SACO CITY COUNCIL MEETING
MONDAY, JANUARY 7, 2019 – 6:30 PM
CITY HALL AUDITORIUM

I. CALL TO ORDER

II. RECOGNITION OF MEMBERS PRESENT

III. PLEDGE OF ALLEGIANCE

IV. GENERAL
   A. Recognition of Dan Verle- Citizen Who Saved a Life

V. PUBLIC COMMENT

VI. CONSENT AGENDA
   A. Application for a Solid Waste Permit – Doyon’s Property
      Maintenance & Landscaping Inc.  P3
   B. Application for a Solid Waste Permit – Troiano Waste Services Inc.  P5
   C. Approval of Minutes for November 19, December 3 and December 17, 2018

VII. AGENDA
   A. (First Reading) Contract Zone - Wireless Telecommunications Facility at 644 Main Street  P10

VIII. ADMINISTRATIVE UPDATE

IX. COUNCIL DISCUSSION AND COMMENT

X. EXECUTIVE SESSION
   “Be it Ordered that the City Council enter into executive session, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6)] (C) Acquisition of Property and (A) Evaluation of Officials – City Administrator’s Contract”.

XI. REPORT FROM EXECUTIVE SESSION
   Language for this will be provided during Executive Session

XII. ADJOURNMENT

Hearing Assistance Devices are available at the back of the Auditorium.
If you are interested in addressing the Mayor and Council in the public comments session, please add your name to the roster at the back of the room.
SACO CITY COUNCIL WORKSHOP
MONDAY, JANUARY 7, 2019 – FOLLOWING COUNCIL MEETING
CITY HALL AUDITORIUM

I. CALL TO ORDER

II. PUBLIC COMMENT

III. AGENDA
   A. 90 Temple Street Update
   B. Housing Moratorium
   C. Balance of Taxes due on 841 Portland Road
   D. Removal of Mobile Home on Foss Road
   E. Discussion on Joint Meetings with School Department
   F. Review Charter Changes
   G. Discussion of Meetings and Agenda

IV. COUNCIL DISCUSSION AND COMMENT

V. ADJOURNMENT

Hearing Assistance Devices are available at the back of the Auditorium.
If you are interested in addressing the Mayor and Council in the public comments session, please add your name to the roster at the back of the room.
MEETING ITEM COMMENTARY

AGENDA ITEM: Application for a Solid Waste Permit – Doyon’s Property Maintenance & Landscaping Inc.

STAFF RESOURCE: Michele L. Hughes, City Clerk

COUNCIL RESOURCE: Councilor Micah Smart

BACKGROUND: Doyon’s Property Maintenance & Landscaping Inc. has applied for a Solid Waste Permit for a period of one year.

The applicant has paid all applicable permit fees as required by Chapter 181 – Solid Waste, Article II, Licenses §181-21.

EXHIBITS: Application

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council grant the application for a Solid Waste Permit as submitted by Doyon’s Property Maintenance & Landscaping Inc.”

“I move to approve the Order”.
CONSENT AGENDA ITEM: A
January 7, 2019

City of Saco
Application for a Solid Waste Permit

New ______ Renewal □ Non-Refundable fee of $150.00 plus $100.00 per vehicle.

Name of Concern or Individual: Dogms Pkg Maint
President, Manager or Owner: Rita A. Dogms
Address (Business): 80 Bray St, Saco ME 04072
Tel: 207-204-0739

Please describe operation: Collection of trash, transport to transfer station, transport to Mulford Recycle on Route One

Type of Waste: (all kinds) Regular, plastic, paper, bottle, cans, etc.
Amount handled: 1 or 2 loads (5 days a week)

How often

Description of the facility operated and used: Transfer station or Recycle Station

Description of Vehicle(s):
- Size: 350, Plate #: 746 548
- Equipment: 1 truck

If additional space is required for either listing of vehicles or equipment inventory please fill out on the back of this form or enclose a list separate list.

Signed: [Signature]
Owner, Manager or President

Approved: Saco City Council
Dated: ________________

Denied: ________________
Reason:

Please enclose a list of your Saco customers.

[Signature]
Garland M. Co
Industrial Park RD
Saco, ME 04072
MEETING ITEM COMMENTARY

AGENDA ITEM: Application for a Solid Waste Permit – Troiano Waste Services Inc.

STAFF RESOURCE: Michele L. Hughes, City Clerk

COUNCIL RESOURCE: Councilor Micah Smart

BACKGROUND: Troiano Waste Services Inc. has applied for a Solid Waste Permit for a period of one year. The applicant has paid all applicable permit fees as required by Chapter 181 – Solid Waste, Article II, Licenses §181-21.

EXHIBITS: Application

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council grant the application for a Solid Waste Permit as submitted by Troiano Waste Services Inc.”

“I move to approve the Order.”
**City of Saco**

**Application for a Solid Waste Permit**

<table>
<thead>
<tr>
<th>New</th>
<th>Renewal</th>
<th>Non-Refundable fee of $150.00 plus $100.00 per vehicle.</th>
</tr>
</thead>
</table>

Name of Concern or Individual: *Terryon Waste Services Inc.*

President, Manager or Owner: *Filipe Tavares*

Tel: 767-2020

Address (Business): *P.O. Box 3541 Portland ME 04104*

Please describe operation: *Collection or transport or otherwise* *Contracted Waste Collection & Hauling Company*

Type of Waste: (all kinds) *Non-Hazardous Construction Debris*

Amount handled: *Approx 50 tons per month*

How often: *1 x per week*

Description of the facility operated and used:

---

Description of Vehicle(s):

<table>
<thead>
<tr>
<th>Year</th>
<th>Make</th>
<th>Model</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Size</th>
<th>Plate #</th>
</tr>
</thead>
</table>

Equipment Inventory: *See Attached*

If additional space is required for either listing of vehicles or equipment inventory please fill out on the back of this form or enclose a list separate list.

Signed: *Dale Hodgson, Safety/Compliance Director*

Owner, Manager or President

Approved: *Saco City Council*

Denied: *Please enclose a list of your Saco customers.*
**Vehicle Listing:**

<table>
<thead>
<tr>
<th>Truck #</th>
<th>Year</th>
<th>Make</th>
<th>License Plate #</th>
</tr>
</thead>
<tbody>
<tr>
<td>217</td>
<td>2005</td>
<td>MACK-RO</td>
<td>954107</td>
</tr>
<tr>
<td>218</td>
<td>2007</td>
<td>MACK-RO</td>
<td>950768</td>
</tr>
<tr>
<td>220</td>
<td>2007</td>
<td>MACK-RO</td>
<td>955411</td>
</tr>
<tr>
<td>222</td>
<td>2011</td>
<td>KENWRTH</td>
<td>956245</td>
</tr>
<tr>
<td>608</td>
<td>2011</td>
<td>MACK</td>
<td>957931</td>
</tr>
<tr>
<td>605</td>
<td>2007</td>
<td>MACK</td>
<td>784706</td>
</tr>
<tr>
<td>607</td>
<td>2010</td>
<td>MACK</td>
<td>3A6126</td>
</tr>
</tbody>
</table>
**CONSENT AGENDA ITEM: B**

January 7, 2019

Exhibit: 1

### Customer Listing

<table>
<thead>
<tr>
<th>Cust ID</th>
<th>Old Account</th>
<th>Customer Name</th>
<th>Site ID</th>
<th>Site Address</th>
<th>Active Services?</th>
<th>Contract?</th>
<th>Customer Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>000404</td>
<td>114009</td>
<td>BILL DODGE HYUNDAI</td>
<td>0004040008</td>
<td>860 PORTLAND RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000408</td>
<td>114034</td>
<td>SACO BAY PHYSICAL THERAPY</td>
<td>0004080001</td>
<td>400 NORTH STREET SUITE #2</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000550</td>
<td>115330</td>
<td>SHED HAPPENS</td>
<td>0005500002</td>
<td>736 PORTLAND RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000661</td>
<td>116529</td>
<td>TARBOX LAND CORPORATION</td>
<td>0006610002</td>
<td>809 PORTLAND RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000697</td>
<td>117057</td>
<td>NE DELTA DENTAL</td>
<td>0006970001</td>
<td>1022 ROUTE 1</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000720</td>
<td>117310</td>
<td>SNYDER’S - LANCE INC</td>
<td>0007200002</td>
<td>57 SPRING HILL RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000729</td>
<td>117453</td>
<td>CHARTER COMMUNICATIONS</td>
<td>0007290004</td>
<td>22 INDUSTRIAL PARK RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000733</td>
<td>117519</td>
<td>WHITED FORD/STERLING</td>
<td>0007330002</td>
<td>837 PORTLAND RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000782</td>
<td>118177</td>
<td>MAINE WATER</td>
<td>0007820001</td>
<td>93 INDUSTRIAL PARK RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000821</td>
<td>118687</td>
<td>BIBEAU &amp; COMPANY INC</td>
<td>0008210001</td>
<td>6 EASTVIEW PKWY</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000859</td>
<td>118904</td>
<td>SVR-UNCLE BOBS</td>
<td>0008590001</td>
<td>6 INDUSTRIAL PARK ROAD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>000911</td>
<td>119457</td>
<td>REIN’S DEPARTMENT STORE</td>
<td>0009110001</td>
<td>SACO VALLEY SHOPPING CENTRI</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001039</td>
<td>120774</td>
<td>DOCK &amp; DOOR</td>
<td>0010390001</td>
<td>29 SPRING HILL RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001304</td>
<td>123345</td>
<td>ALLIED COOK CONSTRUCTION</td>
<td>0013040005</td>
<td>40 WATER ST</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>000416</td>
<td>123420</td>
<td>BLUE TRIANGLE CORPORATION</td>
<td>0013160001</td>
<td>216 MCKENNEY RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001442</td>
<td>124335</td>
<td>SERVPRO</td>
<td>0014420053</td>
<td>137 LEWIS AVE</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001455</td>
<td>124402</td>
<td>WASTE FOCUS</td>
<td>0014550002</td>
<td>3 OCEAN PARK RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001455</td>
<td>124402</td>
<td>WASTE FOCUS</td>
<td>0014550049</td>
<td>869 PORTLAND RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001455</td>
<td>124402</td>
<td>WASTE FOCUS</td>
<td>0014550051</td>
<td>140 LARRABEE RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001461</td>
<td>124409</td>
<td>NEMR</td>
<td>0014610007</td>
<td>75 SPRING HILL RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001522</td>
<td>124632</td>
<td>LITTLE CAESAR’S</td>
<td>0015220002</td>
<td>532 MAIN ST</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001550</td>
<td>124730</td>
<td>CORCORAN ENVIRONMENTAL</td>
<td>0015500001</td>
<td>77 INDUSTRIAL PARK RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001766</td>
<td>125755</td>
<td>FIVE SPRING HILL DRIVE LLC</td>
<td>0017660001</td>
<td>30 SPRING HILL RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>001840</td>
<td>125935</td>
<td>WASTE FOCUS</td>
<td>0018400001</td>
<td>91 INDUSTRIAL PARK RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001858</td>
<td>125985</td>
<td>CASELLA WASTE SYSTEMS</td>
<td>0018580005</td>
<td>532 MAIN ST</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001858</td>
<td>125985</td>
<td>CASELLA WASTE SYSTEMS</td>
<td>0018580067</td>
<td>4 SCAMMON ST</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001873</td>
<td>126043</td>
<td>REPUBLIC SERVICES</td>
<td>0018730003</td>
<td>775 PORTLAND RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>001873</td>
<td>126043</td>
<td>REPUBLIC SERVICES</td>
<td>0018730068</td>
<td>746 PORTLAND RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>002111</td>
<td>126995</td>
<td>POND COVE MILL WORK</td>
<td>0021110004</td>
<td>22 MILL BROOK RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>002156</td>
<td>127086</td>
<td>FRATERNAL ORDER OF EAGLES</td>
<td>0021560001</td>
<td>9 SPRING ST</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>002401</td>
<td>127707</td>
<td>PORTLAND BUILDERS</td>
<td>0024010051</td>
<td>34 SPRING HILL RD</td>
<td>No</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>002586</td>
<td>128065</td>
<td>REPUBLIC SERVICES</td>
<td>0025860010</td>
<td>72 INDUSTRIAL Park RD</td>
<td>Yes</td>
<td>No</td>
<td>Active</td>
</tr>
<tr>
<td>002612</td>
<td>128099</td>
<td>DOCK &amp; DOOR</td>
<td>0026120002</td>
<td>29 SPRING HILL RD</td>
<td>No</td>
<td>Yes</td>
<td>Active</td>
</tr>
<tr>
<td>002641</td>
<td>128138</td>
<td>GRAIVER HOMES INC</td>
<td>0026410077</td>
<td>75 BUXTON RD</td>
<td>Yes</td>
<td>Yes</td>
<td>Active</td>
</tr>
</tbody>
</table>
# CONSENT AGENDA ITEM: B

January 7, 2019
Exhibit: 1

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Site Name</th>
<th>Address</th>
<th>Active</th>
</tr>
</thead>
<tbody>
<tr>
<td>002742</td>
<td>TARBOX CONSTRUCTION</td>
<td>809 US ROUTE 1</td>
<td>Yes</td>
</tr>
<tr>
<td>002892</td>
<td>THE DUMPSTER DEPOT</td>
<td>891 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>002928</td>
<td>SEACOAST FLOORING</td>
<td>644 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>008936</td>
<td>ROBERT PAGANO</td>
<td>425 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>008969</td>
<td>GLEN ARNOLD</td>
<td>118 BOOM RD</td>
<td>No</td>
</tr>
<tr>
<td>008969</td>
<td>GLEN ARNOLD</td>
<td>4 DOODY BARN RD</td>
<td>Yes</td>
</tr>
<tr>
<td>009146</td>
<td>MCDONALD’S</td>
<td>524 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>009255</td>
<td>CLASSIC SOFT TRIM</td>
<td>778 PORTLAND RD #103</td>
<td>No</td>
</tr>
<tr>
<td>009612</td>
<td>CAPE SEAFOOD</td>
<td>84 INDUSTRIAL PARK RD</td>
<td>Yes</td>
</tr>
<tr>
<td>009612</td>
<td>CAPE SEAFOOD</td>
<td>84 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>009634</td>
<td>RUBICON</td>
<td>33 SPRING HILL RD</td>
<td>Yes</td>
</tr>
<tr>
<td>009694</td>
<td>108 FIRST STREET LLC</td>
<td>69 WINTER ST</td>
<td>No</td>
</tr>
<tr>
<td>009771</td>
<td>ZAJAC LLC</td>
<td>92 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>009771</td>
<td>ZAJAC LLC</td>
<td>95 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>009771</td>
<td>ZAJAC LLC</td>
<td>89 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>009840</td>
<td>CAPE SEAFOOD</td>
<td>84 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>009900</td>
<td>BROOKFIELD WHITE PINE HYDRO</td>
<td>119 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>010063</td>
<td>FASTVIEW MOTEL</td>
<td>924 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>010385</td>
<td>COMPLETE SOLUTIONS &amp; SOURCING</td>
<td>333 NORTH ST</td>
<td>No</td>
</tr>
<tr>
<td>010477</td>
<td>CASELLA WASTE SYSTEMS</td>
<td>4 SCAMMON ST</td>
<td>No</td>
</tr>
<tr>
<td>010578</td>
<td>RIVERROAD WASTE SOLUTIONS</td>
<td>534 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>010865</td>
<td>WIG ENTERPRISES LLC</td>
<td>75 BUXTON RD</td>
<td>Yes</td>
</tr>
<tr>
<td>010867</td>
<td>LITTLE TREASURES CHILD CARE</td>
<td>46 CLEVELAND ST</td>
<td>No</td>
</tr>
<tr>
<td>010944</td>
<td>NASCO AUTOMOTIVE MACHINE</td>
<td>28 ROSS RD</td>
<td>Yes</td>
</tr>
<tr>
<td>010966</td>
<td>AIM RECYCLING USA</td>
<td>857 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>010966</td>
<td>AIM RECYCLING USA</td>
<td>29 SPRING HILL RD</td>
<td>No</td>
</tr>
<tr>
<td>010966</td>
<td>AIM RECYCLING USA</td>
<td>47 SPRING HILL RD</td>
<td>No</td>
</tr>
<tr>
<td>011313</td>
<td>CASCO BAY STEEL</td>
<td>75 SPRING HILL RD</td>
<td>Yes</td>
</tr>
<tr>
<td>011414</td>
<td>THE VILLAGE AT PINE MEADOWS</td>
<td>994 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>011554</td>
<td>DARK HORSE EQUESTrian CENTRE</td>
<td>103 LOUDEN RD</td>
<td>No</td>
</tr>
<tr>
<td>011611</td>
<td>SACO VALLEY CREDIT UNION</td>
<td>312 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>011611</td>
<td>SACO VALLEY CREDIT UNION</td>
<td>500 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>011651</td>
<td>PORTLAND CONSTRUCTION SERV1</td>
<td>14 WILLEY RD</td>
<td>No</td>
</tr>
<tr>
<td>011877</td>
<td>SEA SALT LOBSTER</td>
<td>660 MAIN ST</td>
<td>No</td>
</tr>
<tr>
<td>011913</td>
<td>JOHN SHERMAN</td>
<td>210 BEACH ST</td>
<td>Yes</td>
</tr>
<tr>
<td>013337</td>
<td>CRM CONSTRUCTION</td>
<td>86 INDUSTRIAL PARK RD</td>
<td>No</td>
</tr>
<tr>
<td>013656</td>
<td>SMHC - PO 073936</td>
<td>13 INDUSTRIAL PARK RD</td>
<td>Yes</td>
</tr>
<tr>
<td>013670</td>
<td>WHITED FORD/STERLING</td>
<td>837 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>013694</td>
<td>SACO PARKS &amp; REC</td>
<td>75 FRANKLIN ST</td>
<td>No</td>
</tr>
<tr>
<td>013694</td>
<td>SACO PARKS &amp; REC</td>
<td>FOSS RD</td>
<td>No</td>
</tr>
<tr>
<td>014350</td>
<td>CIRRUS SYSTEMS</td>
<td>47 SPRING HILL RD</td>
<td>No</td>
</tr>
<tr>
<td>014799</td>
<td>H A MAPES</td>
<td>28 ELM ST</td>
<td>No</td>
</tr>
<tr>
<td>014968</td>
<td>BARRELED SOULS BREWING CO</td>
<td>11 MILL BROOK RD</td>
<td>No</td>
</tr>
<tr>
<td>015207</td>
<td>ANDY PICARD EXCAVATING INC</td>
<td>80 NEW COUNTY RD</td>
<td>No</td>
</tr>
<tr>
<td>015216</td>
<td>ZYACORP ENTERTAINMENT I LLC</td>
<td>779 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>015496</td>
<td>JEREMY BENN</td>
<td>761 PORTLAND RD</td>
<td>No</td>
</tr>
<tr>
<td>015578</td>
<td>HANDY MAN PRO</td>
<td>46 FLAG POND RD</td>
<td>No</td>
</tr>
<tr>
<td>015975</td>
<td>CHINBURG PROPERTIES</td>
<td>110 MAIN ST</td>
<td>Yes</td>
</tr>
<tr>
<td>016038</td>
<td>ZOLIA VERA</td>
<td>60 OLD ORCHARD RD</td>
<td>No</td>
</tr>
<tr>
<td>017085</td>
<td>CORY STAPLES</td>
<td>60 CUMBERLAND AVE</td>
<td>No</td>
</tr>
<tr>
<td>017096</td>
<td>UPS STORE</td>
<td>4 SCAMMON ST STE 19-200</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Total # of Sites: 85
AGENDA ITEM: A  
January 7, 2019

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Contract Zone – Wireless Telecommunication Facility at 644 Main Street

STAFF RESOURCE: Denise Clavette, Director of Planning and Development

COUNCIL RESOURCE: Councilor William Doyle

BACKGROUND: Applicant L&M Properties, Inc., proposes to erect a 130 foot tower on a fenced 100’X100’ portion of the property at 644 Main Street. Wireless Telecommunication Facilities are not an allowed use in the B-2b zone. The applicant hopes to lease space on the tower to multiple carriers. A contract zone (CZ) is the only option that would allow a cell tower to be built and operated in this location. There is precedent for cell towers being allowed via contract zoning; there are WCF’s on Industrial Park Road, Rte. One and Flag Pond Road. WCFs are conditional uses in the I-1 and I-3 zones (Mill Brook Business Park). Elsewhere, such facilities would be subject to contract zoning.

The applicant was approved for a CZ at this location for the construction of an identical wireless facility in May 2014. In January 2015, the applicant obtained site plan approval from the Planning Board. The applicant did not obtain necessary approvals and permits from the City within the allotted timeframe of the contract zone provisions, which nullified the contract zone.

This item was again reviewed by the Planning Board at its Oct. 16 meeting. The Board arrived at a positive finding on each of the four standards found in Sec. 230-1405 (E), and voted to forward a positive recommendation to the Council.

EXHIBITS: 1. Draft Contract Zone document  
2. Application materials  
3. Minutes, October 16, 2018 Planning Board meeting

RECOMMENDATION: Staff supports the amendment as recommended by the Planning Board.

SUGGESTED MOTION: “I move to approve the First Reading and adopt the findings in the contract zone document entitled “Contract Zone Agreement By and between L&M Properties, Inc. and the City of Saco,” dated September 23, 2018; and to schedule a Public Hearing for January 22, 2019, for the property identified as Tax map 42, Lot 9-1, as authorized by Section 1405 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8).”
THE CITY OF SACO, MAINE HEREBY ORDAINS:

I. That the zoning ordinance of the City of Saco, Maine, dated January 2, 1985 is hereby amended by adopting the proposed change in use as further described in the following contract between the City of Saco, and L & M Properties, Inc.

This contract amends the Saco Zoning Ordinance to permit the construction of a 130-foot Wireless Telecommunication Facility on a parcel abutting 644 Main Street, identified as Tax Map 42, Lot 9-1, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. L&M Properties, Inc., (the Applicant) and/or its affiliates, proposes to construct a single Wireless Telecommunication Facility in the form of a monopole tower one hundred and thirty (130) feet high on a parcel identified as Tax Map 42, Lot 9-1 (Subject Property), abutting the parcel at 644 Main Street.

2. The Subject Property has an area of 3.37 acres and is regarded by the City as a Lot of Record, having existed in its current ownership since March 2001.

3. The Subject Property is located in the Highway Business B2-B District. The Subject Property is a vacant lot of record owned by the applicant.

4. The abutting parcel, Tax Map 42, Lot 10, is owned by the same owner under a different entity name, Leon Foster, which will be encumbered by an access and utility easement as well as a restriction from development easement as determined by 105% of the Tower height or 136.5 Feet as created from the proposed tower centerline.

5. The City of Saco does not prohibit more than one principal commercial or business use from co-existing on a single conforming lot of record.

6. Wireless Telecommunication Facilities are defined by the Saco Zoning Ordinance and recognized as a conditional use in certain districts. Said Facilities are not an allowed use in the B2-B District.

8. Due to the ownership of the parcel, and its location along US Route 1 and Interstate I-195 corridor, and that there is an apparent lack of reception and coverage for receiving data via wireless devices, the Applicant believes that the proposed site is an ideal location for a Wireless Facility.
9. The Applicant thereby requests that the City of Saco establish a Contract Zone specifically and exclusively for the Subject Property in order to allow the installation, and operation of a Wireless Telecommunication Facility.

II. This Contract amends the Saco Zoning Ordinance as follows:

1. A single Wireless Telecommunication Facility, specifically a one hundred thirty foot monopole tower and supporting infrastructure, including a pre-fabricated support structure for housing the electronic and/or mechanical instrumentation, and a backup generator at the tower’s base sited within a fenced enclosure as shown on a site plan submitted by the applicant, shall be regarded as an allowed use on the Subject Property.

2. The proposed Tower location is approximately 50 feet from a property line separating the subject parcel from land owned by Leon Foster (644 Main Street parcel). Given the possibility of a Tower accident and fall, and resulting property damage and/or personal injury, the City requests, and it will be part of this agreement, that the applicant shall secure from Mr. Foster a negative, no build easement/covenant over a portion of the parcel found at 644 Main Street. The no build restrictive easement shall cover that portion of 644 Main Street that lies with a 136.5 foot radius fall zone (130 foot Tower height plus a 5% added buffer) measured out from the base of the Tower. The easement must be reviewed and approved by the City in advance; it must be binding upon Mr. Foster and his heirs, successors and assigns; it will be recorded by the City; and this condition must be met before a building permit for the Tower can be issued. The failure to deliver a satisfactory easement prior to construction shall constitute a default of this Agreement. Upon compliance with this request, Section 230-728. E. 2 of the Saco Zoning Ordinance is waived as to setbacks, including the condition that no easement exceed 30% of a Towers' height.

III. This Contract Zone is subject to the following conditions and restrictions as provided for in Section 1403 of the Saco Zoning Ordinance:

1. The Wireless Telecommunication Facility is subject to review under the provisions of Section 728, and Article 11, Site Plan Review of the Saco Zoning Ordinance,

2. Except as addressed in this Contract Zone document, the property shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance.

3. All details as shown on the final plan approved by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be “major” shall constitute a
AGENDA ITEM: A  
January 7, 2019  
Exhibit: 1

change to the contract, and then the developer shall also be required to obtain City Council approval for the changes.

4. This Contract Zone Agreement affects the parcel of land identified as Tax Map 42, lot 9-1 on the City of Saco Tax Maps. Recognition is given that the abutting parcel, identified as Tax Map 42, Lot 10, will be subject to an easement pertaining to access and a “fall-down zone,” which will be a necessary component for the project.

5. This contract and its provisions shall apply exclusively to the contract zone request submitted by L&M Properties, Inc.

6. This Document and the Contract Zone it creates shall not be transferable prior to development as proposed by the Applicant.

7. Failure of the Applicant to secure site plan approval from the Planning Board, and any and all permits or approvals that may be required by the City, or other regulatory agencies including but not limited to the Federal Aviation Administration and/or Federal Communications Commission within one year of the approval of this Contract by the City of Saco Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the Applicant, this one year deadline may be extended by one year upon written request by the Applicant.

8. Breach of these conditions and restrictions by the developer shall constitute a breach of the Contract. Said breach of the Contract shall constitute a zoning violation subject to enforcement by the City of Saco.

9. The Applicant, and its successors and assigns, shall provide the City of Saco’s Fire and Police Departments with a co-location position on the proposed tower, at no charge, along with space in the support structure or area within the fenced enclosure also at no charge for as long as the tower stands. Notwithstanding the preceding, the cost of any necessary equipment shall be borne by the City. The City’s use shall be reasonably accommodated on the tower and not unduly restricted by location or height but in no event shall its Tower location be below 110 feet.

10. The Applicant shall provide a signed statement obligating the owner of the Facility and its successors and assigns to:

   a. Respond in a timely, comprehensive manner to any request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

   b. Negotiate in good faith for shared use of the facility by the third parties, thereby agreeing not limit the number of wireless carriers utilizing the Facility to less than the carrying capacity of the Facility;
c. Allow shared use of the facility if any applicant agrees in writing to pay reasonable charges for co-location;

d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to a pro-rata share of the cost of planning the project administration, site design, construction, financing, return on equity, depreciation, and all of the costs adapting the Facility or equipment to accommodate a shared user without causing electromagnetic interference.

e. The above conditions shall not apply to the City of Saco’s use of the tower.

IV. By Vote of the Saco Planning Board on October 16, 2018 the following findings are hereby adopted:

A. Map 42, lot 9-1 possesses an unusual nature and location for the following reasons:

1. The Property in question is owned by the applicant, and is adjacent to US Route 1, and I-195 corridor. The Telecommunications industry typically seeks Wireless Telecommunications Facilities along transportation corridors, such as the Maine Turnpike and US Route 1, or areas demanding high volumes of wireless data, or internet access, such as downtown areas, Business and Commercial Districts, or such as the Northern Route 1 Business District and the edge of the Downtowns Saco District. Subject Property is well situated for the proposed use.

2. The Subject Property is unique in its location from its abutters. Abutters and/or nearby properties include the Eastern Trail, Sweetser Home, and the owner’s adjacent lot of residential rentals, and business buildings. The site also abuts residential uses and properties on Moody Street, but will be well buffered from their view.

3. The parcel is burdened with a tributary of the Goosefare Brook, which traverses the middle of the parcel making the parcel rear unlikely for development given the terrain and wetlands necessary to cross, and for that reason is limited in possible uses.

B. The proposed rezoning is consistent with the City of Saco Comprehensive Plan, based on the following Chapter 6 Land Use Policy and Goals:

-To increase the commercial tax base of the City.

-To strengthen Saco’s role as a service center for the region, including the industrial, commercial, office, health and medical, tourism and hospitality, education and retail.

-To assure that new commercial and industrial development occurs in a way that is visually and environmentally sound and That protects established residential neighborhoods.
AGENDA ITEM: A  
January 7, 2019  
Exhibit: 1

-To maintain the vitality of Downtown Saco and expand its role as a commercial, office, retail, educational and cultural, residential, and service center. To assure that the City’s public facilities are adequate to support residential and non-residential development in any areas where the City desires growth.

-To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.

-The City should also maintain the Route One Corridor from Thornton Academy north to the I-195 Spur as a commercial district recognizing the established pattern of commercial use in this area. The City should continue its efforts in this area to improve visual attractiveness, traffic flow, vehicular access, and pedestrian safety.

The installation of a Wireless Telecommunications Facility at the Subject Parcel adjacent to US Route 1 and I-195 will serve the telecommunication needs for the citizens, business owners and visitors of Saco. The location and proposed use of this site is consistent with the existing zoning for the B2-B Business district. The current zoning will allow for TV and Radio Tower facilities and broadcasting equipment as a conditional use, but not Telecommunications which is a similar use which is actually less intensive and less visually intrusive than wireless uses.

The location of the proposed facility will reduce the immediate need to locate other Wireless telecommunications Facilities between the Downtown and Northern Business Districts. The facility will not produce noise, dirt, light glare, smoke, sewerage, vibration, fumes, odor, or promote danger from fire, and will fit harmoniously in the location and will not be detrimental to the neighborhood nor will impose safety or health risks. It will have minimal visual impact to residences with the provisions of wooded buffers and will protect those neighbors which are fearful from impacts of business. The installation of the facility will provide a useful transitional buffer and promote privacy between the boundaries of the Residential and Business districts.

The immediate vicinity of the Route 1 and 1-195 Corridor will promote excellent coverage adjacent businesses, downtown areas, and customers further improving the desire for citizens, or business owners to utilize these areas for investment. The demand for cellular and wireless data services in such an area is consistent with this heavily travelled and commercially active area. The development will have no further impacts on traffic, or other public services, and will provide space for City emergency broadcasting services if so desired.

C. The proposed use is consistent with but not limited to existing uses and permitted uses allowed conditionally in the B2-B zone. Existing uses include Overhead transmission lines for Central Maine Power, retail businesses, financial institutions, professional offices, hotels and lodging. Permitted uses include Essential services, public utility buildings, Repair services, (as conditional uses Contractors, Light
industrial uses, Radio and TV Transmission towers, High Voltage Transmission lines, and outdoor recreational facilities, etc.

D. The Conditions and restrictions noted in the above are adequate to meet intent of the Saco Zoning Ordinance.

Based on the above findings, conditions, and the restrictions listed above the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference.

By signing this contract, both parties agree to abide by all the conditions and restrictions contained herein.

Adopted by the Saco City Council on ________________, 2019.

City of Saco

By: ________________________________
Its Duly Authorized: City Administrator

L & M Properties, Inc.

By: Leon M. Foster
Its Duly Authorized: President
PLANNING BOARD MEMORANDUM

To: Saco Planning Board

From: Zach Mosher, City Planner

Re: Contract Zone Review for Wireless Facility at 644 Main St

Date: October 16, 2018

I. PROPOSAL – Michael Beale, on behalf of applicant Leon Foster, is proposing a contract zone for the construction of a 130’ Wireless Telecommunications Facility (WTF) monopole tower on an undeveloped parcel. The site would be accessed from the parcel at 644 Main Street, and be installed on the parcel identified as Tax Map 42, Lot 9-1 – directly abutting 644 Main, and owned by L&M Properties, Inc. Each parcel is owned by Leon Foster, or a corporation through which Mr. Foster conducts business. The tower, or Wireless Telecommunication Facility as defined by the Zoning Ordinance, would operate within a fenced 100’ x 100’ area, much as others the Board has reviewed, and will provide for multiple carriers.

The applicant was approved for a contract zone (CZ) at this location for the construction of an identical wireless facility in May 2014. In January 2015, the applicant obtained site plan approval from the Planning Board. However, the applicant did not obtain necessary approvals and permits from the City within the allotted timeframe of the contract zone, which nullified the contract zone.

Current zoning does not allow cell towers. Cell towers are not an allowed use in the B-2b zone, though as the applicant points out, Radio or TV Transmission Towers are, as a conditional use. The company has identified the area as important to improving its coverage, and is willing to move forward with a proposed contract zone.

The draft CZ agreement is simple and straightforward, proposing only to amend Section 410-6B to allow a Wireless Telecommunication Facility on the subject property.

If the proposal succeeds with the Council, the applicant would return to the Board for site plan review and be subject to the standards found in Section 230-728.

When Sec. 728 was adopted by the Council in 2002, consideration was given to where the City zoned for cell towers. It was agreed that the Turnpike corridor made sense: Wireless Telecommunication Facilities are conditional uses in the I-1 and I-3 zones (Mill Brook Business Park). Elsewhere, such
facilities would be subject to contract zoning. Therefore, contract zoning is almost a routine route for cell tower approval in Saco.

**Determination of Completeness** – The application has been found to be complete as per Section 1403-3. A suggested motion: “I move to find the application for site plan review to be complete.”

**III. DEPARTMENT REVIEW**

- **Police Department** - No comment
- **Fire Department** – No comment
- **Public Works / Engineering Department** – No comment
- **Planning Department** – Planning is supportive of the subdivision application.

- **Code Enforcement /City Attorney** – The city attorney reviewed the contract zone on October 3rd 2018. His comments related to the fall down zone being more clearly defined as well as providing greater substance around the city’s possible use of the tower. The applicant reviewed those comments and incorporated the information into the draft contract zone application in your packet.

**IV. PLANNING BOARD ACTION** - The Planning Board is asked to review the proposed **contract zone** using Section 230-1405 of the Zoning Ordinance, and the following criteria to forward a recommendation to the City Council:

F. Recommendation. Before forwarding a recommendation on a contract zoning amendment to the City Council, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether:

[Amended 12-20-1993]

(1) The rezoning is for land with an unusual nature or location;
(2) The rezoning is consistent with the Comprehensive Plan;
(3) The rezoning is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
(4) The conditions proposed are sufficient to meet the intent of this section.

**VI. STAFF RECOMMENDATION** – If the Planning Board is agreeable to the contract zone, a suggested motion:
A suggested motion: “I move that the Planning Board forward a positive (negative) recommendation to the City Council for a proposed contract zone that would allow a Wireless Telecommunication Facility to be installed and operate on the parcel at 642 and 644 Main Street.”

Zach Mosher
City Planner
September 5, 2018

Mr. Zach Mosher
Planner
Saco City Hall
300 Main Street
Saco, ME  04072

RE:   Application - Wireless Telecommunication Facility

    Tax Map 42, Lot 9-1

Dear Mr. Mosher:

Sebago Technics delivered the plan set on or about August 29, 2018, for a renewal of the site plan for the proposed monopole tower at 642 Main Street (formerly named 0 Portland Road) abutting 644 Main Street, both properties owned by Leon Foster.

I emailed the application for site plan review on August 3, 2018.

A check for $375.00 will be sent to your office from Leon Foster’s Florida home by tomorrow.

I look forward to the hearing on September 18.

Please call me should you have any questions.

Thank you.

Regards,

Michael Rogers
Agent for Leon Foster
207.318.9984
michael@realtyadvisers.us

c: L. Foster
KNOW ALL MEN BY THESE PRESENCES, THAT, OCSAP LTD., a Maine corporation, having its principal place of business at 71 Railroad Avenue, Dexter, Maine 04930, for consideration paid, does hereby grant to L & M Properties, Inc., a Maine corporation, having a mailing address of P.O. Box 1036, Saco, ME 04072, with warranty covenants, a certain lot or parcel of land with the buildings thereon situated in Saco, in the County of York, and State of Maine, as more particularly described in Schedule A attached hereto.

IN WITNESS WHEREOF, OCSAP LTD. has caused this instrument to be signed by John B. Emory, its Vice President, this 5th day of March, 2001.

Witness:

[Signature]

OCSAP LTD
By [Signature]

John B. Emory
Its Vice President

State of Maine
Penobscot, ss.

March 5, 2001

Then personally appeared the above named John B. Emory, Vice President of OCSAP LTD. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

[Signature]

Attorney at law/ Notary Public

STEPHEN O. LEWIS
Notary Public, Maine
My Commission Expires March 22, 2008
SCHEDULE A

Beginning at a point, and an iron pin to be set, which point is two hundred eighty-five feet (285') from the northwesterly sideline of U.S. Route 1 at the northeasterly corner of land now or formerly of Harold M. Snow and Jacqueline M. Snow and the northwesterly corner of land now or formerly of George E. Brickates, thence N37° 29' 12" W along the northeasterly line of land now or formerly of said Snow, Donald A. Hale, Ronald J. Wrobel and Rena M. Wrobel, Roger R. Gagne and Shirley R. Gagne, six hundred feet (600'), more or less, to a brook separating said premises from land formerly of Gertrude A. Pinkham and Helen Pinkham Johnson and now of Sweeter Corp.; thence in a northeasterly direction along said brook two hundred fifty feet (250'), more or less, to land formerly of Hill and formerly of Hurd and now or formerly of Leon M. Foster; thence S37° 27' 09" E, along the northwesterly line of said land formerly of said Hill and said Hurd and now or formerly of Foster, five hundred seventy-five feet (575'), more or less, to a point, and iron pin to be set, which point is one hundred eighty feet (180') from the northwesterly sideline of U.S. Route 1; thence in a southwesterly direction and in a straight line, two hundred fifty feet (250'), more or less, to the point of beginning.

Excepting and reserving, that part of said premises described in a deed from Theresa G. Pinkham to State of Maine, dated June 13, 1962, and recorded in York County Registry of Deeds in Book 1498, Page 131.

Excepting and reserving, about fifty-four hundred seventy-five square feet of land acquired by State of Maine and shown on a plan entitled “Right of Way Map, State Highway No. 195, Project I-195-24(4) dated April, 1978” and on file at the office of Maine Department of Transportation, Bureau of Highways, Augusta, Maine, File No. 16-205.

Being a portion of the premises conveyed from Berkshire Hathaway, Inc. to OCSAP, LTD, by deed dated November 8, 1993 and recorded in York County Registry of Deeds in Book 679, Page 229.
PROPOSED TELECOMMUNICATION TOWER

L & M PROPERTIES, LLC
650 MAIN STREET
SACO, MAINE

SITE NAME: 650 MAIN STREET TOWER
TOWER TYPE: 130' MONOPOLE
SITE ADDRESS: 650 MAIN STREET
SACO, MAINE 04072
COUNTY: YORK
LESSOR: L & M PROPERTIES, INC.
P.O. BOX 1036
SACO, MAINE 04072
MAP NO. / LOT NO.: MAP 42, LOT 9-1
DEED BOOK / PAGE: 10482/44
APPLICANT: L & M PROPERTIES, INC.
P.O. BOX 1036
SACO, MAINE 04072
CONTACT: NEW CINGULAR WIRELESS PCS, LLC DBA AT&T MOBILITY
550 COCHITUATE RD
FRAMINGHAM, MA 01701
LATITUDE: N 43.51531944
LONGITUDE: W 70.43165278
GROUND ELEVATION: 83.0 FT. (NAVD 88)
ZONING: HIGHWAY BUSINESS 2B DISTRICT
SITE SIZE (S.F. / Ac.): 2.63 ACRES WITH 10,000 SF LEASE

PROJECT SUMMARY

OVERALL SITE PLAN

SCALE: 1"=150'

SHEET INDEX

<table>
<thead>
<tr>
<th>SHEET NO.</th>
<th>DESCRIPTION</th>
<th>DATE</th>
<th>REV.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-1</td>
<td>TITLE SHEET</td>
<td>8-28-18</td>
<td>B</td>
</tr>
<tr>
<td>S-1</td>
<td>BOUNDARY/EXISTING CONDITIONS PLAN</td>
<td>8-28-18</td>
<td>B</td>
</tr>
<tr>
<td>C-1</td>
<td>OVERALL SITE AND LAYOUT PLAN</td>
<td>8-28-18</td>
<td>B</td>
</tr>
<tr>
<td>C-2</td>
<td>TOWER ELEVATION AND ANTENNA PLAN</td>
<td>8-28-18</td>
<td>B</td>
</tr>
<tr>
<td>D-1</td>
<td>CONSTRUCTION DETAILS</td>
<td>8-28-18</td>
<td>B</td>
</tr>
<tr>
<td>D-2</td>
<td>EROSION CONTROL &amp; NOTES</td>
<td>8-28-18</td>
<td>B</td>
</tr>
</tbody>
</table>
1. THE RECORD OWNER OF THE PARCEL IS L & M PROPERTIES, INC. BY DEED DATED MARCH 5, 2001 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 10482, PAGE 44.

2. THE PROPERTY IS SHOWN AS LOT 9-1 ON THE CITY OF SACO ASSESSORS MAP 42 AND IS LOCATED IN THE HIGHWAY BUSINESS 2B DISTRICT.

3. SPACE AND BULK CRITERIA FOR THE HIGHWAY BUSINESS 2B DISTRICT ARE AS FOLLOWS:

<table>
<thead>
<tr>
<th>Ordinance Actual</th>
<th>Min. Lot Area: 20,000 2.43 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Building Coverage of Lot: 50% 0.9%</td>
</tr>
<tr>
<td></td>
<td>Min. Street Frontage: 200 Feet Contract Zone</td>
</tr>
<tr>
<td></td>
<td>Min. Front Yard Setback: 75 Feet Contract Zone</td>
</tr>
<tr>
<td></td>
<td>Min. Side Yards: 20 Feet 29 Feet</td>
</tr>
<tr>
<td></td>
<td>Min. Rear Yards: 20 Feet 146 Feet</td>
</tr>
<tr>
<td></td>
<td>Max. Building Height: 35 Feet 130'</td>
</tr>
<tr>
<td></td>
<td>Telecommunications Towers: Max. Height: One Hundred Ninety (190) Feet Yard Setbacks: Minimum 105% of Tower Height. From all property lines unless secured by easement. Said easement shall not exceed 30% of overall structure height.</td>
</tr>
</tbody>
</table>

4. TOTAL AREA OF THE PARCEL IS APPROXIMATELY 2.63 ACRES. THE PROPOSED LEASE AREA IS APPROXIMATELY 10,000 SQUARE FEET.

5. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD WORK PERFORMED BY SEBAGO TECHNICS IN APRIL 2014 AND OCTOBER 2014.

6. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.

7. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD AND MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-800-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

8. A PORTION OF THE LOCUS PROPERTY LOCATED ALONG GOOSEFARE BROOK AS DEPICTED HEREON DOES FALL WITHIN A SPECIAL FLOOD HAZARD AREA A, NO BASE FLOOD ELEVATION DETERMINED, AS DELINATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF SACO, MAINE, YORK COUNTY, COMMUNITY-PANEL NUMBER 2301550043D, HAVING AN EFFECTIVE DATE OF JANUARY 5, 2006. THE PORTION OF THE LOCUS TO BE DEVELOPED FALLS WITHIN AN AREA IDENTIFIED AS AN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 2% ANNUAL CHANCE FLOODPLAIN.

9. A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE IN APRIL 2014 BY GARY M. FULLERTON, CERTIFIED SOIL SCIENTIST OF SEBAGO TECHNICS, INC. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AND REGIONAL SUPPLEMENT AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS. ALL WETLAND FLAGS WERE LOCATED USING GLOBAL POSITIONING SYSTEM (GPS) TECHNOLOGY. ALL GPS LOCATED POINTS HAVE A VARYING DEGREE OF ACCURACY AND MAY NOT REPRESENT THE ACTUAL FIELD LOCATION. THEREFORE, ALL WETLAND FLAGS WITHIN THE DEVELOPMENT AREA MUST BE SURVEY LOCATED PRIOR TO ENGINEERING DESIGN OR ACCURATE LOCATION.

10. ALL STOCKPILES OF SOIL OR AGGREGATE MATERIALS ON SITE SHALL BE PROTECTED WITH SILT BARRIERS DURING CONSTRUCTION.

GENERAL NOTES:
1. REQUEST A WAIVER TO PROVIDE A LANDSCAPE PLAN, SECTION 1104.09
2. REQUEST A WAIVER TO PROVIDE A HYDROGEOLOGIC ASSESSMENT, SECTION 1104.16
3. REQUEST A WAIVER TO PROVIDE A LIGHTING PLAN, SECTION 1104.18

WAIVER REQUEST:
1. request a waiver to require a landscape plan, section 1104.09
2. request a waiver to require a hydrogeologic assessment, section 1104.16
3. request a waiver to require a lighting plan, section 1104.18

APPROVAL:
CITY OF SACO PLANNING BOARD

OVERALL SITE AND LAYOUT PLAN FOR TELECOMMUNICATIONS TOWER
U.S. ROUTE 1
SACO, MAINE

DATE: 10-10-14
PROJECT NO. JRS/CLBELECTRONIC SAP14009
SCALE 1 INCH = 200' FT.
CLIENT: SEBAGO TECHNICS, INC.
LOCATIONS: SACO, ME
207-200-2100

This plan shall not be modified without written permission from Sebago Technics, Inc. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Sebago Technics, Inc.

DATE: STATUS: REV. BY:
C-1
AS SHOWN 10-10-14
OVERALL SITE AND LAYOUT PLAN
FOR:
TELECOMMUNICATIONS TOWER
650 MAIN STREET
SACO, MAINE
U.S. ROUTE 112-2-14A JRS SUBMIT SITE PLAN APPLICATION TO CITY

M & M PROPERTIES, INC. BY DEED DATED MARCH 5, 2001 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 10482, PAGE 44.

THE PROPERTY IS SHOWN AS LOT 9-1 ON THE CITY OF SACO ASSESSORS MAP 42 AND IS LOCATED IN THE HIGHWAY BUSINESS 2B DISTRICT.

SPACE AND BULK CRITERIA FOR THE HIGHWAY BUSINESS 2B DISTRICT ARE AS FOLLOWS:

<table>
<thead>
<tr>
<th>Ordinance Actual</th>
<th>Min. Lot Area: 20,000 2.43 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Building Coverage of Lot: 50% 0.9%</td>
</tr>
<tr>
<td></td>
<td>Min. Street Frontage: 200 Feet Contract Zone</td>
</tr>
<tr>
<td></td>
<td>Min. Front Yard Setback: 75 Feet Contract Zone</td>
</tr>
<tr>
<td></td>
<td>Min. Side Yards: 20 Feet 29 Feet</td>
</tr>
<tr>
<td></td>
<td>Min. Rear Yards: 20 Feet 146 Feet</td>
</tr>
<tr>
<td></td>
<td>Max. Building Height: 35 Feet 130'</td>
</tr>
<tr>
<td></td>
<td>Telecommunications Towers: Max. Height: One Hundred Ninety (190) Feet Yard Setbacks: Minimum 105% of Tower Height. From all property lines unless secured by easement. Said easement shall not exceed 30% of overall structure height.</td>
</tr>
</tbody>
</table>

TOTAL AREA OF THE PARCEL IS APPROXIMATELY 2.63 ACRES. THE PROPOSED LEASE AREA IS APPROXIMATELY 10,000 SQUARE FEET.

BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD WORK PERFORMED BY SEBAGO TECHNICS IN APRIL 2014 AND OCTOBER 2014.

PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.

UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD AND MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-800-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

A PORTION OF THE LOCUS PROPERTY LOCATED ALONG GOOSEFARE BROOK AS DEPICTED HEREON DOES FALL WITHIN A SPECIAL FLOOD HAZARD AREA A, NO BASE FLOOD ELEVATION DETERMINED, AS DELINATED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF SACO, MAINE, YORK COUNTY, COMMUNITY-PANEL NUMBER 2301550043D, HAVING AN EFFECTIVE DATE OF JANUARY 5, 2006. THE PORTION OF THE LOCUS TO BE DEVELOPED FALLS WITHIN AN AREA IDENTIFIED AS AN UNSHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 2% ANNUAL CHANCE FLOODPLAIN.

A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE IN APRIL 2014 BY GARY M. FULLERTON, CERTIFIED SOIL SCIENTIST OF SEBAGO TECHNICS, INC. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AND REGIONAL SUPPLEMENT AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS. ALL WETLAND FLAGS WERE LOCATED USING GLOBAL POSITIONING SYSTEM (GPS) TECHNOLOGY. ALL GPS LOCATED POINTS HAVE A VARYING DEGREE OF ACCURACY AND MAY NOT REPRESENT THE ACTUAL FIELD LOCATION. THEREFORE, ALL WETLAND FLAGS WITHIN THE DEVELOPMENT AREA MUST BE SURVEY LOCATED PRIOR TO ENGINEERING DESIGN OR ACCURATE LOCATION.

ALL STOCKPILES OF SOIL OR AGGREGATE MATERIALS ON SITE SHALL BE PROTECTED WITH SILT BARRIERS DURING CONSTRUCTION.
NOTE:
1. TOWER ELEVATION SHOWN FOR REFERENCE ONLY. CONTRACTOR SHALL REFER TO TOWER MANUFACTURER DRAWINGS AND OWNER INFORMATION FOR EXISTING ANTENNA AND EQUIPMENT LOCATIONS AND LOADINGS, AND SHALL REFER TO STRUCTURAL RECOMMENDATIONS PROVIDED BY OTHERS FOR MOUNTING INSTALLATION FOR PROPOSED WIRELESS ANTENNA AND ASSOCIATED EQUIPMENT.

2. THE CITY OF SACO PUBLIC SAFETY DEPARTMENTS WILL HAVE RESERVED A LOCATION ON THE TOP OF THE TOWER TO INSTALL ANTENNA EQUIPMENT AND WILL BE PROVIDED GROUND SPACE TO PROCURE EQUIPMENT AS REQUIRED UNDER SECTION 728.A.6 OF THE LAND USE ORDINANCE FOR WIRELESS TELECOMMUNICATION FACILITIES. THE CITY SHALL BE RESPONSIBLE FOR DESIGN AND INSTALLATION OF ALL APPARATUS ON THE TOWER OR WITHIN THE TOWER FACILITIES.

NOTES:
1. THE PLAN IS PROVIDED FOR PERMITTING ONLY. A LICENSED STRUCTURAL ENGINEER SHALL PROVIDE STIFFENED AND BRAVED PLANS MEETING ALL APPLICABLE BUILDING CODES.

2. THE 130' MONOPOLE SHALL BE CONSTRUCTED TO THE TIA/EIA-222-G STANDARDS FOLLOWING THE CATEGORY 1 STRUCTURE STANDARDS.

3. THE MONOPOLE SHALL BE DESIGNED TO MEET A WIND SPEED OF 100 MPH AND WINTER ICE CONDITIONS OF 0.50 INCHES OF RADIAL ICE WITH 40 MPH WIND SPEED.

4. THE MONOPOLE SHALL BE MADE WITH GALVANIZED STEEL.

5. THE MONOPOLE SHALL BE COVERED WITH GALVANIZED STEEL.

6. THE TOWER ELEVATION SHALL BE COVERED IN THE TOWER ELEVATION SHOWN FOR REFERENCE ONLY.
GENDA ITEM: A
January 7, 2019
Exhibit Item: 2

RIGHT-OF-WAY
SLOPES
PAVED AREAS
UNPAVED AREAS
50' MIN.
FINISH GRADE
8" MIN.
GROUNDING LEGEND

LOAM AND SEED

SECTION B

PAVEMENT BUILDUP
AS REQUIRED

NOTES:

SEDIMENT ONTO

2. LENGTH- AS SHOWN ON PLANS, MIN. 50 FEET.

3. LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.

1. ALL DETAILS SHOWN FOR SCHEMATIC ONLY. ACTUAL GROUNDING INSTALLATION AND SYSTEM DUE TO SITE SOIL CONDITIONS.

5. GROUND SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS.

8. ALL UNDERGROUND GROUNDING CONNECTORS ARE TO BE CADWELDED. ABOVE GRADE GROUNDING SHALL BE EITHER CADWELDED OR MECHANICAL AS SPECIFIED ON DRAWINGS.

9. ALL GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.

4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.

6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

3. ALL EXTERIOR GROUNDING AND TOP OF GROUNDING RODS SHALL BE BURIED TO A MINIMUM DEPTH OF 4.5 FEET BELOW FINISH GRADE, WITH THE EXCEPTION OF THE 12" Ø PVC PIPE BEDDING.

2. FLOW DIRECTION JOINTS TO HAVE UPPER END OF LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.

1. ALL DETAILS SHOWN FOR SCHEMATIC ONLY. ACTUAL GROUNDING INSTALLATION AND SYSTEM DUE TO SITE SOIL CONDITIONS.

5. GROUND SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS.

8. ALL UNDERGROUND GROUNDING CONNECTORS ARE TO BE CADWELDED. ABOVE GRADE GROUNDING SHALL BE EITHER CADWELDED OR MECHANICAL AS SPECIFIED ON DRAWINGS.

9. ALL GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.

4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.

6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

3. ALL EXTERIOR GROUNDING AND TOP OF GROUNDING RODS SHALL BE BURIED TO A MINIMUM DEPTH OF 4.5 FEET BELOW FINISH GRADE, WITH THE EXCEPTION OF THE 12" Ø PVC PIPE BEDDING.

2. FLOW DIRECTION JOINTS TO HAVE UPPER END OF LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.  8-28-18

2. LENGTH- AS SHOWN ON PLANS, MIN. 50 FEET.

3. LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.  8-28-18

1. ALL DETAILS SHOWN FOR SCHEMATIC ONLY. ACTUAL GROUNDING INSTALLATION AND SYSTEM DUE TO SITE SOIL CONDITIONS.

5. GROUND SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS.

8. ALL UNDERGROUND GROUNDING CONNECTORS ARE TO BE CADWELDED. ABOVE GRADE GROUNDING SHALL BE EITHER CADWELDED OR MECHANICAL AS SPECIFIED ON DRAWINGS.

9. ALL GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.

4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.

6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

3. ALL EXTERIOR GROUNDING AND TOP OF GROUNDING RODS SHALL BE BURIED TO A MINIMUM DEPTH OF 4.5 FEET BELOW FINISH GRADE, WITH THE EXCEPTION OF THE 12" Ø PVC PIPE BEDDING.

2. FLOW DIRECTION JOINTS TO HAVE UPPER END OF LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.  8-28-18

1. ALL DETAILS SHOWN FOR SCHEMATIC ONLY. ACTUAL GROUNDING INSTALLATION AND SYSTEM DUE TO SITE SOIL CONDITIONS.

5. GROUND SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS.

8. ALL UNDERGROUND GROUNDING CONNECTORS ARE TO BE CADWELDED. ABOVE GRADE GROUNDING SHALL BE EITHER CADWELDED OR MECHANICAL AS SPECIFIED ON DRAWINGS.

9. ALL GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.

4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.

6. BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

3. ALL EXTERIOR GROUNDING AND TOP OF GROUNDING RODS SHALL BE BURIED TO A MINIMUM DEPTH OF 4.5 FEET BELOW FINISH GRADE, WITH THE EXCEPTION OF THE 12" Ø PVC PIPE BEDDING.

2. FLOW DIRECTION JOINTS TO HAVE UPPER END OF LATERAL JOINTS TO HAVE 4" OVERLAP OF STRIPS.

4. STAPLE OUTSIDE LATERAL EDGE 2" ON CENTER.

5. WIRE STAPLES TO BE MIN #11 WIRE 6" LONG AND 1-1/2" WIDE.  8-28-18

1. ALL DETAILS SHOWN FOR SCHEMATIC ONLY. ACTUAL GROUNDING INSTALLATION AND SYSTEM DUE TO SITE SOIL CONDITIONS.

5. GROUND SYSTEM MUST BE TESTED AND SHALL HAVE A RESISTANCE OF 5 OHMS OR LESS.

8. ALL UNDERGROUND GROUNDING CONNECTORS ARE TO BE CADWELDED. ABOVE GRADE GROUNDING SHALL BE EITHER CADWELDED OR MECHANICAL AS SPECIFIED ON DRAWINGS.

9. ALL GROUNDS ARE TO BE INSTALLED A MINIMUM OF 2'-0" FROM SHELTER OR TOWER.
CONSTRUCTION AND POST-CONSTRUCTION PHASE

SITE IMPROVEMENTS WILL MOST LIKELY BEGIN IN SPRING 2015 DEPENDING UPON FINAL PROJECT APPROVAL. THE FOLLOWING SCHEDULE IS ANTICIPATED FOR THE CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SEDIMENT BARRIERS SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND REGULATIONS. PRODUCTS ARE ALLOWED IF AUTHORIZED BY THE PROPER LOCAL, STATE AND/OR FEDERAL REGULATING AGENCIES. HOWEVER, IT IS THE CONTRACTOR'S ULTIMATE RESPONSIBILITY TO MITIGATE DUST AND SOIL LOSS FROM THE SITE.

9. TEMPORARY VEGETATION:

2. SOIL STOCKPILES:

MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED CONSTRUCTION AND POST-CONSTRUCTION PHASE

SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:

C. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH PROPER EQUIPMENT. ROLL THE AREA TO FIRM THE SEEDBED EXCEPT ON CLAY OR SILTY SOILS OR COARSE SAND.

E. FENCING INSTALLATION. WEEK 6 - 8

THE PLACEMENT OF EROSION CONTROL MEASURES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND REGULATIONS. PRODUCTS ARE ALLOWED IF AUTHORIZED BY THE PROPER LOCAL, STATE AND/OR FEDERAL REGULATING AGENCIES. HOWEVER, IT IS THE CONTRACTOR'S ULTIMATE RESPONSIBILITY TO MITIGATE DUST AND SOIL LOSS FROM THE SITE.

THE PLACEMENT OF EROSION CONTROL MEASURES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND REGULATIONS.
WORKSHOP: 5:30PM


Natalie Burns, Esq., and Darrin Stairs, PE on behalf of applicant Mammoth Acquisitions, LLC is seeking to workshop a contract zone proposal that would result in the removal of the existing Rosa Linda’s restaurant, and construction of a new building proposed for a “Hospital and Clinic for Humans,” a permitted use in the B-2c zone. The new structure is proposed to be an urgent care facility, Convenient MD. The request for a CZ is to allow less parking spaces from the requested 52 down to 30 spaces. As well as reducing the front setback from 40ft to 15ft. Also requested is the height of the building from 35ft to 43ft. As well as more signage requested than what the ordinance states.

2. Sketch plan review of a proposed 6,000s.f. commercial building at the corner of Rt. 1 and Cascade Rd. Applicant is Nate Libby. Tax Map 62, Lot 1-2. Zoned R-3.

Walter Pelkey of BH2M Engineers LLC, on behalf of applicant Amari Holdings LLC (Mr. Nate Libby), requests feedback for a 6,000 sf retail building located at the corner of Rt 1 and Cascade Rd (Tax Map 62, Lot 1-2). The applicant proposes to construct a 6,000 sf commercial building (retail use) at the site of Evolution Gym, a 9,600 sf facility that was approved by the Planning Board in 2016. The parcel is zoned MU-3 and is also part of the Cascade Contract Zone. Retail uses are permitted in this contract zone.

No minutes were taken for the two workshop items. Although Board discussion of these items can be heard on the audio on the City’s website.

REGULAR MEETING
6:00 PM

Planning Board Members Present: Neil Schuster, Chair, Alyssa Bouthot, Joyce Leary Clark, Matt Provencal, Rene Ittenbach, Vice Chair; Peter Scontras; Don Girouard
AGENDA ITEM: A  
January 7, 2019  
Exhibit Item: 3

Staff Members Present:  
Joseph Laverriere, City Engineer; Zach Mosher, City Planner;  

NOTE:  
Meeting is audio recorded. These audio records will be posted on the City’s website and available for public review within one week of the meeting.

NEW BUSINESS AND PUBLIC HEARING:

1. Minutes of October 2 and October 16, 2018  
Because of the late submission of the October 2nd minutes, the Board decided to defer the review of the minutes to the next meeting.

2. Site Plan review for the construction of a Single-Family Residence at 15 Oceanside. Applicant is George and Nancy Driscoll. Tax Map 11, Lot 116-1. Zoned R-1c and Shoreland Overlay.

Don: brought to the Boards attention that he is an abutter to the Driscoll’s and had recused himself at the meeting when the Driscoll’s had applied for a contract zone just about a year ago, and he took the position as an abutter. So he asked the Board to consider whether he should participate as a Board member on this review.

Neither the Board or the applicant had any objection.

Zach Mosher:  Dow and Coulombe, on behalf of applicant Nancy Driscoll, seeks site plan approval for a contract zone approved on November 20, 2017. The project is now subject to site plan review, the focus of which is the split of a residential parcel into two parcels, with the less-developed parcel proposed as the site of a new single-family dwelling.

Longer-serving Board members will recall that the primary purpose of the approved contract zone was to reconfigure the parcel identified as Tax Map 11, Lot 116 into two buildable parcels. The Driscoll’s existing residence remains on Map 11, Lot 116. The remainder of the parcel is now identified as Map 11, Lot 116-1.

The existing Driscoll parcel (pre-contract zone) is 0.246 acre (10,743 s.f.), and as such is a conforming lot in terms of area in the R-1c district. It is also located in the Shoreland Overlay district. See the attached contract zone agreement for modifications to the lot and yard requirements that detail the area, frontage and width of each of the smaller lots resulting from the CZ-sanctioned lot split.

The proposal requires review by the Maine DEP, including a Natural Resources Protection Act (NRPA) Sand Dune permit. See attached letter from Mark Stebbins of the DEP, which also mentions the Permit by Rule application that was submitted by the applicant on July 6, 2018, for which permission was sought to remove an existing shed and patio from Lot 116-1. The Sand Dune permit has not yet been issued, and in the event that an eventual buyer may have their own ideas of an acceptable building design, the plan is for that eventual buyer to obtain the Dune permit. The draft Conditions of Approval address this requirement. The
structure is required to meet current Shoreland Zoning regulations and floodplain regulations, as the proposed structure is currently located mostly in the AO, and partly within the VE flood zones.

**DEPARTMENT REVIEW**

**Police Department** – No comment.

**Fire Department** – No comment.

**Code Enforcement** – As Dick Lambert notes, the future buyers of Lot 116-1 will dictate the final design of the new dwelling. A 20’ x 42’ footprint is shown on the plan, but if the buyers prefer something different, they will be required to return to the Board for review.

**Engineering Department / Planning Department** – Planning wanted to make sure the applicant understand whether it was allowable to park cars above the proposed subsurface wastewater location.

**Mike Coulombe, Dow & Coulombe, representing the Driscoll’s:** As part of the Contract Zone Agreement that was approved between the Driscoll’s and the City of Saco in 2017, the Driscoll's are required to apply for a site plan review to the Planning Board. This parcel is located within the R-1c and the Shoreland Zone Overlay. Per the CZA minimum lot and yard requirements were modified to accommodate the dimensions of the subject parcel. As Zach noted, this parcel is located mostly within an AO Zone on the Flood Maps, and partly within the VE Zone, therefore, the parcel will be serviced by public water and with on-site subsurface wastewater disposal system. The chamber system is designed to support the weight of vehicles parked over the system, as well as pavement. The building footprint proposed is 20ft by 42ft. The Driscoll’s intend to sell the parcel without constructing a building, and therefore will leave a final building design to the discretion of the purchaser of the parcel.

**Don:** Whoever purchases this parcel, is going to have to meet the conventional setbacks of the zoning ordinance, because the contract doesn’t make those provisions.

**Peter moved to open the public hearing, seconded by Rene, and so moved 7-0**

**Neil:** The Board received 2 emails from abutters. One from Laury Delham, and one from Dennis LeClair expressing their concerns.

**Rene moved to close the public hearing, seconded by Peter, and so moved 7-0**

**WAIVERS** – The applicant is requesting several waivers regarding site plan review as not applicable to this project due to its limited nature and scope. Specifically, the applicant is requesting waivers from the items in Sec. 230-1104: (4) (5) (6) (7) (9) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (22). Staff is supportive of these waiver requests as they are not applicable to this site plan review.

The Board discussed the waivers.
Matt: Just because the Board is waiving these items, doesn’t mean that we are waiving the requirements to DEP and Dick Lambert in the Code office.

Matt: “Move that Board grant waiver for the following items in Sec. 230-1104: (4) (5) (6) (7) (9) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20).” Seconded by Rene, and so moved 7-0

Don: “Move to approve the request from applicant Nancy Driscoll for site plan review of a proposed single-family dwelling at 15 Oceanside Drive, subject to the Conditions of Approval dated October 16, 2018” with the added condition that the septic system design of risers and covers be installed to comply with applicable FEMA zoning, seconded by Rene, and so voted 7-0.

3. Fourth Subdivision Amendment proposal for Saco Factory West. Applicant is ROTM lofts, LLC. Tax Map 37, Lot 1.

Zach Mosher: Tom Federle, on behalf of applicant ROTM Lofts, LLC, proposes a subdivision amendment that would allow Building #7 on Saco Island and only the land directly underneath (smaller building behind Run of the Mill brew pub) to be conveyed to another owner, Ryan Fitzpatrick. Existing easements for this building will not change. The property will still have easements and other benefits including allowance for overhangs or other encroachments onto the land of ROTM Lofts, the current owner of this building and Run of the Mill Brew Pub. This proposed conveyance will create an additional lot; therefore, a subdivision amendment application reviewed by the Planning Board is required. No other exterior changes are proposed.

Except for a small portion of the building used by the brew pub as a seasonal kitchen, Building 7 is currently empty. The new owner will allow the kitchen to continue operation, as the current applicant is not proposing any interior or exterior changes at this time. Any interior revisions would be proposed by the next owner. As mentioned, the request now is to just separate ownership.

Under the original redevelopment plan for the island, site plan and subdivision approvals were granted for SI Development, LLC on Saco Island on July 17, 2007. The project included perhaps 2/3 of the island: portions of Building 1, Buildings 3, 4, and 7 on the west side of the island, and a proposal for thirty condominium units on the easterly side of the island/Main Street. The DEP reviewed and approved the Site Location of Development permits for the project – one for the east side, one for the west -- the Saco River Corridor Commission also issued an approval, as did the U.S. Army Corps of Engineers.

Tom Federle, lawyer on behalf of ROTM Lofts, LLC. As Zach has mentioned, this is the 4th amendment. We are separating the ownership of Building #7 and the land underneath the building.
Nothing on the ground is changing. There are no setback requirements. There are easements around the perimeter of the building that will remain. The only thing that is changing is the ownership, which means we must create a lot, that will be conveyed into the new ownership. And by creating that new lot, means an amendment to the subdivision. No changes are being made to the plan. The only change is that the previous owner was Saco Island West, who sold it to ROTM Lofts, LLC, who in turn is selling Bldg. #7 to Ryan Fitzpatrick.

**Matt moved to open the public hearing, seconded by Alyssa, and so moved 7-0**

No comments from the public

**Matt moved to closed the public hearing, seconded by Alyssa, and so moved 7-0**

**Determination of Completeness**

Peter: “I move to find the application for the subdivision amendment complete.\textquotedbl", seconded by Matt, and so voted 7-0.

**DEPARTMENT REVIEW**

**Police Department** - No comment

**Fire Department** – No comment

**Public Works / Engineering Department** – No comment

**Code Enforcement** – Code Enforcement does not have any concerns with the amendment as proposed here.

Joyce: “I move that the Board approve the amended subdivision plan submitted by Tom Federle for the purpose of splitting Building 7 off from the remainder of Saco Island West to Ryan Fitzpatrick, based on the application submitted and on the Findings of Fact and Conditions of Approval dated July 17, 2007, and as noted below:

1) The application meets the requirements of Articles 1, and 7 of the Saco Subdivision regulations
2) The applications meets the requirements of the Conditions of Approval below (dated October 2, 2018)
3) The application recognizes that the original Conditions of Approval and Findings of Fact (July 17, 2007) remain as part of the record and in effect."

Secended by Rene, and so moved 7-0.

1. Contract Zone Review for a Wireless Telecommunications Facility (WTF) at 644 Main St. Applicant is L&M Properties. Tax Map 42, Lot 9-1. Zoned B-2B.
Zach Mosher: Michael Beale, on behalf of applicant Leon Foster, is proposing a contract zone for the construction of a 130’ Wireless Telecommunications Facility (WTF) monopole tower on an undeveloped parcel. The site would be accessed from the parcel at 644 Main Street, and be installed on the parcel identified as Tax Map 42, Lot 9-1 – directly abutting 644 Main, and owned by L&M Properties, Inc. Each parcel is owned by Leon Foster, or a corporation through which Mr. Foster conducts business. The tower, or Wireless Telecommunication Facility as defined by the Zoning Ordinance, would operate within a fenced 100’ x 100’ area, much as others the Board has reviewed, and will provide for multiple carriers.

The applicant was approved for a contract zone (CZ) at this location for the construction of an identical wireless facility in May 2014. In January 2015, the applicant obtained site plan approval from the Planning Board. However, the applicant did not obtain necessary approvals and permits from the City within the allotted timeframe of the contract zone, which nullified the contract zone.

Current zoning does not allow cell towers. Cell towers are not an allowed use in the B-2b zone, though as the applicant points out, Radio or TV Transmission Towers are, as a conditional use. The company has identified the area as important to improving its coverage, and is willing to move forward with a proposed contract zone.

The draft CZ agreement is simple and straightforward, proposing only to amend Section 410-6B to allow a Wireless Telecommunication Facility on the subject property.

If the proposal succeeds with the Council, the applicant would return to the Board for site plan review and be subject to the standards found in Section 230-728.

When Sec. 728 was adopted by the Council in 2002, consideration was given to where the City zoned for cell towers. It was agreed that the Turnpike corridor made sense: Wireless Telecommunication Facilities are conditional uses in the I-1 and I-3 zones (Mill Brook Business Park). Elsewhere, such facilities would be subject to contract zoning. Therefore, contract zoning is almost a routine route for cell tower approval in Saco.

**DEPARTMENT REVIEW:**

**Police Department** - No comment

**Fire Department** – No comment

**Public Works / Engineering Department** – No comment

**Planning Department** – Planning is supportive of the subdivision application.

**Code Enforcement / City Attorney** – The city attorney reviewed the contract zone on October 3rd 2018. His comments related to the fall down zone being more clearly defined as well as providing greater substance around the city’s possible use of the tower. The applicant reviewed those comments and incorporated the information into the draft contract zone application in your packet.
PLANNING BOARD ACTION - The Planning Board is asked to review the proposed contract zone using Section 230-1405 of the Zoning Ordinance, and the following criteria to forward a recommendation to the City Council:

F. Recommendation. Before forwarding a recommendation on a contract zoning amendment to the City Council, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether:

1. The rezoning is for land with an unusual nature or location;
2. The rezoning is consistent with the Comprehensive Plan;
3. The rezoning is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
4. The conditions proposed are sufficient to meet the intent of this section.

Michael Rogers, agent for the applicant: This property was approved for a cell tower back in 2014. The reason this did not get developed was that AT&T cut their program, and decided not to move forward. So Mr. Foster was left without a tenant. He now has a National carrier who would like to locate here, with a possible second carrier. So, Mr. Foster would like to move forward with an approval. There would be no changes to the Site plan. The current structure on the property has been locked up and should/will be demolished.

Peter: It speaks of any interruptions in frequency, but for some reason the tower gets destroyed. The tower tells me it’s just that tower. It really should say THAT TOWER OR SUBSEQUENT TOWERS should be replaced. Don: If the tower is destroyed for some reason or technology changes, The City should have the privilege of having it there. Also, should the vacant building be removed before any construction of the tower? Board decided that could be added as a condition at Site Plan review.

Don moved to open the public hearing, seconded by Peter, and so voted 7-0.

Roger Gay, City Councilor, Ward 2: asked how tall the cell tower would be? The Board answered 130’.

Alyssa moved to close the public hearing, seconded by Peter, and so voted 7-0.

Determination of Completeness – The application has been found to be complete as per Section 1403-3.

Rene: “I move to find the application for the contract zone review to be complete.”, seconded by Alyssa, and so moved 7-0

Rene: “I move that the Planning Board forward a positive recommendation to the City Council for the four criteria for the proposed contract zone that would allow a Wireless Telecommunication Facility to be installed and operate on the parcel at 642 and 644 Main Street.”, seconded by Alyssa, and so moved 7-0.
Respectfully submitted by,

Maggie Edwards
Board Secretary
MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin Sutherland, City Administrator
DATE: January 7, 2019
RE: 90 Temple Street Update

A Councilor has requested a status update on 90 Temple Street. I will give a brief history of the property for those who are unaware or need a refresher. Kelly Archer, Chair of the Historic Preservation Commission, will provide information on the fundraising efforts of the HPC and others and will share any ideas and plans that the HPC has for restoring this property.
TO: Mayor Lovell and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: December 6, 2018
RE: Consideration of a Housing Moratorium

Several Councilors have asked about having a housing moratorium put in place.

Under state statute, 30-A § 4356 requires that in order to adopt a moratorium, the Council must find that it is required, “To prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development; or Because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.”

We believe the Council is aiming for the second reason but there has to be a defined inadequacy in our present laws that, if not addressed would pose a serious public harm.

A substantial amount of housing development has (and continues to) occur in Saco which does not necessarily line up with our revised comprehensive plan, but does however, meet the current zoning. In fact, building in Saco has been running at an all-time high for the past two and a half years but we seem to be keeping pace because we’ve increased the staffing levels in code enforcement to meet those demands. We have, however, been falling behind in a couple of other initiatives such as the multi-family dwelling inspection program but that has as much to do with not being able to retain a shared position with OOB as anything else.

Permit revenues have far outpaced department expenses for several years now, so the City is reaping some financial benefit from the boom. Please note that the construction value for commercial construction is ahead of the residential construction this year. This has never happened before now. Permit statistics for this year can be found at this link: Building Permits 2018.xlsx
Administration would not be in favor of prohibiting residential growth (even in the short-term) without first having done a market analysis because from an economics standpoint, the demand still exists, and this would only further drive up home values of our current stock of housing.

With the re-zoning steering committee having its first meeting next week, a community survey release in January, and a community charrette scheduled for February 7th, we are, for all intended purposes looking to have a revised draft of the zoning ordinance for Council review and comment due in May and final document in place by July.

If the Council wants to move forward with this, regardless of Administration’s concerns and the prospect/timeline of a new zoning ordinance, a few things should to be answered: What is the inadequacy and what is the harm we are trying to prevent? Is the harm City-wide or is it within certain neighborhoods or districts? If we can define the problem, we can more easily address the need for action. For example, if the traffic on Buxton Road is the issue, do we stop or restrict development around that road? Or is it more of a problem where the population is growing so rapidly that it is outstripping the City’s present resources? If that is the problem, we can’t really apply a regional solution since this is a City-wide problem. If the Council can identify the problem, staff can more easily craft a solution.
MEMORANDUM

TO: Mayor & City Council  
FROM: Glenys Salas, Finance Director  
DATE: 1/2/2019  
RE: Writing Off Remaining Taxes on 841-853 Portland Road

As part of the sale agreement with the City of Saco, the owners of 841-853 Portland Road paid only the pro-rated portion of their annual taxes. This means that a total of $16,550.86 in taxes are still “owed” on the property. Since the property is now owned by the City of Saco, we cannot expect to collect this remaining balance. Therefore, I will be putting forward a motion to write off the remaining taxes. In the next fiscal year, no taxes will be billed on the property since it will be owned by the City.
Date: January 3, 2019  
Memo: Proposed Removal of Mobile Home Trailer at Foss Road Recreation Complex

The original purpose for the mobile home trailer stationed at the Recreation Complex at Foss Road was for equipment storage and as a possible warming hut for the skating rink. Unfortunately, there have been design and safety issues that have prevented us from using the trailer in this capacity. The mobile home isn’t a proper storage unit that fits our needs; over the last few years it has become a collection site of random storage. As a warming hut, it doesn’t meet ADA compliance because it has steps but no elevator or ramp. Additionally, there are concerns regarding the condition of the structure as demonstrated in the photos (next page).

The mobile home is an eye sore to the facility. With holes in the floor and the age of the mobile home it isn’t a structure that I feel worth keeping. The removal process has been addressed, and if approved by council to move ahead, we will get it done as soon as possible. CIA Salvage has agreed to demolish the mobile home at no cost if we permit them to take the metal. They will put the demo material into a trash bin. Pat Fox and I will work with a waste hauler to dispose of the demo or have Public Works dispose of it. We believe that one 30-yard dumpster will be all that we need. Pat and I agree that it would cost less than $1,000 to remove the structure.

Once removed, I will begin to look at cost effective units for storage, either 10X10 cold storage units similar to those on Industrial Park Road or a stick-built structure that could be divided into multiple units. These could also potentially be rented out to non-profit organizations that use the Foss Road sports complex to store their equipment. I have talked to two interested parties.

If a new storage unit is built on-site, it could be used to store Main Street benches that we remove seasonally, sports equipment that can stay at Foss Road, and turf equipment that can be used during the winter time to clean off the ice rink. With the dimensions and design we are considering, this would allow us to not only store these items, but also to create a proper warming hut that is ADA compliant for our Foss Road winter sports which include skating, cross country skiing and snow shoeing. The concrete pad is still in great shape, and there is already power to the area, which will make the new build easier.
MEMORANDUM

TO: City Council
FROM: Mayor Marston Lovell
DATE: January 7, 2019
RE: Discussion on Joint Meetings with School Department

I would like to discuss the Council’s joint meetings with the School Board. A timeline for 2019-2020 budget development is attached. Please review the schedule and be prepared to discuss any ideas and/or concerns regarding these joint meetings.
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wed. Sept 26</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Board Meeting/Workshop w/City Council</td>
</tr>
<tr>
<td>October</td>
<td></td>
<td></td>
<td>Principal/Director Coaching w/Superintendent on Budget Development</td>
</tr>
<tr>
<td>Wed. Oct 10</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting</td>
</tr>
<tr>
<td>Wed. Oct 24</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>Wed. Nov 7</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting</td>
</tr>
<tr>
<td>Fri. Nov 16</td>
<td></td>
<td></td>
<td><strong>School and Department Budgets Due to CO</strong></td>
</tr>
<tr>
<td>Mon. Dec. 3</td>
<td>City Hall</td>
<td>6:30 PM</td>
<td>Swearing in New School Board/City Council</td>
</tr>
<tr>
<td>Dec. 3-7</td>
<td></td>
<td></td>
<td>TA MAT RATE EXPECTED FROM DOE</td>
</tr>
<tr>
<td>Wed. Dec 12</td>
<td>City Hall</td>
<td>6:00 PM</td>
<td>Joint Budget Workshop w/City Council/Board Meeting - Board Meeting</td>
</tr>
<tr>
<td>Jan - June</td>
<td></td>
<td></td>
<td><strong>ED 279 Estimate/Final Subsidy</strong></td>
</tr>
<tr>
<td>Mon. Jan. 7</td>
<td>TBD</td>
<td>5:30 PM</td>
<td>School Board Training</td>
</tr>
<tr>
<td>Wed. Jan. 16</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance (Auditor)/Board Meeting - (Fairfield, Young, Burns, SMS Budget Presentations)</td>
</tr>
<tr>
<td>Wed. Jan. 30</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting - (SPED, Curriculum, Pre-K, IT Budget Presentations)</td>
</tr>
<tr>
<td>Mon. Feb 4</td>
<td>City Hall</td>
<td>6:30 PM</td>
<td>Joint Budget Overview w/City Council (Directive)</td>
</tr>
<tr>
<td>Wed. Feb 6</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting - Food Service, Trans/Maint., Adult Ed Budget Presentations</td>
</tr>
<tr>
<td>Feb 18-22</td>
<td></td>
<td></td>
<td><strong>SCHOOL VACATION</strong></td>
</tr>
<tr>
<td>Wed. Feb 27</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting/Budget Workshop (School Board Budget)</td>
</tr>
<tr>
<td>Wed. March 6</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting w/Public Hearing on Budget</td>
</tr>
<tr>
<td>Wed. March 13</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting - Budget Vote</td>
</tr>
<tr>
<td>Thurs. March 14</td>
<td></td>
<td></td>
<td><strong>BUDGET DUE TO CITY MANAGER BY NOON</strong></td>
</tr>
<tr>
<td>Mon. March 25</td>
<td>City Hall</td>
<td>6:30 PM</td>
<td>Joint Meeting w/City Council (Budget Presentation by City/School)</td>
</tr>
<tr>
<td>Wed. March 27</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>Wed. Apr 10</td>
<td>City Hall</td>
<td>5:30 - 7:00 PM</td>
<td>Joint Meeting w/City Council (Questions on Budget) - Board Meeting</td>
</tr>
<tr>
<td>Wed. Apr 24</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>Mon. May 6</td>
<td>City Hall</td>
<td>5:30 - 7:00 PM</td>
<td>Joint Meeting w/City Council (Finalize Budget)</td>
</tr>
<tr>
<td>Wed. May 8</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting</td>
</tr>
<tr>
<td>Wed. May 22</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>Wed. June 5</td>
<td>City Hall</td>
<td>6:15 PM</td>
<td>Finance/Board Meeting</td>
</tr>
<tr>
<td>Wed. June 19</td>
<td>City Hall</td>
<td>7:00 PM</td>
<td>Joint Meeting w/City Council (Review Yearly Budget Process)</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin Sutherland, City Administrator
DATE: January 7, 2019
RE: Review Charter Changes

During the November 2018 election, the residents of Saco voted to pass six Charter Amendments:

1. Staggered Three Year Council Terms
2. Mayor Presides Over Both the City Council and School Board
3. Revision of Necessary Departments
4. Clarification on Publishing Notice for Public Hearing on the Budget
5. Gender Neutrality Throughout Charter
6. Regular Budget Meetings Between City Council and School Board

Forming a committee may be the best course of action to assure that all of these items are addressed.