again families followed. Although the bridge was never built, numerous water taxis emerged and the Town hired a school boat that provided the first year-round transportation to the Island via Cousins Island. Eventually Islanders created their own ferry service, Chebeague Transportation Company (CTC). Population began to decline again in the 1980s and in 1990 dipped below 300 for the first time since the 1820s. School population decreases resulted in the elimination of a classroom for several years.

Although the future of the Island looked bleak, Islanders continued to believe in the community. They renovated the Hall and made plans to build a new library. Commuting to work and participation in school activities became options with the creation of regularly scheduled boats to Cousins Island. Once again the population stabilized and the community survived another near miss. After thirty years of effort, the Town and the community of Chebeague finally worked together to reach an agreement with the State to secure Cousins Island as a mainland landing and parking area. But despite this huge success, people on Chebeague have come to realize that the Island and mainland are on different courses. Cumberland's population has grown to such an extent that Islanders are outnumbered 19-1. The same governmental and educational issues resurface frequently.

Over the years Islanders and mainland residents have tried to reach common ground and to better understand one another, but as one elected official recently said, "We have shared a government for 184 years, but have we ever really been a community?" The wants and needs of the communities are very different, and Islanders feel they have the resources necessary to successfully govern themselves and educate their children. They feel the time has come to "row their own boat" to ensure the viability of their island community.

B. Vital Statistics

Chebeague Island is the largest non-bridged island in Casco Bay and is the year-round home for approximately 350 people. In the summer, the population swells to about 1,200. Fishing is the single major industry on Chebeague. Non-fishing families support themselves by providing goods and services needed by the year-round and summer communities and between 25 and 50 people (depending on the season) commute to various mainland occupations. Chebeague is also home for many retirees.

Education for Chebeague children is provided by MSAD #51 (comprised of the towns of Cumberland and North Yarmouth) which administers the Island School (18 students in kindergarten through grade 5) and transports 21 middle and high school students to schools in mainland Cumberland. The Chebeague Parents Association works in conjunction with the Chebeague Recreation Center to operate an Island pre-school, not a part of MSAD #51.

In 1900, Maine had more than 300 island communities, each with its own school. Today there are only fourteen. All of these islands are independent towns or plantations with the exception of Chebeague, Cliff and Peaks Islands – all in Casco Bay – which are part of mainland municipalities.

Fog on the Rocks

*Fog creeps in -
The bay and
the inner islands
disappear; some
slowly, some
swiftly.*

*I am alone.
Perched high
on a granite
boulder, perched
high over the
bay, I watch
the world go
away.*

*Sounds so soft,
sounds like velvet,
a lone voice,
the chug of a
boat, come
haunting.*

*The fog enfolds
me. It caresses
and comforts
and sloughs off
my cares.*

I love the fog.

— Helen L. Wheldon

C. The Community of Chebeague Island

"Islandness may be something experienced, like solitude; observed, like the way islanders respond to change; or learned, like the lessons newcomers must absorb as they gradually become part of an island community.

"Islandness can be as simple or as complex as we wish it to be. But if we fail to appreciate it or don't pay attention to it – if we are guilty of 'under sight,' – it will be lost, and the world will become a poorer place."

— David Platt, from **The Holding Ground**

Chebeague Islanders: Who are we?

Some of us were born and brought up on the Island, others of us came because of families that once lived or summered here, others by way of friends and even some by chance. Many of us have Island family roots that go back more than a century and others, family ties that go back to before the time of the American Revolution. But no matter how or when we arrived, it is our sense of community and our will to maintain it that keeps us here.

When you live on an island every journey begins and ends with a boat ride. Trips to and from the Island requiring lots of lugging are planned around the weather and the tides, as slippery ramps and low tides make it challenging for all and impossible for others. At the end of the day, returning commuters, shoppers and travelers laden with brimming Bean bags meet on the dock to wait for the boat and ask each other where they have been, or what they have bought, or how their family is doing: questions that might seem intrusive to an outsider. But on the Island, we are all neighbors; nothing goes unnoticed and everyone is cared for.

Islanders are also, by nature, an independent lot who know that sometimes the best way to get things done is do them by themselves and so the boat they wait for belongs to them. In 1975 Chebeaguers set about forming their own transportation company to be owned, operated, and captained by Islanders. It is a one of a kind year-round operation as it receives no state or federal support.

This same spirit was responsible for the construction of the Chebeague Island Community Center which is located in what might be considered by mainlanders as the downtown area of the Island. Our Community Center began with the building of the Chebeague Island Hall in 1928. The Hall hosts frequent community meetings, suppers, concerts, dances, island-produced plays, lectures, and holiday celebrations.

A library and a medical facility, made possible by donations were added to the Center and opened up in 1990. Our current library has a circulation of 14,500 volumes, 1800 tapes/DVDs, five computers, wireless access, and is open evenings throughout the year for students' needs. The medical facility is open by appointment two days a week and

offers care to both year-round and seasonal residents by a local physician's assistant, affiliated with InterMed.

Located next to the Community Center is the Island Market which was opened in 1961 by Earle Doughty and his wife, Jo. After Earle retired in 1982, Earle's son, Edmund, and his wife, Julie, assumed the ownership and operation of the store. On Chebeague it is not uncommon for sons and daughters to carry on the work of their ancestors. Fishing, carpentering, plumbing, and various other skills are passed from one generation to the next making the Island a rather self-sufficient community. Over 100 Chebeaguers are self-employed. Of these, 47 are fishermen making fishing the single major industry of Chebeague, as it was a century ago.

At the very heart of our community is the school where our children must be educated in ways that allows them to become productive, good citizens. These are the young people who we hope will want to maintain their ties to the Island and who may eventually raise their families here. It is no secret that the school, more than any other institution, carries the lifeblood of an island. We are one of only fourteen remaining year-round island communities and have learned through studying the history of other islands that without a school, young families no longer make the islands their home. And that without a school, our island which is now a thriving year-round community with a rich generational history, would most likely turn into a seasonal community.

Over the years the church, school, Hall, Grange, Council, Boy Scouts, Girl Scouts, Fire Department, Rescue Squad, and various other organizations have provided recreational and civic opportunities for our young people. In 1998, the Chebeague Recreation Center, conceived, built, and paid for by the Chebeague people, was added to this list. The Recreation Center offers a safe drug-free place for our children to "hang out" and develop their social, athletic and artistic skills. It also provides a pool and gymnasium for the elementary school's physical education program. Year-round recreational activities are designed for islanders of all ages; from tiny tots to senior citizens.

Also in 1998, the Island Commons opened its doors to our senior citizens who need extra care and who are no longer able to live on their own. The Commons' caregivers, Islanders and off-Islanders with Chebeague connections, take a special interest in their friends and neighbors who come to stay in this assisted-living home, a home made possible by the generous donation of a former stone sloop family homestead and through continuing donations from the people of Chebeague.

Perhaps the Island's dearest resource is its people. They are our fire department and our rescue squad. They are our church trustees, our parents association and our transportation board. They volunteer hours upon hours at the library, the school, the rec center, the museum of Chebeague history, the health clinic and at the recycling center. They help wherever help is needed.

And they are also the stewards who are continually working to preserve the nature of the land they live on and the islands that neighbor them; islands that have always been important parts of their lives.

No matter how we got here, whether by design, by choice or by chance, it is our sense of community and our will to maintain it that keeps us here.

"There are some who cannot forget what their ancestors knew in this place, the remoteness, the silence, the imperviousness of the surrounding sea; the sure sense of being an islander and therefore in some way different from other men."

— Dorothy Simpson

**Construction costs for Chebeague Island Facilities
Initiated and operated by Chebeaguers (partial list)**

Facility	Cost	Year Built
Chebeague Island Community Center	\$ 175,000*	1928
Chebeague Transportation Company	560,000**	1971
Chebeague Island Library	365,000	1990
Chebeague Recreation Center	1,000,000	1998
Island Commons Resource Center	565,000	1998
Museum of Chebeague History	500,000	2003

* Improvements made 1982-2004

** Assets as of August, 2005

III. What We Are Proposing

The Legislature has found that “the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and inalienable right to institute government and to alter, reform or totally change the same, when their safety and happiness require it.”

A majority of the registered voters on Chebeague Island, including the Secession Territory Representatives, are of the firm belief that such a state exists on Great Chebeague Island and on the nearby islands.

Therefore, the residents of the Chebeague Island Secession Territory seek approval from the Town of Cumberland and authority from the Legislature of the State of Maine to secede from the Town of Cumberland.

A. Initiation of Secession Procedure

Pursuant to M.R.S.A., Title 30-A, Chapter 113, §2171 et seq., a petition (please see the Appendix for a sample) signed by more than 50% of the registered voters within the secession territory (defined in Section III.C.1) requested a municipal public hearing for the purpose of discussing whether the specified territory should secede from the municipality. A total of 273 signatures were submitted from the 336 voters registered on Chebeague (81%) and, of these, 176 were examined and 176 were verified by the Town Clerk to ensure that at least 50% had signed the petition. The petition was submitted to and accepted by the Town Council on August 22, 2005, and a public hearing was scheduled for September 15, 2005, to be followed by an Advisory Referendum on November 8, 2005.

B. The Secession Territory Representatives

As directed by statute, a maximum of five people were selected to serve as representatives of the Secession Territory. The five are:

- Mabel Doughty – an 83 year-old housewife who has lived at the West End of Chebeague for 60 years and has worked with her husband Sanford on commercial fishing vessels.
- Mark Dyer – a 44 year-old self-employed contractor who lives at the foot of Thompson’s Hill near the center of the Island and has lived on Chebeague Island all his life.
- Beverly Johnson – a 56 year-old plumbing contractor who has lived at the East End of Chebeague for 35 years and has lobstered with her husband Stephen.
- Jeff Putnam – a 27 year-old lobsterman who grew up on Chebeague and is building a house in the middle of the Island.
- David Stevens – a 57 year-old self-employed automobile mechanic whose mother was born on Chebeague and who currently resides on the south shore of Chebeague.

Their selection was accomplished by an informal nomination and election process in which all Chebeague Island residents were considered. The five are representative of the Island community at large. They reflect a wide diversity of Chebeague neighborhoods, ages, backgrounds, and occupations.

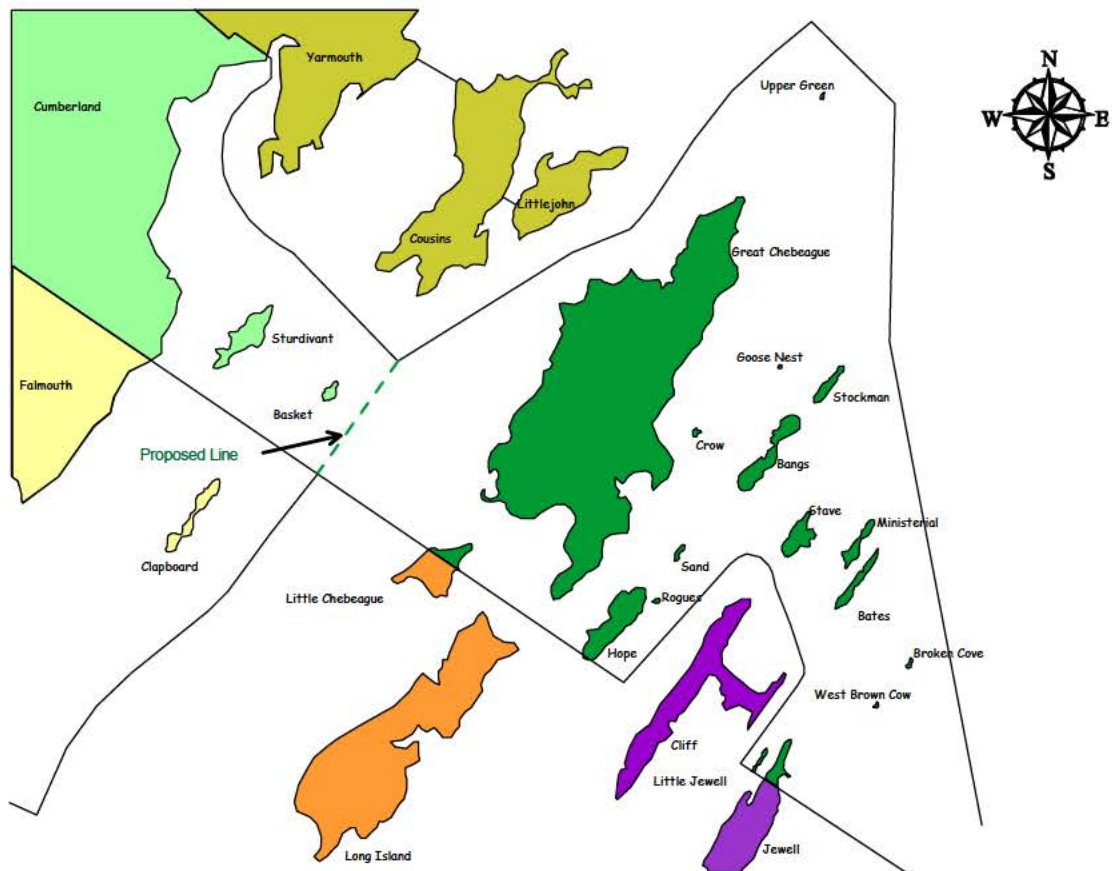
Their selection was supported by 273 residents who signed the petition to the Town, specifying this group of five to represent them and the Secession Territory.

C. Secession from the Town of Cumberland

1. Secession Territory

The following territory now within the Town of Cumberland and the County of Cumberland, together with the inhabitants of that territory, is defined as the Secession Territory of the Town of Chebeague Island: The island in Casco Bay identified as Great Chebeague Island together with the smaller islands of Sand, Hope, Little Chebeague (easterly portion), Jewell (easterly portion), Little Jewell (easterly portion), West Brown Cow, Bates, Ministerial, Stave, Stockman, Bangs, Crow, Upper Green, Goose Nest, Rogues, Broken Cove and any other islands located within the Boundary Description, which follows.

With the exception of Cliff Island, this secession territory is precisely equivalent to the island group that, as a unit, joined mainland Cumberland, Basket Island, and Studivant Island to form the Town of Cumberland in 1821.



2. Boundaries

The boundaries of the proposed Town of Chebeague Island are described as follows: All that part of the Town of Cumberland in Cumberland County in the State of Maine beginning at a point in the waters of Casco Bay between Little Chebeague Island and Sturdivant Island identified as

43° 43' 44" N by 70° 10' 18" W

thence extending on a heading of 34.9° T through 43° 44' 29" N by 70° 9' 35"

thence extending on a heading of 59.4° T through 43° 45' 36" N by 70° 6' 85"

thence extending on a heading of 35.1° T through 43° 46' 26" N by 70° 5' 97"

thence extending on a heading of 48.1° T through 43° 46' 85" N by 70° 5' 7"

thence extending on a heading of 132.9° T through 43° 46' 26" N by 70° 4' 19"

thence extending on a heading of 181.3° T through 43° 44' 50" N by 70° 4' 25"

thence extending on a heading of 168.6° T through 43° 40' 64" N by 70° 3' 17"

thence extending on a heading of 244.3° T through 43° 40' 14" N by 70° 4' 72"

thence extending on a heading of 353.8° T through 43° 40' 79" N by 70° 4' 82"

thence extending on a heading of 305.7° T through 43° 41' 73" N by 70° 5' 73"

thence extending on a heading of 35.8° T through 43° 41' 95" N by 70° 5' 4"

thence extending on a heading of 341.2° T through 43° 42' 75" N by 70° 5' 42"

thence extending on a heading of 305.1° T through 43° 42' 87" N by 70° 5' 65"

thence extending on a heading of 223.6° T through 43° 41' 87" N by 70° 6' 95"

thence extending on a heading of 303.9° T back to the beginning point.

Coordinates were obtained from DeLorme, Inc.; Yarmouth, Maine.

3. The Outer Islands of the Secession Territory

The outer islands, those islands included in the Secession Territory other than Great Chebeague Island, are tied to Chebeague by history, common neighborhood, common concerns, stewardship, protection, and a shared marine heritage.

It makes sense for the Town of Chebeague Island to include the outer islands for the following reasons:

Chebeague and the outer islands are recognized as a unit by both the United States Census and by the fact that the Town of Cumberland has both an "Island District" and "Island Zoning" which include all these islands.

This is reflected by the fact that Great Chebeague Island and the outer islands were added as a group to the 1821 division from North Yarmouth as part of a legislative compromise shortly before the legislature approved the division. The original petition included only what is now mainland Cumberland and Basket and Clapboard (which is now called Sturdivant) Islands.

It makes sense that if Great Chebeague and the outer islands joined the Town together, they should leave the Town together.

Since the separation in 1821, there have been close family, economic, and social ties between Chebeague and the outer islands. Chebeaguers owned the islands and used them to graze animals; to mine for stone to use for ballast, wharves, and breakwaters; and to run lobster pounds. Children from the outer islands attended school on Chebeague and teachers from Chebeague taught school on the outer islands. Chebeague Island was a destination to obtain provisions as well as lay their dead to rest.

This common history depends on a strong sense of neighborhood. The islands are geographically close to one another. You can see all the islands from Chebeague and they form a logical contiguous grouping, a natural neighborhood which should not be disjointed by separation.

Experience within the neighborhood has shown that stewardship of the outer islands can be accomplished more effectively and efficiently by people who see the islands, fish around them, and have a means of access to them.

Dozens of Chebeague lobstermen are fishing the waters around the outer islands all year and recognize when something isn't right. They are stewards to the waters around Chebeague and the outer islands. Fishermen are constantly aware of threats to the marine environment such as oil spills, hazardous waste, and obstructions.

As an example, a fisherman noticed the loading of building materials on Stockman Island, knowing that the island was in a Resource Protection Zone. He alerted fellow citizens and Town of Cumberland officials, who confirmed that three building permits had been issued. Chebeaguers were familiar with and understood the environment of the island and knew that a building shouldn't be constructed on it. They raised the money to buy it for the Mainland and Islands Trust to protect it and make sure the island will never be developed.

Chebeaguers see these islands every day and their children are raised to appreciate and respect this important resource. Students from Chebeague have been working with Maine Island Trails to create responsible use of Bangs Island, which is part of the State Park System. They visit and picnic on these islands, and grow up walking across the sand bar to Little Chebeague.

Regarding public safety in the neighborhood, Chebeaguers have been and always will be the first responders. Help from the mainland is an hour away. CTC captains and crew are always on call as a volunteer community service. In an emergency, Chebeaguers, fishermen, and CTC are there first.

Local control of the outer islands is important to the local marine fishery. The Department of Marine Resources is required to hold hearings on aquaculture lease application petitions within the town affected. Most of the Chebeague lobstermen would be directly impacted and should have some control.

Land use issues on the outer islands are similar to those on Chebeague and include sole source aquifer protection, shoreland development, piers, wharves and boat facilities, marine-related concerns of shellfish and lobstering, access, and transportation.

Those issues, plus environmental threats such as an LNG plant, oil storage or other industrial usage will be better regulated by those people most closely affected by it.

Discussion with property owners on the outer islands indicates an interest in affiliating with their Chebeague neighborhood. (Please see the Appendix for letters of support.)

Great Chebeague Island and the outer islands are a group – historically, politically, economically, and socially. As such, they deserve to remain united and to separate from the Town of Cumberland as a group – just as they joined the Town as a group in 1821.

D. Restructuring Relationship with Maine School Administrative District #51

A result of secession from the Town of Cumberland is that the Chebeague Island Secession Territory will no longer be part of MSAD #51. Consequently, the Secession Territory seeks to restructure its relationship with MSAD #51.

As a separate municipality, the Town of Chebeague Island could provide educational services for the children of the Town in the Island elementary school and through tuition agreements for middle and high school with one or more mainland school systems. MSAD #51 may easily be a partner for post-elementary education. As an alternative, the Town of Chebeague Island may seek to enter MSAD #51 as a third municipality, if effective representation and a secure future for the Island school can be achieved.

1. Process for Establishing a School System

We have had initial discussions with the Commissioner of Education and others at the Maine Department of Education (DOE) regarding educational organizational issues. We have also opened up a dialogue with MSAD #51. At this point, we believe that the best way to establish a school system separate from MSAD #51 is to incorporate important elements of our plan to provide educational services in the body of the secession legislation. Legislation is being drafted that will accomplish this goal, and will be submitted to the Maine Legislature.

Representatives of the Secession Territory will continue to meet with school district authorities and with the Department of Education with central attention to our highest priority: The best possible education for the children of Chebeague, pre-school through high school, on the Island through grade 5, in mainland schools grades 6-12.

The education plan will be implemented through the traditional means of self-government, including a public review and approval process.

2. Provision of Educational Services

An education plan will be submitted to the Commissioner of the Maine Department of Education. Provision of educational services logically fall into three areas: pre-school; kindergarten through grade 5 at the existing Chebeague Island School; and, the education of our middle school and high school students into nearby schools on the mainland. Outlined below is the educational plan premised on the creation of an independent municipal school department. If Chebeague joins MSAD #51, this plan will be different. We are presently engaged in a dialogue with District officials and elected representatives to explore the different options for an educational partnership.

An elected School Board comprised of five community members from the Town of Chebeague Island will oversee these services. They will work with a part-time superintendent to manage the education of Chebeague children.

In addition, Chebeague will provide extracurricular activities on the Island for grades pre-school through 5. Further, Chebeague will support extracurricular participation at mainland schools.

Pre-school education, previously provided by the Chebeague Parents Association in cooperation with the Chebeague Recreation Center, will continue as a part of the Town of Chebeague Island's educational services.

Education for grades K-5 will be provided at the Chebeague Island School. In addition to traditional curriculum, the school will provide students with appropriate transitioning and aspiration programs. Staffing is expected at the same levels as have been provided in recent years by MSAD #51. This includes, but is not limited to, the following staff, assuming present enrollment levels and as student needs dictate:

- (1) One part-time superintendent
- (2) Two full-time Maine certified elementary education teachers, one of whom may be a teaching principal or teacher leader
- (3) Two education technicians at 30 – 35 hours per week
- (4) The areas of music, physical education, art, and guidance will be staffed at current levels. Special education and Section 504 support are budgeted at levels of recent student populations; the staffing levels will be driven by student needs. Special education support may include (but not be limited to) individualized reading tutoring, speech and language, ESL, physical therapy, occupational therapy, learning disabilities, and behavior modification. Specialists will be hired as part time staff; sharing of resources with Long and other islands will be a priority.

- (5) One part-time nurse.
- (6) One full-time equivalent food service and janitorial staff person
- (7) Other personnel as required

Education for grades 6 - 12 will be provided by tuitioning students into nearby mainland middle and high schools. Our plan is to first work with MSAD #51 on a tuition basis or, alternatively, to work with other towns.

Consistent with Maine law, we also plan to offer the state mandated tuition amount to any family who chooses to send their child to a state qualified private school. The family will, in this situation, be responsible for all arrangements with the qualified private school.

3. Transportation

For students in grades pre-school through 5th grade, round-trip bus service will be provided on the Island, between the home and the school, regardless of proximity to the school.

For middle and high school students who choose to attend the contracted school, busing will be provided from the home to the Stone Wharf, where the students will meet the Chebeague Transportation Company boat at the appropriate time. Cost of transport will be covered. Busing will be provided from the Cousins Island Wharf to the contracted school, as will the return trips.

Similarly, for middle and high school students who choose to attend an alternative state-qualified public or private school, the morning and afternoon on-Island bus run will be available and the cost of transport (on CTC's boat or Casco Bay Lines) will be provided.

Chebeague will have a plan to provide transportation for the contracted school's extracurricular activities on the mainland. Chebeague will also provide an emergency plan for all students.

E. Impact on Property Taxes in Cumberland and the Secession Territory

N.B. This section replaces its original counterpart presented in the 9/15/2005 report.

Pursuant to, and as required by, Maine Statute, Title 30-A, Chapter 113, §2171-C.2, the following constitutes the written report to be submitted at the initial public hearing that "... describes the impact of the proposed secession on property taxes in the municipality as well as in the secession territory."

Impacts on the Secession Territory are very simple to analyze; taxes will neither significantly decline nor rise. This is an integral part of the underlying assumption by the five Secession Territory Representatives, as embodied in the proposed Town of Chebeague Island's Preliminary Budget, that there will be no immediate changes in the level of either taxation or provision of municipal and educational services. The latest budget calculations indicate that property taxes on Chebeague may increase 2.4% during the first year following separation from the Town of Cumberland.

Impacts on the municipality, the Town of Cumberland, are far more complicated to derive, especially as they are heavily contingent on calculations of the State's Essential Programs and Services (EPS) allocation/cost sharing formula for education. Analysis is made more difficult by Cumberland's involvement with MSAD #51, as the funding formula must be applied across two towns. The analysis below is based on runs of the EPS model presented at a December 7, 2005 public meeting. The analysis shows that Cumberland would receive a significant increase in state funding and an associated lower required town allocation under EPS because secession would dramatically reduce total town valuation while only slightly reducing the district's student population.

The analysis is based on D.O.E.'s EPS financial calculations and assignment of MSAD #51 debt to the secession Territory, Chebeague Island municipal cost estimates as provided by Town Manager William Shane, the results of negotiations between Cumberland and the Secession Representatives, and necessary elements of the proposed Town of Chebeague Island's Preliminary Budget, particularly school costs. The analysis assumes that MSAD #51 will remain a two-town district and would no longer financially support the Island School or the Territory's transportation costs. The resulting shares of the district budget's town allocations, based on valuation after secession, would be 72.7% for Cumberland and 27.3% for North Yarmouth.

The analysis does not include any favorable impacts on the Town of Cumberland that would be derived from municipal service contract agreements with the proposed Town of Chebeague Island. However, the analysis shows that Cumberland benefits financially from the secession of Chebeague Island and the Outer Islands.

The summary of the tax impact analysis is presented on the next page.

Cumberland valuation, April 1, 2005	\$ 871,458,100
Mill rate	X 18.80
Cumberland tax revenues	16,383,412
Cumberland's tax revenue from Chebeague Island	2,094,995
Chebeague-related municipal service costs	-481,846
Cumberland's share of Outer Island tax revenues	-35,938
Chebeague's portion of County tax	-83,800
Chebeague's annual separation settlement with Cumberland	-99,348
Chebeague's portion of Cumberland's SAD51 debt service	-195,467
Additional state funding from EPS formula*	-823,268
SAD51 Chebeague-related budget reductions*	<u>-469,009</u>
Net loss of tax revenue post-secession, Cumberland (*per Jim Rier of D.O.E.)	\$ -93,681
Pre-secession Cumberland tax revenues required	\$14,288,417
Post-secession Cumberland tax revenues required	\$14,194,736
Post-secession mill rate	18.68

Sample impacts on homeowners:

	Chebeague Island	Cumberland	North Yarmouth
Current			
Mill Rate	\$18.80 per \$1000	\$18.80 per \$1000	\$24.35 per \$1000
Tax on \$150,000 home	\$ 2,820	\$ 2,820	\$ 3,652
Tax on \$300,000 home	\$ 5,640	\$ 5,640	\$ 7,305
Post-Secession			
Mill Rate	\$18.94 per \$1000	\$18.68 per \$1000	\$24.35 per \$1000
Tax on \$150,000 home	\$ 2,841	\$ 2,802	\$ 3,652
Tax on \$300,000 home	\$ 5,682	\$ 5,604	\$ 7,305

N.B.

1) \$100,000 in net municipal service contract revenues would drop Cumberland's predicted mill rate of 18.68 to 18.55

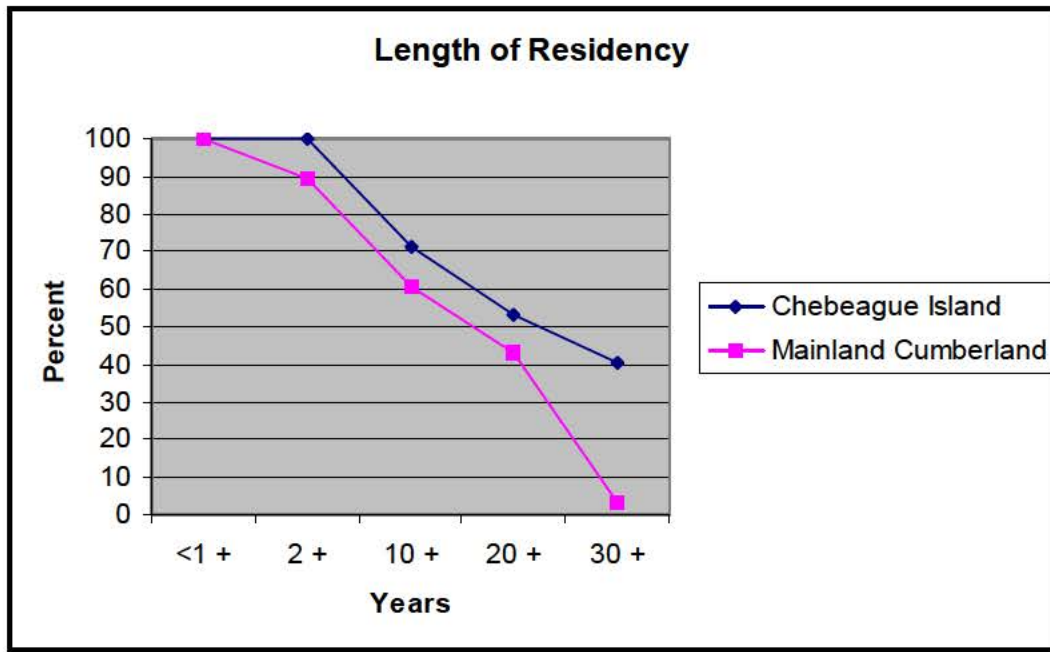
IV. Why We Are Doing This

A. Diverging Communities with Differing Priorities

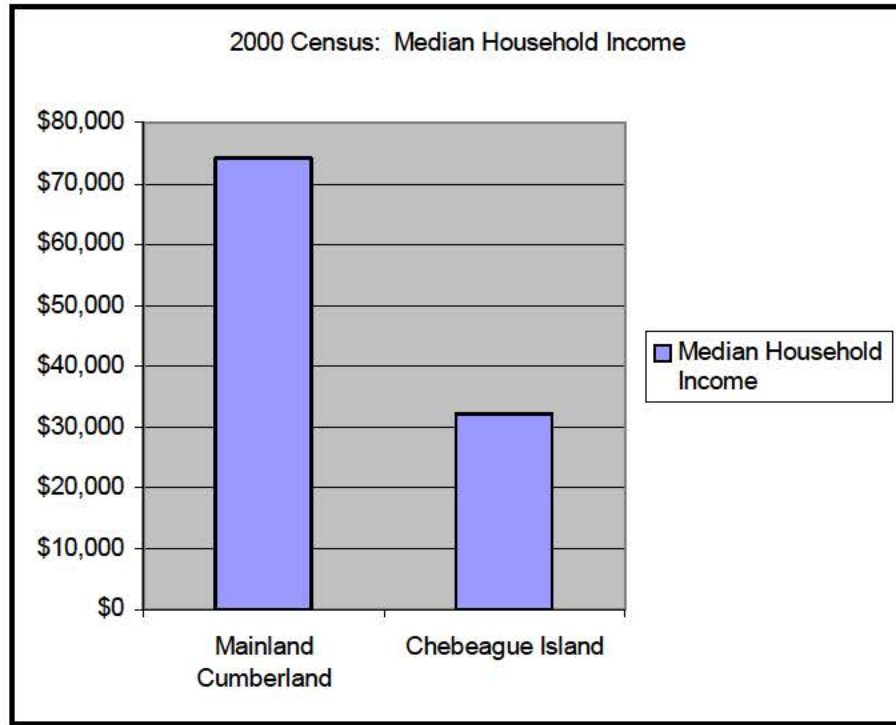
The Island and mainland have drifted apart over the years. Before 1920, both Chebeague Island and mainland Cumberland were rural communities with agricultural and/or marine based economies. Slow or declining population growth was reflected in generational continuity and stability.

While Chebeague Island maintains its maritime orientation, modern mainland Cumberland is now an affluent suburb of Portland with a mostly service-based economy and little farmland left. Rapid growth in population has been accompanied by high turnover rates of both people and properties in mainland Cumberland.

According to the 2000 United States Census, fewer than 5% of mainland Cumberland residents have lived in town for more than thirty years. The comparable percentage for Chebeague Island's year-round population is 40%.



As Cumberland's population experienced 48% growth during the decades of the 1960s Chebeague's population remained stable. While the two parts of the Town shared a government for 184 years, the majority of islanders have not integrated into mainland activities. During this time of unprecedented mainland growth, Chebeaguers initiated island zoning to meet their unique needs.



Chebeague’s opportunity for local control has eroded with the adoption of the council/manager form of government and the creation of MSAD #51. Both initiatives were initially rejected by Islanders who were concerned that they would lose guaranteed representation if these organizational changes took place. The council/manager form of government passed after Chebeague was guaranteed a seat on the new council.

While the Town of Cumberland has been reticent to exercise its colonial rights to access the shore “at least three rods into the upland,” Islanders continue to research and preserve coastal access. In many cases, island summer folks have granted public access between expensive houses and the shore, while mainland coastal access is virtually non-existent.

The two communities have been going in different directions for a long time and it is highly doubtful that the two will ever again assume similar tracks. With such divergent profiles, it is inevitable that political and social priorities will also differ drastically.

As one example of this divergence, particularly as regards educational issues, in May of 2005, voters in MSAD #51 were asked to decide whether to adopt a new budget validation process proposed by the Cumberland and North Yarmouth Taxpayers Association. In mainland Cumberland, the proposal was defeated 55% to 45%, while on Chebeague Island it passed 81% to 19%. Chebeague’s support of this measure reflected the strong desire for a voice in the District’s management.

Mainland Cumberland's high-priority issues in recent years have included how to deal with rapid growth, commercial development, and urban sprawl. Other challenges include building and expanding schools, and preserving open land for recreational use.

During the same time period, Chebeague has faced numerous threats including concerns about education issues, the ability of the local elementary school to remain open, the siting of a liquid natural gas (LNG) terminal less than 1,700 feet from the Island, affordable housing, and property valuations that have forced long-time residents to move from their homes. In each case, Chebeaguers found it necessary to mobilize in order to present their concerns to local government and have their voice heard.

The respective concerns of both Chebeague Island and mainland Cumberland are equally vital and valid. But they are different. Hence, Chebeague Island seeks to establish its own town government.

The proposed municipal budget for the new Town of Chebeague Island (see Section V.H) does not anticipate a change in tax revenue and a modest decrease (about \$100,000) in spending. So in the short term, it is expected that there will be little, if any, decrease in taxes.

Future taxes will directly reflect the Island needs and will not be influenced by mainland priorities. Furthermore, taxes will be far more predictable. More important, Chebeague Island residents will be in control of their own spending and, consequently, their own taxes.

B. Geographic Barriers

The defining characteristic of an island, being completely surrounded by water, creates what has become an obstacle for local government. The physical isolation of Chebeague makes government participation on the mainland very difficult, costly and inefficient.

While the public on the mainland is able to watch the Town Council meetings from their living rooms or drive a few miles to the meetings at the Town Hall, Islanders have to spend money and time in order to participate or even to see the proceedings. One must plan to go to the mainland on a 6:15 pm boat at the cost of \$6.00 round trip for a year-round Islander or \$12.00 for a non-stockholder seasonal resident. One cannot return home until 10 pm, with the alternative being to find a place to stay on the mainland. For many that means a motel costing between \$40 and \$100 a night, depending on the season.

The same is true for Island representatives to governing bodies, such as the Town Council, the MSAD #51 School Board, the Planning Board and other town and school committees. Not only does crossing the water discourage participation, there is also a

disconnect between the topics of importance to the Island and those important to the mainland.

Over the years, many efforts have been made to bridge the gap between the Island and mainland. People on both sides have formed task forces, special committees, and have tried a variety of methods to foster unification and understanding between the communities. The result has been short-term success followed by waning interest and ultimate abandonment.

Regarding communications, the town decided in 1983 to provide cable television (which would now include broadband Internet) service to the entire town through an agreement with Public Cable Co., which evolved into Time-Warner. However, due to the physical barriers, this has yet to be deployed to Chebeague Island. In 1986, it was voted to apply the cable franchise funding to the General Fund and since that date \$515,000 has come from the cable companies to Cumberland's General Fund.

Ultimately, the forces of geographic, social and cultural separation have been too difficult to overcome and contribute greatly to the government disconnects that have troubled the Chebeague/Mainland relationship.

C. Concerns for Education

Events have occurred over several decades that cause Chebeague Island residents to have concerns for the consistent quality of education at the Island elementary school and to fear for its survival.

- The critical concerns and strategies of Chebeague's small, multi-graded school differ greatly from the large suburban school concerns of the mainland;
- There is a lack of a well-developed program to ease the transition and integration of Island students into the mainland schools;
- There is no clear understanding of island life and transportation needs;
- Programs for student aspirations are not effectively developed;
- There is insufficient career education for students considering all vocations, including fishing and the trades.

At a 2004 Chebeague Parents Association meeting, the MSAD #51 Board was asked directly if the Chebeague Island School would close if the Palesky Tax Cap were approved. The response was, "everything would be on the table." Parents interpreted this to mean that the school could be considered for closing.

Early in 2005, MSAD #51 proposed that the 4th and 5th Grades be moved to the North Yarmouth Memorial School; The stated reasons included better transitions for the students to the mainland school system and cost savings (\$48,000 per year, less the cost of transportation and chaperones);

- When informed by parents and other concerned Islanders that children that young should not be subjected to such a long, arduous commute in often very harsh weather conditions, the School Board temporarily canceled the plan;
- However, they were emphatic that the issue was not dead and would be revisited in the fall of 2005;
- It was not until there was serious talk about secession that the School Board and administration decided to terminate the discussion about realigning the Chebeague Island School.

The histories of other islands have demonstrated that:

- An island without a school will have few, if any, young families in residence;
- An island with an unstable school will attract few, if any, new young families and will likely cause other young families to move away;
- An island without young families will cease to function as a community.

Consequently, any threat to the survival of an island school is a threat to the survival of an island community. Chebeague Island must not and will not become yet another extinct island community.

2004-2005	Cumberland	Chebeague Island
Share of school taxes	\$11,756,897	\$1,514,354
Number of students	1,589	45
Cost per student	\$7,399	\$33,652

D. Community Preservation

There is a deep and abiding commitment to the preservation of the community that is Chebeague Island. As has been mentioned, the trend over the past one hundred years has been toward the death of working island communities, except where the islands have adopted self-government.

In short, the residents of Chebeague Island seek to gain control of the fate of one of the few remaining island communities in Maine by:

- Exercising self-government in a manner consistent with the needs of the residents of Chebeague Island, rather than the very different needs of residents of mainland Cumberland;
- Gaining control over local finances, and enabling people to remain in homes they have owned for generations;
- Taking measures to ensure the survival of the Island school and the continuation of the highest quality educational opportunities for the children of Chebeague Island.

It is only through these measures, available only through secession from the Town of Cumberland, that a healthy year-round working community of Chebeague Island will survive.

V. How We Envision the Future

A. Self-Governance

We recognize that starting a new town is a serious undertaking, not unlike starting a new business enterprise. The new Town of Chebeague Island can meet its financial and governmental needs.

- The municipality will be structured and staffed to run effectively and efficiently
- Anticipated revenues are sufficient to more than meet costs
- The municipality is adequately capitalized
- There is a sufficient contingency to address unexpected expenses

This section, along with the underlying budget, assumes that there will be no reduction in municipal services, either in quality or amount.

B. Small Town Structure

There are 492 organized towns in Maine. 218 have fewer than 1000 residents; of those, 105 are smaller than the proposed Town of Chebeague Island. Each of these municipalities has a structure to run itself, much of which is statutorily mandated by the State of Maine. The most common structure (85% of Maine towns) is one in which the town is run by Selectmen who execute policy and financial decisions made by the citizens at Town Meeting. Half of these town governments also have chosen to employ a town administrator or town manager to help run the day-to-day business of the town. While all elected and many appointed positions are filled by town residents, many functions such as tax assessment or code enforcement are often contractually staffed by others from outside the community. In smaller communities, multiple positions are often filled by one person as the time requirements are minimal, or the responsibilities of the positions naturally overlap. But the overall direction of the town and how it will be run is determined by the citizens who attend Town Meeting. Dozens of successful and often complex existing Island organizations are "staffed" by many dozens of volunteers. Chebeague has plenty of citizens with both the talent and the will to run the town... and run it well.

C. Possible Town of Chebeague Island Organization

The specific management structure that the Town of Chebeague Island ultimately uses will be determined by the citizens, most likely in consultation with the Maine Municipal Association, a very valuable resource for large and small municipalities. Regardless of the specifics, Chebeague's policy and financial matters will be determined at the annual Town Meeting, traditionally held in the spring. At this meeting, citizens elect officers and officials, discuss and vote on the provision of town services, and determine the budget for the ensuing fiscal year. This effectively gives the

townspeople the right and ability to tax themselves to the extent mutually agreeable to the majority, as opposed to having taxes imposed from outside the community. Town Meeting provides an opportunity for each registered voter to make his or her voice heard and opinion known on any and all matters, large or small, before the Town, and for a majority to choose appropriate courses of action. As such, it is American democracy in its purest form.

Certain elements of town government are statutorily mandated, as are numerous municipal services. In the case of communities the size of Chebeague, multiple offices can be held by an individual (e.g., tax collector, treasurer, town clerk) and certain mandated municipal services and responsibilities will be irrelevant (e.g., waste water treatment facilities, permits for erecting steam engines, etc.).

The following is an *example* of offices and functions of the new Town of Chebeague Island.

Must be elected at Town Meeting:

- Town Moderator, to serve for that meeting only
- Five Selectmen (likely on staggered terms for the sake of continuity), the town's chief executive officers who execute citizen's decisions made at Town Meeting.
- School Committee, perhaps five members, who are not selectmen, to set educational policy and propose a budget.
- Budget Committee

Must be elected at Town Meeting or appointed by the Selectmen:

- Town Clerk and/or Treasurer and/or Tax Collector (can not be Selectmen or Tax Assessor)
- Appeals Board (can not be Selectmen)
- Fire Chief, unless volunteer fire department is incorporated and elects its own.

Must be appointed by Selectmen:

- Animal Control Officer
- Health Officer
- Emergency Preparedness Agent
- Fair Hearing Authority to hear welfare appeals
- Code Enforcement Officer
- Plumbing Inspector

May be elected or appointed (optional offices):

- Assessor, state certified individual
- Road Commissioner, either non-Selectman individual or all Selectmen
- Planning Board

May be appointed by Selectmen:

- Overseer of the Poor, or General Assistance Administrator, function can be handled by the Selectmen.
- Administrative Assistant (or Town Manager), employee that could help Selectmen with functions
- Constable
- Building Inspector, optional for towns under 2000

Note that many positions (health officer, plumbing inspector, code enforcement officer, building inspector, assessor, among others) are optional and/or could be outside individuals on contract, or shared with other neighboring communities at relatively modest cost. In many small towns, the Selectmen wear many hats and perform numerous functions. Still, it is not unusual that they meet only twice per month as they often cover a wide range of issues but are not burdened with the volume or complexity characteristic of larger municipalities.

D. Revenues versus Costs

Chebeague has a dependable and substantial source of revenue — property taxes which in 2004 amounted to nearly \$2.1 million. As a town, Chebeague could also collect significant permit and license fees as the Town of Cumberland currently does. Budget estimates of future expenses for existing levels of service provision are exceeded by revenues. Further, opportunities exist for creative ways to manage town costs through, for example, competitive bidding on service contracts. Plus, both revenue collection and service expenditures are determined democratically at Town Meeting by any and all town citizens who choose to participate. The "bottom line" is that Chebeague can more than meet its costs without sacrificing services... and without raising taxes.

E. Capitalization

The Island is already substantially capitalized in terms of the infrastructure and capital equipment necessary to any community. Chebeague has in place, roads, a viable transportation network in the CTC and Casco Bay Lines, marine piers, a fire station, a library, a recreation center and playing field, a health center, a meeting hall, emergency vehicles and equipment, highway department structures and equipment, a solid waste transfer station, and an elementary school. Past secession agreements have shown that what is in place in the Secession Territory, stays in place. Chebeague has capitalized itself over the years through payment of at least its fair share of taxes.

F. Contingencies

All towns, like businesses, face unforeseen risks. Unexpected expenses can arise. Chebeague can insulate itself from financial hardship in four ways if it is an independent municipality. Towns purchase insurance to help cover the costs of casualty damage or liability. Towns routinely maintain substantial cash reserves which can be used to cover unexpected expense surprises. Likewise, a well-run and financially sound community like Chebeague will have access to the municipal bond market and thereby be able to spread large necessary capital expenditures over as many as 20 years. Further, as a town Chebeague will be eligible to apply for and receive grants in aid from the state and federal governments as well as foundations. Long Island, for example, recently purchased a \$250,000 fire truck with \$25,000 of its own money and a \$225,000 federal grant. Chebeague can easily handle unforeseen risks by employing the successful standard practices of hundreds of other small municipalities.

G. What We Will Do

We are of the firm belief that, despite past successes with both the Town of Cumberland and MSAD #51, the residents of the new Town of Chebeague Island can do a better job. Much has to do with the communications gap that is created by the physical water barrier between the Island and the mainland. It is simply more efficient to operate a municipality in place and by those in residence than from afar.

We anticipate that we will be able to:

- Provide education for as few as one student, should circumstances so dictate
- Maintain our elementary school
- Build pride in Chebeague and self-esteem among our youngsters
- Work with other islands to foster creative educational opportunities for island youth
- Provide appropriate funding for our municipal and educational needs
- Maintain our maritime infrastructure
- Develop a plan to acquire and maintain capital equipment as needed
- Carefully monitor and control municipal spending
- Develop and implement sustainable land use policy
- Employ local knowledge to address zoning and permitting issues
- Take steps to assure adequate affordable housing for both young families and older residents
- Provide appropriate support for the health needs of the Island
- Manage our groundwater, timber, and shoreline resources in a manner consistent with our unique geographic realities
- Serve as responsible stewards to all the islands in the Town of Chebeague Island
- Preserve access to our shores

- Respond to future needs in the timely and effective way that self-government makes possible

Through independence, careful planning, and loving nurturance, we will preserve Chebeague Island as a viable, year-round community.

Plight of an Island

*If I should lose my habitats
For wildlife on the shore
Or creatures of my woodlands
For one to see no more;
If I should lose my lanes and trails
Where people stroll and love
To hark and hear a chickadee,
A blue jay or a dove;
If I should lose my rills and streams,
My marshes and my ponds,
My pussy willows or my ferns
Extending emerald fronds;
If I should lose uniqueness
For peace and solitude,
For quaintness and for measure
Of land and what is good;
If I should lose variety
Amidst my island throng--
Become Nantucket or Cape Cod--
Forget where I belong,
If I should lose my way of life,
My scenic views -- and such,
I wouldn't hesitate to blame
My people -- very much.*

— Sylvia Hamilton Ross
August, 1999

H. Draft Budget

This preliminary budget for the proposed Town of Chebeague Island (presented on the next pages) estimates the new town's financial status in the year immediately following secession from the Town of Cumberland. It assumes that the new town is not in MSAD #51. It assumes no changes in the level or quality of municipal and educational services.

The budget is based on research using both Cumberland's and MSAD #51's most recent budgets, conversations with state/town/school officials, comparisons to Long Island's and North Haven's 2004 Annual Reports, and previous studies done on Chebeague.

A conservative approach has been taken. Total revenues are easier to estimate, but may be somewhat understated. Expenses, somewhat more difficult to estimate, are purposely overstated.

Budget research is ongoing. Many of the preliminary revenue and expense estimates have necessarily been derived as percentages of known Cumberland figures. Many line items have not been separately specified (e.g., benefits are included in wage and salary expenses). Initial capital allocations have been assigned to the various municipal departments in advance and anticipation of a more thorough and specific capital budgeting process. The contingency reserve for this budget represents a first installment in establishing a reasonable cash reserve for the new town which will serve as a prudent cushion against unanticipated expenses. Further work will revolve around constructing zero-based normative budgeting in which figures will be derived from estimates of the costs of actual education and municipal service provision plans as researched and designed by specific cost center sub-committees.

PRELIMINARY TOWN BUDGET (revised February 17, 2006)

REVENUES

Property tax revenue	\$2,219,510
Change in deferred (uncollected) taxes	(37,500)
Auto, snowmobile registrations/excises	48,500
Interest and lien costs	1,980
Hunting, fishing, shellfish licenses	1,200
Marriage, death, birth licenses/certificates	400
Boat registrations, excises	5,290
Building, electrical, plumbing permits	9,530
State revenue sharing	25,730
Homestead reimbursement	4,840
MDOT block grant	12,160
State education subsidy	30,000
Rescue fees	13,760
Parking violations	500
School lunch	2,000
Interest income	820
Mooring fees	5,020
Disposal fees	19,030
<u>Total:</u>	\$2,362,770

EXPENSES

Administration

Town administrator and Selectmen	\$ 121,094
Assessor (part-time, contract)	22,760
Treasurer, clerk, tax collector	62,577
Consulting engineer, land planner	10,000
Legal and professional	36,543
<u>Total:</u>	\$ 252,973

Public Safety

Police	\$ 81,223
Fire and rescue	114,151
Code enforcement	12,060
<u>Total:</u>	\$ 207,435

Public Works	\$ 150,000
Health, sanitation and welfare	
Waste disposal	\$ 164,840
General assistance	7,000
<u>Total:</u>	\$ 171,840
Recreation	\$ 40,000
Education and library	
Chebeague Island Library	\$ 44,960
Chebeague Island School (instruction, maintenance, etc.)	281,900
Tuition – MSAD #51	302,624
Transportation	55,000
School capital outlay	25,000
<u>Total:</u>	\$ 709,484
County Tax	\$ 107,485
Unclassified	
Cemetery	\$ 5,000
Elections	2,000
Planning Board	3,322
Insurance	40,700
Street lighting	4,000
Abatements	996
Payment in lieu of taxes/tax sharing outer islands	36,000
Dredging and wharf reserve accounts	30,000
<u>Total:</u>	\$ 122,018
Unbudgeted expenditures (contingencies)	\$ 56,653
Debt Service	
Town of Cumberland settlement debt	\$ 29,250
MSAD #51 allocated debt	310,829
MSAD #51 settlement debt	129,803
<u>Total:</u>	\$ 469,882
Capital Outlay	
Administration	\$ 25,000
Public works	25,000
Public safety	25,000
<u>Total:</u>	\$ 75,000
TOTAL EXPENSES	\$ 2,362,770

BUDGET SUMMARY:

REVENUES:

Property taxes	\$	2,182,010
Excise taxes		48,500
Interest and lien costs		1,980
<hr/>		
Total taxes		2,232,490
Licenses and permits		16,420
Intergovernmental		72,730
Charges for services		16,260
Other revenues		24,870
<hr/>		
Total revenues	\$	2,362,770

Expenditures:

General government		252,973
Public safety		207,435
Public works		150,000
Health, sanitation and welfare		171,840
Recreation		40,000
Education and libraries		709,484
County tax		107,485
Unclassified		122,018
Unbudgeted expenditures (contingencies)		56,653
Debt service		469,882
Capital outlay		75,000
<hr/>		
Total expenditures	\$	2,362,770

Local valuation	\$	115,265,900
Amount needed to be raised by taxes	\$	2,219,510
Mill rate	\$	19.26
Current mill rate	\$	18.80
Percent increase		2.42%

Current

Mill Rate	\$ 18.80 per \$1000
Tax on \$150,000 home	2,820
Tax on \$300,000 home	5,640

Post-Secession

Mill Rate	\$ 19.26 per \$1000
Tax on \$150,000 home	2,889
Tax on \$300,000 home	5,778

Appendix

Chebeague Island Community Association

Our mission:
*“To ensure the survival and long-term viability of
Great Chebeague Island as a year-round community”*

The Chebeague Island Community Association (CICA) was formed early in 2005 as a result of research done by a group of Chebeaguers concerned about the threat to the year-round community of losing the Island elementary school. Other critical issues have emerged concerning affordable housing, transportation, protection of fishing grounds, and local governance. Although these critical issues are considered individually by various island groups, Town officials, Maine School Administrative District #51 (MSAD #51), and private concerns, no community-based Island entity provided a public forum to discuss all issues as they specifically relate to the health and sustainability of the year-round community.

CICA is committed to open discussions and the inclusion of all individuals with a concern for the Chebeague Island community. This includes registered voters, year-round residents, summer residents, mainland residents, friends, and neighbors. We are committed to working in a positive way with Town and State officials and MSAD #51 to resolve the critical issues.

CICA communicates with and receives input from the Chebeague Island Community through open weekly Board meetings and frequent general assemblies. Each Board member is in daily contact with the general citizenry, where CICA issues are often the topic of conversation.

CICA has registered with the State of Maine and the Internal Revenue Service as a 501(c)(3) nonprofit corporation. The Articles of Incorporation, Bylaws, and 501(c)(3) application may be viewed online at <http://www.chebeague.org/CICA>. The officers and board of directors are:

Donna Colbeth	Herb Maine, President
Mabel Doughty	Jeff Putnam
Mark Dyer	Cheryl Stevens, Treasurer
Bob Earnest, Secretary	David Stevens
Beverly Johnson	Carol White
Phil Jordan	John Wilson
Ester Knight	

Summary of CICA meetings (through 9/6/2005)

Pre-CICA	Place	Attend	Description
02/19/2005	Hall	~80	Public meeting to discuss the school - petition to school board
03/20/2005	Hall	~60	Public meeting to discuss the future of CIS
04/29/2005	Town Hall	4	Initial: Bill Shane Bob Earnest Dave Stevens Herb Maine
05/04/2005	D. Stevens	~12	Prep for 5/15/05 meeting
05/11/2005	Long	~9	Group visits Mark Greene and Nancy Jordan on Long Island
05/15/2005	Hall	89	Results from research groups; secession floats to the top of the list. Straw Poll pro: 82, con: 6, undecided: 1
CICA			
05/26/2005	Parish	10	Regular CICA meeting
05/28/2005	Parish	12	Regular CICA meeting
06/04/2005	Parish	10	Regular CICA meeting
06/11/2005	Parish	30	Regular CICA meeting
06/13/2005	J. Wilson	~10	27 people considered for group of 5
06/18/2005	Parish	32	Regular CICA meeting
06/26/2005	Hall	110	Petition kickoff meeting
06/28/2005	Parish	16	Regular CICA meeting
07/05/2005	Parish	18	Regular CICA meeting
07/12/2005	Parish	18	Regular CICA meeting
07/19/2005	Parish	14	Regular CICA meeting
07/23/2005	CRC	~9	Village Corporation Workshop
07/26/2005	Parish	17	Regular CICA meeting
08/02/2005	Parish	17	Regular CICA meeting
08/05/2005	Hist. Soc.	~9	Meeting with DOE Commissioner Susan Gendron
08/09/2005	CRC	16	Regular CICA meeting
08/16/2005	Parish	18	Regular CICA meeting
08/19/2005	Hall	~70	Public meeting geared toward informing and hearing concerns of summer residents
08/23/2005	Parish	18	Regular CICA meeting
08/25/2005	Parish	~10	Workshop for Public Hearing
08/30/2005	Parish	22	Regular CICA meeting
09/06/2005	Parish	25	Regular CICA meeting

CICA has held regular weekly *business meetings* that are advertised as public meetings and roughly follow a town meeting format allowing input and discussion from the public for each agenda item.

CICA has also held several *public information* meetings that are broadly advertised (typically through a mailing). The intent with these meetings is to draw a larger group from the community and dispense with more mundane business discussion focusing instead on updating the public and hearing public comment.

Statistics for CICA meetings	Business	Public
Number of regular meetings since 5/26/05	16	2
Average Number in attendance at regular meetings	18	90
Maximum Number in attendance	32	110
Minimum Number in attendance	10	70

Sample Petition

Petition to the Municipal Officers of the Town of Cumberland, Maine 6/26/2005

Pursuant to 30-A M.R.S.A. § 2151, we, the undersigned registered voters of the proposed secession territory described below, hereby request the municipal officers of the Town of Cumberland, Maine, **to hold a public hearing for the purpose of discussing whether the territory described below should secede from the Town of Cumberland, Maine.**

Secession Territory: All of Great Chebeague Island and those other islands that lie, in whole or part, within the boundaries of the Town of Cumberland except those islands lying northwest of a line running from 70° 10' 18" W, 43° 43' 44" N to 70° 09' 35" W, 43° 44' 29" N.

Year Round Population: 350

Nonresident Population: 1700

Representatives of the Secession Territory: Mark Dyer, Mabel Doughty, Beverly Johnson, Jeff Putnam, and Dave Stevens.

Signature

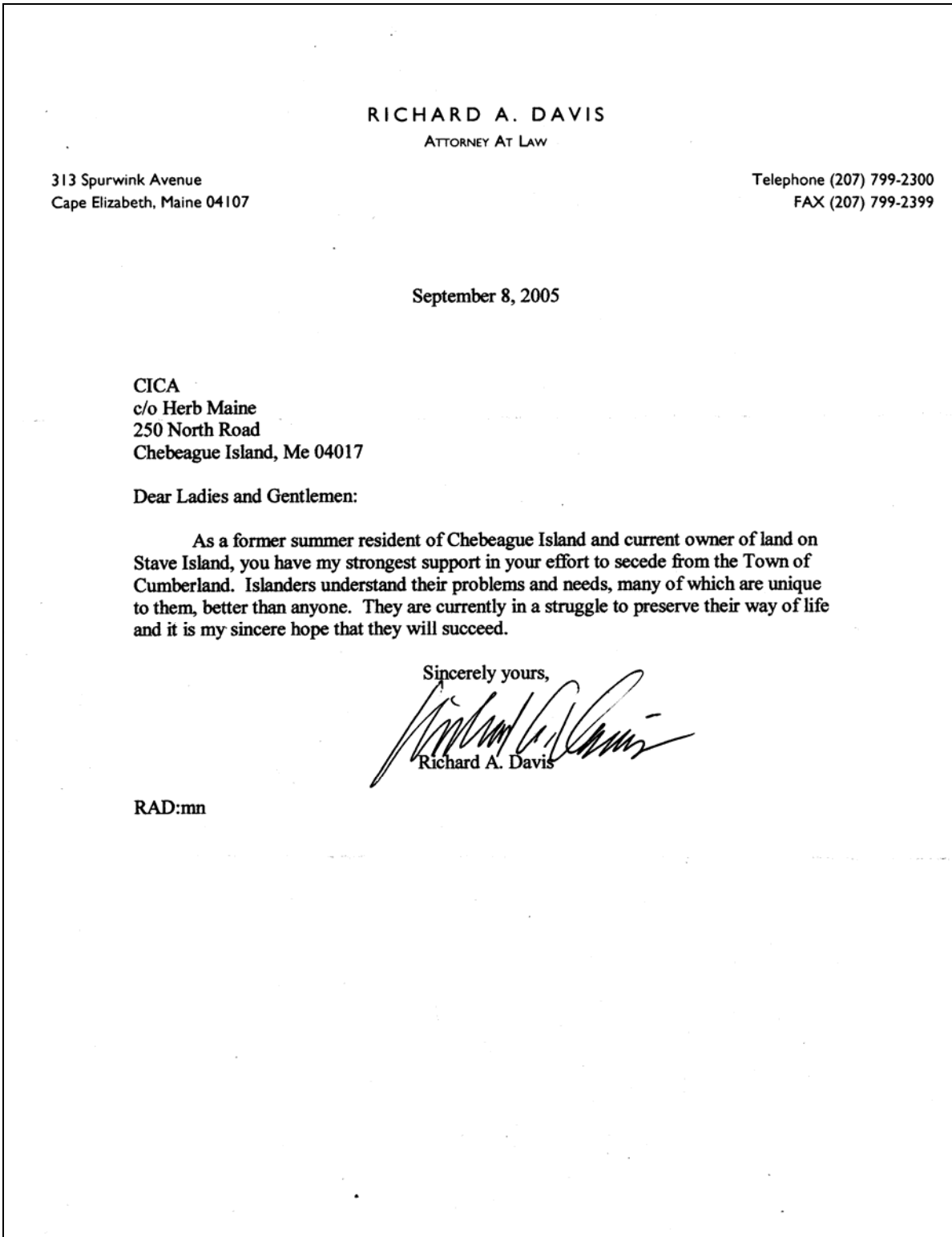
Printed Name

Address

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_____	_____	_____
_____	_____	_____

Letters of Support

This section includes letters received to date from property owners of the outer islands.



ARLEN W. DAVIS

September 8, 2005

CICA
c/o Herb Maine
250 North Road
Chebeague Island, Me 04017

Dear Ladies and Gentlemen:

As an owner of land on Stave Island and one very familiar with Chebeague Island, I support your effort to secede from the Town of Cumberland. Chebeague people are the best stewards of their island.

Very truly yours,



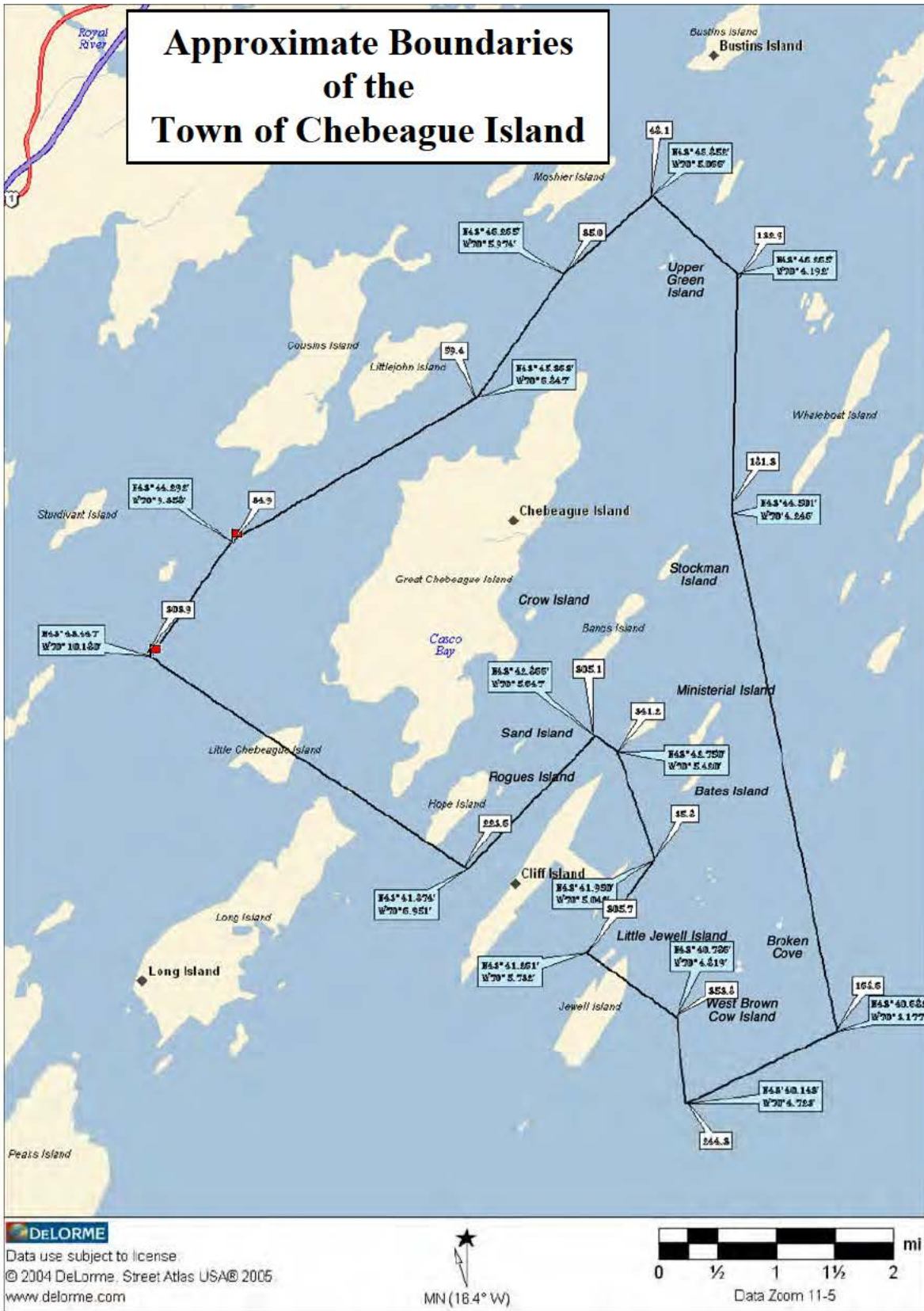
Arlen W. Davis

AWD:mn

60 WOODLAND ROAD CAPE ELIZABETH ME 04107

•PHONE (207) 799-1936 • FAX (207) 799-2399

Approximate Boundaries of the Town of Chebeague Island



Data Concerning the Outer Islands

MAP	ISLAND	OWNER	LAND ASSESSMENT	BUILDING ASSESSMENT	TOTAL ASSESSMENT	AREA ACRES APPROX	DISTANCE FROM CUMB TOWN LDG MI (miles)	DISTANCE FROM CHEB BOAT YARD MI (miles)	*DISTANCE FROM FALM LND MI (miles)
I09/1	SAND ISLAND	2 owners	\$6,000	\$0	\$6,000	1	7.3	1.1	5.7
I09/2	HOPE ISLAND	1 owner	\$2,244,500	\$1,179,900	\$3,424,400	89	7.3	2.0	5.7
I09/3	LITTLE CHEBEAGUE	State of Maine	\$23,500	\$0	\$23,500	26	4.5	0.9	2.9
I10/1	JEWELL ISLAND	State of Maine	\$20,100	\$0	\$20,100	20	9.8	3.3	8.2
I10/1	LITTLE JEWELL ISLAND	State of Maine	\$67,100	\$0	\$67,100	n.a.	9.8	3.4	8.2
I10/2	W BROWN COW	State of Maine	\$9,400	\$0	\$9,400	1	9.5	2.9	7.9
I10/3	BATES ISLAND	1 owner	\$84,600	\$16,900	\$101,500	17	8.8	2.1	7.2
I10/4	MINISTERIAL ISLAND	1 owner	\$78,200	\$2,000	\$80,200	14	8.8	1.9	7.2
I10/5-12	STAVE ISLAND	7 owners	\$129,600	\$62,000	\$191,600	22	8.3	1.4	6.7
I11/1	STOCKMAN ISLAND	CMIT	\$18,600	\$0	\$18,600	16	9.2	1.5	7.6
I11/2	BANGS ISLAND	State of Maine	\$42,700	\$0	\$42,700	65	8.5	1.0	6.9
I11/3	CROW ISLAND	State of Maine	\$10,200	\$2,100	\$12,300	2	8.3	0.3	6.7
	UPPER GREEN ISLAND		\$0	\$0	\$0				
	GOOSE NEST		\$0	\$0	\$0				
	ROGUES		\$0	\$0	\$0				
	BROKEN COVE		\$0	\$0	\$0				
		12 owners, plus State, CMIT State Owned	\$2,734,500	\$1,262,900	\$3,997,400	273	Average Distance: 8.3	Average Distance: 1.8	Average Distance: 6.7
					\$184,300				
					\$3,813,100				
					\$71,686				

*THE HARBORMASTER BOAT FOR CUMBERLAND IS MOORED AT FALMOUTH TOWN LANDING BECAUSE THERE IS NO ACCESS AT ALL TIDES TO MAINLAND CUMBERLAND SHORE.

CUMBERLAND TOWN LANDING TO CHANDLERS WHARF - 5.1 MILES

CUMBERLAND TOWN LANDING TO STONE WHARF - 5.5 MILES

INFORMATION ABOUT ASSESSMENT AND ACREAGE IS FROM TOWN OF CUMBERLAND MAP/LOT LISTING 2004

DISTANCES WERE DERIVED FROM DELORME MAP AND ARE APPROXIMATE, BY WAY OF BOAT

Data from the 2000 U. S. Census

	Chebeague Island	Cumberland Center	Cumberland Foreside	Total Mainland	Total Cumberland
	Number	Number	Number	Number	Number
Total population	356	5,607	1,206	6,813	7,169
Male	162	2,716	581	3,297	3,459
Female	194	2,891	625	3,516	3,710
Median age (years)	49	38.1	45.5	39	40
Under 5 years	18	397	76	473	491
18 years and over	287	3,813	889	4,702	4,989
65 years and over	88	493	209	702	790
				0	0
One race	351	5,583	1,203	6,786	7,137
White	351	5,538	1,191	6,729	7,080
Black or African American	0	8	2	10	10
American Indian and Alaska Native	0	6	1	7	7
Asian	0	21	9	30	30
Native Hawaiian and Other Pacific Islander	0	1	0	1	1
Some other race	0	9	0	9	9
Two or more races	5	24	3	27	32
Hispanic or Latino (of any race)	1	28	18	46	47
Household population	356	5,594	1,206	6,800	7,156
Group quarters population	0	13	0	13	13

Data from the 2000 U. S. Census (continued)

	Chebeague Island	Cumberland Center	Cumberland Foreside	Total Mainland	Total Cumberland
Average household size	2.1	2.9	2.6	2.9	2.8
Average family size	2.69	3.22	2.93	3.2	3.1
				0	0
Total housing units	499	1,969	480	2,449	2,948
Occupied housing units	170	1,917	464	2,381	2,551
Owner-occupied housing units	138	1,746	442	2,188	2,326
Renter-occupied housing units	32	171	22	193	225
Vacant housing units	329	52	16	68	397
Social Characteristics					
Population 25 years and over	280	3,556	856	4,412	4,692
High school graduate or higher	280	3,353	848	4,201	4,481
Bachelor's degree or higher	76	1,746	536	2,282	2,358
Civilian veterans (civilian population 18 years and over)	26	508	192	700	726
Disability status (population 5 years and over)	55	669	154	823	878
Foreign born	7	152	43	195	202
Male, Now married, except separated (population 15 years and over)	79	1,392	412	1,804	1,883
Female, Now married, except separated (population 15 years and over)	80	1,382	359	1,741	1,821

Data from the 2000 U. S. Census (continued)

	Chebeague Island	Cumberland Center	Cumberland Foreside	Total Mainland	Total Cumberland
Speak a language other than English at home (population 5 years and over)	2	170	53	223	225
Economic Characteristics					
In labor force (population 16 years and over)	176	2,807	575	3,382	3,558
Mean travel time to work in minutes (workers 16 years and older)	36.9	23.2	21.1	22.8	23.5
Median household income in 1999 (dollars)	32,188	67,833	100,279	73,576	71,521
Median family income in 1999 (dollars)	46,250	74,153	108,461	80,226	78,539
Per capita income in 1999 (dollars)	18,941	30,640	51,673	34,363	33,597
Families below poverty level	7	42	0	42	49
Individuals below poverty level	23	154	40	194	217
Housing Characteristics					
Single-family owner-occupied homes	128	1,555	386	1,941	2,069
Median value (dollars)	137,500	176,900	319,300	496,200	633,700
Median of selected monthly owner costs	(X)	(X)	(X)	(X)	(X)
With a mortgage (dollars)	938	1,386	1,661	3,047	3,985
Not mortgaged (dollars)	323	412	776	1,188	1,511
(X) Not applicable.					
Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)					

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TAB “B”

Agreements Between
The Town of Cumberland,
Maine School Administrative District #51,
and the Chebeague Island Secession Representatives

TENTATIVE AGREEMENT

January 7, 2006

1. The territory of the town of Chebeague shall be as defined in the Secession Petition. All real and tangible property owned by the Town of Cumberland and situated in the Secession Territory shall become the property of the Town of Chebeague Island. All real and tangible property owned by the Town of Cumberland and situated on the Cumberland mainland shall remain the property of the Town of Cumberland.
2. All issues identified in the matrix of December 29, 2005 excluding items H, K, L, Q and R shall be resolved to the mutual satisfaction of the Town of Cumberland and the Secession Petitioners.
3. The Town of Chebeague shall pay the sum of \$1.3 million dollars to the Town of Cumberland within six months of the effective date of secession, but in any event no later than December 31, 2007.
4. The Town of Chebeague shall pay to the Town of Cumberland on an annual basis fifty percent of the property taxes committed to the Town of Chebeague from the so-called outer islands for a period of fifty years, commencing as of the effective date of secession. The Town of Chebeague and the Town of Cumberland reserve the right to agree upon a lump sum or alternate payment schedule of the outstanding balance of the obligation created herein.
5. In the event that any of the Town of Cumberland's existing Contingent and Overlapping Debt is called, the Town of Chebeague will assume responsibility for thirteen percent thereof.
6. The Secession Petitioners and the Town of Cumberland reserve the right to review the terms of this agreement following completion of negotiations between the Secession Petitioners and MSAD 51. It is anticipated by the parties that a more comprehensive agreement will be executed following completion of negotiations between the Secession Petitioners and MSAD 51.

Signed this _____ day of _____ at Cumberland Town Hall:

Chairman William Stiles

Councilor George Turner

Councilor Donna Damon

Councilor Harland Storey

Councilor Mark Kuntz

Councilor Stephen Moriarty

Councilor Jeffrey Porter

Town Manager William R. Shane

Secession Petitioner David Stevens

Secession Petitioner Mark Dyer

Secession Petitioner Jeff Putnam

Secession Petitioner Mabel Doughty

John Wilson, Finance Advisor

Herb Maine, Policy Advisor

Attested: _____
Nadeen Daniels, Cumberland Town Clerk

AGREEMENT

This is an Agreement between the Chebeague Island Secession Representatives (“the Representatives”) and the Board of Directors (“the Board”) of Maine School Administrative District No. 51 (“the District”).

WHEREAS, the Representatives have introduced proposed legislation titled An Act to Authorize Chebeague Island to Secede for the Town of Cumberland. L.D. 1735 that would cause the Secession Territory to secede from the Town of Cumberland and to operate an independent municipal school unit, and

WHEREAS, the Representatives and the Board have negotiated concerning the disposition of District assets and liabilities if L.D. 1735 is enacted,

NOW THEREFORE, the Representatives and the Board agree as follows:

1. Content of Legislation

The parties shall, by February ____, 2006, submit the proposed amendment to L.D. 1735, that is attached hereto as Exhibit A.

2. Position on Secession

The Board of Directors shall not oppose the secession of the Secession Territory, the formation of the Town of Chebeague Island, or the formation of an independent municipal school unit for the Town of Chebeague Island, provided that the attached Legislation is not revised or amended in any way that, in the judgment of the Board, materially affects the rights or interests of the District.

3. Effect of Agreement

This Agreement embodies the entire agreement and understanding of the District and the Representatives and supersedes any and all prior agreements, arrangements, and understandings relating to matters provided for herein. The headings of the sections and subsections of this Agreement are inserted as a matter of convenience and for reference purposes only and in no respect define, limit, or describe the scope of this agreement or the intent of any section or subsection. No amendment, waiver of compliance with any provision or condition hereof, or consent pursuant to this Agreement will be effective unless evidenced by an instrument in writing signed by the parties. This Agreement may be executed in one or more counterparts and such counterparts will constitute one and the same instrument. The validity, construction, interpretation and performance of this Agreement will be governed by the laws of the State of Maine.

4. Conditions to the Agreement

A. This Agreement is conditioned upon Agreement by the Board, the Cumberland Town Council and the Secession Representatives in full on the final text of the Legislation.

B. If the State of Maine Legislature changes school subsidy payable to SAD No. 51 or the Town of Chebeague Island in anticipation of the Secession Territory is seceding from the Town of Cumberland or because of the enactment of the Legislation, and the change adversely affects the District or the Secession Territory, then the District or the Representatives may declare this Agreement null and void.

5. Miscellaneous

A. This Agreement shall inure to the benefit of and be binding upon the Secession Territory, the District, their successors, assigns, and other legal representatives.

B. The parties agree shall do such things and execute, acknowledge and deliver any and all additional instruments, documents and materials as any party may reasonably request to effectuate the purposes of this Agreement.

Dated:

CHEBEAGUE SECESSION REPRESENTATIVES

M.S.A.D. NO. 51 BOARD OF DIRECTORS

By:_____

TAB "C"

L.D. 1735

REVISED Committee Amendment to LD 1735

An Act to Authorize Chebeague Island to Secede from the Town of Cumberland

This is the REVISED Committee Amendment to LD 1735
as REPORTED OUT by the
State and Local Government Committee
on March 30, 2006
and enacted by the Legislature
and signed by Governor John E. Baldacci
on April 5, 2006.

PS Law, Chapter 47

SIGNED on 2006-04-05 - Second Regular Session - 122nd Legislature

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Separation and incorporation; Town of Chebeague Island. The residents of the following territory now within the Town of Cumberland and the County of Cumberland having expressed their intent, in a special referendum election of the voters of the territory of Chebeague Island lawfully conducted in accordance with the Maine Revised Statutes, Title 30-A, section 2171-D on November 8, 2005, to be separated from the Town of Cumberland and incorporated into a separate town by the name of the Town of Chebeague Island, the Town of Chebeague Island is separated in accordance with this Act. The Town of Chebeague Island, referred to in this Act as "Town of Chebeague Island" or "the secession territory," consists of: all that part of the Town of Cumberland in Cumberland County lying east of a line beginning at the existing boundary where the Town of Cumberland, the Town of Falmouth and the Town of Long Island meet in the waters northwest of Little Chebeague Island located at a point approximately 43 degrees, 43 minutes, 27 seconds North by 70 degrees, 10 minutes, 12 seconds West and following a line extending approximately 36 degrees Northwest to the southernmost corner of the

Town of Yarmouth in the waters south of Spruce Point in the Town of Yarmouth located at a point approximately 43 degrees, 44 minutes, 18 seconds North by 70 degrees, 9 minutes, 20 seconds West. The islands northwest of this boundary, Sturdivant Island and Basket Island, remain with the Town of Cumberland.

The islands of Bates, Hope, Jewell (easterly portion), Little Jewell, Ministerial, Sand, Stave, Crow, Bangs, Stockman, West Brown Cow, Upper Green, Goose Nest, Rogues, Broken Cove, Little Chebeague (easterly portion), together referred to in this Act as "the Outer Islands," and Great Chebeague are included in the secession territory.

The Town of Chebeague Island remains within Cumberland County.

Sec. 2. Details of separation pursuant to agreements. Pursuant to the agreement between the secession representatives and the Town of Cumberland and the agreement between the secession representatives and School Administrative District 51, referred to in this Act as "SAD No. 51," as found in the report submitted pursuant to the Maine Revised Statutes, Title 30-A, section 2172, the following provisions regarding the separation of the secession territory from the Town of Cumberland and SAD No. 51 must be met.

1. Municipal separation. The following provisions relate to separation of the secession territory from the Town of Cumberland.

A. All real and personal tangible property owned by the Town of Cumberland and situated within the secession territory is the property of the Town of Chebeague Island on July 1, 2007 and all real and personal tangible property owned by the Town of Cumberland and situated on the Cumberland mainland remains the property of the Town of Cumberland. Included in the personal property that must be conveyed from the Town of Cumberland to the Town of Chebeague Island is a new fire truck that is in the process of being built and anticipated to be delivered to the secession territory in the spring of 2006. The Town of Cumberland may not remove, transfer or convey any real or personal property located within the secession territory after the effective date of this Act, except in the ordinary course of its operations. Any property removed, transferred or conveyed must be returned and assigned, transferred or conveyed to the Town of Chebeague Island on July 1, 2007.

B. After July 1, 2007, the Town of Chebeague Island shall pay to the Town of Cumberland on an annual basis, or on such other schedule as the Town of Cumberland and the Town of Chebeague Island may agree to, 50% of the property taxes committed to the Town of Chebeague Island from the Outer Islands for a period of 50 years commencing on July 1, 2007.

C. The Town of Chebeague Island shall pay the sum of \$1,300,000 to the Town of Cumberland by December 31, 2007 for real and personal property in full and final satisfaction of all outstanding obligations and liabilities except for ongoing obligations expressly stated in this Act.

D. If the Town of Cumberland's proportional share of Cumberland County expenses and debt that existed on April 1, 2006, or the contingent guaranty of Regional Waste Systems debt that existed on April 1, 2006, becomes due and payable because of a default of the Town of Cumberland due to circumstances beyond its control, the Town of Chebeague Island shall pay on rightful demand by the holder of the debt 13% of the Town of Cumberland's proportional share of the defaulted debt to the holder of the debt.

E. The Town of Cumberland shall assign its lease from the State of Maine, Department of Transportation for the Blanchard lot in the Town of Yarmouth to the Town of Chebeague Island, as well as responsibility for the agreement between the Town of Cumberland and the Department of Transportation in regard to Wharf Road in the Town of Yarmouth. The Town of Cumberland also shall transfer to the Town of Chebeague Island all of its right, title and interest, to the extent it has any, and its obligations in regard to the Cousins Island Wharf. The Town of Chebeague Island, upon assignment or transfer, shall assume full responsibility for the Blanchard lot, the Wharf Road and the Cousins Island Wharf.

F. The Town of Cumberland shall maintain and is responsible for all licensing, testing and monitoring requirements related to the existing landfill located in the Town of Cumberland, referred to in this Act as "the Cumberland landfill." The Town of Cumberland shall hold harmless, defend and indemnify the Town of Chebeague Island against all claims, liabilities, costs and damages arising from or related directly or indirectly to the Cumberland landfill. The Town of Chebeague Island shall maintain and is responsible for all licensing, testing and monitoring requirements relating to the existing landfill located on Chebeague Island, referred to in this Act as "the Chebeague landfill." The Town of Chebeague Island shall hold harmless, defend and indemnify the Town of Cumberland against all claims, liabilities, costs and damages arising from or related directly or indirectly to the Chebeague landfill. The respective transfer stations for each landfill become the responsibility of each town on July 1, 2007. The Town of Cumberland shall use its best efforts to have Regional Waste Systems or any successor entity offer membership to the Town of Chebeague Island based on the secession territory's share of the current tonnage provided to Regional Waste Systems by the Town of Cumberland.

G. The Town of Cumberland and the secession territory shall explore an interlocal agreement that achieves efficient and consolidated rescue support, E-9-1-1 services, firefighter training and other necessary emergency services for the Town of Chebeague Island at a reasonable cost.

H. As of July 1, 2007, the Town of Chebeague Island is not obligated to pay any amounts to the Town of Cumberland, other than contingent assumed debt as specified in paragraph D, the financial consideration as specified in paragraph C, the tax payments as specified in paragraph B and potential indemnity payments related to the Chebeague landfill as specified in paragraph F, or be liable to the Town of Cumberland for any reason.

I. Residents of the Town of Cumberland and the Town of Chebeague Island have equal access to municipally owned public lands for recreation, fishing and related activities. Residents of the Town of Cumberland, the Town of Chebeague Island and the Town of North Yarmouth have equal access to shellfish rights.

2. School Administrative District 51 separation. The following provisions relate to the separation of the secession territory as it relates to SAD No. 51.A. SAD No. 51 shall convey to the Town of Chebeague Island, by quitclaim bill of sale, all of SAD No. 51's right, title and interest in all tangible personal property owned by SAD No. 51 and situated in the secession territory on July 1, 2007. SAD No. 51 shall convey to the Town of Chebeague Island, by quitclaim deed, all of SAD No. 51's right, title and interest in all real property owned by SAD No. 51 and situated on Chebeague Island on July 1, 2007. The conveyances must fully and finally satisfy all outstanding obligations and liabilities of SAD No. 51 to the Town of Chebeague Island except for ongoing obligations expressly stated in this Act. SAD No. 51 may not remove, transfer or convey any real or personal property located on Chebeague Island after the effective date of

this Act except in the ordinary course of SAD No. 51's operations. All real, personal and intangible property owned by SAD No. 51 that is not situated on Chebeague Island as of July 1, 2007 remains the property of SAD No. 51. SAD No. 51 shall assume all liabilities, known or unknown, arising from conditions currently existing or hereafter arising with respect to real and personal property that SAD No. 51 retains. The Town of Chebeague Island shall assume all liabilities, known or unknown, arising from conditions currently existing or hereafter arising with respect to real or personal property that SAD No. 51 conveys to the Town of Chebeague Island.B. With respect to all SAD No. 51 debt existing on April 1, 2006, referred in this Act as "the assumed SAD No. 51 debt," the Town of Chebeague Island shall assume, and pay SAD No. 51, no later than 30 days before payments become due and payable by SAD No. 51, a percentage share of principal and interest of the assumed SAD No. 51 debt that at the time of payment equals the ratio of the state valuation, as determined by the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to the Maine Revised Statutes, Title 36, section 305, subsection 1, of the Town of Chebeague Island to the combined state valuations of the Town of Cumberland, the Town of North Yarmouth and the Town of Chebeague Island. For purposes of this subsection, the Town of Chebeague Island's percentage share of the assumed SAD No. 51 debt must be determined using the most recent certified state valuations as of July 1st in the fiscal year in which the payment becomes due.C. In exchange for the acceptance of tuition students from the Town of Chebeague Island and for the turnover of various assets on Chebeague Island, in full and final satisfaction of all outstanding obligations and liabilities of the Town of Chebeague Island to SAD No. 51 except for ongoing obligations expressly stated in this Act, the Town of Chebeague Island shall pay to SAD No. 51 the sum of \$3,500,000, referred to in this Act as "the SAD payment," in full no later than December 31, 2007. The SAD No. 51 school board, referred to in this Act as "the board," shall enter into a contract, to commence July 1, 2007 and to expire June 30, 2014, with the school committee of the Town of Chebeague Island for the education of any student residing with a parent or legal guardian in the Town of Chebeague Island from grades 6 to 12 electing to attend school in SAD No. 51. The contract must be binding upon the board and the school committee of the Town of Chebeague Island without further authorization or approval. The contract must be binding on the successors and assigns of the Town of Chebeague Island and SAD No. 51. Tuition for Chebeague Island students must be covered by the SAD payment, except that any additional costs attributable to special education students must be paid by the Town of Chebeague Island. SAD No. 51 shall provide transportation to the Town of Chebeague Island students in accordance with the SAD No. 51 school schedule once daily each way from a ferry dock in the Town of Yarmouth designated by the school committee of the Town of Chebeague Island to the SAD No. 51 schools and from the schools back to the ferry dock. All other transportation, including extra bus runs and ferry service, must be provided by the Town of Chebeague Island. Nothing in this Act prevents the school committee of the Town of Chebeague Island from tuitioning students to or entering into tuition contracts with other school administrative units.D. If the board conducts a referendum between April 1, 2006 and July 1, 2007 on any debt to be incurred after July 1, 2007, the residents of the secession territory must be excluded from the legislative body of SAD No. 51 for purposes of the referendum.

Sec. 3. Effective date of separation. The secession territory is separated from the Town of Cumberland and is incorporated as the Town of Chebeague Island on July 1, 2007.

Sec. 4. Provision for first meeting. Within 60 days of the effective date of this Act, a justice of the peace or notary public may issue a warrant to any legal voter in the secession territory directing that legal voter to notify the municipal inhabitants of a public meeting to select 9 transition representatives by written ballot. Notice to the municipal inhabitants must be provided at least 7 days prior to the meeting. Effective immediately after the election, the transition representatives selected at the meeting are vested with the powers to represent the future Town of Chebeague Island and to enter into letters of intent and memoranda of understanding for the establishment of its local government, to negotiate interlocal agreements and to engage in other necessary transition activities. Any agreements made by the transition representatives must be presented for ratification by the Town of Chebeague Island's legislative body after the incorporation of the Town of Chebeague Island. The term of the transition committee members expires on July 1, 2007.

Within 30 days prior to July 1, 2007, a justice of the peace or notary public may issue a warrant to any legal voter in the Town of Chebeague Island directing that legal voter to notify the municipal inhabitants of a public meeting to select municipal officers and school board members and to transact municipal business to be held at a time and place specified in the warrant. Notice to the municipal inhabitants must be provided at least 7 days prior to the meeting. Effective July 1, 2007, municipal officers and school board members selected at the meeting are vested with all of the powers and duties that other duly elected municipal officers and school board members have, including the power to raise, borrow and spend money.

Sec. 5. Form of government. The Town of Chebeague Island shall adopt the town meeting as its form of government.

This Act does not prevent the Town of Chebeague Island from voting to change its form of government without a further act of the Legislature.

Sec. 6. Education needs. Upon the date of its secession from the Town of Cumberland and incorporation as the Town of Chebeague Island, the Town of Chebeague Island becomes a municipal school unit as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 19. No further referenda, legislation or dispensations by the State, or any of its officers, departments or agencies is required of the Town of Chebeague Island prior to its undertaking the education of its school-age children.

1. Provision of educational services. The Town of Chebeague Island shall start providing educational services in the manner described in its report to the Legislature pursuant to section 2 upon the date of its secession from the Town of Cumberland and incorporation as the Town of Chebeague Island.

2. Educational requirements. The requirements of Title 20-A regarding the provision of public education to students, including, but not limited to, matters of curriculum, instruction, transportation, mainland student transition, attendance, student eligibility for enrollment, student records, audits, employee and applicant records, standards and assessment of student performance, health, nutrition and safety, immunization, school lunch programs, special education, school finances, gifted and talented students, career and technical education and adult and vocational education are all applicable to the educational services provided by the Town of Chebeague Island.

3. Transition governance. The Town of Chebeague Island's education plan must provide for the transition of administration and governance of the Chebeague Island School to the properly elected Town of Chebeague Island school committee.

4. School committee authority. This Act may not be construed to prevent the Town of Chebeague Island school committee from making changes to the provision of educational services and the education plan in accordance with the school committee's powers and duties pursuant to Title 20-A.

Sec. 7. Hold harmless provision. The municipal officers, municipal officials and residents of the Town of Cumberland; the directors and member municipalities of Maine School Administrative District 51; the representatives of the secession territory; the municipal officers, municipal officials and residents of the Town of Chebeague Island; and all their agents are immune from liability for any action taken as a result of this Act.

Sec. 8. Enforcement. The Town of Chebeague Island, the Town of Cumberland or SAD No. 51, or their successors in interest, may enforce this Act by civil action in Superior Court. In any action between the Town of Chebeague Island and SAD No. 51, the court shall award reasonable attorney's fees to the prevailing party.

AMENDMENT SUMMARY

This amendment changes the boundary lines so that Sturdivant Island and Basket Island remain part of the Town of Cumberland. It details the agreements between the secession territory and the Town of Cumberland and the secession territory and School Administrative District 51. It requires the secession territory to select 9 transition representatives to act for the territory from within 60 days of the effective date of the bill to the effective date of separation. It authorizes the Town of Chebeague Island, the Town of Cumberland and School Administrative District 51 to enforce the provisions of the bill by civil action in Superior Court.

LD 1735 SUMMARY

This bill authorizes the separation of Chebeague Island and certain surrounding islands from the Town of Cumberland and their incorporation into the Town of Chebeague Island.

122nd MAINE LEGISLATURE

LD 1735

LR 2562(02)

An Act To Authorize Chebeague Island to Secede from the Town of Cumberland

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Exempted State Mandate

State Mandate

New or Expanded Activity

Authorizing Chebeague Island to secede from the town of Cumberland is a state mandate pursuant to the Maine Constitution. Additional local costs include those associated with reconfiguring boundaries and maps, changing assessing records and revenue collection procedures and other administrative responsibilities. It should be noted that the towns directly impacted have agreed to comply with the requirements of this bill. The administrative costs are not expected to be significant. Pursuant to the mandate preamble, a 2/3s vote of each body of the Legislature exempts the State from the requirement to provide funding for this mandate.

Unit Affected

Municipality
County

Costs

Insignificant

Fiscal Detail and Notes

This legislation will not affect the total cost of funding K-12 public education beginning in fiscal year 2007-08 or the General Fund appropriation required for the State's share. This legislation may impact the amount of funds required to be raised by local school administrative units. The impact to each individual school unit can not be determined at this time.

TAB “D”

**Chebeague Island Long Range Plan
(Comprehensive Plan)**

CHEBEAGUE ISLAND LONG RANGE PLAN

Version of 5/5/02

Revision after Town staff and Planning Board comments

This version incorporates the edits and corrections from the Town staff. We have incorporated the summary recommendations generated by the recent water survey update by Sevee and Maher. The LRPC (Long Range Planning Committee) thought it was not useful at this point to try to work out more detailed funding needs associated with our recommendations as identified in the Town staff comments.

As this is a long-range plan, details will be worked out with the Town staff as individual suggestions are pursued. The LRPC considers this version ready to be distributed to the Council and to Island residents. After a public hearing on Chebeague, further revisions may need to be made before the final version goes to the Planning Board and the Council.

In the summer of 1999, The Cumberland Town Council authorized and established a budget for the preparation of a long term comprehensive plan for Chebeague Island for presentation to the Island and the Council in the spring of 2000. Jim Phipps and Sam Ballard were appointed co-chairs of the committee. Additional island residents volunteered to prepare the plan. Mark Eyeran of Planning Decisions, Inc. participated in this effort.

To: The Cumberland Town Council

From: The Chebeague Island Long Range Planning Committee

The Chebeague Long Range Planning Committee is pleased to submit its comprehensive plan for the island to the Cumberland Town Council. It takes into account comments from Council members and Town staff on the June 2000 draft. We have accepted some but not all of the recommended changes so far. It is our hope that after further careful review by the Council and input from the public, the revised plan will be incorporated into the Town of Cumberland's Comprehensive Plan. Numerous public meetings have been held, and we look forward to a final public hearing, which we assume, will be held on Chebeague prior to the Council's adoption of the plan. We understand that the Council will consider input from the public, and we welcome that. However we believe this plan fairly represents the two years of work put in by more than two-dozen individuals who care deeply about the future of Chebeague.

While we did not always agree on all aspects of the plan we were able to reach consensus, which was no small job. We feel that we have developed a document that will make the Town of Cumberland aware of issues that will affect the future of this geographically isolated neighborhood of the town. We understand that not everything can be accomplished at once. We have made recommendations as to which areas of the plan need immediate action, although that does not mean that we feel other recommendations are less important. We further understand that many of these recommendations require financial and human resources. We hope that the Council will use the plan when setting priorities and developing the town budget.

The implementation of the plan will take time and effort, but we feel a committee of dedicated islanders representing diverse segments of the community, with regular public input, can work with the Town staff, to accomplish this daunting task.

The central theme of this document is balancing the relationship between man and his environment so that an endangered community can survive. It's as simple as that. We understand that there are tensions within which may create conflict. This balance needs to be considered as the recommendations in the plan are implemented. To quote from the Affordable Housing section of the plan, If more land is taken out of the housing market to be preserved as open space, as the plan recommends, the remaining developable land will increase in value. This increase in the selling price of land will increase assessments and property taxes for all land on Chebeague. (p 26) Despite this potential conflict the committee feels we still need to preserve land, and we still need to preserve a diverse population by keeping island living affordable for all segments of the population.

Chebeague is one of only thirteen island communities in Maine. Our way of life is endangered. While we realize that we are facing pressures from outside similar to those in other communities, informed public policy decisions can lessen the impact. People from away sometimes think of our community as a twenty-first century anomaly, for a sense of place no longer has much meaning in our mobile society. But it is a sense of place that shapes our plan. Dorothy Simpson says it well in her book, *The Maine Islands, Yet, there is a difference.* There are some who can not forget what their ancestors knew in this place, the remoteness, the silence, the imperviousness of the surrounding sea, the sense of being an islander and therefore, in some ways, different from all men. We are committed to preserving our community, and with your help, we will succeed.

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Plight of an Island

If I should lose my habitats
For wildlife on the shore
Of creatures of my woodlands
For one to see no more;
If I should lose my lanes and trails
Where people stroll and love
To hark and hear a chickadee,
A blue jay or a dove;
If I should lose my rills and streams,
My marshes and my ponds,
My pussy willows or my ferns
Extending out green fronds;
If I should lose uniqueness
For peace and solitude,
For quaintness and for measure
Of land and what is good;
If I should lose variety
Amidst my island throng--
Become Nantucket or Cape Cod--
Forget where I belong,
If I should lose my way of life,
My scenic views -- and such,
I wouldn't hesitate to blame
My people -- very much.

Sylvia Hamilton Ross
August 1999

INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

I: Evolution of the Plan

This plan for Chebeague Island has been developed at this point in time in response to a variety of circumstances and actions. In 1998, the Town of Cumberland adopted a revised Comprehensive Plan. At the same time a Committee on Growth Management and the Costs of Growth was developing more recommendations for carrying out elements of the plan concerned with rapid growth on the mainland. One of the recommendations in the Comprehensive Plan was to develop a more detailed Open Space plan, and this was also done for the mainland in 1999-2000.

In 1997 a comprehensive Town property tax reassessment made Chebeaguers want to take a closer look at what their tax revenues were being spent on, and whether they were getting their "fair share". This led to a study of Town expenditures on Chebeague, done by Jim Phipps and Sam Ballard, a long-time summer resident, with continuing guidance from Bob Benson and Melody Main, and with the cooperation of all the Town department heads.

All these threads came together into the idea that Chebeague should develop its own long-range planning document, within the framework of the Town's Comprehensive Plan, but with more detailed analysis and recommendations. In Spring of 1999, the Town Council authorized such an effort, requesting that the Chebeague Long Range Planning Committee report its recommendations by March 2000.

A committee of volunteers was formed on the Island. It was headed by Town Councilor Jim Phipps and Sam Ballard who had been working on the issue of taxes and services. The other members who were regular participants are shown on page 2. Mark Eyerman of Planning Decisions Inc. was hired as a consultant to the Committee.

The Committee met every two weeks from June 1999 through April 2000. They undertook a survey of Island public opinion in the fall, and held a general introductory meeting on September 2 to gather ideas about significant issues and to introduce the planning process in general. Three other meetings were held on various issues during the winter -- a public meeting on groundwater, another on affordable housing, and a meeting with fishermen. In June the plan was presented at two meetings to which all Island residents were invited.

The Committee also divided itself into 12 subcommittees to do research on the topics that were identified as important early in the process. Each group did its own research with data and help from Town officials, staff at Planning Decisions, Inc. and a wide range of other people. The research findings and recommendations of each subcommittee are available in a series of background reports, available in a separate volume.

The sections above described how this planning effort came to be done at this particular time. But in a larger sense, real plans -- ones that are not done to meet some legal or funding requirement -- generally are a response to changing conditions in a community. How has Chebeague changed over the past 50 year period, and how do its residents feel about change now?

A: Population and Development Trends

The image that most people have of Chebeague has, of course, been shaped by their having mostly been adults since World War II. This period is not entirely typical of Chebeague's population or construction trends in earlier years. Census data for the Island is particularly difficult to find for this period, but the trend is sufficiently clear. From its high of 650 people in 1900, by 1920 Chebeague had already shrunk to 379. World War II was followed by an out-migration of much of the Island's youth. Girls married ex-soldiers, and many moved away. The men sought economic opportunities and the convenience of living on the mainland. Between 1945 and 1956, 75 percent of the children who graduated from the Chebeague High School left. This pattern was not greatly different from what was happening in small communities all over the country, but for Chebeague, it was a break with the past.

While the rest of the country was having the post-war baby boom and the related boom in suburban growth, Chebeague was in decline. People on the Island could not get mortgages to build houses. In the 1950s and 60s only about one house a year was built. In the late 1950s and early 60s, after the Cousins Island bridge had been built and the inner bay ferry service ended, Islanders pursued a state-wide campaign to have a bridge built to Littlejohn Island, thereby connecting Chebeague to the mainland by road. This effort finally failed in a state-wide referendum.

In the 1970s signs of recovery began to be seen. The census count of population -- which, of course, covers only year-round residents, continued to decline, reaching 340 in 1980 and hitting 295 in 1990. On the other hand, construction began to increase. In the 1970s 20 houses were built, in the 80s, 30, and in the 1990s, 35 new houses were constructed. In the 1990s 121 people moved to the Island as year-round residents, resulting in a population increase, to 335, even after deaths are counted. Some in-migrants were summer people retiring to or coming to work on the Island, others had grown up on Chebeague. Some married in; a few came with no prior connections at all.

Of the houses built on Chebeague during the 90s, most were built as year-round houses. About half were occupied year-round, divided fairly evenly between working families and retirees. The other half of the houses were built by people who typically stay for a longer period on the Island than just the traditional summer months. Using a different lens to look at the houses, somewhat less than half were built by "new" people "from away", the rest, by people with long-time roots on Chebeague, either summer or year round. So by comparison to the very quiet 1950s and 60s, Chebeague has been having a building boom. It is not surprising, then, that development and control over it has been an issue in this plan. Indeed, an initial effort to limit growth was tried in 2000-2001, but resulted in unanticipated problems.

B: The Community Survey: Priorities for Chebeague

The Committee decided early in its process that a survey would be useful not only to provide information about what residents of Chebeague thought were important issues, but also to get people to think about what the issues were. The survey was sent out in early September 1999 to 1145 property owners, year-round residents and others connected to Chebeague. Almost half (47 percent, or 537 people) responded -- an excellent return for such a survey. The coding and initial analysis were completed by early December.

Almost a third (32 percent) of respondents were year-round residents, 22 percent were long-seasonal residents, typically coming from May to October,

and an additional 37 percent were summer people who come for three months or less. The balance of 9 percent were non-resident property owners and a variety of other people with Chebeague connections. A higher proportion of elderly people responded than did younger ones. Year-round residents had higher rate of response than summer people. On average respondents had been living on or coming to Chebeague for 41.1 years -- a long time.

The survey provided both a wealth of interesting, useful information and a clear idea of what Chebeague residents thought were the most important issues facing the Island. The full analysis can be found in the accompanying report Chebeague Island Survey Report. Each of the background papers for the plan also summarizes and discusses results that were related to the topics in that section.

There were four unifying threads among all island residents about what they most wanted to preserve about Chebeague. The first was the desire to maintain the rural character of Chebeague. They saw this as involving protection of the ecosystem, maintaining open space and keeping the population relatively small, and development, low density. The second was the importance maintaining the strong sense of community. The third was maintaining access to the shore for recreation and fishing. And the fourth was maintaining the balance between year-round and summer residents, not allowing the Island to gradually become a community that could only be afforded by summer people.

It was also striking how marginal disagreement was between year-round residents and summer people. There were some interesting, but not surprising, differences in priorities between these two groups. Summer people emphasized the natural beauty and strong sense of community on the Island. Year-rounders had concerns about day-to-day life. But, overall both groups shared a common view of what should be preserved and what problems the Island is facing.

C: The Central Dilemma

It is clear from the survey results and from the recommendations that the Long-Range Planning Committee considers it equally important to preserve both the natural, rural character of the Island and its social and economic community. The dilemma we face is the same that is faced by any small, uniquely beautiful place: the more attractive we keep the Island by preserving open space, rural character and access to the shore, the more likely it is that the value of the remaining land will be bid up by more people who want to and can afford to come to enjoy its uniqueness. If nothing is done to stop them, rising property values and tax assessments will inevitably reduce the diversity of Chebeague's population. Young year-round families (and older ones with modest incomes) would not be able to afford to buy houses. And the taxes by themselves would force out lower income residents -- retired fishermen and local small business people, for example. Some might be glad of the windfall profits they are able to reap from their land, but others would sell against their will, only because they could not afford not to hold onto their property.

What would be lost if Chebeague were to become just another affluent summer or retirement island would be a small piece of a way of life -- a closely knit community of fishermen and other year-rounders, many of whom have lived on the Island for generations through prosperity and depression. The image of the Maine lobsterman, his boat and catch is the stuff of tourist posters designed to attract people to Maine. But for Chebeague it is not an exhibit in a living history museum or a picture in a children's book, it is a real,

major part of our everyday life. Only 13 of Maine's 1150 islands still have island schools. Chebeague is one of them. It welcomes summer people from other places, but does not want to be overwhelmed by them.

As the Long-Range Planning Committee has become clear about its goals, we have tried to identify actions that could be taken to help maintain Chebeague's rural character and to keep the year-round economy strong. Such a balance may not be easy to maintain, but it is the central hallmark of this plan.

Since this is a long-range plan, we expect that implementation will take place over a period of, say 10 years. Spelling out, for each of the goals and recommendations, who would be responsible for carrying them out, what period of time this might take and how they might be funded has yet to be done in detail. Many recommendations are directed to the Town. Many will involve changes in Town ordinances or administrative practice. Some require further technical studies that we cannot do for ourselves. Some ask for expenditure of Town funds. Each of the actions and projects described here must involve the development of a detailed proposal which will spell out these practical details. Usually these will be developed with Town staff members, and will result in grant proposals or items in the Town budget.

Finally, there are some problems that cannot adequately be addressed by Islanders or by the Town but have to be acted on by the State Legislature. The most central issue of this kind is the structure of the State legislation on local property taxation. Every piece of property, however it is used, is valued at its "highest and best use" which is considered, under Chebeague's current zoning, to be housing development. But we want to be able to use land for wood lots or storing traps and boats and for other uses besides houses. This is an issue where the Town should take the lead in petitioning the legislature.

D: The Vision for Chebeague

Sylvia Ross' poem, written at the beginning of this planning process, was the Long Range Planning Committee's first guide to what we hoped to achieve -- identifying what was special about Chebeague that needed to be preserved, and how this was being threatened. Over the more than three years that the planning committee has been at work, this image of the character of the Island has become more formalized-- these are the qualities that bind people to the Island. It is an island that:

Maintains a year round working community that includes those who make their living on the island and people who commute to the mainland.

Works to maintain and support a viable fishing/lobstering industry.

Has a diversity of year round residents including both younger, working households and retired people, and works to maintain this mix.

Provides an environment and services that are attractive for families with children.

Has a balance of year-round and seasonal residents and works to assure that a diverse population continues to reside on Chebeague.

Has many members of long-time families who live on Chebeague year-round or seasonally.

Is steeped in a rich and colorful history that adds an important dimension to Island life.

Has year-round and summer households with a range of incomes.

Has a strong and supportive sense of community.

Provides year round services that preserve a viable year-round community.

Encourages and supports commercial activities on the island especially those that enable people to be year-round residents.

Is not overrun with enterprises that cater to or encourage day-trippers.

Is endowed with great natural beauty, surrounded by the ocean, with rocky shores, sandy beaches, deep woods and open fields.

Relies on the groundwater as its water supply and will continue to do so in the future.

Maintains a balance between developed and natural areas, protects important natural and scenic resources.

Has traditional paths through the woods, along the shore and through people's door yards.

Provides a pleasant, quiet, rural character for both residents and visitors.

E Threats to Achieving the Vision

Increased value of land.

A change in the transportation system to the island that makes it significantly easier for day-trippers to visit Chebeague.

Contamination or a significant decrease in the quality of the groundwater upon which the island population relies.

A loss or significant reduction in water access for fishermen.

Deterioration, loss, or substantial increase in the cost of key services on a year-round basis including auto service, boat service and repair, the store, fuel oil/propane supply, etc.

Loss of the elementary school through a decline in enrollments or a significant change in the attractiveness of the island for younger families with children as a result of a decline in the quality of the education on the island or changes in the mainland school system that adversely impact the involvement of island children in both educational and extra curricular activities.

Increasing housing cost/lack of affordable housing that makes it difficult for younger year-round families to live on/move to the island.

Lack of year-round rental housing

A significant change in the current mix of summer, seasonal, and year-round population.

A change in values that threatens traditional freedom of access and movement around the Island.

A significant change in the current ratio of developed to undeveloped land.

Significant change in type or amount of public improvements that change the rural character of the island.

II Summary of Recommendations with Priorities:

As an indication of the priorities we have agreed on, two indicators are included in the text here: Should begin now are new initiatives we hope will begin soon. Maintain as ongoing means that this recommendation is already being carried out and this work should continue.

III A Groundwater

Chebeague has a sole source aquifer. All houses are served by wells which tap into this single source of water. Protection of groundwater is vital and ranked first on the survey.

Recommended Actions (*See p. 19 for expanded version*).

Implement the recommendations of the updated ground water study.

Ongoing public education about groundwater.

Septic Systems - Perform septic system survey. Recommend Town consider establishing an island-wide maintenance program.

Junk Cars - Recommend CTC and Town explore affordable system for removing junk cars.

Hazardous chemicals: Continue waste disposal program carried out by Regional Waste Systems.

Wells: Record new wells with the Plumbing Inspector.

III B Wetlands

Wetlands play a vital part in groundwater recharge. Since Chebeague's wetland areas are not large enough to be protected by state regulations, local protection is required as currently there is none. The classification of 'Resource Protection' should be reviewed and extended.

Recommended Actions (*See p. 23 for expanded version*)

Develop Education Program about the Island's wetlands.

Wetland inventory: Appropriate funding for a detailed wetlands inventory on the Island.

Expanded program for Wetlands acquisition.

Review Wetland Regulation in light of Inventory.

Wetlands' importance to aquifer recharge should be explicitly stated in Zoning Ordinance.

III C Land Use

Over development is a major concern. If current building trends continue, within 50 years Chebeague will have 550 to 600 houses. Options to control growth are described. Containing growth will require careful selection among these options.

Recommended Actions (*See p. 25 for expanded version*)

Maintain the rural character of the Island by preserving significant parcels of land in their undeveloped state.

Insure that land use regulations protect the Island's natural environment.

Maintain the visual, historical and architectural character of the Island as future development occurs.

III D Affordable Housing

To maintain the diverse population, it is necessary to have affordable housing. A set of strategies are identified for maintaining existing and developing new affordable housing.

Recommended Actions (*See p. 30 for expanded version*)

An Island Committee on Affordable Housing should be appointed by the Town.

Maintain the existing supply of affordable housing.

Continue to work with Cumberland to pursue CDBG funds to upgrade existing homes.

Educate taxpayers about currently existing programs that might reduce their property taxes.

Increase the number of year-round rental units.

Lower the cost of construction of new houses in an affordable housing program.

Encourage owner-built homes on family land.

III E Open Space and Recreation

In order to control development and maintain the rural atmosphere of Chebeague, scenic views, ways to waterfront, traditional paths, woodlands fields, and wild life habitats should be protected.

Recommended Actions (See p. 34 for expanded version)

Preserve access to the shore

Preserve Chebeague's fields and forests

Preserve wildlife habitat

Preserve access to established paths on the Island

Preserve scenic areas

Increase support for Library, Recreation Center.

Develop a plan for physical maintenance and control over use for Town land such as Chandler Cove Beach.

IV Preserving Community

A: Economic and Social Life

To maintain a diverse society on Chebeague while keeping development at an appropriate level, it is necessary to use all means to prevent taxes from overwhelming low-income island residents and forcing them off the island.

Recommended Actions (See p. 40 for expanded version)

Moderate increases in Tax assessments: State actions

Moderate tax assessments: Town actions

Reduce tax payments

B The Island Economy

The island economy has four components: Fishing (treated below), Commuters (about 15% of residents), and island businesses which involve over 80 residents. Zoning revisions are the primary need to support this economy.

Recommended Actions (See p. 42 for expanded version)

Zoning revisions

Remove those uses that are not appropriate on the Island.

Allow a broader range of business activities within a residence.

Develop an approach for allowing portable 'food carts or wagons' at limited locations.

Amend the zoning ordinance to allow permanent small-scale saw mills.

Explore ways of insuring that reliable childcare is available.

Other non-marine economic issues

Reevaluate present construction waste bin at Transfer Station to facilitate disposing of construction waste.

Explore using Island Institute's Fund for Education to provide vocational training to residents.

Continue financial and legal support for ferry service.

C The Island Economy - Fishing

Since fishing, principally lobstering, is the oldest continuing Chebeague industry, providing the largest portion of the Island's economy (38 boats hauling approximately 35,000 traps), the needs of the fisherman for shore access, zoning provisions, mooring privileges and protection from encroachment of newer industries should be addressed.

Recommended Actions (See p. 45 for expanded version)

Insure access to the shore for fishermen

Document access points.
Study parking at access points used by fishermen.
Protect and, whenever feasible, increase access to clam flats.
If a future new wharf for fishing is built, it should be located on the outside of the Island.
Implement recommendations of the Stone Wharf Committee when submitted.
Improve regulation of moorings.
Increase Town role in aquaculture leasing.
Other Marine Recommendations
Maintain gear storage in Zoning Ordinance for uses related to commercial fishing.
Continue clam flat management.
Provide any feasible assistance to the Boatyard to assure its continued operation.
Eliminate costs to lobstermen for disposing of old metal traps at the transfer station.

D Health, Welfare, and Safety

Chebeague/Cumberland emergency care system is excellent, as is our Physician Assistant. More Information on entitlements, Town assistance, and regional programs would be useful to enable those in need of such services to access them privately. Substance abuse by the very young and lack of childcare services are a concern.

Recommended Actions *(See p. 49 for expanded version)*

Health

Reduce barriers to provision of childcare.
Explore ways to get supplemental funding for all levels of home care.

Welfare

Have the Town take action on substance abuse,
Have the Town be involved in education on entitlements and Town assistance programs.
Work to connect Regional Transportation Program services to ferry.
Police, Fire, and Rescue: Review staffing and facility needs of the police, fire and rescue services.

V A: Transportation to the Mainland

Access to education, medical services, and shopping as well as access to the state's transportation system is dependent on boat services including the necessary wharves and parking facilities. With deep appreciation to the Town and the state for its concern and hard work both at Cousins, and Chandler's Cove, Chebeague needs to have this commitment continued.

Recommended Actions *(See p. 52 for expanded version)*

Secure permanent arrangements for continued use and maintenance of the Cousins Island wharf.
Design and construct improvements to Wharf Road and the turn-around area.
Explore relaxation of barging restrictions for transportation of cars and trucks.
Continue involvement by Cumberland and MDOT in order to maintain affordability of ferry and parking rates.
Continue to support Casco Bay Lines (CBL) service to Chebeague.

B: Transportation on Chebeague

With ferry docks on either end of the island and 15 miles of paved and dirt roads, island vehicles are a necessity for maintenance of Chebeague's diverse economy and social life. Roads, road maintenance and road safety are therefore a major concern.

Recommended Actions *(See p. 58 for expanded version)*

Traffic regulations

Post speed limit signs.

Include traffic regulations for bikes.

Enforce the speed limit and bike regulations; provide a radar gun for enforcement.

Review signs for traffic control on Chebeague.

Road standards

Do traffic volume studies to provide data for road standards.

Develop a set of standards for the public roads on Chebeague to guide Town maintenance and improvement programs.

Explore creating standards for private roads.

Road maintenance

Adopt a Town-wide six-year capital improvement plan. Publicize information about how to report needed road work to DPW. Develop a plan for road maintenance on Chebeague.

Town should open a new gravel pit to reduce costs of road maintenance.

Act on the process for holding hearings and making decisions on Chebeague's paper streets.

Public parking arrangements at wharves.

Stone Wharf: Implement parking recommendations of the new Stone Wharf Committee.

Chandler Cove Wharf: Develop regulations for use of the parking lot at the Chandler Cove Wharf.

VI The Island's Relationship with Cumberland

With fewer and fewer people who remember Town Meeting days, the Town can become a faceless entity with all that implies. Travel complications notwithstanding, some island visits by department heads to discuss their roles and visits by staff members to handle registration and other issues would be useful and productive.

Recommended Actions *(See p. 62 for expanded version)*

Budget meeting on Island with Council & Town Manager, continuing the budget review process initiated in 1999.

Adoption of a Town-wide Capital Improvement Plan

Coordination on Island policy-making and administration

Town departments discuss what they see as their role on the Island.

Consider having a member of the Town staff come out to the Island at regular intervals.

Boat fare to public meetings

Televising Town meetings.

Police, Fire, and Rescue: Review the staffing and facility needs of the police, fire and rescue services.

Appendix 1: Chebeague Schools

It is recognized that schools are not a responsibility of the Town of Cumberland, that all decisions for our schools remain with SAD 51. However, as the support for schools on Chebeague is so dependent on transportation and related infrastructure, for the sake of completeness we are including the recommendations for the schools as an appendix to the island's overall planning description.

Recommended Actions *(See p. 62 for expanded version)*

Recommendations to the Town of Cumberland.

Support Recreation Center and Library.

Develop a wider range of opportunities for mainland children to experience the Island and vice versa.

Recommendations To S.A.D. 51:

Appoint Teachers experienced in multi-age classrooms with interest in the island way of life.

Expand coordination between the Chebeague School and mainland elementary schools.

Request that SAD 51 increase financial support to Library and Recreation Center.

Bring staffing, educational resources, services and facilities up to the same level as the mainland.

Continue and support the role of the Chebeague Island School Community Advisory Committee.

Have two School Board meetings on Chebeague each year.

Develop a teacher in-service training course on Chebeague.

Create a new Community Advisory Committee for Chebeague Students on the Mainland.

Recommendations to the Chebeague community:

Develop a program to educate all Island residents on needs and importance of the Island school.

Recruit people without children in the schools to serve on the advisory committees

Improve mutual understanding, reduce impediments to integrating Chebeague children into mainland schools and after school life.

Work to elect a resident of Chebeague to the District Board of Directors.

SUBSTANTIVE DISCUSSION OF ISSUES AND RECOMMENDATIONS

III. LAND AND RESOURCES

An island is a small place that is inevitably at least somewhat self-sufficient and independent of the mainland. This is true for an island's social community where isolation means that neighbors have to be more interdependent. Smallness and separation from the mainland also mean that natural resources are limited and can be fouled or used up. Growth and development on an island needs to be evaluated for its impact on these limited natural resources. In the science of ecology this limit is called the "carrying capacity" of the land. As the Island Institute explains in its *Exploring Limits: Making Decisions about the Use and Development of Maine Islands* (1994):

According to this principle, populations of species in any given environment are limited in size by the amount of habitat, food, water, and other survival requirements available within the confines of that environment. Ultimately, population size is determined by the factor which is the most crucially limited -- i.e., if there is not drinking water, the environment becomes uninhabitable even if there is adequate soil and vegetation. The combined impact of these factors defines the carrying capacity: a specific, quantifiable upper limit to the size of the population that environment can support (p. 4).

On islands both the land and the water have real, measurable limits. In the sections of this part of the report the major limiting factor that is discussed is the supply of water. Supply itself is not the major issue -- there is plenty of water. But "too much" development could lead to the water becoming polluted. How much is "too much". That is difficult to tell. But the sections that follow suggest how we can tell and what implications that has for use of other resources such as land.

A: Groundwater

Groundwater is the water that occupies and saturates the pore spaces between grains in soil and fills the narrow passageway in fractures that cut through the underlying bedrock. There are no underground rivers that supply water from distant sources such as Cousin's Island, Bradbury Mountain or other mainland locations. The movement of precipitation from the land surface into the surficial and bedrock aquifers is called recharge. The amount of recharge that occurs in a certain location is dependent on the character of the overlying soil. The overlying soil type, such as clay or gravel, will influence the amount of water available for pumping and the ability of the soils to reabsorb and cleanse domestic wastewater.

Chebeague's groundwater resources differ from mainland Cumberland in one very important way: Chebeague is a sole source aquifer: This means that all groundwater on the island originates as precipitation that falls on the island as either rain, snow or fog. On Chebeague, all water users are dependent on individual wells for water supply. Residents of the Island recognize that there are no reasonable alternative water supplies. On the survey they ranked preserving the groundwater first among 31 issues that they were asked about.

Current Conditions

In 1992, at the request of the Town of Cumberland, a groundwater study was completed on the island. The results of the study are presented in the report Chebeague Groundwater Study, prepared by Sevee & Maher Engineers. This study was updated by Sevee & Maher in 2001. The main findings of these studies were:

The bedrock is the primary aquifer on the island. In 1992, approximately 86% of the island households sampled relied on bedrock wells and the remainder relied on dug wells or shallow well points for their water supplies. The 2001 sample had 80% bedrock wells, with the balance relying on shallow wells or springs.

The quantity of water provided by the aquifer is sufficient to accommodate more future development than is likely to occur.

The water quality is the most critical issue. The natural water quality is generally good, with iron and sulfide being the only naturally occurring contaminants. In some cases high iron levels require treatment. However, water quality sampling indicated that even in 1992, 25% of the wells sampled tested positive for coliform bacteria. By 2001 this had risen to 56% of wells. These results may be indicative of septic related contamination suggesting that existing housing density may be too close in some areas, or that septic systems may be malfunctioning. Five wells tested positive for ecoli bacteria in 2001, probably due to septic contamination.

Saltwater intrusion appears to be a problem in certain areas of the Island, especially near Division Shores and at Rose's Point. Continued development along the shoreline may result in saltwater intrusion in both new and existing wells.

Threats To Groundwater Quality

Junk cars are much more numerous on the Island than on mainland Cumberland.

Junk cars are a potential source of petroleum contamination to the groundwater. Junk cars are regulated by the Town Code Enforcement Officer.

Household waste and spills are a potential source of groundwater contamination. Improper use and disposal of household cleaners and paint related compounds could result in significant groundwater contamination.

Petroleum use and storage is regulated by the Maine DEP, although the Town can adopt more stringent regulations. Currently, commercial quantities of gasoline and diesel are stored at the boatyard, fuel oil is stored in trucks at Martin's Hill garage and diesel is stored in an above ground tank at the Town Garage. In addition, junk cars, home heating oil or kerosene tanks and homeowner supplies are a significant potential source of contamination. In 1999, the Maine DEP visited the Island and determined that home heating tanks were a significant threat to groundwater on the island. In 2002, they are providing funds to the Town to replace tanks that pose a problem.

Fertilizers and herbicides, even when properly applied can contaminate the groundwater. Current status of use of the chemicals is unknown.

Septic systems, if properly designed, sited, installed and maintained, treat human and house wastes and infiltrate the treated waste water back into the ground. That's a lot of ifs. Septic systems are regulated by the State Plumbing Code and monitored by the Town Code Enforcement Officer. Types of systems currently in use on Chebeague include: Standard tanks and leach fields, Non-standard septic systems, and leach fields, Cesspools, Over board discharge, and Composting. Malfunctioning or poorly operating systems can be source of contamination to the groundwater and the marine environment, i.e. lobster nurseries and clam flats. Septic Systems require regular maintenance - pumping - in order to effectively treat the waste. In public information sessions conducted in 1999 as part of this project, it was apparent that many homeowners were not properly maintaining their septic systems. This was due

to the difficulty and expense of getting a pump truck to the island and also a lack of awareness of the importance of pumping the system regularly. The groundwater study is providing public education and the availability of pumping services seems to have improved. Innovative systems are also being developed for use in coastal areas that can be installed in areas shallow bedrock. This may change site requirements for septic disposal and may impact allowable housing density in the future

Salt Water Intrusion is an important concern for Chebeague. The island is entirely surrounded by seawater, and the less dense fresh water floats on top of the seawater as a lens. Bedrock wells drilled close to the shore, or several bedrock wells clustered together can intercept this interface and pull in salt water. In 1992, saltwater intrusion problems already existed along Division Shores, the 2001 study indicated additional problems at Rose's Point. With increased development along the shoreline, the potential for saltwater intrusion problems increases.

Goal:

PRESERVE AND PROTECT CHEBEAGUE'S GROUNDWATER

Recommended Actions

Implement the results of the updated ground water study. Ongoing Public education about groundwater. An informed population is essential in protecting Chebeague's sole source aquifer. Update of 1992 study will provide a practical base for such education. It is much more effective to prevent problems than to clean them up after they have happened, and the first line in prevention is ordinary residents. Educate Chebeaguers through the use of public forums, written brochures, the calendar and the Island's web site.

This education should cover:

- How septic systems work and the need for maintaining them by pumping.
- Need to maintain home heating oil tanks.
- Problems created by junk cars.

Septic Systems: On Chebeague, malfunctioning or improperly installed septic systems pose a significant threat to groundwater quality which can impact both our water supply and the marine environment. Properly maintaining septic systems on Chebeague is difficult and expensive due to transportation and logistics, while the situation seems to have improved in the past year. A Phase 2 septic system survey of the island should be completed by a qualified individual to identify areas where existing septic systems are malfunctioning. Once the study is completed, we recommend the Town consider assistance in establishing an island-wide maintenance program.

Junk Cars: Due to the potential for significant groundwater contamination that junk cars present, minimizing the number of junk cars on Chebeague is an important goal of this committee. Some removal is occurring now, but many cars remain. We recommend that the Town consider an annual inspection program, similar to the one on Long Island, where all properties are inspected by the CEO for the presence of junk vehicles and compliance with Town ordinances. Current regulations should be reviewed to determine, if they are adequate and appropriate for the island. We recommend that CTC and the Town explore an affordable system for regularly taking junk cars off the Island. Public education about the need for such a program and the way it would work is essential.

Use and disposal of hazardous chemicals: The existing household hazardous waste disposal program carried out by Regional Waste Systems should be

continued at regular intervals. Information on the proper use and disposal of hazardous chemical, used motor oil and paint-related compounds should be made available to the public. The Town should consider an assessment of the current use of pesticides and herbicides on the island should be done. Funding may be available from the Cumberland County Soil and Water Conservation District.

Wells: The Town should require that when wells are dug, their locations and yield are recorded with the Plumbing Inspector and in the Town's GIS system.

B: Wetlands

Wetlands are particularly critical on Chebeague because they are an important element in the system of groundwater recharge. Since we have a sole source aquifer, this groundwater recharge is essential to the wells we all depend on. Because wetlands are now regulated by all levels of government to protect them from development, it has been necessary to develop standard definitions that allow them to be reliably identified and mapped. Wetlands are defined by having three characteristics. First they have water. They can either have saturated soil or they can actually be "inundated" with water, meaning that the water is visible on the surface. Often the water level in wetlands goes up and down over the course of the year. Second, they have particular kinds of soils, called "hydric" soils. Third, they have particular kinds of plants that are adapted to life in wet conditions. These three characteristics are intertwined because the presence of the water in or above the soil makes the ground anaerobic, meaning that it does not get air, so only plants that can grow in such conditions over an extended period of time can survive. A hydric soil is one "that is saturated, flooded, or ponded long enough during the growth season to develop anaerobic conditions in the upper part" (USDA, Soil Conservation Service, 1991).

Wetlands can be "marine" that is they are fed by salt water from the ocean, or they can be "freshwater" wetlands fed by groundwater or surface sources such as streams. They can occur in the area where the ocean meets the shore and the shore rises to upland, or they can be found in depressions in the landscape. Each kind of habitat -- salt, brackish and fresh, saturated below ground or inundated, above -- has its own kinds of animals and plants.

If you didn't know whether there were wetlands on Chebeague or not, you could look on maps or at the land itself for the defining characteristics of wetlands. Where are there bodies of water -- ocean, streams or ponds? Where are there wetland or hydric soils? And where are there plants that are typical of wetlands? The wetland map that we have is the map produced for the National Wetlands Inventory by the Fish and Wildlife Service of the U.S. Department of the Interior. The mapping is done from aerial photographs, and are not always checked "on the ground" which means that some forested wetlands, in particular may be missed. A look at a map of the hydric soils on Chebeague shows much larger areas of hydric soils than of mapped wetlands. So the question posed by comparing these maps is whether the wetlands are more extensive than the map shows.

How Do Governments Protect Wetlands?

Most of the regulation is done by the State through the Department of Environmental Protection and the Federal Government through the Army Corps of Engineers. The Town has no particular zoning regulations for wetlands. Instituting such a zone on Chebeague, may be useful.

The Town Subdivision Ordinance prohibits development on filled tidal wetlands and in areas where the soils present severe limitations for development. The only non-buildable soil on Chebeague is Sebago mucky peat which occurs in several small areas. The Shoreland Area Overlay District requires that certain wetlands be classified as Resource Protection, which restricts permitted uses to such low-intensity uses as recreation and forest and wildlife management. Some coastal wetlands in the Shoreland Zone are classified as Resource Protection: Indian Point, Durgin's Pond, Chandler Cove Beach, Sandy Point, all the area around Johnson Cove and the beach and wetland at Rose's Point. Some, such as Springettes and Bennett Cove are not in the Resource Protection Zone. The most notable Shoreland Zone restriction, although one not directly tied to wetland management, is the requirement for a shoreland zoning permit for any land use or building in that area.

Goals:

PROTECT WETLANDS FOR AQUIFER RECHARGE TO THE EXTENT THAT IS POSSIBLE UNDER CURRENT GOVERNMENTAL REGULATIONS.

FOR PARTICULARLY ESSENTIAL WETLANDS STRONGER METHODS OF PROTECTION SUCH AS PURCHASE OF LAND OR EASEMENTS MAY BE NECESSARY.

Recommended Actions:

Education Program: An implementation committee should work with the Cumberland Conservation Commission to develop an informational program and materials about the Island's wetlands, including their role in recharging the groundwater.

Wetland inventory: Because of the limited information about the Island's wetlands, a detailed wetlands inventory on the Island should be done. This study should identify the wetlands on the Island, map their approximate locations, evaluate their wetland functions, and propose improvements in the Town's regulations necessary to protect these resources.

Wetland protection: An implementation committee should work with land owners, the Land Trust and other Island institutions to protect significant wetlands from development or inappropriate encroachment, through use of the State Open Space Program, purchase of the land or the purchase or donation of conservation easements.

Wetland regulation: The Cumberland Planning Board and Town Planner, with an implementation committee should review the current protection of the Island's wetlands based upon the wetlands inventory and determine:

If there are additional wetland areas that should be included in the Resource Protection District.

If additional local regulations are needed to protect the wetlands with significant wetland function and value.

Wetlands Importance The importance of wetlands to aquifer recharge should be explicitly stated in the Aquifer Protection provisions of the Zoning Ordinance.

C: Land Use

A feeling that Chebeague is changing more rapidly than residents want pervaded the responses to the planning survey. What seems to draw people to, or to keep them on Chebeague, summer and winter alike, is that it is a small rural place surrounded by water. The fact that it is only moderately rural is irrelevant. What survey respondents wanted most to preserve about the Island was its open space, its access to beaches and to the shore, and its

rural character. The issue they identified as the most pressing for Island residents to deal with was growth and development, mentioned spontaneously in an open-ended question by half the respondents. Clearly shaping development and preserving open space are two sides of the same coin.

If the immediate past is any guide to the future, the pattern of building since 1991 should tell us something about what may happen in the next ten years. But this effort is made more complicated since the past year gave us an unusual example of how not to control growth. Between 1991 and July 1, 2000, 31 building permits were issued for new houses, an average of 3.1 per year, a rate similar to that for the prior decade. The number varied from year to year, depending in part on the state of the economy. On July 1, 2000, in a strong housing market, the Town Council adopted a town-wide growth management ordinance, also supported by this Long-range Planning Committee. The ordinance set a yearly limit of 44 houses on the mainland and 3 on Chebeague, reflecting the past yearly average.

However, the result on Chebeague was a panic in which people rushed to get in line to build 23 houses. Ultimately in Spring 2001, the Council adopted a one-time transfer of unused mainland growth permits to Chebeague, with the provision that anyone getting a permit had to build right away. This resulted in the issuance of 12 building permits for houses over a five-month period, in addition to the three permits that had been allowed in 2000-2001 under the cap.

So who has been building, and was the surge that resulted from the cap any different from the previous pattern of development? In the nine years before the cap, somewhat more of the houses (35% versus 20%) were built for immediate year-round occupancy by either working residents or retirees. The cap panic pushed some future retirees to build sooner, but when they do actually retire, the new year-round houses will be back up to about a third. There have also been a few more new summer residents in the post-cap boom, but in the end, it is notable that almost two thirds of the people who built over the whole ten-year period had long-time year-round or summer connections to Chebeague. So, as far as new construction goes, we have met the enemy and it is us.

A series of build-out scenarios were done in 1997. They projected several variations of the pre-building cap development pattern into the future. The results suggested that total build out of all developable lots on the Island could result in more than a doubling of the number of houses, from 400 now to 950 in 50 years. Projecting the 3% per year growth rate would result in about 150 to 200 new houses over the next 50 years, for a total of from 550 to 600 houses.

Mechanisms for Controlling Development

What combination of land use regulations and other programs would enable Chebeaguers to control the development that will occur? Zoning and subdivision regulations are the basic tools we have to use. But they are not the only ones. A brief description of each can help to understand the strengths and weaknesses of these tools.

A subdivision ordinance regulates the division of undeveloped "raw" land like a farm field or a tract of woods into lots that can be developed for residential or commercial use. The purpose of subdivision regulations is to be sure that the lots created are clearly defined legally, and will have suitable services so that both their buyers and the general public are not

harmed by things like pollution, erosion, and traffic congestion. Subdivision ordinances require that lots can be served by adequate water, sewage service, solid waste disposal, roads, fire protection, utilities, storm drainage, and sometimes land for recreation or parks.

The zoning ordinance, in turn, regulates the uses that can be built on subdivided lots, and how dense development can be. The general logic of zoning is to reduce the negative side-effects that can come with development. No one wants to buy a house and then have a slaughter house built next door.

In the Cumberland Zoning Ordinance Chebeague is divided into two zones. What distinguishes the Island Business district from the Island Residential one? Not a great deal. Both zones require a minimum lot size of 1.5 acres if there is at least 150 feet of road frontage, and 3 acres for 'back lots' with less road frontage. Both allow single family houses and duplexes. In the zoning ordinance, the Island is seen as largely residential, with a rural resource-based economy and a smattering of businesses and services necessary for the year-round and summer residents. There are no zones for large-scale commercial uses, for manufacturing/industry, nor for multi-family housing.

In addition to the residential and business zones on Chebeague there are several "overlay" districts that apply only to the shoreland area in order to protect the water from pollution and the shore from erosion. Chebeague has also been designated in the Zoning Ordinance as Aquifer Protection area because it has a sole source aquifer. These provisions largely control storage or disposal of materials such as hazardous waste, road salt, manure, and petroleum that might pollute the groundwater.

Taken together, the zoning and subdivision regulations determine required services for development and set minimum sizes of lots as well as setbacks of buildings from lot lines. In other words, they establish the amount of development that can take place and what kind of development it is allowed to be. They say nothing about where it should go -- any place is acceptable as long as the various standards set out in the regulations can be met. They say little about what development should look like. And, finally, they set no limit, except the 1.5/3 acre lot requirement, on how much development can occur.

There are ways to control location, appearance and amount of development. One mechanism, which the Town is now trying, is placing a cap on development by limiting the number of building permits issued for new houses each year. As was indicated above, the first year on Chebeague produced a boom instead of a cap, but it is unclear how the cap will work in the future.

The Town also has other ordinances and policies that we can use, such as the mechanisms for protecting open space proposed by the recent mainland Growth Management Committee. One way to reduce the amount of development would be to simply increase the lot size requirement in the zoning ordinance. However, this is politically unpopular because many people take the existing provisions of the zoning ordinance as a 'given' and make plans, for example, for giving property to children, based on it. Increasing lot size may also increase land values, and makes housing more expensive. An alternative to reducing development simply by regulation is to do it by relying on both voluntary strategies for land protection and on providing market value for some land. This is primarily but not entirely a strategy for protecting open space. Ways to do this include:

Donation of land, or easements on land, to the Town or the Cumberland Mainland and Islands Land Trust. A conservation easement is a voluntary agreement between a land owner and a public or non-profit group that usually limits development in some way or protects access rights. The owner still owns and uses and can sell, mortgage or will the land but s/he binds the other party to abide by the agreement in perpetuity. There are many other options for limiting development through the use of easements. Donation of land or easements provides tax deductions for the donor.

Public or Land Trust purchase of land.

Public or Land Trust purchase of development rights to land -- the owner still owns the land itself, can sell or will it, but s/he sells the right to develop it more intensively. Typically used to keep farms in production; useful for preserving any business that is land intensive.

Lease by the Town or the Land Trust of easements on land.

Reduction in property taxes by enrollment in State programs for Open Space or Tree Growth. These are discussed in the Open Space section, below.

Goals:

WORK TO MAINTAIN CHEBEAGUE AS A SMALL COMMUNITY WITH RURAL CHARACTERISTICS

INSURE THAT LAND USE REGULATIONS PROTECT THE ISLAND'S NATURAL ENVIRONMENT.

In general the regulations that govern land development provide adequate protection for the natural environment. Much of Chebeague's appeal comes from its natural beauty as an island, but we are uniquely vulnerable, as well, to environmental problems such as groundwater pollution. The addition to Cumberland's zoning of the Shoreland Zone, for example, responds to this concern. So does the designation of Chebeague as an Aquifer Protection Zone. However, the Committee's discussions did identify several ways in which these provisions could be strengthened.

MAINTAIN VISUAL, HISTORICAL. AND ARCHITECTURAL CHARACTER OF THE ISLAND AS FUTURE DEVELOPMENT OCCURS

The way Chebeague looks now is a combination of the semi-rural character of the Island and the succession of different styles of houses and other buildings that have been built over the past 200 years. Preservation of the rural character of the Island has been discussed above. The Island is fairly unique in having the majority of its present houses and other prominent buildings such as the Church, the Inn, the old schools and the Hall built before 1940. There are many fine Victorian and Greek Revival houses, along with a few Federal ones. Together with the large and small summer cottages from 1890 through the 1920s, these define "the look" of Chebeague. Most older houses have lasted long enough for people to appreciate their style. And many have been occupied by several generations of the same family who value their memories as well as their style. The problem primarily lies in the future as some old houses are torn down and new houses make up an increasing part of the stock.

Recommended Actions:

Maintain the rural character of the Island by preserving significant parcels of land in their undeveloped state.

Acquire open space: Use public mechanisms proposed by the Town's Growth Management Committee and adopted by the Town Council: purchase and lease of conservation easements, purchase of development rights and purchase of right of first refusal when land is sold. There is additional discussion of priorities for open space protection in the section on Open Space.

Education about open space options: On Chebeague, an implementation committee should develop a program for educating landowners about the Town and private options available to them for land conservation.

Encourage the Cumberland Mainland and Islands Trust to preserve land. They have worked with landowners in the past to achieve purchase or donation of land and easements. This activity should continue and be increased.

State Real Estate Transfer Tax: In past years the State Legislature has considered changes in the real estate transfer tax to fund open space acquisition. Chebeague should support such a change, and we urge the Town to support such a change.

Review subdivision ordinance: Explore whether there are ways to make major subdivisions more difficult and to insure that they preserve significant open space.

Insure that land use regulations protect the Island's natural environment.

Pollution and lot size: If on-going groundwater monitoring identifies areas with groundwater quality issues that may be related to the pattern or density of development, an implementation committee should work with the Planning Board and Town Planner to explore options such as increased minimum lot sizes in those areas, or upgraded standards for septic systems.

Aquifer recharge: The importance of wetlands to aquifer recharge should be explicitly stated in the Aquifer Protection provisions of the Zoning Ordinance.

Bluff zoning: An implementation committee should work with the Planning Board and Town Planner to develop revised setback requirements in shore areas with eroding bluffs. The revised provisions should tie the required setback to the edge of the bluff rather than the high water mark. In addition, the Town should explore the possibility of requiring the active stabilization of these eroding banks when new construction is proposed.

Education about the Shoreland Zone: An implementation committee should work with the Town Planner to develop an educational program and materials to inform property owners about the requirements in the Shoreland Zone. This effort should also focus on the importance of maintaining natural vegetation and trees in these areas to stabilize the soil. As part of this program, the Town should consider having a forester or similar expert available to work with property owners to assess what they should and should not do when working with their property.

Maintain the visual, historical and architectural character of the Island as future development occurs.

Historical and architectural inventory. Inventories of archaeological and historic resources on Chebeague. This has been completed but needs to be mapped in to the Town's GIS system as they have done on the mainland.

Tax rebate for historic or scenic houses: Explore the implications for Chebeague of the recent State constitutional amendment adopted by the voters for Towns to rebate a portion of the property tax to owners of historic and scenic properties. This program provides no reimbursement to the Town for the reduced tax collection.

Historic Preservation Easements: Educate homeowners about protecting architectural and historic character through private easements.

Design review: We urge further study of design review for new houses on Chebeague. The purpose would be to insure that new houses would harmonize

with the character and scale of existing houses on the Island. The discussion in the Committee suggested that this would not be strict historic preservation review, and would not require new houses to be in 'period' styles. It would require the development of architectural design standards, and the setting up of a committee to review applications. The guidelines could analyze and explain characteristic scales and building styles on Chebeague. Initially, at least, such design review might be voluntary. Demolition Ordinance: Review the Town's demolition ordinance to see if it has loopholes that allow builders of new houses on the sites of old ones to avoid the usual regulation of their construction. Any person making a building permit application that involves the demolition of an existing house on Chebeague could be required to post a large notice on the house itself for a period of 30 or 60 days.

Front Setback: The character of the existing development varies from place to place on the Island. Current setback provision of 55 feet is appropriate in the more rural sections, but may not be in areas where established setback pattern that is less than that currently required. An implementation committee should work with the Planning Board and Town Planner to develop a flexible setback provision that allows setback to be reduced in developed areas to the average of the setbacks of existing buildings.

D: Affordable Housing

Housing is both an issue related to land and one related to the social and economic aspects of life. This section introduces a number of issues that will be dealt with in more detail in Section IV on Preserving Community. It is introduced here because insuring a supply of affordable land for housing is as central a goal in this plan as preserving rural character and open space.

If Chebeague is to continue to have a diverse population that includes fishermen, local business people, summer people of diverse incomes, and retirees, maintaining the limited supply of affordable housing is essential. Traditionally affordable housing on Chebeague has been built by individuals either on their own land or on land provided by family members. Year-round rental housing is scarce, and there are year-round residents who have to move seasonally from house to house as they try to create a permanent home on the Island. Others manage to have year-round houses only with the help of other family members. This issue will become even more pressing if an effort is made to preserve significant amounts of open space. The price of the remaining land will be bid up, so that buying land and building a house will become more and more out of reach of people with modest incomes. So the issue here is not simply to maintain existing affordable housing but to be sure that more is built to serve future Chebeaguers.

One key to having affordable housing in the future is the ability to retain what's affordable now. This is an especially pressing problem for affordable houses on the water. As the most desirable land, such as waterfront property, becomes scarcer, strong demand may result in the purchase of smaller or more poorly maintained houses and their demolition or upgrading, reducing the supply of what is now affordable.

More important than houses being torn down, however, is the basic value of land and the impact that increasing land values have on property taxes, and so on affordability. This is a problem everywhere on the Island but is especially accentuated for houses on the shore where the problem can be seen most clearly. A property's value is based on the market value of both the

buildings on it and of the land itself. Because building sites on the shore are both very desirable and scarce, new buyers may be willing to pay very high prices for them. A low-income homeowner may have a modest home on the water and although the home itself is assessed at a moderate value, the land value soars because of sales of 'comparable' shoreland, and the taxes become beyond the homeowner's means. This same dynamic can happen in any area of the Island that is desirable for development.

If more land is taken out of the housing market to be preserved as open space, as this plan recommends, the remaining developable land will be more scarce and will increase in value. This increase in the selling price of land will increase assessments and property taxes for all land on Chebeague. The plan must deal with this core dilemma.

Not surprisingly, lower income families are more heavily burdened by the property tax than more affluent ones. In 2000, an analysis of the fiscal impact of Cumberland property taxes on low and moderate income people was done for the Town by Planning Decisions Inc. It included data for the whole town, including Chebeague. For the 20 percent of the population with the lowest incomes, the average home value was \$84,800 in 1998 and this group paid, on average, 9.76 percent of their income in property taxes. The proportion of income they spent on property taxes had increased from 6.89 percent in 1990 to the 9.76 in 1998. This compares with an average home value of \$143,150 for the top 20 percent, who paid only 3.56 percent of their income in property taxes. Among this group, the proportion of their income that they paid in property taxes remained the same since 1990.

How to allow existing low and moderate income homeowners to stay in their homes in the face of this kind of increase in land values and property taxes is a difficult question. The Maine Property Tax Refund Program for low income people, and the Homestead Tax exemption provide some tax relief. They may not do enough to assist homeowners on the water who have seen property taxes rise more than they have in other parts of the Island.

For low income homeowners, especially the elderly, maintaining their houses may also be financially difficult. About 20 percent of Chebeagues' housing stock is rated by the Town Assessor's Office as being in 'minimum' or 'below average' condition. Many of these houses may be summer houses or camps, but some are lived in year-round.

Another implication of increasing land values is that construction of new 'starter' or less expensive houses is more and more difficult. Land is expensive. Putting in a septic system and a well involves a large initial expense. And having to bring building materials out to the Island is considered to increase costs of construction by about 25 percent.

Finally, year-round rental housing is difficult to provide on Chebeague for several reasons. One is simply that much of the housing is only suitable for summer occupancy. The other is that owners of year-round housing that can be rented face the economic incentive to charge high rents during the summer 'season'. This is why some year-round residents, especially younger people who are just getting started economically and have less money, either have to live with family or move from house to house as the seasons change.

Goal:

DEVELOP STRATEGIES TO MAINTAIN EXISTING AND TO DEVELOP NEW AFFORDABLE HOUSING

Recommended actions

Affordable housing committee: It is important to insure that the issue of affordable housing gets attention and action before this problem gets worse. An Island Committee on Affordable Housing should be appointed by the Town to work on this issue.

Maintain the existing supply of affordable housing.

Property tax relief: Work with Cumberland to explore ways of lessening the tax burden on homes owned by low-income people. The Town can help to encourage people to take advantage of existing programs and can adopt additional ones such as a tax rebate for historic houses.

Reapply for CDBG grant: In 2000, the Town developed a grant proposal to the State to provide funding for a program to rehabilitate existing, owner-occupied low-income housing. This proposal was not funded, at least in part because of insufficient documentation of the need for such funds. Continue to work with Cumberland to pursue CDBG funds to upgrade existing homes.

Increase the number of year-round rental units.

Use existing zoning regulations: The existing zoning regulations may be looked at as a way to make land costs for new housing lower, to provide sources of income for some homeowners and, perhaps, to provide badly needed year-round rental housing. When building, people should be encouraged to consider:

Accessory apartments may provide affordable housing for a renter and also a source of income for the owner. In-law apartments are often allowed with no needed increase to a septic system, as they are usually limited to one bedroom.

Two family homes might provide a source of income for the owner and provide rental housing as well.

Section 8 rental subsidy: Year-round rental housing could be increased if the Federal government's Section 8 rental subsidy program could be used. This program provides a certificate to a qualified low-income renter. The renter finds a place to rent where the landlord is willing to accept the certificate. The renter then pays 30 percent of his or her monthly income for rent, and the difference between that amount and the 'fair market rent' for the metropolitan area is made up by the government. The owner may get a higher rent during the winter than would be usual for Chebeague and would not have to depend on the higher summer rental.

Lower the cost of construction of new houses in affordable housing program Town parcels:

The Town should explore setting aside town owned parcels and making them available for affordable housing construction.

Cluster zoning is a method that allows houses in a subdivision to be built on smaller lots with the land saved being used as open space. As there is no public water or sewer on Chebeague, however, it may not serve as a viable means of increasing density and housing affordability.

Silent second mortgage: Silent second mortgages, as Cumberland developed for Smalls Brook Crossing, may also be a creative method of ensuring affordability.

Non-profit developer: Consider establishing a community land trust that could do housing development. The Cumberland Mainland and Island Trust has worked to get conservation easements to preserve open space. Would it be

interested in exploring private-public partnerships to develop affordable housing? Should another organization be created to do this?

Work with public and non-profit groups: Work with the Maine State Housing Authority, Farmers Home or other groups which might assist in finding a developer and funding sources to develop affordable housing. In addition, work with such groups as the Maine Affordable Housing Alliance or Habitat for Humanity for funding or construction for an affordable housing program.

Lower building costs: Explore ways of lowering costs of transporting materials and of labor to reduce cost of construction for houses in the affordable housing program.

Encourage owner-built homes on family land. Work with the Town Planner and Code Enforcement Officer to explore ways to make this easier.

E: Open Space and Recreation

If the recommendations made in the earlier section on Land Use are accepted, then an open space plan for Chebeague is critical for preserving the Island's rural character. Fortunately, during the year that Chebeague worked on its plan, an Open Space Committee developed an Open Space Plan for the mainland part of the Town. Since the goals and strategies on this issue are quite similar on both sides of the water, this section borrows heavily from the mainland plan. As they say in pulp fiction "only the [place] names have been changed."

We concur with the primary statement of purpose for the mainland plan which states:

'the growth management section of the [Town] Plan discusses the desirability of keeping large parcels of land undeveloped, and of helping landowners to do so by letting them realize financial benefit from their land without selling it. Benefits may be in the form of lowered property taxes, or actual payments. In return for the benefit the owner would agree not to develop the land. To achieve this, the Plan makes suggestions such as; (1) creating a local conservation easement or lease purchase program, (2) purchasing rights-of-first-refusal and development rights, and (3) acquiring land. In all cases, the Plan suggests that the affected land have "high value", or provide a "public benefit", but it doesn't state what those qualities or benefits are -- that is the purpose of the Open Space Plan. The land inventories and recommendations included in this plan can provide the Town Council [and others] with the information necessary to make decisions.' (Open Space Plan, 2000, p. 1).

What lands on Chebeague have "high value" as open space or would particularly provide a "public benefit"? Chebeague can provide the mainland with public ocean front property -- the one kind of open space it most notably lacks. Other high value lands include the few remaining open fields on the Island, forest lands, wildlife habitat and particularly scenic views. It is not simply a matter of allowing people to see the ocean or the woods and fields. They need to be able to get to and walk along the shore, or enjoy the fields and forests by walking through them. The top priorities for preserving open space and access to it are:

- land along the shore
- wetlands
- land that has paths or trails on it
- sizable tracts of woodland

Preserve access to the shore

Chebeague has 13.15 miles of coastline. Access to the shore on the Island has always been a very visible issue for everyone, and part of the Island's

traditions are that people can not only get to the shore, but walk along it. Fishermen, who often don't live on the shore, obviously have to reach it to put in and take out their gear and to reach their boats. Some use the Island's wharves for the former. But many others take their equipment out over the beach and get to their boats the same way. Access to the shore is also important for clamming. Chebeague's clam flats have been managed by the Town since 1981 and most are now open for recreational and limited commercial clamming.

Unlike the mainland, Chebeague has areas of both rocky coastline and of sandy beaches that all residents love to use for swimming and picnicking. Access to the water has not been a problem on Chebeague in the past. And one of the purposes of this plan is to ensure that, as development pressures grow along the shore, it does not become a problem. Donna Damon's work since 1989 for Cumberland's Coastal Access Project has documented the underlying legal history and rights to many of the roads and paths that give access to the shore. Some are Town-owned, and some are easements granted to the public by developers or abutters.

Preserve Chebeague's fields and forests

In the past Chebeague had both farms and wood lots. Much of the land was actually cleared; you could see the water from almost any part of North and South Roads. Today there are only some sheep that are moved around the Island, a couple of horses and some goats. And there are still some fields that are kept mowed that give a sense of the old farming landscape. Since the 1930s, the rest of the Island has grown up in dense woods except where people have kept their house lots cleared, so there is still a lot of undeveloped land, much of it forested.

There are two State 'current use' programs that tax land at less than its full value for development. One is the Tree Growth program. Some land on Chebeague is in the Tree Growth program. Land may be placed in this program if a parcel is larger than ten acres and is used for commercial (not personal) timber harvesting. Once the land is enrolled, it is taxed at its value as commercial forest land and must be managed and harvested as laid out in a Management Plan. The difficulty with this on Chebeague is that there is little interest in selective harvesting, which would maintain the forest but allow it to be commercially harvested. In addition, tree Growth does not provide permanent protection; land can be taken out of the program if a penalty is paid.

An alternative to the Tree Growth program is the State's Open Space program. The amount of the property tax reduction here varies from 20 percent for ordinary, private, unprotected open space land, to 50 percent for land permanently protected by a conservation easement, up to 95 percent if it is kept forever wild by conservation easement and is accessible to the public. There is no minimum lot size for the program. This land can be protected by permanent easements. If land without the protection of easements is taken out of the program, a penalty must be paid. The factors that the state takes into account when they decide public benefit gained by preserving a particular piece of land include:

The importance of the land by virtue of its size or uniqueness.

The opportunity of the general public to appreciate significant scenic values of the land.

The opportunity for regular and substantial recreational or educational use. Whether the land is included as open space as part of a comprehensive plan or in a zoning ordinance.

The existence of a conservation easement.

The proximity of other public or private conservation lands

The Town Assessor is willing to accept applications for Open Space designation. To further encourage use of the program Chebeague should have a plan indicating land that is particularly desirable as open space. On Chebeague, because of the closeness of the shore and the undeveloped woods and fields, virtually any undeveloped land would be suitable for open space. However it would be useful to develop specific criteria, based at least in part on the State factors, for what land would be most suitable.

Preserve access to the established paths on the island

Chebeague has lots of paths. In the past, people often had to get around the Island on foot, and many people still do. The Cumberland Mainland and Islands Trust is working on gaining formal easements to traditional paths. They are now in the process of mapping the trails so protected. Many of the paths pass through wooded parts of the Island that might be protected by the Open Space program. This can, but would not always, involve permanent protection.

Preserve scenic areas and views

What is a scenic area? It provides a special view that members of the public can enjoy without necessarily owning or even having access to it. Often these are places that are seen from the road as people walk or drive one day to day trips. A scenic area can be either a natural feature -- a view of the ocean, for example -- or something manmade, such as a stonewall with mature shade trees along a road. When you want to view the sunset, or watch the waves crash on the shore or view the fall color, where do you go? Here we have mapped some candidates for this kind distinction. The map is illustrative rather than exhaustive. Criteria used include:

- Views from roads across open fields to the ocean.
- Roads or paths through especially dense forest.
- Views of nice groups of houses, especially historic ones.
- Flowering fields and roadsides or fall color.
- Views of other distinctive human landscapes.

As the Land Use section indicated, we would like to have included an inventory of historic buildings and other cultural resources. The Town survey done in May 2000 should be analyzed and mapped. Grants may be available for such work.

Support opportunities for recreation and intellectual enrichment

Chebeague doesn't have "public parks" in the urban sense, but we do have many of the kinds of recreation facilities that are commonly found in city parks. What is different on Chebeague is that they are typically not grouped together the way they might be in a public park, and they often aren't publicly provided. Some are provided by individuals such as Sanford's skating pond or the picnic tables at the Store, some are provided by clubs such as the Golf and Tennis Clubs, some are provided by community supported voluntary organizations such as the Library and the Recreation Center, and some have just to be used where they naturally are, like swimming at the beach.

Chebeague does have a significant recreation "complex" in the recently expanded and improved School/Recreation Center that has outdoor play areas, swimming, tennis, basketball and baseball, as well as all the year-round recreation facilities of the Chebeague Recreation Center. The Town provides limited funds for staff to CRC, MSAD 51 provided the land, and local donors brought the building and the CRC as an institution into existence.

The Town owns a 10-acre parcel of land at Chandler Cove Beach. It has an access road and some rather informal parking. Its deed requires that it be kept in its natural state. There are steps and small bridges over a stream that protect the fragile dune grass. It is a beautiful site for swimming, and is used for community functions such as the 4th of July Picnic. However, it is also a source of problems, in that it is the place where young people go at night to party with bonfires and drinking. Both the social issue of underage drinking and the damage being done to the land itself by these activities have led to calls for 'the Town' to stop the parties.

This is not an easy problem to solve. The LRPC proposes that islanders and Town staff work together to develop a plan for both the physical maintenance of the public property and more effective control over its use. Other Town-owned parcels at Sunset Landing and Waldo Point could be used more in the future for recreation and might be included in this effort.

Goals:

PRESERVE SIGNIFICANT TRACTS OF OPEN SPACE ON CHEBEAGUE

SUPPORT OPPORTUNITIES FOR RECREATION AND INTELLECTUAL ENRICHMENT

Recommended Actions

Preserve Access to the shore

Documentation of shore access: Continue the work of the Coastal Access Project, documenting and providing recommendations for the protection of existing public access points to the shore.

Sunset Landing: This planning process has found no strong support for using the Town's Sunset Landing property for a wharf, as had been proposed in the past. However, it remains the only undeveloped deep-water access without a wharf that is publicly owned. We recommend that Sunset be considered to be Town open space and that future development there be of that nature. But we also recommend that any development done there not preclude use of the site as a wharf if that should be necessary in the future.

Acquire access to the shore: The Town and the Land Trust should acquire additional public rights of way or easements to the water when shore front land is developed or when other opportunities arise. Make sure that access roads and paths are regularly maintained so that they can be used.

Clam flats: Continue management of the Island's clam flats and insure access to them for harvesting.

Purchase shore land: The Town is urged to purchase additional shore front land and land behind the shore when it is available. This is especially important because of the limited legal right to use of the shore by the public without purchase of it.

Other Cumberland islands: Review the zoning on Cumberland islands other than Chebeague to see if it is appropriate.

Preserve Chebeague's fields and forests

State Open Space program: Encourage the use of the State Open Space current use tax program by developing a set of criteria that define what land is suitable for the program.

Education on State Open Space: Have an informational session on the State Open Space program during the summer, similar to the one held on the mainland for farmers and other large landowners.

Conservation easements: Where neither public purchase nor enrollment in State current use programs is feasible, use other private and town programs, discussed in the Land Use section, for protecting important open space, such as donation of easements or purchase of development rights.

Prevention of Spruce blow-downs: Consider requiring the Town Code Enforcement officer to review a site plan for any clearing of trees for construction in Chebeague's spruce forests.

Preserve wildlife habitat

Wildlife habitat study: Get expert help to identify whether there are any animals or birds of Chebeague and other Cumberland islands that are especially in need of protection. Identify what wildlife habitat areas exist, which should be protected and what problems there may be in trying to provide this protection.

Wildlife management: Explore the possibility for wildlife management on the other Cumberland islands.

Preserve access to established paths on the Island

Map and document paths: Map existing paths accurately and document any that are public.

Path easements: Try to get formal easements from landowners for non-public paths, especially if development occurs on the land.

Preserve Scenic Areas

Public education on ways of preserving scenic views and historic houses.

Scenic easements: Encourage purchase or donation of scenic easements.

Tax rebate for scenic properties: Explore the use of the recently adopted State constitutional amendment to allow towns to provide a rebate on taxes on historic and scenic properties. The Town would not be reimbursed by the State for tax revenues lost.

Protect open space: Probably the best way to preserve the natural views in this inventory is by protecting significant amounts of open space as discussed in other elements of this plan.

Historic and cultural inventory: As noted above, the process of making an inventory of historic houses and other buildings is in progress.

SUPPORT OPPORTUNITIES FOR RECREATION AND INTELLECTUAL ENRICHMENT

Financial support: We urge the Town to continue and increase its financial support for the Library and the Recreation Center.

Maintenance of recreation areas: Chebeague's public recreation areas such as Chandler Cove and, possibly, Sunset Landing are kept in their natural state, and this is what residents want. We are proposing that islanders and Town staff develop a plan for physical maintenance of these areas and for control over their use.

IV: PRESERVING COMMUNITY

There are two major threads to Chebeague's strategy to maintain the essential character of the Island. One, discussed in the previous sections, is to preserve its semi-rural character, by protecting open space and the ability of people to have access to it and to use it. The other, discussed in the section to come, is to maintain the social and economic structure of the Island that combines a year-round working community and a summer population of people who come year after year. The two threads are tightly intertwined. Maintaining the physical character of the Island without its social structure keeps the shell without the spirit. Maintaining the economic and social structure while the undeveloped land on the Island is developed, will be difficult.

In Section IV the plan's focus is on the Island's economy, and on a variety of public and voluntary services, such as health care and education, that are essential elements of a year-round community. Recommendations will be made about ways to improve Chebeague's quality of life. However they all assume that the Chebeague community as we know it -- a working year-round economy augmented by additional residents in the summer -- will continue to function over the long run. Here we need to explore ways that this can be assured.

A: Economic and Social Life

If the recommendations in the Land Use and Open Space sections to preserve significant areas of open space are adopted and carried out, it will be necessary to put as much effort, energy and money into maintaining Chebeague's diverse economic, social and age structures as well. The effect of preserving land would be to reduce the supply of land available for development. As long as there is a strong market for land on Chebeague -- people who want to buy and build, and who have plenty of money to do so -- then the value or price of the remaining land will rise significantly. Indeed, the act of protecting at least some of Chebeague as present residents know it, would make it all the more attractive to people who want to live on an unconnected rural island. The rise in the selling price of land will drive up assessments and taxes, making Chebeague less affordable to year-round and summer people with ordinary "working or middle class" incomes, much less those on fixed retirement incomes.

Preserving the island community is primarily an issue of capping the island's property taxes. John Cole, founder the Maine Times, puts the issue well. Quoting from a recent column by Cole in the Forecaster:

As accelerating demand for coastal property continues to gather even more momentum, taxes on that land increase with skyrocketing market values. The relatively benign property taxes of the past become a potent force for social engineering, strong enough to replace one group of Maine residents with another. Hundreds of traditional fishing communities from Kittery to Machias, coastal towns that have been home to the same fishing families for five or more generations, are facing or soon will, inevitable property tax increases that will force most of them from their family land.

In this section a number of ideas are 'cobbled together' in an effort to control rising property assessments and taxes. Several other sections in Part IV characterize the Island's economy and lay out a specific set of recommendations as to how it may be preserved. Others are concerned with the provision of various services on the Island.

Goal:

MAINTAIN CHEBEAGUE AS A COMMUNITY THAT IS AFFORDABLE AND ATTRACTIVE TO A DIVERSE GROUP OF PEOPLE

Recommended Actions

Moderate increases in Tax assessments.

Current use taxation on open space: Encourage use of the Open Space program on Chebeague. The Town could have informational meetings with landowners as it did on the mainland. The Land Trust or some similar organization could help to negotiate and hold the conservation easements.

More State money for Open Space: The Town and Chebeague residents should lobby the State Legislature for more State reimbursement of towns for taxes lost by enrollment of land in the Open Space program.

Current use valuation of marine uses: Chebeague residents should actively support another statewide vote on a constitutional amendment to allow current use taxation for commercial fishing uses on the shore.

Homestead exemption: Encourage Chebeague residents to take advantage of the State Homestead tax exemption as it exists now. Some states have much more generous homestead exemptions. Enlarging the exemption would be something Chebeague and the Town might lobby for in the State Legislature.

Moderating tax assessments: Town actions

Purchase of development rights: The Town of Cumberland has already begun to establish a fund for purchase of development rights. We urge that land on Chebeague be included in this program. The Town has also adopted other mechanisms for preserving open space, including purchase and lease of conservation easements. We urge that land on Chebeague be included for this funding as well.

Lower tax assessments through use of easements with individual landowners. Develop a program with the Town then approach CMIT for the formulation of such an island wide program focusing especially on shore front properties. Reducing tax payments

State Property Tax Refund program - 'Circuit-breaker': Educate Chebeague residents who may be eligible for the circuit-breaker program about it.

Rebate of taxes on historic and scenic properties: We request that the Town use the option for a tax rebate on historic and scenic properties as authorized by the Constitutional Amendment in 1999. In order to do this a historic preservation ordinance would need to be developed and adopted by the Town Council, as well as adoption of the tax rebate.

B: The Island Economy

Chebeague is one of a handful a Maine islands that maintains a viable year round economy and thus a diverse year round population. An understanding of the Island's year round economy is essential to planning for the future of the island since maintaining a viable year-round economy is essential to the future of the island.

Unlike most mainland residents of Cumberland, islanders often depend on a number of sources of income. While some Chebeaguers have full-time, nine-to-five jobs on the Island or the mainland, many island households rely on doing a number of things to generate the family income. The ability to develop a number of sources of income is an essential element of the island economy.

Components of the Island Economy

Chebeague's economy - or the source of the livelihood of the year round residents - consists of four sectors:

The Fishing/Marine Component (Treated separately below) - Of the year-round population, approximately 52 people (15 percent of the population) earn some or all of their income from fishing or marine related activities such as the boatyard, boat building, CTC, etc. About 15% of the year-round households derive all or most of their income from fishing or marine related businesses. An additional 15% of year round households get a majority of their income from fishing and marine activities.

The Commuter Component - About 30 island residents (9 percent of the year-round population) commute to the mainland for work on a regular basis. Almost 15% of island households rely on commuting as the principal source of household income, while another 8% have some income from commuting.

Island Business Component - Over 80 island residents (24 percent of the year-round population) work at some type of activity on the island. About 20% of year round households derive all or most of their income from on-island work other than marine related activities, while another 20% of households received some of their income from involvement in on-island business activities. A substantial portion of these on-island businesses involve providing services to both year-round and seasonal residents.

It is very difficult to know how many summer visitors there are who contribute to Chebeague's economy. There are an estimated 215 "regular" summer households. In the survey, 37% of the respondents who were summer people came for long summers, usually May to October and so would be a stable source of demand. The other 63% percent were short summer people, adding less. Beyond these "residents" who were surveyed, there are their family members and guests, people who rent cottages for a week or a month, people who come to stay at the Inn and at B&Bs, and people who come for weddings at the Inn or day trips on the CTC and the Casco Bay Lines. A 1990 "census" on the Fourth of July found about 1700 people on the Island on that week. This may represent about the maximum number on the Island at any given time.

Retired Component - Over 25% of the island's year round households are retired. An additional 5% of households can be considered to be partially or semi-retired households.

Most of the island's businesses are small, with only a few employing any significant number of workers. Many business activities involve self-employed people fishing or providing services. Many of the businesses fall into the category of home occupations or what we will call here "residential businesses". Part of Chebeague's economy is independent of people who live on or come to the Island. Fishermen (and women) sell most of their catch to wholesalers on the mainland, and a few other businesses supply outside markets as well. Commuters are limited in jobs only by the ferry schedules and the distance they are willing to travel. But other Island businesses must be able to make at least part of a living from the limited local market of year round and summer people and some must be able to get workers on the Island as well. The struggles of the Chebeague Inn to keep going, and the brief existence of the Nellie G. Cafe are examples of the limits of both the consumer and labor markets. This situation protects Chebeague from

"commercialization" that some residents worry about, but also leaves us without businesses and services we might wish to have.

Because of the existence of relatively frequent and convenient ferry service, businesses serving the island market that have to compete directly with comparable mainland ones are at a particular disadvantage. This kind of competition from the mainland can be found even in construction, which has always been a staple of Chebeague's local economy. On the other hand, suppliers of things that are difficult to get from the mainland such as island car repairs, gasoline or heating oil are clearly more viable as long as the minimum market is large enough.

Maintaining a year-round population is dependent on maintaining a viable year-round economy that allows residents of the island to earn reasonable incomes. Fishing issues are discussed separately. However, there are a number of issues related to the island's ability to maintain a viable year-round, non-maritime economy raised by Island business people. Cumberland's zoning regulations sometimes make it difficult for residents to operate small, home based businesses that can be an important source of income for some households. Some revisions would help the Island businesses. The zoning reviews that new businesses face seem elaborate to them. In addition, since most businesses are in or next to peoples' houses, the standard separation between business and residential uses that works on the mainland does not quite fit the circumstances on Chebeague. Finally, there are some land uses presently allowed that the committee thought should not be permitted.

Goal:

MAINTAIN A DIVERSIFIED, HEALTHY, YEAR-ROUND ECONOMY THAT INCLUDES PEOPLE WHO MAKE THEIR LIVING ON AND AROUND THE ISLAND, COMMUTERS TO THE MAINLAND AND RETIREES

Recommended Actions

Zoning revisions

Inappropriate land uses: One objective would be to remove those uses that are not appropriate on the Island such as private heliports and the extraction and bulk storage of groundwater. The latter, in particular, if ever done, would be harmful to Chebeague's sole source aquifer.

Residential businesses: An implementation committee should work with the Planning Board and Town Planner to create a new 'residential business' use in both Island zones to allow a broader range of business activities within a residence than is currently allowed as a home occupation. This would provide the homeowner with more flexibility while protecting the neighbors. It would only apply on Chebeague. The following are some ideas discussed by the LRPC. It would cover any business on Chebeague Island, conducted in a house that does not involve external changes to the house, require extra parking, or create noise, vibration, smoke, dust, odors, glare or potential pollution of groundwater beyond the property line of the house. Such business could include home production and sales of things such as crafts and food; business conducted largely off-site such as fishing, construction and landscaping; personal and professional services such as day care, hairdressers, accountants, lawyers or writers. The business would have to be managed by a member of the family living in the house and some employees would be allowed. Exterior storage of materials or exterior display of wares would be regulated, as would exterior signs.

Food carts: An implementation committee should work with the Town Planner to develop an approach for allowing portable 'food carts or wagons' at limited locations on the Island.

Saw mills: Work with the Planning Board and Town Planner to amend the zoning ordinance to allow permanent small-scale saw mills and accessory uses such as a kiln, with appropriate performance standards to be a special exception in both the Island Residential and Island Business Districts.

Child care: Work with the Planning Board and Town Planner to explore ways of insuring that reliable child care is available to parents who need it. One approach would be to amend the zoning ordinance to make day care homes and day care centers permitted uses in any Island district.

Other non-marine economic issues

Construction waste: The Town should consider either setting the construction waste bin into the ground or building a ramp to get up to it. At present it is very difficult to get bulky materials into the bin because of the height of the sides.

Vocational training: Explore using the Island Institute's Fund for Maine Island Education to provide technical or vocational training to Island residents who would fill gaps in Chebeague's services for which there is a sufficient market. If the market is too small, seek help in developing business plans that would allow expansion of service, perhaps to other Casco Bay Islands.

C: Island Economy - Fishing

As the survey of Island business above indicated, marine related activities make up the largest portion of Chebeague's economy, and there is strong support for maintaining the fishery on the Island. Fishing, primarily lobstering, is its main element. There are 38 boats hauling approximately 35,000 traps, making this the largest island fishing community in Casco Bay. Additional marine related services include boatbuilding and repair, and the boatyard which is essential to both the Island's fishermen and the year-round and summer people who keep recreational boats. Since CTC is dealt with in the section on Mainland Transportation, this section primarily focuses on the fishing industry.

Water Access

Easy access to the water is a primary factor in making the island work well for the fishermen. Legally, fishermen have access to the shore across private property to fish or clam. However, this legal right is not as useful as it appears on its face for several reasons. One is simply that property owners may not be aware of this and may object to having their land crossed. The other is that this legal right provides no right to park on private property. Over the past 40 or more years, the traditional fish houses on the shore have been replaced by the use of pickup trucks. Gear is kept at home, which is usually not on the shore, and taken to the shore when needed. This, obviously, requires places to park. This only exists on private land by arrangement with the owner. Most of the public access points which date from the days before cars, have little parking. However, they are even more important than in earlier years because they do provide road access and at least some parking. There are also people who use shore access points with parking to keep boats that they use to get back and forth to the mainland.

Some, but not all are Chebeague fishermen. Others come out from the mainland to work on the Island.

There are at least ten access and mooring sites that are used by most of the fishermen as well as others. Several others could be used, but are not at present. All of these sites have characteristics that make access at least somewhat difficult. Two of the active access sites have wharves and formal parking lots, but no place for regular storage of traps. Some people keep their boats at these wharves, and more people use them for putting off their traps in the spring and bringing them in the fall. At the other sites, people park on the side of the road, and there are varying amounts of space for trap storage. Coleman and Johnson Coves and Central Landing are considered the best sites by the lobstermen as they are closest to the prime areas for setting traps. A few fishermen have access to the shore across their own property.

In 2000-2001 a new wharf was built by the State at Chandler's Cove.

The design

Extended the trestle width from 12' to 20'

Lengthened the whole structure 14.5'

Increased the landing part of the wharf from 40'x40' to approximately 70'x70'

Allows space for two or three floats in place of a single one.

At the Stone Wharf the system of closing off eight of the parking spaces during June and November so that fishermen can take their traps off and bring them in seems to work fairly well as long as it is enforced. The seasonal need for parking results from many fishermen transporting their traps from their trucks to their boats. At other times of year, the only parking need by the fishermen is for those who keep their boats in the Stone Wharf anchorage. A new Stone Wharf Committee has been formed and will be reviewing this situation.

At a meeting with the fishermen, the need for a new wharf, specifically to accommodate fishing activities, was discussed. Sunset Landing was one obvious site. However, the fishermen recognized the large cost involved in building a wharf. They think that a new facility is not needed, as long as present access sites are legally documented and properly maintained. Also essential to the present system of fishing is being able to keep boats, traps and other gear in outdoor storage at fishermen's houses.

Moorings

The presence of a harbormaster and a mooring permit system provides a legal framework for defining and protecting mooring rights in case of legal challenge. However, the system does not seem to work well and needs to be examined more fully than the LRPC was able to do. The Town may simply collect the permit fee but not record the location of moorings. There have been problems with other people putting moorings where fishermen have traditionally moored their boats. This is a particular problem at the Stone Wharf. Enforcement is also an issue. The Inn has moorings, but also apparently tells their visitors to moor to any buoy available. There is interest in limiting moorings to residents and property owners of the Town of Cumberland.

Aquaculture Leases

The leasing of the bottom to aquaculturists growing mussels is a recent development in Casco Bay. Mussel grow-out rafts, which require deep water

and strong tidal flushing could be practical at almost any protected cove or area near the Island, though this does depend on the season and weather conditions as well. The Chebeague fishermen are concerned about the impact of this new fishery on their access to places where they have set their traps in the past. The survey suggests that this is not a widely understood or recognized issue among Islanders who are not lobstermen.

Currently, regulatory authority for aquaculture lease applications rests with the State Department of Marine Resources. In towns where there are existing shellfish ordinances, recent legislation allows the town to govern aquaculture leases throughout the intertidal zone. The DMR continues to govern aquaculture leases in the sub-tidal zone, below low water. However, the town is granted intervener's status, contingent upon their existing shell fishing ordinances. This status assures the town of proper notification when lease applications are filed, and gives the town a strong voice during the public hearing process.

Other Fishing Issues

There are a variety of other issues related to the success of the fishing relating to the Town. These are fairly self-explanatory in the recommendations.

Goal:

MAINTAIN THE FISHING INDUSTRY AS A MAJOR ELEMENT OF CHEBEAGUE'S ECONOMY

Recommended Actions

Insure access to the shore for fishermen

Document access points: Continue the Town's Coastal Access Study process that provides legal documentation for public access to the shore. Maintaining access points is a critical need for fishermen.

Parking: Study specific parking improvements at access points used by fisherman and develop parking plans. Trucks and storage of gear at home have replaced the fish houses on Chebeague, so fishermen need parking at access points.

Clam flats: As is indicated in the Open Space section of this plan, the Town should protect and, whenever feasible, increase access to clam flats for commercial and recreational harvesting.

Wharf: If there is future exploration of a site for a new wharf for fishing rather than ferry purposes, the fishermen would prefer a wharf on the outside of the Island.

Implement recommendations of the new Stone Wharf Committee
Improve regulation of moorings

Mooring location: Review the provisions of the mooring ordinance to ensure that it has adequate provisions related to the location of moorings. Any provisions related to rafting of boats should also be reviewed.

Enforcement: Enforce regulations about how long boats can be left at floats.

Utility moorings: CMP and Bell Atlantic leave their boats at the float at Chandler Cove. They should be encouraged to have moorings and a punt and to use them if the weather is suitable and they expect to be on the Island for more than a few hours.

Increase Town role in aquaculture leasing

Plan for bottom leases: The Town is urged to carefully review any proposed leases and to play an active role in the leasing process. This may involve developing a plan, with the participation of the fishermen, to designate areas suitable and not suitable for leasing. The Town's process for handling the leasing hearings should also be reviewed as part of this planning process.

Other Marine Recommendations

Gear storage in Zoning Ordinance: Reaffirm the provision in the Zoning Code that allows "uses related to commercial fishing, including storage and repair of traps, seines, boats and other equipment, the keeping and cooking of fish for sale at retail on the premises, and fish processing as a home occupation" at houses in both the Island Business and Residence zones. There is support for this by both year-round and summer residents. If the provisions of the Island zoning are revised, this provision must be included in any new ordinance in at least as strong a form.

Clam flat management: The Town should continue to manage the clam flats so that they can produce a sustainable harvest. This includes providing assistance with applications to the State to homeowners who have septic systems that are polluting clam flats.

Boatyard: Provide any feasible assistance to the Boatyard to assure its continued operation.

Disposal of traps: Encourage lobstermen to dispose of old metal traps at the transfer station by having free disposal days during the winter. Disposing of metal traps by squashing them and taking them to the transfer station costs about \$150 per pickup truckload. It can be done free by cutting the lines and leaving them in the water, but this is harmful to the lobster fishery and to the marine environment. The Island in general has a weekend when people can dispose of any bulky or metal waste free of charge. This has always been done in the summer when lobstermen have their traps set out. A similar time during the winter would allow them to dispose of old traps. These actions would also discourage fisherman from dumping traps in the Chandler's Cove field.

D: Health, Welfare, and Safety

This section focuses on the health, welfare, and safety of the people on Chebeague. The wellness of our people & our human resource - has a direct impact on the general health of our entire community.

Health

Primary care is usually accessed through mainland physicians and specialists. An on-island physician's assistant offers office and home visits for acute or chronic care two to three days per week. In addition, she draws blood, and assists with billing, pharmacy deliveries, appointments with specialists, and home care concerns. The service rendered by our PA is highly valued by the community.

Home care is an island concern because of access, transportation, and changing programs. Skilled care, often funded by Medicare, is accessed through reliable mainland agencies and privately paid caregivers. The lack of non-skilled care, rarely funded by Medicare, and intermittently available through Medicaid is of great concern to this community. It is evident that affordable and readily accessible non-skilled home care can lead to

healthier, richer, and more meaningful lives for Chebeaguers. We lack effective home health care.

Long term care is a relatively new concept, and will take time to be fully recognized as a natural continuation of primary health care. It involves a great amount of community input, patience, and respect. It starts as is a family issue, then often stressed families need support and help. CCR has set up on-island programs to help educate families on this vast, sometimes non-medical subject.

Preventive care is a sleeper, and often goes unnoticed as an element of well being for personal and community health. Usually the least costly form of care, several island non-profits are actively advocating for better access to preventive care for all of us.

Emergency care, funded by the Town, staffed by island EMT's, with transportation provided by CTC, is an excellent example of a service partnership. This professional team is respected from all views, and has been noted and recognized as a true lifeline from any home on Chebeague to the ER.

Welfare

Personal welfare involves responsibilities of individuals and families. Sources of support and assistance are available on the island or through the Town, but must be sought out. Personal welfare becomes a community concern when a need is so great that another person must act for the recipient. Awareness, education, advocacy and responsibility are essential tools to ease and comfort those in the process of helping themselves. This is a most tender subject for the recipient, but there are sources of help. We need to talk about this more openly.

Community welfare on Chebeague is widely accepted as culturally, emotionally, physically, and financially possible. Many island organizations participate in programs and activities that benefit all people, all ages. Two concerns, however, are voiced by islanders: affordable childcare and substance abuse among the island's youth. The needed, flexible childcare is not easy to provide, and the best way to deal with this at this point may be just to reduce barriers to providing childcare. Substance abuse among island youngsters continues to be uncontrolled, and of great concern to Chebeaguers. The apparent lack of existing enforcement is seen as a contributing factor.

Safety

Personal, home and community safety hazards are threats to the general health and welfare of the island. Concerned citizens, health professionals, and fire, police and rescue officials must continue to work together to help prevent accidents as diverse as auto accidents and falls at home by identifying and correcting public hazards such as unsafe road conditions and educating people about correcting safety problems at home. When people fail to recognize and implement acceptable safety practices, the issues then become a common or community concern. This means safety then becomes an enforcement issue. Staffing facilities for police, fire, and rescue were not examined by the LRPC. However, there are issues that call for study in this area.

Summary of Concerns:

Holes in the existing system of child care.
Reluctance of people to ask for help,

Insufficient research conducted for people discharged from mainland facilities to their island homes,
Health insurance opportunities for greater numbers of island families,
Fearful and often dehumanizing process to receive affordable medical help,
Surprisingly small numbers of island people in assistance programs,
Lack of adequate non-skilled home care on the island,
Little to no enforcement of substance abuse laws among island youngsters, and
Staffing and facilities for police, fire, and rescue.

Positive notes:

Island organizations and programs are providing many helpful services.
Island people care about each other, and will advocate for them and help them.
Town police, rescue, fire, and public works departments work in partnership with island people to enhance health, welfare, and safety.
CTC (transportation to the mainland) is our ultimate lifeline.
Our island PA has proved to be a major influence upon the quality of life of our older population.

Goal:

WORK TOWARD MAKING THE QUALITY OF LIFE OF CHEBEAGUE RESIDENTS AS GOOD AS POSSIBLE BY PROVIDING EDUCATION ABOUT OUR SERVICES TO MAINTAIN PEOPLE'S HEALTH, WELFARE AND SAFETY.

Recommended Actions

Health

Childcare: Reduce barriers to provision of childcare (see Section III B).
Home care services: The Town should explore ways to get supplemental funding for all levels of home care to assure that Chebeaguers have equal access to available home care services. In particular, reducing the transportation cost to the Island could make providers more willing to come out to the Island.

Welfare

Substance abuse: Facilitate community discussions and have the Town take action to discourage substance abuse,
Personal welfare: Talk openly about issues of personal welfare and safety, including having the Town be involved in education on entitlements and Town assistance programs.

Regional Transportation: Work to connect Regional Transportation Program services to ferry.

Police, Fire, and Rescue: Establish a committee to review the staffing and facility needs of the police, fire and rescue services.

V. TRANSPORTATION

Chebeague faces all the normal issues about roads that any rural community would, though with the complication that equipment and materials often have to be barged from the mainland. But Chebeague is also in the unusual position of relying on non-car ferries for its transportation to the mainland.

A: Transportation to the Mainland

During most of the 20th century, Chebeague has been served by two providers of ferry services. In the early 20th century, both Casco Bay Lines and the Harpswell Steam Ship Company served Chebeague. Since the 1930's, Chebeague has been served with public ferry service both by Casco Bay Lines from Portland, and an inner-bay service, first from Portland, then from Falmouth

and, since 1959, from the Cousins Island wharf at Doyle Point on Cousins Island in Yarmouth.

Today the inner-bay service is based on Chebeague and is operated by Chebeague Transportation Company. It has become Chebeague's primary carrier of passengers handling 90% of the passenger volume with Casco Bay Lines carrying the remaining 10%. CTC operates 8-10 trips per day year-round on vessels licensed to carry 58-119 passengers. Casco Bay Lines provides 4-5 trips per day serving Chebeague on vessels licensed to carry 300-400 passengers and is the primary shipper of freight to Chebeague.

Together CTC and CBL provide the "underwater roads" connecting Chebeague to the mainland highway system. These roads, however, are narrow lanes and, in the case of the inner-bay service, in danger of disappearing entirely due to impassioned controversy for the past 40 years surrounding the use of the Cousins Island wharf and Blanchards parking lot.

Passenger Service

Casco Bay Lines ("CBL") operated by Casco Bay Island Transit District ("CBL") runs from the Maine State Pier on the Portland waterfront to Chandler's Cove at the West End of Chebeague. CBL was established by the legislature in 1981 upon the bankruptcy of the former private ferry operator. CBL is a political subdivision of the State of Maine encompassing Peaks, Little Diamond, Great Diamond and Cliff Islands in the City of Portland, the Town of Long Island, and Chebeague in the Town of Cumberland.

Chebeague Transportation Company ("CTC") runs from the Stone Wharf at the East End of Chebeague to the Yarmouth Town Wharf at Doyle Point on Cousins Island in Yarmouth. CTC undertook ferry operations following the retirement of the former sole proprietor who began operating water taxi services in his lobster boat on the last leg of the inner-bay route abandoned by CBL after the completion of the bridge from the mainland to Cousins Island in 1959. CTC's ferry operations are conducted in a business corporation that was originally capitalized through the purchase of shares by residents of Chebeague and now operates as a common-carrier on a break-even basis as a public service.

Use of the Cousins Island wharf on Doyle Point at the foot of Wharf Road on Cousins Island in Yarmouth is central to CTC's operations. The wharf has been used as a ferry landing for at least a century. When the bridge linking Cousins Island to the mainland ended the need for the inner-bay ferry service to Cousins and Littlejohn islands, the Cousins Island wharf changed, from being the arrival point to Cousins Island, to being the mainland terminus of the last leg of that inner-bay service which continues to run between Cousins and Chebeague. Because of the greater time needed to travel the longer distance between Portland and Chebeague, and due to the destinations north of Portland needing access by Chebeaguers, particularly students and other personnel of the SAD 51 schools, and the Chebeague Rescue which connects with the Cumberland Rescue, CTC provides about 90% of Chebeague's passenger transportation services. Among its users are seasonal residents who own and pay taxes on about 300 Chebeague properties. Many of these people have been coming to Chebeague for generations. The seasonal population provides the "critical mass" necessary to make a year-round ferry service economically feasible.

In the mid-1980's, perceived growth in the use of the wharf and public concern surrounding the scarcity of coastal access, lead to an agreement

between the towns of Yarmouth and Cumberland for use of the wharf by CTC from 1989 through the end of 1999. This agreement was intended as a 10-year growth moratorium while the towns worked to find an alternative site for a permanent ferry landing location. In addition to limiting the number of daily ferry landings and the size of ferry vessels to 1989 levels, the 1989 agreement contemplated Yarmouth's adoption of traffic ordinances restricting use of Wharf Road beyond the entrance to the Blanchard's Lot limiting commercial deliveries to the wharf and prohibiting access to the wharf-head by private vehicles on weekends from May through September. These ordinances have come to be called the "over-the-hill" rules.

Notwithstanding the protections to their community represented by the 10-year agreement and the restricted access accomplished by the over-the-hill rules, residents of the wharf neighborhood petitioned for a municipal referendum in November of 1989. If it had been successful, the referendum would have rejected the 10-year agreement and, in its place, would have imposed confiscatory landing fees on the ferry service designed to make it unaffordable for the users and drive it out of business. Wide-spread support among Yarmouth citizens for Chebeague's need for access to the mainland via Cousins Island, however, worked to defeat the referendum by a two-thirds majority in November of 1989.

In the early 1990's, Cumberland and Yarmouth worked together to analyze other possible landing sites and found no alternatives other than undeveloped land on Spruce Point at the Wyman Power Station on Cousins Island. At that time, Central Maine Power expressed interest in a sale of the Spruce Point land if agreement could be reached between the towns. In 1995, negotiations between the towns broke down over access restrictions on Cousins Island Road, and Maine's Department of Transportation was asked to assist the communities to resolve the situation.

In 1996, MDOT empaneled a group of representatives from both communities known as the Chebeague/Cousins Transportation Resolution Team. The Resolution Team was charged with the task of making recommendations to MDOT on a permanent resolution of the controversy by selecting an alternative site acceptable to both communities. The Spruce Point site was unanimously identified in 1997 along with a set of guidelines on its use including a Mainland Access Authority to manage future growth. After studying this recommendation for over a year and reviewing all 23 alternative sites considered by the Resolution Team, MDOT determined both that the Spruce Point location was not available due to the impossibility of obtaining necessary environmental permits for construction of the new wharf in an environmentally sensitive marine habitat, and that no other practical alternative to the existing Cousins Island wharf existed.

In July of 1998, MDOT announced that the current wharf location would serve as the permanent mainland access point for the inner-bay ferry service. MDOT said that they would preserve the status quo and, with the agreement of both towns, improve the situation. The first step in maintaining the status quo was MDOT's acquisition of the Blanchard Lot in October of 1999 (discussed below) and considerable work was undertaken to obtain a new agreement on the use and future maintenance of the Cousins Island wharf upon the expiration of the 1989 Wharf Agreement at the end of 1999. Negotiation of a long-term agreement including a mainland access authority with representatives from both towns and MDOT failed in the fall of 1999.

The 1989 agreement expired without a new agreement in place on January 1, 2000, but Yarmouth has consistently provided assurances that access will be maintained. In fact, a 10-year agreement providing for limited growth acceptable to Cumberland was conditionally approved by the Yarmouth Town Council in February of 2000. Yarmouth conditioned its approval, however, on changes to the Blanchards Lot lease agreement between MDOT and Cumberland. Restrictions on the Blanchards Lot had not previously been linked to use of the Cousins Island wharf and have thus far been unacceptable to MDOT and Cumberland.

Parking and Highway Access

Since neither of Chebeague's ferries is a car ferry, parking, both on the island and the mainland, is a necessary component of any island transportation system. Parking at Chandler's Cove has increased from 10 to 17 spaces with the completion of the new wharf. In Portland's Old Port district there are various garages and lots at varying distances from the Casco Bay Ferry Terminal, and the residents of all six islands compete with city dwellers, commuting office workers, Old Port shoppers and tourists for them. METRO buses run to the terminal which is located at the foot of the Old Port shopping and commercial district.

The Stone Wharf has approximately 70 parking spaces, but is still woefully inadequate. Mainland parking areas for CTC's passengers are located at two sites. The Blanchards lot provides 165 parking spaces located within walking distance of the wharf on Cousins Island. A new satellite lot has operated year-round since 2000. It provides 300 parking spaces accessed by a 6.3 mile shuttle bus ride to a fourteen acre site located on Route 1 near Exit 16 of I-95. The proximity of the satellite lot to the Cousins Island dock and to the two major north-south arteries is anticipated to make access comparatively easier than the former remote lot in Cumberland Center. The land for the Satellite Lot was given to Cumberland by MDOT and the Town financed the approximate \$200,000 cost of development of the parking facility with a lease to CTC at its cost.

Access to the wharf head on Cousins Island is both physically limited by geography and legally restricted by Yarmouth's (so called) "over the hill" ordinances. The physical limits of the current road and turn-around area at the wharf-head prevent shuttle buses from turning around at the wharf head. Consequently they must back down the hill from the entrance to the Blanchard Lot sounding back-up warning alarms that disturb the neighborhood. The over-the-hill access restrictions limit commercial deliveries to the dock and prohibit private vehicles from driving beyond the entrance to the Blanchard Lot on weekends during May through September unless physically handicapped passengers are being dropped off.

MDOT has offered to work with both towns to improve the road way and turn-around area in order both to relax the over-the-hill access restrictions, and to permit the use of smaller shuttle buses that are expected to turn around at the wharf head after the road and turn-around are reconstructed. Further, MDOT has offered to provide 80% of the funding (i.e., \$300,000) for acquisition of the smaller buses as a means of ameliorating neighborhood noise created by the back-up alarms of the current shuttle buses.

The 20% local share (i.e., \$60,000) of the capital cost of these buses is expected to be provided by Cumberland, but the increased operating cost of staffing more buses with additional drivers will be born by users of the ferry service. The cost of design and construction of improvements to the

road and turn-around, as well as the \$600,000 cost of acquisition of the Blanchard Lot, will be shared by MDOT and the Town of Cumberland on an 80/20 ratio, respectively. The design budget established by MDOT is set at \$200,000, but the cost of construction is not yet known.

MDOT's lease of the Blanchard Lot to Cumberland limits parking for the next 50 years to 165 spaces, including 15 spaces with priority for Yarmouth residents. Historically it was privately operated by Robert Blanchards, but for the past 20 years or so it was leased to CTC under a long-term lease expiring at the end of 1999. Faced with the expiration of this arrangement, MDOT acquired the Blanchard Lot in 1999 for a price of \$600,000 and has made it available as part of the public ferry transportation system operated by CTC through a lease to the Town of Cumberland and sublease to CTC for \$1.00 per year, but this arrangement is currently being challenged in court by the former owner.

Prior to the current litigation, the competing needs of the Cousins Island community and users of CTC's ferry service had been the subject of litigation three times since 1976 resulting in a series of court ordered consent decrees regulating levels of parking and barging activities. The capacity of the Blanchard Lot has been inadequate for many years and operation of shuttle bus services and remote parking between Memorial Day and Labor Day weekends has historically been the solution proposed by Cousins Island residents to protect the neighborhood from the burden of summer traffic. Physical and legal limits on the number of cars that can park at the Blanchard Lot now causes use of the Satellite Lot all year, long after summer cottages near the Cousins Island wharf have been closed for the season. Operation of the shuttle bus service all year costs approximately \$5,000 per month. The need for additional parking for year-round residents is driven, not by a significant increase in population on Chebeague, but by an increase in Island residents seeking access to mainland employment opportunities and the pressure on island residents to maintain automobiles on the mainland in order to participate in an increasingly car-dependent society.

In 1997 MDOT's Chebeague/Cousins Transportation Resolution Team recommended that parking near the wharf be increased from the current 165 car limit, to 286 (with provision for further future expansion) in order to permit shuttle bus operations to cease after Columbus Day, but this recommendation was predicated on the development of a new site for wharf and parking facilities located on land adjacent to the Wyman Power Station on Cousins Island. MDOT was unable to implement the recommendation due to permitting difficulties with the site, but the fact remains that a balanced group of representatives from both communities recognized an immediate need for additional parking for Chebeaguers near the wharf.

The harsh fact remains that use of the Satellite Lot and costly shuttle bus operations, originally intended for summer residents, must operate year-round. Now that MDOT has determined that the site for mainland access for Chebeague will permanently remain at the Cousins Island Wharf, the need for more parking near the Wharf must be addressed in the future.

Barging and Freight

Transportation of vehicles of all kinds is critical to the functioning of an Island community. CTC's 100-ton barge predominantly transports private autos and small to medium sized trucks on a tide-dependent schedule between the beach at the Blanchard Lot and a vehicle ramp on the Stone Wharf. CTC's barge operations are legally restricted to operate only between 7:00 AM and

5:00 PM Tuesdays through Thursdays. In 1997 CTC's barge carried 519 vehicles.

Other barge operations in Casco Bay include Lionel Plante Associates and Intercoastal Marine, operating principally from Portland's east end beach. These companies each have two barges with larger carrying capacities than CTC's. These barges generally land on the beach at Bennett's Cove on the West End of Chebeague due to its proximity to Portland. They are not allowed to land on Cousins Island.

CBL carries the United States Mail, UPS, and Fed Ex, as well as commercially shipped groceries, appliances, and other large household items on its passenger vessels (one of which is equipped with a crane for transferring freight). Also one or two cars can be carried on the Maquoit II.

CTC handles smaller items, including groceries and supplies-- most of them hand-carried by the passengers -- on its passenger vessel.

Goal:

ASSURE AFFORDABLE AND RELIABLE FERRY TRANSPORTATION CONNECTING CHEBEAGUE WITH THE MAINLAND TRANSPORTATION SYSTEMS BOTH IN PORTLAND AND ON COUSINS ISLAND.

Recommended Actions

Secure a permanent arrangement for continued use and maintenance of the Cousins Island wharf allowing for reasonable growth in ferry services;
Design and construct improvements to Wharf Road and the turn-around area at the wharf-head sufficient to insure safety and permit repeal of Yarmouth's over-the-hill ordinances;
Explore relaxation of barging restrictions for transportation of cars and trucks from the Blanchard Lot in order to increase flexibility so as to deal with uncertain factors such as the weather and the tides, within a framework of reasonable limits.
Continue involvement by Cumberland and MDOT in order to maintain affordability of ferry and parking rates;
Continue to support Casco Bay Lines (CBL) service to Chebeague.

B: Transportation on Chebeague

Chebeague's road system and the access points to various wharves and landing places were established before cars became the dominant form of transportation. Over the years, roads have been upgraded to allow for cars, and parking has been created for them in places where people gather, such as at stores, public buildings and ferry wharves. Sometimes this accommodation to cars has been satisfactory and sometimes it is inadequate. Chebeaguers are ambivalent about cars. On the one hand, they like the idea that Chebeague is not as dominated by cars as the mainland is. On the other, they want to use and park their own cars just like they do on the mainland.

Because a substantial part of the passenger, freight and commercial fishing activity is focused on Chandler Cove Wharf and the Stone Wharf, conflicts among uses, safety and parking have been chronic issues for many years. Especially at the Stone Wharf, the growth of the CTC as the Island's major transportation link to the mainland, has brought these issues to the fore and has resulted in a series of past proposals for dealing with them.

As the Long-Range Planning Committee discussed options for dealing with parking at the Stone Wharf, however, it became evident that this is one of the most contentious issues that it is examining. There are many users and

abutters -- fishermen, people taking the CTC ferry, people barging on the CTC barge, recreational boaters, workmen coming over to the Island in their own boats, the owners of the historic Kendall house next to the wharf, and golfers using the Golf Course that comes almost down to the water, with a tee on the wharf itself. After several discussions, the Committee decided that the most realistic recommendation on this issue would be to have a separate process to try to find solutions to these conflicts.

Roads and Traffic

Today there are about 350 registered (functioning as opposed to junked) cars on the Island. Because additional cars are brought out during the summer, there may be 200 to 250 cars being driven around during the winter and maybe 500 at any given time during the summer. The Island now has 10.3 miles of paved public road and 4.7 miles of public gravel roads. There are many more private gravel roads, sometimes serving one house, but often providing access to several. Besides using cars, residents also get around on the Island by walking and biking. Chebeague now has a 30 mph speed limit, set by State DOT in 1997. The issue now is to educate people that there is a speed limit and what it is. At present there are no speed limit signs on the Island.

Chebeague has a few "major" paved public roads -- North, South, Cottage, John Small, two crossroads and the roads to the ferry docks. There are additional unpaved public roads, like the other crossroads and the various Town roads to the shore (e.g. Fenderson Road and South Shore Drive). But most of the other roads on the Island are unpaved private roads that may have begun as driveways for one house, but now often serve several.

Design standards for roads insure that they are accessible to service vehicles that need to use them, especially the fire trucks and ambulance, but also the school bus, police car and snowplows. Standards normally apply to public roads, though Chebeague's roads do not meet the present Town standards for public roads. Standards can also be set for private roads. On the mainland the Comprehensive Plan has a policy that the Town should not allow private roads that do not conform to Town design standards. This is because it is not uncommon for owners of private roads, after a while, to ask the Town to take them over as public roads, especially for snow plowing. When standards for private roads were recently adopted on the mainland, however, Chebeague was largely exempt from them because so many more of the roads on the Island are private

It may make sense to have specific public road design standards on Chebeague to strike a balance that is suitable to the Island between the need to provide adequate access for vehicles, and the desire to not have roads that are "over designed" -- too wide, too straight or too paved. New public roads are not built often, but new subdivisions do have them.

Road Maintenance

The condition of Chebeague's roads ranked 12th overall among the Town services rated on the questionnaire, and 13th, or last, among year-round residents. On the other hand, this could be an expensive item. In making the calculation of whether it is useful to spend money on road maintenance, it is essential to have some understanding about road condition, maintenance and maintenance costs. Regular and timely maintenance of roads, even ones that don't carry a lot of traffic, is essential if the roads are to remain usable. The basic "take home" message is that the least costly option is to do routine and preventive maintenance of roads when they are in good condition.

Many of the island's paved roads show signs of distress -- alligatoring of the surface, potholes and tire ruts. If these processes are not reversed, the cost to bring roads up to an acceptable condition can be many times more expensive than the cost of timely repair. Allowing a road's condition to deteriorate from "fair" to "very poor" will increase repair costs five times. In recent years DPW has focused primarily on "road", rather than "surface" maintenance. They have been renewing the drainage ditches besides the roads. Proper drainage underneath the road is necessary for the pavement on top to last. However, surface maintenance has been limited to patching.

In the Town's detailed 1999 Pavement Management Study done by Casey and Godfrey, Engineers, 34 percent of Chebeague's paved road mileage was rated as less than "fair" (very poor, poor and poor/fair), 36 percent was "fair" and the balance of 32 percent was graded better than fair (fair/good, good or very good). If little or no maintenance is done, by 2003, 86 percent of the paved mileage on Chebeague would be in poorer than fair condition. To maintain our current road conditions, that is, to stop normal deterioration from fair to poor, our surface maintenance budget would need to increase from its current \$15,000 to \$50,000 per year.

This is obviously an expensive proposition, but it is also the kind of basic capital improvement that the Town should be planning for over a period of years and paying for with bonds. We recommend that the Town develop a six-year, rolling plan for capital improvements covering such things as road construction, purchase of land for open space and other Town construction projects, not just for Chebeague but for the Town as a whole.

Paper Streets

On Chebeague in the past when land was subdivided for development the individual or company that created the subdivision laid out streets to provide access to the lots. These were dedicated as roads on the plan. In some cases development of the subdivision never took place or was much less than the developer hoped. In other cases the road may was built initially but later abutting property owners encroached on the right of way. In either case, the roads legally continue to exist as "paper streets". In the late 1980s, because of confusion about the status of paper streets, the Maine State Legislature adopted a law allowing towns to review all their paper streets and decide whether they wanted to keep their claims or let them lapse. These paper streets can be a valuable asset to Chebeague, in particular, since they are often located in subdivisions laid out on the shore.

Cumberland has commissioned Donna Damon to study Chebeague's paper streets in detail. She has made recommendations to the Assistant Town Manager on the streets in the Nubble View and Waldo Point subdivisions, and is completing a report on Sunset Landing. These reports are being reviewed by the Town attorney. She has identified several other subdivisions that still need to be examined.

Goals:

ENSURE SAFE AND EFFECTIVE ROADS WITHOUT CHANGING THEIR BASIC CHARACTER.

Recommended actions

Traffic regulations

Speed limit signs: To allow enforcement of speed limit, speed limit signs should be posted or painted on the pavement (if concern exists about their disappearing) at the Stone Wharf and at Chandler Cove. Speed limits should be enforced. In order to help in this process, the Town should provide a radar gun for the police on the Island.

Bicycle safety: Since Chebeague has large numbers of bicyclists during summer, speed limit signs at both wharves should include traffic regulations for bikes and requests that bicyclists abide by them.
Enforcement: The Police Department should enforce the speed limit and bike regulations.

Traffic control: We request the Town review signs for traffic control on Chebeague. For example, at the intersection of John Small Road and South Road people often don't know who is supposed to yield. This may not be the only place where signs would make driving safer.
Road standards

Traffic study: We ask the Town to consider doing traffic volume studies for various roads on Chebeague. This would give us better information for deciding about road standards.

Public road standards: An implementation committee should work with the Director of Public Works to develop a set of standards for the public roads on Chebeague. These standards should then guide Town maintenance and improvement programs.

Private road standards: Explore creating standards for private roads. An implementation committee should work with the Town Planner, Public Works Director and Planning Board to develop minimum standards for private roads that are used to provide access to new homes and/or to meet the requirements of the Zoning Ordinance for 150 feet of road frontage. These standards should reflect the rural character of Chebeague, but assure that there is reasonable access for emergency purposes.

Road maintenance

Objectives and process: Adopt a Town-wide six-year capital improvement plan. This would show what projects are planned on Chebeague as well as in other parts of the Town. Publicize information about how to report needed road work to DPW.

Surface maintenance: Over the longer run, the Town's Pavement Management Study recommends regular surface maintenance of roads in fair condition or better. It also recommends that roads that are in less than fair condition be reclaimed or reconstructed altogether. Chebeague and DPW should have a public discussion about the costs and benefits of these recommendations based upon the proposed public road standards in order to develop a plan or surface maintenance.

New gravel pit: One action that the Town should take that would reduce the cost of road maintenance would be to open a new gravel pit. Having to bring gravel out from the mainland increases the cost of roadwork substantially. However, some possible sites for a new gravel pit may be aquifer recharge

areas and should not be used. We urge the Town to have a study done of aquifer recharge areas and areas of gravel in order to chose a new gravel pit location.

Paper streets: The Committee recommends that the Town act on the process for holding hearings and making decisions on Chebeague's paper streets as the reports on them are completed.

Provide adequate public parking arrangements at wharves and other public parking spaces as needed.

Implement recommendations of the new Stone Wharf Committee on Parking at the Stone Wharf.

Chandler Cove Wharf: Develop regulations about the use of the parking lot at the Chandler Cove Wharf.

VI: Chebeague's Relationship with Cumberland

Chebeague is part of the Town of Cumberland. This is both a statement of obvious fact and an affirmation of that fact. Affirmation is necessary because there are many characteristics of the town that create inevitable tensions between Chebeaguers and both residents of the mainland and the Town government. Here we develop a series of recommendations to create institutionalized structures and processes to overcome these tensions.

Cumberland is unusual in being partly on the mainland and partly on an island. Portland, of course, faces the same situation, and tensions with Long Island ultimately lead to its succession. At the simplest level, Chebeague is an unconnected island. Our most used ferry service lands in Yarmouth. The new "remote" parking lot for the CTC is almost in Yarmouth. Once Chebeaguers get to the mainland, Cumberland Center and the Town Office is still a 20 to 30 minute drive away. Many Chebeague residents are summer people who hardly know mainland Cumberland and don't follow Town affairs. On the other side, most mainland Cumberland residents have probably never been to Chebeague because the trip is cumbersome and expensive. So the old saying "out of sight, out of mind" seems relevant on both sides.

At the next level, institutional and governmental structures have allowed a political distance to develop. The shift from the Town Meeting to the Council Manager form of government in the early 1970s is one factor. In yearly Town Meeting, islanders and mainlanders had to argue, negotiate and trade off over ordinances and the budget. Now, the Town Administration is more professionalized and the Council, on which Chebeague is represented, is more distant.

The separation between the Town government and MSAD 51 which spends a substantial amount of our tax money makes the situation more complicated. Many Islanders do not realize that they operate completely separately and that Town taxes have not risen in the same manner as school taxes.

Many necessary "practical" actions on the part of the Town and the Island accentuate the distance. Planning for growth management and open space, for example, has taken place separately for the mainland and for Chebeague. Chebeaguers probably would not want a committee made up primarily of mainlanders to be recommending policies for them, but initially, at least, this left Chebeague with no growth management or open space plans. The comprehensive property revaluation of 1996 provoked many questions on Chebeague about whether we were getting our "share" of Town services. On the other hand, a study completed in 1999 by Sam Ballard and the Town departments

concluded that there is an essential balance between taxes paid services received.

On the planning survey, there was a question that tried to find out about residents' perceptions about Islanders' roles in Town and MSAD 51 decision-making and the responsiveness of those governmental units to the Island's concerns. One of the most interesting things about the responses was the number of people who felt they just did not have enough information to answer. This was especially true of summer people, about 25 percent of whom did not answer in relation to the Town. Of course they are not around as much, generally cannot vote, and may not want to be paying attention to political issues when they are on vacation. But they do pay taxes and do get involved on issues like the property reevaluation and the CTC's dispute with Yarmouth.

Year-round residents, for their part considered both that Islanders were not enough involved in Town government and that the Town was not responsive enough on Island issues. The scale ranged from 1 (not enough involvement/responsiveness) to 5 (too much involvement/responsiveness). The general pattern was a majority who gave scores of 1 or 2, and a substantial minority who gave a score of 3 indicating that involvement and responsiveness was "about right". The mean evaluation by year-round residents of Islander involvement was 2.21, and of Town responsiveness was 2.05.

Like questions about taxes, questions about the responsiveness of government may tap into some generalized cynicism or discontent. Respondents' specific evaluation of "general government services" provided by the Town was actually quite high, with a mean of 5.08 on a scale from 1 (very dissatisfied) to 7 (very satisfied). But in their evaluations here, respondents did not spare Islanders either, saying, on average, that they should be more involved. Some people also did comment in the open-ended questions that Islanders should work more on having better relations with the Town.

Common Interests and Needs

Despite the tensions, Chebeague and the mainland have much in common, and Chebeague certainly needs, and benefits from, being part of the Town. For example there are parallels between the desire on the mainland to preserve some of the Town's agricultural character and heritage in the face of suburbanization and Chebeague's desire to preserve its fishing industry in the face of development for summer people and retirees.

More important, since the shift to the Council/Manager system, the Town has had a unified budget that does not distinguish between mainland and island expenditures. Chebeague has a small year-round population, about 5 percent of the Town, and some Island services have higher costs than on the mainland because of things like the expense of transportation. Over the last several years it has gotten about 11.5 percent of Town expenditures including capital items. Chebeague pays about 13 percent of the Town's taxes. Is this fair? This was a big issue after the comprehensive reassessment.

In 1998, Sam Ballard, with the cooperation of Bob Benson, Melody Main and the various department heads, identified those elements of the town budget that reflected services for Chebeague. There was a disparity as Chebeague taxes represented 13% of the total while we represented 5% of the population in 2000. This could be viewed as "unfair". However, as this planning effort has proceeded, it has become clear, that such concerns are not the major issue. The real issue is not 'fairness' since the mainland's needs are different

than Chebeague's. Rather what is required is to evaluate what Chebeague needs and then examine whether those needs have been reasonably met.

When Ballard's analysis was presented in 1999, a consensus was established that the budgeting mechanisms then in place did in fact reasonably serve the island's needs. This information can be extracted from the spread sheets the town manager submits to the Council. With this information we can figure out what is being spent in relation to what the island's needs are.

For capital items, such as purchase of land or major road work, the yearly budget process would be much more informed if the Town also had a six-year capital improvement plan. This would lay out future projects both on Chebeague and on the mainland.

Goal:

INCREASE INSTITUTIONALIZED INTERACTION AND COMMUNICATION BETWEEN CHEBEAGUE RESIDENTS AND TOWN POLICY-MAKING AND ADMINISTRATIVE OFFICIALS

Recommended Actions

Budget meeting on Island with Council & Town Manager, continuing the budget review process initiated in 1999.

Adoption of a Town-wide Capital Improvement Plan.

Coordination on Island policy-making and administration

Administrative meetings: We request that heads of Town departments that provide services on Chebeague come out to discuss what they see as their role on the Island. We also encourage them to develop mechanisms for increasing or improving routine communication on Island needs.

Town staff on Chebeague: Consider having a member of the Town staff come out to the Island at regular intervals -- once a week or once a month, for example -- to allow Chebeague residents to conduct Town business.

Boat fare to public meetings: In Town Meeting times the Town paid the ferry fare for Chebeaguers to encourage as many people as possible to go to Meeting. We urge that the Town now pay the fare of individuals attending Council, Planning Board or Zoning Board of Appeals meetings.

Televising Town meetings

Now that the Town is televising Town Council and School Board meetings on cable TV they should explore options such as Internet technology for including Chebeague in the real-time broadcast. As an interim measure, meetings are taped and available to viewers on the Island.

Police, Fire, and Rescue: Establish a committee to review the staffing and facility needs of the police, fire and rescue services.

Appendix 1: Chebeague Schools

These recommendations to S.A.D. 51, the Town of Cumberland and the Chebeague community rest on the assumption that high quality educational opportunities are essential to the future of the Island. Attracting and keeping young families is crucial to maintaining a diverse, year round economy and community on the Island. We seek to sustain the strengths in the present school situation and remedy the deficiencies.

The goal of this section is to:

MAINTAIN A QUALITY EDUCATIONAL SYSTEM AND EDUCATIONAL EXPERIENCE FOR STUDENTS FROM PRESCHOOL THROUGH HIGH SCHOOL

Schooling on Chebeague

In one dimension the history of schools on Chebeague is a story of decline and loss. From the late nineteenth century to the present enrollment in Chebeague schools dropped from the largest in the town of Cumberland (larger even than all of the town's mainland schools put together) to the smallest in the town. In the years since World War II, the Island lost its high school, then the junior high, so that now the Island School provides only kindergarten and six grades of multi grade elementary education with two teachers. Since the higher level schools closed, Chebeague children have commuted by boat and bus to mainland schools from seventh grade through high school. And some Chebeague families are sending children across the water to elementary grades on the mainland, or schooling them at home. These facts suggest that the surviving Chebeague School may be in jeopardy.

Yet the Chebeague School draws praise from parents, teachers and administrators in School Administrative District 51. The Island School's proponents cite the quality of education that a favorable teacher/student ratio (superior to any other school in the district) and effective multi age teaching make possible. On the other hand, the advantages of the Chebeague School are also the sources of its limitations. Smallness may bring educational shortcomings as well. Even moderate changes in enrollment from year to year can have a significant impact. In any given year, particular grades in our K-6 program may have no students or only a single student enrolled or an imbalance of genders. And in the later years (grades 4-6), when sequential learning of certain subjects such as mathematics becomes more important, it may be difficult to provide for each student particular courses in the order he or she needs.

Chebeague children with special needs schooled on the Island may be less well served, in a less timely way, than their counterparts on the mainland. While the system does provide these services, the circumstances of island living and transportation make it harder to deliver services these children need. Island teachers and parents must be more aggressive than mainlanders in assessment of students' needs and insistence that special education staff come to the students rather than transporting the children to the service provider. Services for challenged or gifted students are available within SAD 51's excellent system, but delivery of them to Chebeaguers can be problematic.

The success of the Chebeague School depends even more heavily than in other school situations on who is teaching and on persistent involvement by parents in their children's educations. When good veteran teachers, experienced in multi age classes, familiar with the structure, resources and decision-making processes of SAD 51 and positive toward Chebeague's distinctive community and way of life, teach in the Island School, things go well. Openness to the Island and to parental concerns is a requirement for Chebeague teachers to succeed in educating our children. Similarly, the Island School is at its best when parents take a sustained interest in the experiences and education of their children and communicate regularly with their teachers. Since the Island enjoys a population diverse in background, but joined by allegiance to a shared way of life, any problems related to diversity among students within the school may be resolved by communication and cooperation among parents and teachers.

Schooling off Chebeague

When Chebeague children commute to mainland schools, they face the challenge of joining a separate and larger community of students. By all reports from Cumberland school officials, academic integration is not a problem for commuting Chebeaguers. Well prepared, except perhaps for some children with special needs, island children move readily into their classes on the mainland, exhibiting the same diversity as their mainland counterparts. But the Chebeaguers encounter an already established social structure, which they may find difficult to enter, especially because of transportation schedules. The present arrangements for transport by the Chebeague Transportation Company's ferryboats and the school buses do impede Chebeague children's participation in weekday evening and weekend activities unless parents make special efforts to include them in sports and other extracurricular activities. These efforts are virtually impossible for families where both parents work full-time on the Island. Even then, the present CTC ferry schedule keeps both students and parents from full participation in weeknight evening events, unless they stay overnight on the mainland. The commuting routine, with normal departure from school by bus to the ferry as soon as the school day ends, is presently supplemented by a late afternoon bus that enables Chebeague children to take part in after school activities and return home in time for supper.

We were surprised to discover that there is no emergency plan in case normal transportation between the mainland schools and the Island is disrupted by severe weather or mechanical breakdown. If Chebeague children were stranded on the mainland, the school authorities would need to improvise arrangements for their care until transportation was restored.

Distance and transportation are the principal obstacles to the integration of Chebeague children into the Cumberland schools. These factors also may be barriers to appreciation of the island way of life by mainland families and their school children, most of whom know little about Chebeague. There is evidence that ignorance fosters in some mainlanders prejudiced toward Chebeague as remote and inaccessible, isolated and backward, with little to offer the more rapidly growing, seemingly more cosmopolitan and increasingly suburban coastal town. Such attitudes suggest that Chebeague children may be stereotyped as different, out of the mainstream, needing less education, likely to lead insular lives on the island they come from. However, not everyone agrees that this problem exists or that it is useful to raise it.

Preparation for Jobs, Careers and Further Education

In the high school years, the course of study prepares students for post-secondary education, vocational, technical or collegiate. Our inquiries left some doubt as to whether Chebeague students are encouraged to view high school as a stepping stone to further education or training that would enhance their success or enlarge their opportunities in jobs or careers. There is some evidence that when Chebeague families deal with mainland school teachers or counselors they are less assertive than more suburban mainlanders. In some cases, it may be assumed by the mainland school or the island family that the student will take up a traditional island occupation for which schooling beyond high school is irrelevant and unnecessary. But it is not clear that all Chebeague students and their families have the opportunity to understand and consider pursuing the benefits of further education. The resources for assisting all Chebeague families with educational choices for their sons and daughters are available in the Cumberland schools, but the use of these resources appears to be uneven.

Communication and Representation

At present communication between Chebeague families and the school district leadership comprises regular meetings on Chebeague of school authorities with an active parents' advisory committee and occasional meetings on the Island of the SAD # 51 Board of Directors, on which no Chebeague resident presently sits. While these occasions for dialogue and identification of problems have been productive, we found interest in supplementing them with additional opportunities for school and community collaboration.

Recommended Actions

Recommendations to the Town of Cumberland.

Support Recreation Center and Library: Continue and increase support to the Chebeague Recreation Center and the Chebeague Library, both of which supplement the educational and recreational resources of the Chebeague Island and the mainland schools.

Exchange with mainland: Help to develop a wider range of opportunities for mainland children to experience the Island and vice versa. This could include recreational programs through the Chebeague Recreation Center, but might involve historical, cultural or scientific exchanges sponsored by other groups such as the Library or other Island or mainland organizations.

Recommendations To S.A.D. 51:

Teachers: Appoint and retain first-rate teachers for the Chebeague Island School, teachers experienced in multi-age classrooms, familiar with the system and services of the district and interested in and knowledgeable about the island way of life. Orientation of new teachers to Chebeague and its school is essential. Review MEA results to identify strengths and weaknesses of the Island school.

Coordination with mainland: Expand coordination and communication between the Chebeague School and mainland elementary schools, beginning with recreational programs and, perhaps including student exchanges, and special programs for mainland students on Chebeague which draw on the special strengths of the island, e. g., maritime or marine studies, island history and ecology, and oral history; the Island Institute may be a significant resource in this regard.

Library and Recreation Center: Since the Chebeague Island Library serves as the elementary school library and the Recreation Center serves as the school gym, we request that SAD 51 increase its financial support to both.

Equity: Insure equity with the mainland in the educational programs offered at the Chebeague Island school. Prepare recommendations for bringing staffing, educational resources, services and facilities up to the same level as the mainland.

Existing advisory committee: Continue and support the role of the Chebeague Island School Community Advisory Committee.
School Board meetings: Have two School Board meetings on Chebeague each year. Publicize the time and place of these School Board meetings and of meetings of the two school advisory committees as well as Chebeague school events like School Appreciation Night. These should

be included in the annual school calendar sent to all Islanders, and in the Island Calendar published by the Chebeague Island Council.

Chebeague in-service: Develop a teacher in-service training course on Chebeague to acquaint all school personnel with Chebeague, its community and its educational resources. This in-service should be learning-standards related.

New Advisory Committee: Create a new Community Advisory Committee for Chebeague Students on the Mainland to advise school administrators and policy-makers on issues related to academic, extracurricular and transportation issues relative to commuting students.

Expand early orientation programs for Chebeague children and their families to acquaint them with and welcome them to the mainland schools before they begin commuting to them. Also begin this orientation earlier.

Work to increase the aspirations of Chebeague students for post-secondary academic and vocational education.

Encourage parental involvement with the schools on the mainland.

Coordinate with CTC to make the transportation schedule -- buses and boats -- more flexible so that students, parents and other Chebeaguers can be involved in after-school activities, including those in the evening.

Implement all items in the current school contract with CTC. Allow for parent participation in contract negotiations.

Encourage the District to schedule administrative activities such as budget hearings so that Chebeaguers can go to them.

Develop an emergency plan for any breakdown in transportation that would strand Chebeague children on the mainland.

Recommendations to the Chebeague community:

Education on education: The Island Committee should develop a program to educate all Island residents on the nature, needs and importance of the Island school and the issues related to commuting to school on the mainland.

Involved non-parents: The Island Committee, the Chebeague Parents Association and the two school advisory committees should recruit people without children in the schools, but who have an interest in educational issues to serve on the advisory committees

Reciprocity: Island organizations should continue to support reciprocal relationships between Chebeague and mainland schools and families to improve mutual understanding and reduce the impediments to integrating Chebeague children into the mainland schools and after-school life. This could involve organizing events like a Get to Know Chebeague Day for SAD 51 decision-makers, administrators, teachers and other personnel.

School Board: Work to elect a resident of Chebeague to the District Board of Directors.

_ Planning Decisions, Inc. 2000. Analysis of the Fiscal Impacts on Low and Moderate Income Households: Town of Cumberland. Part of the Residential Fiscal Impact Project.

_ In 2000-2001 it is anticipated total enrollment will be 26, but there will be no students in the 4th grade.

Recommendations of the Chebeague Comprehensive Plan that have been worked on or achieved:

III. Physical Development

III.A. Groundwater

3. Septic systems: The Island Committee worked unsuccessfully in 2004 to encourage the creation of an island business to pump septic tanks.
4. Junked cars: In the summer of 2005, two Island residents organized a very successful effort to collect, crush and remove the accumulation of junked cars. Wayne Dyer and Kim Boehm were recognized by Governor Baldacci with the "Governor's Awards for Environmental Excellence" for organizing the massive cleanup effort and removing the 200+ junk cars, batteries, tires, metal from Chebeague.
5. In 2005, the Town had a hazardous waste disposal day at the Transfer Station.
6. Wells: In 2004, the Town applied to EPA and received funds to continue the study of wells and public education about wells.

III.C. Land Use

1. The Cumberland Mainland and Island Trust has acquired open-space easements to land on Deer Point, Indian Point and on the north side of the Island at the Curit Property. Some of the Curit Property may also be used for affordable housing.
2. The Cumberland Growth Management Ordinance was amended to allow a rolling five-year average for permits. No more than 20 permits could be issued over a five-year period. Expired permits could also be reissued.
3. In 2005, the Town's Coastal Waters Commission made recommendations to the Town Council to amend the zoning ordinance in relation to the construction of wharves, which were subsequently adopted.

III.D. Affordable Housing

1. The Cumberland Islands Committee has been working on the issue of affordable housing since 2003. They worked on a preliminary study with a Community Development class at USM's Muskie School. This provided data for a successful application for a CDBG planning grant for a study of the demand for affordable housing on the Island. The study has just been completed and reported to the Island the Town Council. It spells out strategies for establishing an affordable housing organization and for the kind of affordable housing that should be created.

III.E. Open Space and Recreation

1. The easements on Deer Point, Indian Point and on the Curit Property, acquired by the Cumberland Mainland and Island Trust, all preserve access to the shore.

4. A path in Parker's Woods was preserved when land on Roy Hill Road was subdivided in 2005.

5. In 2005, an Island committee appointed by the Town Council developed regulations for the use of the Chandler Cove Beach. The Town rehabilitated the access area to the beach.

IV. Preserving Community

IV.A Economic and Social Life

1. Chebeaguers have been actively involved in working with the Legislature to pass property tax reform, proposing the idea of a Maine Land Bank in 2003.

IV.B. The Island Economy

1. Zoning: The Cumberland Islands Committee has reviewed the zoning ordinance and has recommended to the Town Planner provisions that should be removed or changed. No action by the Town Council has occurred on this.

In 2005, the Town Council adopted regulations covering mobile vending units. The Islands Committee provided recommendations about how this should work on Chebeague.

IV.C. Fishing

1. Access points were researched in the 1998 Coastal Access Report and results reported to the Town Council. Implementation of these recommendations occurs as opportunities come up.

2. The recommendations of the Stone Wharf Committee for a wave break, additional floats and repairs to the wharf were implemented in 2004.

3. As part of the Stone Wharf improvements, policies were adopted to regulate and charge for moorings there.

4. The Town and the Island fishermen are playing an active role in a current application for expansion of Aqua Farm's mussel farming lease to an area close to Hope Island.

V. Transportation

V.A. To the Mainland

2. Wharf Road Turnaround: In 2004, the Maine Department of Transportation studied Wharf Road on Cousins Island and developed a plan for a significant redesign of the turnaround which was submitted to Yarmouth and Cumberland. The project is proceeding with the acquisition of intertidal land adjacent to the Cousins Island Wharf.

V.B. On the Island

1. Traffic regulation: In 2004, the Town Council made ordinance changes allowing golf carts to be driven on Chebeague roads.

2. Draft road standards for Chebeague have been prepared and submitted to the Islands Committee. No action has been taken on them.
3. Road maintenance: The Town has adopted a capital improvement plan. A one-mile stretch of South Road was resurfaced in 2004.
4. Action has been taken on paper streets at Chandler's Cove and on Waldo Point.

VI. The Island's Relationship with Cumberland

2. A town-wide capital improvement plan has been adopted. A variety of projects for Chebeague have been included.
3. In 2004, the Town kept regular office hours on the Island. This practice was discontinued in 2005.

TAB “E”

Draft Chebeague Island Education Plan

DRAFT

PLAN FOR THE TOWN OF CHEBEAGUE ISLAND TO SEPARATE FROM S.A.D. 51

1. **Specify the Parties and effective date.**

This agreement outlines the conditions of separation of the future Town of Chebeague Island from S.A.D. 51 as the result of secession from the Town of Cumberland. This agreement is based on the premise that upon secession the Town of Chebeague Island will become an individual municipal school administrative unit. The agreement outlines the terms of the separation and addresses how the future Town of Chebeague Island students will be educated. The details of the Separation agreement and legislation are presented in Appendix A.

This plan has been developed in accordance with 20-A M.R.S.A. §1403 by the Chebeague Island Education Committee. If approved by the Commissioner of Education this agreement will take effect on July 1, 2007, which is the beginning of the fiscal year and the effective date of secession.

At the request of the Commissioner, sections of this agreement specify, to the extent feasible, the detailed information required by the Maine Department of Education, as delineated in their handout, "Required Elements of a Withdrawal Agreement." The topic heading provided by the Department of Education identifies each section followed by the detailed information required by the Department.

2. **New School Administrative Unit. Describe the new school administrative unit that will be formed, if at all possible without creating any new supervisory units (20-A, §1402.4.(5)). For each unit to be formed, describe the administration of the new unit.**

The Town of Chebeague Island proposes to organize as a Municipal School unit as described in Chapter 111, Title 20-A. The town will operate the Chebeague Island School, which will continue to provide educational services to grades K-5. If feasible, the existing pre-school program at the Chebeague Island School, currently operated by the Chebeague Parents Association, will be incorporated into the Chebeague Island Municipal School Department. The town will send its middle school and high school students (grades 6-12) to S.A.D. 51, located in the Town of Cumberland, under a separate agreement. Representatives from the secession territory have met with the Yarmouth School Department and the two parties have signed a letter of intent to negotiate an agreement to tuition grade 6-12 students into the Yarmouth School District. Copy of the letter of intent is presented in Appendix B.

- A. **The creation of a school board, including the number of members and the process for electing them, in accordance with 20-A and 5 M.R.S.A., which can include provision for staggered terms.**

The town will elect three members to a municipal school board at the first scheduled regular town meeting held in July 2007 or at a special Town Meeting convened for this purpose. The initial board will consist of members with one, two and three year terms, respectively, beginning in July 2007.

B. The employment of a superintendent and support staff necessary to carry out the central office responsibilities of the unit. Every school administrative unit must have a school board and superintendent even if the unit does not operate a school.

The Town of Chebeague Island will enter into a contract with a superintendent and for support staff services. The Town of Chebeague Island will explore the potential to enter into inter-local agreements with the Town of Long Island or other local school districts for the purpose of sharing administrative or educational services.

C. The development of a budget for the new school administrative unit. Provide a copy of the proposed budget for the first year of operation of the new unit, with backup explanations.

The proposed educational budget for the Town of Chebeague Island is attached as Appendix C. This budget was prepared by the Finance and Education committees on Chebeague Island. This budget is based on information about island school costs provided by S.A.D. 51 and the Town of Long Island. This proposed budget will be subject to revision and approval by the future Town of Chebeague Island School Committee.

D. The plan for compliance with the recordkeeping and reporting requirements specified in Chapter 125 for all resident students, whether or not the town operates a school.

Student records: The Town of Chebeague Island municipal school board will review the current S.A.D. 51 recordkeeping and reporting policies and adopt a policy procedure in accordance with the Family Education Rights and Privacy Act (FERPA) that establishes the procedures for safeguarding the confidentiality of student records and for controlling access to records. The Town of Chebeague Island School Administrative Unit will maintain accurate, up-to-date educational records on each enrolled student. Educational records shall be defined as in FERPA and shall include academic records, disciplinary records and other information including directory information.

Roster of Resident, Tuition, and Transfer Students: The Superintendent will maintain a roster of all resident and tuition students attending Chebeague Island School and S.A.D. 51. The Superintendent will also maintain a roster of all students eligible to attend school within the unit who are receiving equivalent instruction in an approved or non-approved private school, or in an approved equivalent instruction program. The Superintendent will also maintain a roster of all-students who have been expelled by school board action, who have dropped out of the unit, who have withdrawn from the unit,

or who are truant. The Superintendent will also maintain a roster of all students who have been approved for transfer into the unit or into another unit.

- E. The provision of liability insurance coverage for the school administrative unit and other coverage as may be necessary including, but not limited to, health insurance for employees, property insurance if the unit owns property, and vehicle insurance if the unit operates a transportation system.**

Liability insurance coverage, property insurance coverage, workers' compensation coverage, and vehicle insurance coverage, for the Chebeague Island School Administrative Unit will be obtained through Maine School Management Association or an equivalent provider. Health insurance benefits shall be provided through the MEA Health Plan or an equivalent provider.

- F. The adoption of all policies and plans required by state and federal law and regulations.**

The Chebeague Island School District will adopt all required policies and the Comprehensive Education Plan that was adopted by S.A.D. 51 to the extent applicable. The Comprehensive Education Plan will be reviewed by a committee comprised of school board members, parents, citizens, staff, and during the 07-08 school year. Modifications deemed appropriate will be implemented during the 07-08 school year and beyond.

- G. The continuation of existing shared services agreements or the creation of any that may be necessary or desirable.**

The Education Committee, on behalf of the future Chebeague Island School Department is exploring inter-local agreements with neighboring communities of Long Island, Yarmouth and S.A.D. 51 for the sharing of municipal services including educational administrative and instructional services. Based on our initial discussions, there exists a strong potential to share Superintendent, Special Education and other instructional staffing services such as guidance, art, physical education, music, and technology, with the Town of Long Island. Additional opportunities for shared education services may arise as discussions of collaboration between Falmouth, Freeport, Yarmouth and MSAD-51 continue.

- H. The formation of any required joint supervisory committees pursuant to 20-A §1902.**

None required

I. The plan for transition of administration and governance to the new unit (20-A §1403.4.(11)).

After the legislation authorizing the Town of Chebeague is enacted, the Chebeague Island Secession Representatives will appoint an Education Transition Committee. This Committee will serve on an interim basis until the Chebeague Island School Board is elected in July 2007. It is anticipated that the Transition Committee will work directly with representatives from S.A.D. 51 to ensure a smooth transition from S.A.D 51 to the Chebeague Island Municipal School District in July 2007.

3. Education of Students in the First Year After Separation.

The Separation Agreement between the Town of Chebeague Island and S.A.D. 51 assumes no changes in the current school configuration. Town of Chebeague Island K-5 students eligible to attend the Chebeague Island School will continue at this school, and students in grades 6-12 will continue to attend Greely Middle School and Greely High School. The secession representatives have negotiated a seven year tuition agreement with S.A.D. 51, the terms of which are incorporated in the secession legislation.

A. Specify where students in the new town will attend school during the first year after secession.

As outlined in the secession legislation, agreed upon by S.A.D. 51, Town of Chebeague Island K-5 students eligible to attend the Chebeague Island School will continue at this school, and students in grades 6-12 will continue to attend Greely Middle School and Greely High School.

B. Specify the method for determining the cost of tuition for the first year after secession.

The cost of tuition to S.A.D. 51 for grades 6-12 for a seven year period (July 2007 through July 2014) is included in a portion of the lump sum payment as per the Separation Agreement attached in Appendix A. In other words, the Town of Chebeague Island will have prepaid the tuition for the education of all eligible middle and high school students for a seven year period.

C. Provide copies of the minutes of District Board meetings that document agreement with this item.

See Appendix A

4. Ongoing Education of Students.

The plan shall specify how the new town plans to provide for the education of resident students on an ongoing basis.

A. Provide a five-year projection of resident students for the town in grades K-12, even if the town does not propose to operate schools for all grades K-12.

See Appendix D

B. Describe any school to be operated by the withdrawing town (20-A §1403.4.(1)).

1) All schools must meet the requirements of Basic School Approval in accordance with Me. Dept of Ed. Reg Chapter 125, "Regulations Governing Basic School Approval," and Chapter 127, "Instructional Requirements and Graduation Standards." The Agreement shall describe how these requirements will be met.

The Town of Chebeague Island will operate the Chebeague Island School as a K-5 Elementary School in compliance with Maine Department of Education Regulations Chapter 125 and 127.

2) Specify the grades that will be offered in any school operated by the withdrawing town.

The Town of Chebeague Island will operate as a K-5 school, which will continue to offer educational services for grades K-5.

3) Specify how many students will be attending school in the withdrawing town, of the total number included on the projection.

We anticipate that 100% of the K-5 students in the Town of Chebeague Island will be attending school in the Town of Chebeague Island. According to the most recent projections, Chebeague Island is predicted to have 20 students, K-5, in 2007.

4) Describe the staffing plan for this school, including instruction in all required Content Areas of the system of Learning Results, special education, technology, library media services, guidance services, school nurse, school administration, and any other programs the withdrawing town plans to implement.

Consistent with applicable statutes, the Chebeague Island Municipal School District will have faculty and staff in place at Chebeague Island School for the beginning of the 2007-08 school year. The following specific personnel are planned:

- Two classroom teachers for grades K-5. One for the grade K-2 classroom and one for the grade 3-5 classroom.

- Special education services will be provided based on identified needs. The supervision of special education will be reviewed by the Transition Committee, with the goal of entering an interlocal agreement. It is anticipated that these services may be shared with Long Island School District.

- Guidance services will be provided for the equivalent of 0.5 days per week and more in special circumstances. It is anticipated that these services may be shared with Long Island School District.

- School nurse services will be provided by the State of Maine public health nurse on an as needed ' basis. It is anticipated that these services may be shared with Long Island School District.

- The Chebeague Island School will have either a superintendent-principal or a full time teaching-principal, and a part-time school secretary. The principal will also assume the bulk of responsibility of the curriculum and local assessment development.

- Chebeague Island School will provide art instruction the equivalent of 0.5 days per week. It is anticipated that these services may be shared with Long Island School District.

- Chebeague Island School will provide physical education services 0.5 days per week. We anticipate that these services may be shared with Long Island School District.

5) Describe the process by which staff assignments will be made.

The acting Superintendent/principal will bring forward names of professional staff members to the Chebeague Island School Board for review and approval of staff assignments.

6) Describe the plan for providing instructional programs. For example, will each grade be self-contained or will there be multiple grades in one classroom? Will middle school classes be taught by content specialists or will each teacher teach multiple subjects?

There will be two classroom teachers for grades K-5 at the Chebeague Island School: one for the grade K-2 classroom and one for the grade 3-5 classroom.

7) Specify whether school nutrition programs will be provided, and, if so, describe how they will be provided.

Chebeague Island School has a full service kitchen and will provide a lunch program that will meet federal guidelines and qualify for federal subsidy.

C. For any grades not covered by a school operated by the withdrawing town, describe tuition arrangements (20-A §1403.4.(1)).

1) Specify the school(s) that tuition students will attend.

Chebeague Island students in grades 6-12 will continue to attend S.A.D. 51 under the terms and conditions agreed upon by secession representatives and S.A.D. 51. The legislation contemplates that the parties will enter into a contract, and the Transition Committee will begin discussions with S.A.D. 51 with a view to developing this contract. The primary contractual terms (tuition and duration of contract) have already been agreed upon and are included in the legislation. In addition, the Chebeague Island Municipal School District may enter into an agreement to tuition students in grades 6-12 into Yarmouth School District. . See Appendix A and B.

2) Attach minutes of meetings of the school boards of the public schools (or trustees of the private schools) that will receive tuition students indicating motions made and votes taken related to this.

See Appendix A and B: the Separation agreement and legislation.

3) Specify the amount of any tuition to be paid for each student

See Appendix A and B: the Separation agreement and legislation.

D. Each school administrative unit shall meet federal requirements for students residing in the town. Specify the commitment of the town to comply with the following requirements, including the management of federal funds received for these purposes, and describe the plan for doing so:

1) Special education of students identified under special education (IDEA) or chapter 504 of the Rehabilitation Act;

The Town of Chebeague Island will conduct yearly Child Find Procedures, Reg. 300.125, to ensure all children residing within its jurisdiction who are disabled are identified, located, and evaluated, to include a method of determining which

children currently receive such services and which ones need to receive special education and related services.

The Town of Chebeague Island will provide each child that is identified as requiring special education and related services with an Individualized Educational Program, Reg. 300.128, which will be reviewed at least annually. The child may be provided with a Section 504 Plan under the Rehabilitation Act if the team determines the appropriate criterion has been met.

The Town of Chebeague Island will insure confidentiality of personally identifiable information is maintained, pursuant to Reg. 300.127.

The Town of Chebeague Island will create specific goals and objectives in regards to the implementation of the Maine Learning Results. A plan of action, with a timeline, will be outlined pertaining to how the proposed program goals and objectives will be implemented, i.e. staff training in curriculum design and assessment or knowledge of special education. This plan will include personnel and consultants, along with a description of the nature of their effort. This plan will also include level of parental involvement as well as procedures for dissemination of project activities and results. Evaluation procedures by which the results of the program will be evaluated as well as plans for continuation of this program will also be included.

The Town of Chebeague Island will communicate with private schools that are out-of-unit, but Chebeague students are attending, to indicate and identify how the school unit is involved with the private school where the student is in attendance.

The Town of Chebeague Island will maintain required policies, procedures, and assurances, including:-

- Reg. 300.123 Full Educational Opportunity Goal
- Reg. 300.126 Evaluation and Eligibility Determination
- Reg. 300.129 Procedural Safeguards
- Reg. 300.152 Prohibition Against Commingling
- Reg. 300.184 Excess Cost
- Reg. 300.221 Implementation of CSPD
- Reg. 300.230 Use of Amounts
- Reg. 300.240 Information for SEA
- Reg. 300.242 Public Information

2) Vocational education for high school students; and

The Town of Chebeague will provide vocational education to our students who request it in grades 9-12 as part of the tuition agreement with S.A.D. 51. Students will attend PATHS.

3) Educational and reporting requirements of the No Child Left Behind Act.

The administration and staff of Chebeague Island School will compile necessary data regarding the status of NCLB initiatives in areas of student assessment, program development, and program evaluation. The Superintendent will file required NCLB documentation and supervise the dispensation of NCLB funds on behalf of Chebeague Island School and direct the initiatives targeting student achievement of state NCLB goals.

- E. Describe how any other schools in the district will be affected by the separation (20-A §1403.4.(1)). Specifically, describe the impact of separation on the district's compliance with Basic School Approval requirements in accordance with Me. Dept of Ed. Reg Ch 125.**

The separation of Chebeague Island will result in the formation of an individual municipal island school unit. We anticipate there will be sharing of services between multiple school districts following separation. The separation will not have any direct effect on any of the other S.A.D. 51 schools. Chebeague Island students will continue to attend S.A.D. 51 middle and high schools.

- F. Describe any additional programs that will be offered at the discretion of the town, such as adult education programs for residents of the town.**

On-island Adult Education services will continue to be provided by the Chebeague Island Recreation Center.

5. Transportation Services.

Describe how transportation services will be provided (20-A §1403.4.(4)).

- A. If the withdrawing town proposes to contract for transportation services, describe the plan to secure a transportation contractor including timeframes, or, if the withdrawing town plans to contract with the District for transportation of students, specify this and provide a copy of the minutes of the District Board meeting that documents agreement with this plan.**

Mainland transportation services will be provided by S.A.D. 51 as per the Separation Agreement and legislation. The Chebeague Island Municipal School District will be contracting ferry transportation services with the Chebeague Transportation Company for staff and student transport.

- B. If the withdrawing town will operate a transportation system, describe the plan for the transportation system including the number of buses needed and how they will be acquired, the number of drivers needed, and the plan for maintenance and operations.**

Effective July 1, 2007, S.A.D. 51 shall transfer to the Town of Chebeague Island the existing island school bus, a 28-passenger Thomas bus, with wheelchair lift built in 2000.

The Chebeague Island Municipal School Department will operate its own transportation system. The island bus will be placed into full time service on the island along with one driver. The Town of Chebeague Island will be responsible for maintaining the school bus.

The Town of Chebeague Island will enter into a contract for ferry service to transport students from the Island to the mainland on a regular basis.

C. Describe the level of transportation services that will be provided for:

1) Elementary students between designated bus stops and school (required);

All Chebeague Island residents attending the Chebeague Island School will have the opportunity to travel to and from school on municipally owned buses at the same stops currently being utilized by S.A.D. 51. Most of these stops are at the homes of the students or at designated stops at the end of a long side road or driveway.

2) Middle School and High school students (optional);

Consistent with the current arrangement the Chebeague Island Municipal School Department will transport Chebeague Island students from their homes on the island to the ferry. Ferry service between Chebeague Island and Yarmouth will be provided by the Chebeague Transportation Company. Mainland transportation to the middle school and high school will be provided by S.A.D. 51 as per the Aeparation Agreement and legislation.

3) Vocational education students between high school and vocational school (required);

Consistent with current practice S.A.D. 51 will provide bus transport to any high school student who chooses to participate in a State of Maine approved Vocational program.

4) Special education students and students identified under Chapter 504 of the Rehabilitation Act between home and educational program (required);

The Town of Chebeague Island understands its transportation obligations to Chebeague Island special education students and is prepared to

provide the required transportation services. Bus #, or in compliance w/ which is equipped with a wheelchair lift, will be transferred to Chebeague Island from S.A.D. 51 for use on the island.

5) Other special categories of students:

None.

6. Construction.

Specify that withdrawal will not create a need for state participation in school construction within five years of the date of withdrawal, except that school construction projects approved prior to the execution of the Withdrawal Agreement will not be affected by this (20-A §1403.4.(3)).

Chebeague Island school has the capacity to handle up to 60 students comfortably with minor modification to existing facilities. Anticipated growth rates for the town over the next five years are not expected to require additional space. Additionally, Chebeague Island School has the capacity to handle a larger number of students.

A. Obligations to Personnel: The plan shall provide for the new school administrative unit to meet obligations to personnel. Provide copies of the minutes of District Board meetings that document agreement with this item.

The Town of Chebeague Island intends to maintain staffing as outlined in item #4.B.4 above. The representatives of the Transition Committee and S.A.D. 51 will establish a subcommittee to develop a detailed plan for staffing Chebeague Island School and distribution of personnel between S.A.D. 51 and the Chebeague Island Municipal School Department. The Committee will work with S.A.D. 51 to determine staffing for the Fall of 2007. If existing staff decides to remain at the island school, the Chebeague Island Municipal School District will honor existing S.A.D. 51 contracts. The Chebeague Island School Department would then re-negotiate staff contracts once existing S.A.D 51 contracts have expired.

B. Specify how the new town and the district will meet any financial commitments to the district superintendent that extend beyond the effective date of the withdrawal. (20-A §1403.4.(7)).

There are no financial commitments to the S.A.D. 51 Superintendent that extend beyond July 1, 2007, the effective date of the separation.

C. Specify that continuing contract rights of teachers will be maintained. Specifically, that continuing contract or probationary status of any teacher will be the same in the new school administrative unit as it was in the district (20-A §1403.4.(9)).

The Chebeague Island School District will maintain and protect the continuing contract or probationary status of the S.A.D. 51 teachers employed by the Chebeague Island School District effective July 1, 2007.

D. Describe how collective bargaining agreements will be continued and assigned in the new school administrative unit, and how the continuation of representation rights will be provided (20-A §1403.4.(8)).

The Transition Committee referred to in paragraph 6.A above, will develop a plan to explore dividing local collective bargaining units between S.A.D. 51 and Chebeague Island Municipal School Department.

The Town of Chebeague Island will fulfill the contractual obligations to employees who transfer from S.A.D. 51 and who are employed by the Town of Chebeague Island after secession. The town will enter into negotiations in good faith for successor contracts.

E. Describe the handling of any labor grievances that are in process in the district.

Any pending district grievances will remain the responsibility of S.A.D. 51.

7. Distribution of Outstanding Financial Commitments.

Specify the distribution of all financial commitments extending beyond the proposed effective date (20-A §1403.4.(6)). Provide copies of the minutes of District Board meetings that document agreement with this item. This shall include, but not be limited to the following:

A. Bonds.

None.

B. Notes.

None.

C. Debt Service.

Effective July 1, 2007, Chebeague Island will assume their local share of all the S.A.D. 51 existing S.A.D. 51 debt service. As of the date of separation July 1, 2007 the Town of Chebeague Island shall assume, and pay SAD No. 51, not less than 30 days before payments become due and payable by SAD No. 51, a percentage share of principal and interest of the Assumed SAD No. 51 Debt that at the time of payment equals the ratio of the State Valuation, as determined by

the Bureau of Revenue Services pursuant to 36 M.R.S.A. § 305(1), of the Town of Chebeague Island to the combined State Valuations of the Town of Cumberland, the Town of North Yarmouth and the Town of Chebeague Island.

D. Leases or lease purchase agreements.

To the extent that the Town of Chebeague Island acquires title to S.A.D. 51 assets, the Town will assume responsibility for any outstanding leases.

E. Any matters in litigation.

As outlined in the Separation Agreement and legislation, upon the effective date of incorporation as the Town of Chebeague Island and separation from S.A.D. 51, the Town of Chebeague will not be responsible for any litigation pending against S.A.D. 51.

F. Any other contractual obligations.

N/A

8. Division of Property.

Specify how all real and all personal property will be disposed of or divided (20-A §1403.4.(10)). Provide copies of the minutes of District Board meetings that document agreement with this item. This shall include, but not be limited to the following:

As described in Separation Agreement and legislation in Appendix A: All real and personal property on the island shall become the property of Chebeague Island at the time of separation

- A. Buildings**
- B. Land, including the enforcement of any existing deed restrictions**
- C. Buses**
- D. Other Vehicles**
- E. Equipment**
- F. Supplies**
- G. Fuel**

Effective July 1, 2007, S.A.D. 51 shall transfer to Chebeague Island by quitclaim deed, bill of sale, or assignment, without recourse, the following assets:

- a. All the land and buildings at the location known as Chebeague Island School, Chebeague Island.

- b. The following existing island school bus, a 28-passenger bus with wheelchair lift built in 2000
- c. All of the personal property including, but not limited to, all equipment (including computers), furniture and fixtures, all supplies, books including teachers manuals, and computer software at the Chebeague Island School.
- d. Copies of all plans, studies, engineering and architectural drawings, plans and surveys, "as-built" plans and any other material or information relating to the Chebeague Island School including repair and maintenance records, and construction, and renovation information and plans.
- e. All maintenance records and other material or information relating to the above bus.

Chebeague Island releases effective on the date of separation all of its right, title and interest in and to all other real and personal property of S.A.D. 51.

9. Division of Monetary Assets:

Specify how monetary assets will be disposed of or divided and how the new school administrative unit will manage and distribute any such assets (20-A §1403.4.(10)). Provide copies of the minutes of District Board meetings that document agreement with this item. This shall include, but not be limited to the following:

- A. Year-end balances**
- B. Trusts, gifts, endowments or scholarships**
- C. Accounts receivable**
- D. Prepaid expenses**
- E. Investments**
- F. Uncollected insurance proceeds**
- G. Locally established retirement programs.**

As outlined in the Separation Agreement and legislation, within 6 months of the effective date of separation, Chebeague Island will pay S.A.D. 51: A total of \$3.5 million dollars as lump sum payment in full and final satisfaction of all outstanding obligations and liabilities to S.A.D. 51.

DRAFT

Chebeague Island Elementary School Education Plan

Background

Chebeague Island, the largest island in Casco Bay, supports a year round population of approximately 350 people. The island has a single store, a two room school house, and a community library and recreation center. Access to the island is by passenger ferry from Cousins Island in Yarmouth or by Casco Bay Lines from Portland. In the summer months the population of the island swells to about 1200 as many family members and long-term seasonal residents return to the island. Unlike neighboring mainland communities, the roots of the majority of Chebeague residents extend back for more than a century; over a third extend back to before the Revolutionary War.

Chebeague Island is a geographically isolated community that is socially and economically diverse. Chebeaguers live by the tides. Approximately 65 Chebeaguers hold lobster licenses, while a similar number of residents are employed on-island in boat building and maintenance, carpentry, caretaking, and other maritime-related occupations. As many as fifty people commute to the mainland daily to work or to attend institutions of higher learning.

Chebeague Island School is one of only 14 remaining island schools in Maine. There are two multi-graded classrooms at the island school: K-2 and 3-5. Currently there are about 20 students enrolled at the island elementary school. Approximately 25 students in grades 6-12 commute to mainland daily to attend Greeley Middle School and High School. The island school staff consists of two full time teachers, two ed techs, a full time cook and custodian, and a bus driver. Art, physical education and music are provided by visiting staff at about a half-day per week for the two classrooms. Guidance is provided on an as needed basis. Currently there is no on-site administrative staff, support staff or nursing staff at the Chebeague Island School.

The island school was built in 1953 and has only had minor renovations since that time. A playground is located adjacent to the school and community ballfield. The Chebeague Island Recreation Center, a community run non-profit organization, is located next store to the school. The school district leases this gym and pool facility for its physical education program at the island school. The Rec Center provides community-subsidized after school programs for school-age children on the island.

Chebeague Island has a long history of supporting the education of island children through advocacy, fundraising and the establishment of community facilities for educational enrichment such as a library, a gymnasium, and a ball field; facilities that are usually developed and funded by a town or school district. Community members regularly volunteer at the island school by helping out in the classroom, assisting with projects and providing logistical support to staff. The Chebeague Parents Association operates and subsidizes a preschool program that is open to all island children, regardless of economic circumstances. In order to sustain the viability of our year-round community, the citizens of Chebeague Island are committed to maintaining a thriving elementary school no matter how many students are enrolled and to prepare middle and high school students, who commute to the mainland, for a successful social and academic integration, so that all of our students can reach their full potential.

Challenges facing the Chebeague Island School and Community

Chebeague Island is small geographically separate community amidst two much larger communities of Cumberland and North Yarmouth in MSAD51. The island school, with its small enrollment, multi-graded classes are very dissimilar to the mainland elementary schools in MSAD51. Recently, the MSAD51 school board proposed reconfiguring of the island school as a cost saving measure; this proposal would have been devastating to the year round community. In a recent affordable housing study on Chebeague, the year round community rated uncertainties surrounding the island school as their most important concern – above taxes and other issues.

Geographic Isolation

- The small size and location significantly increase per student costs and make the island school vulnerable to closure in the larger SAD structure
- Lack of on-site administrative staff results in overall lack of continuity
- Successful academic and social transition of students to the mainland requires a long-term commitment and understanding of the unique challenges of island students
- Students face significant challenges in both time, costs and logistics participating in mainland events and extra curricula sports

Dissimilar Demographics as compared with mainland MSAD51 communities

- Many islanders are retired and live on fixed incomes. The 2000 Federal Census determined that the median household income on Chebeague was about \$31,000, while mainland Cumberland averaged about \$67,000 and North Yarmouth \$61,000.
- Due to our geographic isolation and our traditional island economy with its associated values and our rural character, we find ourselves increasingly in conflict with mainland values and decisions.

Lack of effective Representation

- The formation of MSAD51 in the 60's, resulted in the loss of a guaranteed voice on the School Board from Chebeague.
- Islanders find it difficult to participate in mainland school meetings and the budget process due to meeting schedule and the fact that they can not get home after most night meetings.
- Currently, residents of Chebeague comprise approximately 3% of the district voters and essentially have no effective voice in educational decisions in MSAD51

Our Proposed Solution

To address many of the island's concerns for its future, including education, Chebeague is proposing to secede from the Town of Cumberland. Upon secession the Town of Chebeague Island will become an individual municipal school administrative unit. This will provide for more effective management the island school and will help to ensure the survival of the year round community.

Vision of the Future

The Town of Chebeague Island is committed to providing a comprehensive education for each and every resident student. We visualize a school district . . .

- Where every student has an individualized education that provides for his/her continuous progress, grades K-12:
- Where classroom instruction in Pre-school through 5th Grade will include integrated units relevant to island students (i.e. life cycles of marine animals, physics of a boat moving through water, economics of running a fishing boat, democracy in forming and running a new town, etc.);
- Where the best methods for learning language arts and mathematics are employed, assessed, and modified to meet each student's progress and individual needs; where other subjects such as social studies and science are age-appropriate and aligned with the Maine Learning Results
- Where students do a great deal of supervised, individual independent research and report out to their teachers, classmates, and the community;

- Where the classroom for the day may be in the school building, but may also be an outdoor classroom, a museum, a research facility, a business, or some other place appropriate for what a student or students are studying;
- Where enrichment is not just a school issue but a community contribution;
- Where the benefits of technology are fully realized and used to enhance student learning and connection to the global community
- Where 6th and 7th Graders do not necessarily have to leave the island for educational instruction but, by their and their family's choice, may chose to continue to be schooled on advanced basics and with supervised, in-depth projects at the island school;
- Where students above the fifth grade have options off-island education including a primary receiving school and/or a variety of private schools with partial tuition being paid by the community; and,
- Where the Chebeague Island school district maintains a commitment to ensuring the best education possible for resident island students through their entire educational experience in pre-school through grade 12.

As part of the process of exploring secession, the Chebeague Island community has discussed what a future Chebeague Island School Department might look like. The following section outlines the community's vision of the future for education of our children:

Organization and Governance

The Chebeague Island Municipal School District is composed of one (1) elementary school housing grades Pre-school through Grade 5. The Chebeague Island School District will send resident Middle School and High School age students to a primary receiving school, most likely to either MSAD51 or Yarmouth.

The Chebeague Island School Committee will be a three member body elected by island residents with all the duties, powers, and rights of any municipal school committee. Policies and plans required by law and rule will initially be adopted from those currently in effect for SAD 51 or other island schools such as Long Island. The Chebeague Island School Committee will review and revise these in the upcoming years.

The Chebeague Island Municipal School District will assume responsibility for the Education of Chebeague Island students upon secession on July 1, 2007.

Chebeague Island Elementary School

Administration and Staffing

The administrative staff of the Chebeague Island School District will be a part-time superintendent-principal, or a teaching-principal overseen by a part-time superintendent possibly shared with other island schools. The final decision on this structure will be left to the Chebeague Island Municipal School Committee.

The Chebeague Island School District does not expect significant changes in the school enrollment. The two teachers who are currently employed at the Chebeague Island School would be continued under their current contract conditions, should they wish to continue teaching on the island, until that agreement's expiration. Prior to the expiration of that contract, the Chebeague Island School Committee would look to negotiate a new contract with those staff desiring to be represented.

Other on-site services to the Chebeague Island Elementary School will be provided by a full-time equivalent food service and custodial staff person

Academic Program

Configuration: The Chebeague Island School will remain a K-5 school. Students in Pre-school through 5th Grade will continue to be grouped, regrouped and provided with individual instruction as needed for maximum learning. Student/teacher ratios will be maintained at appropriate levels for a multi-graded classroom. Educational technicians are also employed to assist in classrooms as enrollment and educational needs dictate

Instruction: The length of the school year annually will meet the 180 day minimum state requirement with no more than five (5) of those days being used for teacher or parent conference times. The average instructional day will be no less than five hours with flexibility for special learning opportunities. A student's individual needs may provide for additional instructional time daily or yearly to ensure attainment of the Maine Learning Results as required by Maine Department of Education.

Curriculum: While part of SAD 51, the Chebeague Island School Staff has worked extensively on curriculum to meet the Maine Learning Results. The Chebeague Island Municipal School District seeks to continue this work as well as to develop Chebeague Island Elementary School into one of the highest achieving schools in the state. Toward this end, the Chebeague Island School Committee and its superintendent-principal will continually review data concerning the performance of its students K – 12.

Assessment: The Local Assessment System of the Chebeague Island Municipal School District will pattern itself after that of its primary receiving school to ensure continuity and alignment for students K – 12.

Special Services:

Special subjects, as approved by the Chebeague Island School Committee, will also be taught by part-time personnel. At this time, the following special subjects are anticipated: art, vocal music, instrumental music, health/physical education, foreign language, and computer. Library skills will continue to be taught as part of subject area work. Special offerings by islanders will be in addition to the above. We also have had discussions and anticipate working together with the other local year-round island communities to enrich our students' offerings.

The Chebeague Island already maintains a full-service library, operated as a non-profit entity, with internet access less than a half-mile from the island school. This library is open regularly for student and townspeople's use.

Middle School and High School Program

The Chebeague Island School District will send resident Middle School and High School age students to a primary receiving school, most likely to either MSAD51 or Yarmouth.

Transition to the Mainland: Transition of students from the island to mainland school is addressed by a program that recognizes the unique challenges island students face in assimilating with a mainland school. In addition, the Pre-school – Grade 5 curriculum will be coordinated with both the Maine Learning Results and the elementary curricula in the primary school district to which future sixth graders will attend

Transportation

Transportation services will be provided as they have been in the recent past:

For students in grades pre-school through 5th grade, round-trip bus service will be provided on the island from near each child's home to the school and back. For middle and high school students who choose to attend the primary contracting school, busing will be provided from near each child's home to the Stone Wharf, where the students will meet the Chebeague Transportation Company (CTC) boat at the appropriate time. Busing will also be provided from the Cousins Island Wharf to the primary contracting school, as will return trips.

The Chebeague Island School District will also have a plan to assist with transportation for 6th – 12th grade students participating in co-curricular activities at the primary contracting school on the mainland.

An emergency plan will be in place for students encountering difficult weather or other situations.

Budget

A preliminary budget has been prepared for educational services of the Town of Chebeague Island. The estimated costs for operation of the Chebeague island School Department approximately \$660,000. This budget includes the cost of running the island school, the tuitioning students to the mainland and transportation costs. We understand from the Department of Education that a future Town of Chebeague will receive a minimum subsidy under EPS. Based on our preliminary municipal budget it we are confident that Chebeague has sufficient financial resources to operate its own school department.

TAB “F”

Letter from Education Commissioner
Susan A. Gendron,
November 3, 2005



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALDACCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

November 3, 2005

Peter D. Lowe, Esq.
Brann & Isaacson
184 Maine Street
P.O. Box 3070
Lewiston, ME 04243-3070

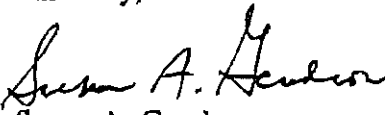
Dear Attorney Lowe:

After careful review and consultation with the Attorney General's Office it is my determination that neither the secession statute (30-A M.R.S.A. 2171 et. seq.) nor the dissolution or withdrawal from a School Administrative Unit statute (20-A M.R.S.A. 1403, 1405) specifically addresses a situation such as the proposed Chebeague Island secession from the town of Cumberland.

Legislative action in the form of a private and special bill would be required in order to simultaneously address resolutions to both the issue of secession and school governance. The Department of Education would be in support of crafting legislation which would include the educational plan as a key component of a town's secession.

Upon the successful passage of such a bill by the Maine Legislature, the Island of Chebeague would simultaneously secede from the town of Cumberland and become an individual municipal school administrative unit.

Sincerely,


Susan A. Gendron
Commissioner of Education

cc: Sarah Forster, Assistant Attorney General
Polly Frawley, School Board Chair, MSAD #51
Robert G. Hasson, Jr., Superintendent of Schools, MSAD #51
Philip H. Jordan, Jr., Chebeague Island Community Association
Linda Pistner, Chief Deputy Attorney General
Bruce W. Smith, Drummond, Woodsum & MacMahon
Carol White, Chebeague Island Community Association

TAB “G”

Island Zoning Regulations

ARTICLE XI

ZONING ORDINANCE

of the Town of Cumberland

CUMBERLAND, MAINE

Excerpted to show items specific to Chebeague Island and the Island District.

SECTION 200 ZONING DISTRICTS

Sec. 201 Zoning Map and Districts

The zoning map officially entitled "Cumberland Zoning Map" dated June 13, 1984, and amended on June 12, 1985, February 9, 1987, May 15, 1989, December 28, 1989, March 11, 1991, and December 10, 1991, January 25, 1999, and July 10, 2000 (setback overlay districts) and on file in the office of the Town Clerk and filed with the Cumberland County Registry of Deeds is hereby adopted as part of this ordinance. Regardless of the existence of other printed copies of the zoning map, the said zoning map on file and as officially adopted by the Cumberland Town Council shall be the final authority as to the location of zoning districts in the Town; provided, however, that notwithstanding said zoning map, the entire surface area of the following islands is contained within the Resource Protection district: Bangs Island, Basket Island, Little Chebeague Island, Stockman Island, Jewel Island, Little Jewel Island, West Brown Cow Island, Crow Island, Broken Cove Island, Goosenest Island, Rogues Island, Upper Green Islands, and Sand Island. The Town of Cumberland Zoning Map divides the Town into the following districts: [Amended, effective 12/10/91]

Rural Residential	(RR)
Low Density Residential	(LDR)
Medium Density Residential	(MDR)
Island Residential	(IR)
Local Business	(LB)
Highway Commercial	(HC)
Office Commercial	(OC)
Industrial	(I)
Rural Industrial	(RI) [Effective 3/11/91]
Island Business	(IB)
Mobile Home Park Overlay	(MHP) [Effective 12/28/89]
*Shoreland Zoning Overlay Districts:	

Resource Protection Overlay	(RP) [Effective 12/10/91]
Resource Protection/Floodplain Overlay	(RP/FP)[Effective10/17/94]
Limited Residential Overlay	(LR) [Effective 12/10/91]
Limited Commercial Overlay	(LC) [Effective 12/10/91]
General Development Overlay	(GD) Effective 12/10/91]
Commercial Fisheries/Maritime Activities Overlay	(CFMA)[Effective12/10/91]
Stream Protection Overlay	(SP) [Effective12/10/91]
Setback Overlay District 1	(SO1) [Effective 7/10/00]
Setback Overlay District 2	(SO2) {Effective 7/10/00}

204.4 Island Residential District (IR)

204.4.1 The following uses are permitted in the IR district:

- .1 Single family detached dwellings and duplex dwellings; [Amended, effective 5/15/89]
- .2 Agriculture
- .3 Uses related to commercial fishing, including storage and repair of traps, seines, boats and other equipment, the keeping and cooking of fish for sale at retail on the premises, and fish processing as a home occupation.
- .4 Timber Harvesting
- .5 Private Heliport Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- .6 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433. [Adopted, effective 12/13/99]
- .7 Uses and buildings accessory to those above. [Amended, effective 12/24/86]

204.4.2 The following uses are allowed as special exceptions in the IR district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home occupations;
- .2 Above ground utility lines not located in a public way;
- .3 Private kennels;
- .4 Temporary sawmill, subject to the provisions of Sec. 427;
- .5 Excavation of lands, subject to the provisions of Sec. 410;
- .6 Animal husbandry;
- .7 Municipal buildings and uses, subject to Site Plan Review;
- .8 Accessory structures of public utilities, subject to Site Plan Review;
- .9 Cemeteries, subject to Site Plan Review;
- .10 Private clubs, subject to Site Plan Review;
- .11 Religious institutions, subject to Site Plan Review;
- .12 Funeral homes, subject to Site Plan Review;
- .13 Any use permitted in Island Business (IB), subject to Site Plan Review;
- .14 Boat building, storage, or marina, subject to Site Plan Review;
- .15 Private schools, subject to Site Plan Review;
- .16 Boarding kennels, subject to Site Plan Review;
- .17 Riding stable, subject to Site Plan Review;
- .18 Professional office building, subject to Site Plan Review;
- .19 Campgrounds;
- .20 Extraction and/or bulk storage of ground water subject to the provisions of Sec. 430;

- .21 Day care centers and nursery schools, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89]
 - .22 Uses and buildings accessory to those above.
- 204.4.3 The following lot standards shall apply to all lots within the IR district except that on Great Chebeague Island they shall only apply to lots created on August 1, 1975 or later [Amended, effective 9/25/02]:
- .1 1.5 acre minimum lot size. [Amended, effective 5/15/89]
 - .2 In the case of duplex development, there shall be no less than 0.94 acres of lot area per dwelling unit. [Amended, effective 5/15/89]
 - .3 There shall be no less than 150 feet of lot frontage. [Amended, effective 8/10/98]
- 204.4.4 The following minimum setbacks are required for all structures in the IR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines, and except that on Great Chebeague Island they shall only apply to lots that are more than 1.5 acres in size or that were created on or after August 1, 1975 [Amended, effective 9/25/98]:
- .1 Front: 55 feet;
 - .2 Rear: 65 feet;
 - .3 Side: 30 feet - combined width at least 65 feet.
 - .4 Shoreland setbacks shall be as required by Section 423.
- 204.4.5 The following minimum setbacks are required for all lots in the IR district of Great Chebeague Island that are less than 1.5 acres and that were created on or before July 31, 1975, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines [Amended, effective 9/25/02]:
- .1 Front: 25 feet; [Amended, effective 9/25/02]
 - .2 Rear: 20 feet; [Amended, effective 9/25/02]
 - .3 Side: 20 feet [Amended, effective 9/25/02].
 - .4 Shoreland setbacks shall be as required by Section 423.
- 204.5 Shoreland Area Overlay Districts [Adopted, effective 12/10/91]
- 204.5.1 Resource Protection Overlay District (RP)
- 204.5.1.1 The Resource Protection Overlay District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection Overlay District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or Commercial Fisheries/Maritime Activities Overlay Districts need not be included within the Resource Protection Overlay District.
- .1 Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of June 23, 1988.

- .2 Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- .3 Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
- .4 Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

204.5.6 Commercial Fisheries/Maritime Activities Overlay District

(CFMA)

The Commercial Fisheries/Maritime Activities Overlay District includes areas where the existing predominant pattern of development is consistent with the allowed uses for the underlying zoning district and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- .1 Shelter from prevailing winds and waves.
- .2 Slope of the land within 250 feet, horizontal distance, of the normal high-water line;
- .3 Depth of the water within 150 feet, horizontal distance, of the shoreline;
- .4 Available support facilities including utilities and transportation facilities; and
- .5 Compatibility with adjacent upland uses.

204.11 Island Business District (IB)

Site plan review and approval by the Planning Board is required for all permitted uses and special exceptions, with the exception of single-family dwellings, day care homes, bed & breakfast inns with three or fewer guest bedrooms, home occupations, agriculture, and animal husbandry and uses related to commercial fishing as allowed in 204.11.1.3, below. [Amended, effective 12/13/89]

204.11.1 The following uses are permitted within the IB District:

- .1 Single family detached dwellings and duplex dwellings; [Amended, effective 5/15/89]
- .2 Retail stores;
- .3 Uses related to commercial fishing, including, but not limited to, storage and repair of boats and equipment, the keeping and cooking of fish for retail sale on the premises, and fish processing as a home occupation;
- .4 Marinas, and other facilities for building and storage of boats;
- .5 Personal services;
- .6 Private clubs;
- .7 Restaurants;
- .8 Private schools;
- .9 Municipal buildings and uses;

- .10 Religious institutions;
- .11 Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- .12 Home occupations (special exception not required notwithstanding Sec. 414); [Amended, effective 12/13/89]
- .13 Auto repair service garage; [Amended, effective 7/12/93]
- .14 Residential Care Facility; [Amended, effective 10/28/96]
- .15 Agriculture; [Amended, effective 2/13/97]
- .16 Timber harvesting; [Amended, effective 10/26/98]
- .17 Public Facility; [Amended, effective 11/13/00]
- .18 Business/professional offices; [Amended, effective 04/22/02]
- .19 Uses and buildings accessory to those above.

204.11.2 The following uses are allowed in the IB District as special exceptions, requiring the approval of the Board of Adjustment and Appeals:

- .1 Accessory structures of public utilities;
- .2 Above ground utility lines not located in a public way;
- .3 Gasoline stations, and other facilities for the retail sale and storage of petroleum products;
- .4 Funeral homes;
- .5 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; (Amended, effective 12/13/89)
- .6 Residential care facilities, (see Sec. 432, Amended, effective 10/28/96)
- .7 Animal husbandry, [Adopted, effective April 28, 1997]
- .8 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433, [Adopted, effective 12/13/99]
- .9 Uses and buildings accessory to those above.

204.11.3 The following lot standards shall apply to all lots within the IB District except that on Great Chebeague Island they shall only apply to lots created on August 1, 1975 or later [Amended, effective 09/25/02]:

- .1 1.5 acre minimum lot size for single family detached dwellings; [Amended, effective 5/15/89]
- .2 In the case of duplex development, there shall be no less than 0.94 acres of lot area per dwelling unit; [Amended, effective 5/15/89]
- .3 There shall be no less than 150 feet of lot frontage on a public right-of-way.

204.11.4 The following setbacks are required for all structures in the IB District, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines, and except that on Great Chebeague Island they shall only apply to lots that are more than 1.5 acres in size or that were created on or after August 1, 1975 [Amended, effective 09/25/02]:

- .1 Front: 55 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet.
- .4 Shoreland setbacks shall be as required by Section 423.

204.11.5 The following minimum setbacks are required for all lots in the IB district of Great Chebeague Island that are less than 1.5 acres and that were created on or before July 31, 1975, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines [Amended, effective 9/25/02]:

- .1 Front: 25 feet; [Amended, effective 9/25/02]
- .2 Rear: 20 feet; [Amended, effective 9/25/02]
- .3 Side: 20 feet [Amended, effective 9/25/02].
- .4 Shoreland setbacks shall be as required by Section 423. [Amended, effective 9/25/02]

Sec. 404 Beach Construction

Beach construction on any great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the DEP, as required by law. [Amended, effective 3/23/92]

Sec. 418 Piers and Other Uses Projecting into the Water

Piers, docks, wharves, breakwaters, causeways, marinas, bridges over twenty (20) feet in length, and other uses projecting into the water shall conform to the following requirements in addition to any Federal or State permits which may be required:

- .1 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- .2 The location shall not interfere with developed beach areas.
- .3 The facility shall be located so as to minimize adverse effects on fisheries.
- .4 The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

SECTION 500 -NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

Sec. 501 The use of any building, structure or land which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued subject to the following provisions:

501.1 Non-conforming Buildings

- .1 Repairs and Alterations: A nonconforming building or structure may be repaired, altered, improved, or reconstructed. A non-conforming building or structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure or expand the area of a non-conforming use. The number of square feet of floor area devoted to the nonconforming use may not be increased, unless the Board of Adjustment and Appeals finds that the proposed expansion of the nonconforming use will not adversely affect other property in the same district and neighborhood and that the granting of such approval by the Board

will not substantially depart from the intended purposes of this ordinance.
[Amended, effective 3/24/03]

- .2 Rebuilding: A nonconforming building or structure, damaged or destroyed by fire, explosion, or act of God may be rebuilt, provided the rebuilding is begun within twelve (12) months of the disaster. The number of square feet of floor area devoted to nonconforming use shall not be increased, unless in the opinion of the Board of Adjustment and Appeals, such increase will not be detrimental to adjacent properties.
- .3 Shoreland Areas: Notwithstanding Sections 501.1.1 and 501.1.2, expansions, relocations and reconstruction or replacement of non-conforming buildings or structures in shoreland areas are governed by the following: [Adopted, effective 12/10/91]
 - .1 Expansions: A non-conforming building or structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, provided further that:
 - .1 If any portion of a building or structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, after January 1, 1989, that portion of the building or structure shall not be expanded in floor area or volume; by thirty percent (30%) or more, during the lifetime of the building or structure without a variance from the Board of Adjustment and Appeals for a substantial expansion. A "substantial expansion" is an expansion which increases by thirty percent (30%) or more the portion thereof that is less than the required setback from the normal highwater line or upland edge of a wetland.
 - .2 Construction or enlargement of a foundation beneath the existing building or structure shall not be considered an expansion of the building or structure provided; that the building or structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified Section 501.1.3.2, Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the building or structure; and that the foundation does not cause the building or structure to be elevated by more than three (3) additional feet.
 - .3 No building or structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
 - .2 Relocation: A non-conforming building or structure may be relocated within the boundaries of the parcel on which the buildings or structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and

provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of Sate law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a building or structure be relocated in manner that causes the structure to be more non-conforming.

In determining whether the building or structure relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other buildings and structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

- .3 Reconstruction or Replacement: Any non-conforming building or structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than fifty percent (50%) of the market value of the building or structure before such damage, destruction or removal, any be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a building or structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming building or structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the building or structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.

In determining whether the building or structure reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in Section 501.1.3.2 above, the physical condition and type of foundation present, if any.

- .4 Change of Use of a Non-conforming Structure: The use of a non-conforming building or structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use. [Amended, effective 11/25/02]

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding each of the criteria listed herein and shall determine whether the proposed use has a greater adverse impact upon the public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain

management, archaeological and historic resources, and commercial fishing maritime activities, and other functionally water-dependent uses than the existing use.

.4

Non-conforming Use

- .1 Extension of Use: A nonconforming use of a building or structure shall not be extended, nor shall a nonconforming use of a part of a building or structure be extended to other parts of the building or structure unless those parts were manifestly arranged or designed for such use prior to the enactment of this Ordinance or of any amendment making such use nonconforming, provided, however, that non-conforming residential uses may be expanded within existing residential buildings or structures or with expansions of such structures that have been permitted under Section 501.1.3.1. Where a non-conforming structure is added to or expanded as permitted by Section 501.1.1 of this Ordinance, a non-conforming use may not be extended into the area of such addition or expansion. A non-conforming use of land may not be extended. [Adopted, effective 12/10/91, Amended, effective 3/24/03]

- .2 Change of Use: A nonconforming use of a building or structure or piece of land may be changed to another nonconforming use only when the Board of Adjustment and Appeals finds that the new use is not objectionable or detrimental to adjacent properties; provided, however, that a non-conforming use of a building or structure or piece of land located within the shoreland areas may be changed to another non-conforming use only upon a determination by the Board of Adjustment and Appeals that the proposed use has no greater adverse impact upon the subject and adjacent properties and resources than does the existing use, with such determination of "no greater adverse impact" to be made upon the criteria listed in Section 501.1.3.4. [Adopted, effective 12/10/91]

- .3 Abandonment: The nonconforming use of any building, structure, or piece of land, which has been abandoned shall not thereafter be resumed. A nonconforming use shall be considered abandoned:
 - .1 When it has been replaced by a conforming use;
 - .2 When it has been discontinued for a period of one year; or, upon the death of the owner when it has been discontinued for eighteen (18) months; or
 - .3 When it has been changed to another nonconforming use pursuant to the approval of the Board of Adjustment and Appeals.

TAB “H”

Island Organizations and Officers

Chebeague Island Organizations and Officers/Trustees/Board Members

(Excluding members)

1. Casco Bay Island Development Association (1 officer/trustee/board member)
2. Chebeague Care Resource (4)
3. Chebeague Island Community Association (12)
4. Chebeague Island Council (11)
5. Chebeague Island Fire Department (4)
6. Chebeague Island Grange (4)
7. Chebeague Island Hall Community Center (12)
8. Chebeague Island Historical Society (12)
9. Chebeague Island Library (17)
10. Chebeague Island Rescue (2)
11. Chebeague Island Yacht Club (4)
12. Chebeague Methodist Church (6)
13. Chebeague Parents Association (14)
14. Chebeague Recreation Center (14)
15. Chebeague Transportation Company (9)
16. Chedemption (2)
17. Cumberland Coastal Waters Commission (3)
18. Cumberland Islands Committee (14)
19. Cumberland Planning Board (1)
20. Cumberland Shellfish Commission (1)
21. Cumberland Stone Wharf Committee (12)
22. Cumberland Town Council (1)
23. Fishermen's Coop (3)
24. Great Chebeague Golf Club (3)
25. Great Chebeague Tennis Club (3)
26. Island Commons Resource Center (8)
27. Ladies Aid (12)
28. Recompense Foundation (8)
29. Save Casco Bay Inc. (7)
30. Stephen Ross Scholarship (7)

Total number of organizations: 30

Total number of officers, trustees and board members: 211

Total number of year-round Islanders involved in one or more Island organizations: 143

Total number of year-round Islanders over the age of 18: 288

Participation percentage: 50%

TAB “I”

Letter of Intent from the Town of Long Island

Town of Long Island



P. O. Box 263 Long Island, Maine 04050 207-766-5820



Herb Maine
Chebeague Island Community Association
250 North Road
Chebeague Island, Maine

2/21/2006

Dear Herb,

This Letter of Intent is made by the Long Island Selectmen on behalf of the Town of Long Island, Maine.

Over the past year we have been invited to attend several meetings on Chebeague and speak about how the Town of Long Island operates and how the successful transition to an independent municipality was accomplished. Members of the Chebeague Island Community Association have also visited Long Island several times to see things first hand. In these meetings and other conversations Chebeague Community Association members have approached us regarding potential inter local agreements in order to share resources and services.

We recognize that the Chebeague community faces many of the same challenges as the Town of Long Island and that both communities could benefit from cooperating on issues such as transportation, public safety, education and other municipal services. We also understand how being an island community creates its own unique aspects for these issues.

In response to your request for further discussion and exploration of inter local agreements, the Board of Selectmen of the Town of Long Island would be willing and able to explore such agreements and bring them before the voters of Long Island should the secession from the Town of Cumberland be successful.

Sincerely,

Ruth Peterson

Thomas MacVane

Stephen Train