I. CALL TO ORDER  
II. RECOGNITION OF MEMBERS PRESENT  
III. PLEDGE OF ALLEGIANCE  
IV. GENERAL  
V. PUBLIC COMMENT  
VI. CONSENT AGENDA  
   A. Confirm Mayor’s Reappointment of Glenys Salas to Dyer Library Board of Trustees  
   B. Confirm Mayor’s Reappointment of Kelley Archer to Historic Preservation Commission  
   C. Baxter Lane: Request for City Street Acceptance  
   D. Tax Write-Offs for FY2019  
   E. Disposition of Foreclosed Properties  
VII. AGENDA  
   A. Tabled (First Reading) Park North Contract Zone: Amendment  
   B. (First Reading) Park North Contract Zone: Subdivision Amendment  
   C. (First Readings) Charter Amendments:  
      i. 2.09 – Ordinances in General, Posting and Publishing  
      ii. 6.15 – Borrowing for Permanent Improvements, Posting and Publishing  
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) Parks and Recreation Potential Real Estate  
   (E) Consultation with Counsel regarding a pending matter  
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 comment session, please add your name to the roster at the back of the room.
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the City Administrator’s Reappointment of Glenys Salas to the Saco Museum/Dyer Library Association Board of Trustees

COUNCIL RESOURCE: Councilor Micah Smart

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

BACKGROUND: The non-profit Dyer Library provides a public library and a museum to the city. The board has up to 21 members charged with the purpose of operating and maintaining a public library, which shall ever be free to the citizens of Saco, and a regional museum. The Dyer Library/Saco Museum promotes life-long learning and appreciation of culture; preservation of the past; and state-of-the-art services and resources for all. Per Bylaws of the Dyer Library/Saco Museum Article IV, Board of Trustees, Section C, one Trustee shall be a representative of the Saco City Council and one shall be the City Administrator or his/her designee appointed by the Saco City Administrator. The board meets monthly at the Dyer Library.

EXHIBITS: None

RECOMMENDATION: The City Administrator recommends confirmation of the reappointment of Glenys Salas to the Saco Museum/Dyer Library Board of Trustees.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the City Administrator’s reappointment of Glenys Salas to the Saco Museum/Dyer Library Association Board of Trustees for a 2-year term to expire on June 17, 2021.”

“I move to approve the Order.”
CONSENT AGENDA ITEM: B
June 17, 2019

MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm Mayor’s Reappointment to the Historic Preservation Commission – Kelley Archer

COUNCIL RESOURCE: Councilor Roger Gay

STAFF RESOURCE: Emily Cole-Prescott, City Planner

BACKGROUND: The Historic Preservation Commission shall be comprised of up to five regular members and five associate members to be appointed by the Mayor and approved by the City Council for three-year, staggered terms. Each Commission member shall be a resident of the City, serve without compensation, and shall meet the qualifications outlined in §230-413(c).

Mayor Lovell has recommended re-appointment of Kelley Archer (Ward 5) to the Historic Preservation Commission, to serve a three-year term, from July 1, 2019 to June 30, 2022. Kelley Archer is the current Chairperson, and has served on the Commission since 2013.

RECOMMENDATION: The Mayor recommends confirmation of the re-appointment of Kelley Archer to the Historic Preservation Commission.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s reappointment of Kelley Archer to the Historic Preservation Commission, for a 3-year term to expire on June 30, 2022, and thank Ms. Archer for her continued and valued service.”

“I move to approve the Order.”
MEETING ITEM COMMENTARY

AGENDA ITEM: Baxter Lane: Request for City Street Acceptance

COUNCIL RESOURCE: Councilor Alan Minthorn

STAFF RESOURCE: Emily Cole-Prescott, City Planner

BACKGROUND: Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. On October 15, 2018, Mr. Eon wrote to former Planner Zach Mosher requesting review of street acceptance of Baxter Lane. Since that time, Mr. Eon has worked with City Staff to address any outstanding concerns. There are currently four homes constructed on Baxter Lane.

At their meeting on April 2, 2019, the Planning Board reviewed the request and made a positive recommendation pending final legal review. City Atty. Tim Murphy has reviewed the Warranty Deed. The Public Works Department has reviewed and approved the request. As most roads in subdivisions have been historically considered for acceptance when 70-80% of the homes on the road are complete, and in this case, the percentage is about 37%, Mr. Eon has proposed an escrow agreement until 6 of the foundations have been constructed. Please see the workshop memo for full details.

EXHIBITS:
1. Workshop Memo dated May 31, 2019; revised through June 12, 2019
2. Warranty Deed
3. As Built Plans

RECOMMENDATION: The Planning Board has made a positive recommendation of this request.

SUGGESTED MOTIONS: “I move to accept Baxter Lane as a City Street.”
TO: Mayor Lovell and City Council
FROM: Emily Cole-Prescott, City Planner
CC: Mike Eon, Mike Eon Associates
     Joe Laverriere, City Engineer
RE: Baxter Lane: Recommendation from Planning Board for Request for City Acceptance
DATE: May 31, 2019; revised through June 12, 2019 (June 17, 2019 Council Meeting)

June 12, 2019 Update for June 17th Council meeting, revised by Emily Cole-Prescott, Planner & Pat Fox, Public Works Director:

At the June 10th Council workshop, the proposed escrow agreement was mentioned. Staff has attached the agreement which has been presented by the developer and reviewed by the City’s Attorney. The developer has completed the road, and all improvements for the road to the satisfaction of the Public Works Department, per the City’s ordinance standards. The road was completed before the winter months. The purpose of the attached escrow agreement is not for improvements or additional work to the road, but rather a financial guarantee for the City to ensure that if, for some reason, the road is damaged during construction of the house lots, there is some financial assurance to mitigate and repair any damage to the road. Although it is Saco’s normal process to review acceptance of City streets after the private house lots have been between 70 and 80% complete, this policy is not written into any ordinances and regulations, as verified by the City Attorney. Through discussions with the City Attorney, City Administration, and Public Works Department, the developer has presented this escrow agreement which will remain in effect until the sixth house foundation is complete.

Original Memo sent to Workshop:

Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. Baxter Lane is an approximately 400’ dead-end street that ends in a hammerhead. During subdivision review, the developer’s intention was to offer the street to the city once the street was complete. Subdivision regulations section 8.1 indicate that “all street and infrastructure construction shall be completed within thirty-six (36) months after the posting of the financial guarantee. All streets and infrastructure intended for City acceptance shall be offered to the City . . . within ninety (90) days of said date”.

On October 15, 2018, Mr. Eon wrote to former Planner Zach Mosher requesting review of street acceptance of Baxter Lane. Since that time, Mr. Eon has worked with City Staff to address any outstanding concerns. There are currently four homes constructed on Baxter Lane. As most roads in subdivisions have been historically considered for acceptance when 70-80% of the homes on the road are complete, and in this case, the percentage is about 37%, Mr. Eon has proposed an escrow agreement until 6 of the foundations are constructed.

At their meeting on April 2, 2019, the Planning Board reviewed the request and made a positive recommendation pending final legal review. City Atty. Tim Murphy has reviewed the Warranty Deed and as built plans. The Public Works Department has also reviewed and approved the as built plans.

Staff looks forward to answering any questions about the request; and has provided the minutes of the April 2, 2019 Planning Board meeting, along with the letter sent to Mike Eon noting the Planning Board’s positive recommendation of this request.
ESCROW AGREEMENT

AGREEMENT made as of the ___ day of _____, 2019, by and between M & B LAND HOLDINGS, LLC, a Maine limited liability company with a place of business in Biddeford, York County, Maine, (hereinafter referred to as “Developer”) and THE CITY OF SACO, a body politic and corporate located in Saco, Maine, (hereinafter referred to as “the City”).

Basic Factual Background

Developer is the owner and developer of a subdivision (the “Subdivision”) in the City of Saco located adjacent to Bradley Street, so-called, and being shown and depicted on plan entitled "Final Plan-300 Bradley, Bradley Street, Saco, Maine for M & B Land Holdings, LLC, P. O. Box 444, Biddeford, Maine”, dated May, 2016, as revised through September 6, 2016, recorded in the York Registry of Deeds in Plan Book 386, Page 3 (the Plan”). The City is engaged in the process of accepting Baxter Lane as shown on the plan as a public street as well as certain infrastructure improvements (the street and improvements being collectively known as the “Improvements”). At present construction activity is complete on the roadway and infrastructure improvements but all lots have not been sold and some lots which have been sold have not been constructed upon. The City wishes to condition its acceptance of the Improvements upon Developer dedicating a sum of money to protect the City against damage to the curbing and paving due to additional construction activities in the Subdivision.

It is agreed:

1. Upon acceptance by the City of the Improvements, the existing Letter of Credit provided by the Developer to the City shall be reduced to $10,000.00, and the term shall be extended until December 31, 2019, or the installation of the 6th foundation, whichever shall last occur.
2. The City shall release all obligations under the Letter of Credit upon the final completion of 6 foundations on lots in the Subdivision.
3. Prior to such time, the Developer shall be responsible for any damage caused by others lawfully in the Subdivision to the paving and curbing located in Baxter Lane as a result of their construction activities (other than normal wear and tear and/or damage caused by the City in its activities with respect to the road). The City, upon reasonable notice to Developer and an opportunity to contest the same, may draw on the Letter of Credit to pay for the costs of correcting any such damage.
4. At such time as the 6th foundation is completed and payment for any prior damages has been made from the Letter of Credit, the City shall release its rights under the Letter of Credit and notify Biddeford Savings Bank of the same.

Executed at Saco, Maine, this _____ day of ________, 2019

M & B Land Holdings, LLC

___________________________________ by: ___________________________
Witness

Michael R. Eon, Member

The City of Saco

___________________________________ by: ___________________________
Its ____________________________

BIDDEFORD SAVINGS BANK, the issuer of a Letter of Credit dated _____________, _____________, as reduced, does hereby acknowledge that the terms of such Letter are hereby extended to December 31, 2019, and shall be available to secure the obligations of Developer hereunder.

Biddeford Savings Bank

By: ___________________________
Cynthia E. Convery, Vice President
April 6, 2019

Mike Eon
Mike Eon Associates
260 Main Street
PO Box 444
Biddeford, ME 04005
MEon@MikeEonAssoc.com

Re: Baxter Lane: Request for Planning Board’s Recommendation for City Street Acceptance

Dear Mr. Eon,

Thank you for your request to the Planning Board for recommendation to the City Council for City Street Acceptance. The request has been reviewed by City Staff, and comments were sent to the Board for their consideration. At their April 2, 2019 meeting, the Planning Board reviewed the request, and held a public hearing. Per Chapter 186 of the City’s ordinances, the Planning Board made a positive recommendation to the City Council of this request, contingent upon final legal review and agreement by both parties.

The next step is to complete legal review of the warranty deed(s) submitted, which is currently in progress. After that, this recommendation will be sent by the Planning & Development Department to the City Administrator’s Office, for review by the City Council. Generally, City Council’s review is a four-step meeting process: workshop, first reading, public hearing, and final reading.

I will be in touch with upcoming City Council meeting dates.

Sincerely,

Emily Cole-Prescott
City Planner

Cc: Joseph Laverriere, City Engineer
Denise Clavette, Planning & Development Director
Howard Carter, WRRD Director
Jack Clements, Deputy Police Chief
Dave Pendleton, Deputy Fire Chief
Kate Kern, Deputy Assessor
Ryan Sommer, Parks & Recreation Director
Richard Lambert, Code Enforcement Director
Minutes
Planning Board
Tuesday, April 2, 2019
5:30 PM Workshop/6:00 PM Regular Meeting
City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Shuster; Matt Provencal; Joyce Leary Clark; Jeff Brochu; Alyssa Bouthot
Absent for the Board: Vice Chair Don Girouard; Peter Scontras
Also Present: Roger Gay, City Council Liaison; Dave Pendleton, Deputy Fire Chief; Emily Cole-Prescott, City Planner

Workshop – 5:30 PM

1. Review of Private Roads: Tim Murphy, City Attorney, answered the Board’s questions about liability and notice requirements if the Board is to consider ordinance changes to allow small subdivisions to be developed on private roads.

Regular Meeting – 6:00 PM

1. Call to Order: Chair Shuster called the regular meeting to order at 6:00 PM.
2. Minutes of March 19, 2019 Meeting: Joyce Leary Clark asked for the hyphen to be removed from her last name. Joyce Leary Clark made a motion to approve the March 19th minutes with one amendment to her last name. Jeff Brochu seconded the motion, and it carried unanimously.
3. New Business, Tabled Items & Public Hearings:
   a. Baxter Lane: Request for Recommendation for City Street Acceptance
      ▪ Applicant: Mike Eon
      Mike Eon, of Mike Eon Associates, was present for this discussion.

Overview: Emily Cole-Prescott provided some background information on this request, which was sent to former Planner Zach Mosher in October 2018. Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. Since Mike Eon’s request in October 2018, he has worked with City Staff to address outstanding concerns. There are currently four constructed homes on Baxter Lane. Emily Cole-Prescott explained that there is a Public Works policy that requests 70-80% of the lots be constructed before street acceptance.

Discussion: Mike Eon noted that he will have five homes constructed with a foundation for the sixth home on the street. He has also offered to retain a portion of his existing letter of credit with the City until six homes are fully constructed. Emily Cole-Prescott noted that aside from the 70-80%, policy which is unwritten, Joe Laverriere has reviewed the deeds and as-built documentation.
submitted and finds both satisfactory. Other Departments were asked to review the request and responded with no issues. Emily Cole-Prescott noted that Tim Murphy, City Attorney, is currently completing final legal review on the deed, and the Planning Board may review this for the request, pending final legal review by both parties.

**Public Hearing:** Jeff Brochu moved to open the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously. Roger Gay, City Council Liaison, indicated that he will check into the 70-80% completion policy. No other member of the public chose to speak. Jeff Brochu moved to close the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.

**Action:** Jeff Brochu moved, pursuant to Chapter 186 of the City’s Ordinances, that the Planning Board forward a positive recommendation for Baxter Lane street acceptance to the City Council, contingent upon final legal review agreeable to both parties. Joyce Leary Clark seconded the motion, and it carried unanimously.

b. Eloise’s Place (Map 101 Lot 31-2): Final Subdivision Plan Review
   - Applicant: CVS Foundations LLC
   - Zone: C-1
   
   *Bill Thompson, of BH2M Engineering, was present to discuss this application.*

**Overview:** Emily Cole-Prescott introduced the application, indicating that this request is for final plan review for a five-lot subdivision off of Lincoln Road. The Board granted preliminary approval for this subdivision on February 5, 2019, and since that time, Walter Pelkey of BH2M has submitted a final plan application with revisions and a copy of the Maine DEP Construction General Permit. Since the initial application, the plan has undergone several revisions, and at the time of preliminary plan approval, was a phased project. A condition of preliminary plan approval was to relabel phase two lot 5, so the plan has now been amended as a five-lot subdivision.

**Application Completeness:** Emily Cole-Prescott indicated that between the documentation submitted for preliminary plan review and the updated submissions for final plan review, the application is considered complete in Staff’s opinion. **Alyssa Bouthot moved to find the application for final plan approval for Eloise’s Place complete. Matt Provenchal seconded the motion, and it carried unanimously.**

**Discussion:** Bill Thompson presented the most recently designed road plan to serve the subdivision, which was submitted to the Planning & Development Department on Monday (04/01) evening. Per this most recent plan, the road has now been raised, and other engineering comments have been addressed.

**Public Hearing:** Jeff Brochu moved to open the public hearing. Matt Provenchal seconded the motion, and it carried unanimously. No member of the public chose to speak during the public hearing. Jeff Brochu moved to close the public hearing. Matt Provenchal seconded the motion, and it carried unanimously.
Discussion & Action: Jeff Brochu noted concern about the new revisions to the plan, and the fact that because of timing of the submission, the plan revisions were not able to be vetted by City staff. Matt Provenal noted concerns about the road design relative to City street standards.

After further discussion, Alyssa Bouthot moved that the Board grant approval for the final subdivision plan [for Eloise’s Place] based on the following findings of fact and conditions of approval, dated April 2, 2019. Joyce Leary Clark seconded the motion, and it carried 4-1, with Jeff Brochu opposed.

At this time, the Board recessed for five minutes, and then reconvened.

c. 4 Cascade Road (Map 62 Lot 1-4): Preliminary Plan Review for Re-subdivision to create one lot
   ▪ Applicant: Amari Holdings LLC
   ▪ Zone: MU-3 & Contract Zone
   Bill Thompson, BH2M Engineering, was present for discussion of this application.

Overview: Emily Cole-Prescott introduced the application. Walter Pelkey and Nate Libby have been working on a site plan review application for a proposed 6,000 square ft. structure and associated site improvements on what currently exists as Lot C5-2. The site plan review application included an amended subdivision plan showing Lot C5-2 divided into two parcels. This divided parcel line was also shown on the site plans submitted for the Board’s review. This division meets the definition of “re-subdivision” found in the Subdivision Regulations, and therefore, requires a subdivision process of preliminary plan review and subsequent final plan review. As such, Walter Pelkey has submitted an application for the amended subdivision and copies of relevant documentation from the site plan review application have been added to this application to fulfill supporting documentation requirements. Before continued review of the site plan may occur, the Board must first review the amended subdivision plan. The proposed lot division meets the minimum lot size and dimensions specified in the Cascade Contract Zone (Contract Zone Agreement by and between Park North Development LLC and the City of Saco). Because this property is part of the existing contract zone, the applicant will be required to also obtain the Council’s approval on the re-subdivision, which is a four-step Council meeting process (workshop, first reading, public hearing, and final reading). This item may be conditioned by the Board, to remain in compliance with the contract zone agreement. This site is also subject to a Site Location of Development Permit, which is administered by the DEP. The applicant will be required to record this amendment and obtain approval from the DEP.

Application Completeness: Emily Cole-Prescott reported that the applicant has either submitted, or responded to, the submission requirements outlined in Section 5.2 of the Subdivision Regulations. The applicant has requested that financial and technical capacity be reviewed upon final plan review, and a waiver is therefore requested for preliminary plan review only. The applicant will be required to submit financial and technical capacity upon final plan review. Joyce Leary Clark moved to waive section 5.2.3(10), only for the Board's review of the preliminary plan, not for final plan review. Jeff Brochu seconded the motion, and it carried unanimously.

Joyce Leary Clark moved to find the application complete for preliminary subdivision plan review for the division of one lot. Alyssa Bouthot seconded the motion, and it carried unanimously.
Discussion: Bill Thompson presented the preliminary plan.

Public Hearing: Jeff Brochu moved to open the public hearing. Matt Provencal seconded the motion, and it carried unanimously. No one chose to speak about the application. Jeff Brochu moved to close the public hearing. Matt Provencal seconded the motion, and it carried unanimously.

Traffic: Jeff Brochu noted the memo submitted about traffic for the site, indicating that features of the originally approved Traffic Movement Permit for Park North and the Cascades have not been completed. Emily Cole-Prescott indicated that per her knowledge, a new Traffic Movement Permit application has been submitted, and results of what improvements will be required are pending this approval. Also, she indicated that the DOT considers this new TMP application to encompass all of the original sites in both Park North and the Cascades. There is currently a condition of approval included in this documentation that indicates the TMP will need to be in place before a Certificate of Occupancy may be issued for any new structures on site. Nate Libby noted concerns about the TMP, and asked how this was not previously enforced. Emily Cole-Prescott noted that she cannot speak to the previous years, but since she has been here, there have been many meetings and work to have a new TMP in place. Chair Shuster also explained that it was unexpected that the TMP had sunset, and there is now work ongoing to resolve this matter.

Action: Jeff Brochu moved to approve the preliminary subdivision plan for Map 64 Lot 1-4 for the creation of one additional lot per the enclosed findings of fact and conditions of approval dated April 2, 2019. Joyce Leary Clark seconded the motion, and it carried unanimously.

4. Updates from City Planner: Emily Cole-Prescott indicated that she works with four ideas in mind: Process, Collaboration, Communication and Transparency. She said Saco already does a great job with planning by incorporating staff members.
   a. Process: Matt Provencal asked that the submission timelines be considered, as the Board had previously discussed with Denise Clavette. For instance, perhaps a longer timeline (rather than three weeks before) would be helpful to the applicants, Board, and Planning & Development Department. This is particularly important for revised submissions, which should have a one or two-week deadline before the Board meeting. Jeff Brochu agreed with this suggestion, and other Board members noted value in reworking deadlines. E. Cole-Prescott noted timing for applicants, as waiting until a next meeting can hold someone up longer than two weeks with their projects. She will return to the Board with a proposal which will incorporate suggestions from City staff, for the Board’s review and consideration.
   b. Transparency: Emily Cole-Prescott noted that she will be coordinating posting approval letters on the Department’s website for greater transparency on what the Board and staff approves. Also, she will start reporting staff level approvals and updates from Council meetings relative to Planning matters, especially contract zones decisions.

5. Adjournment: Without objection, the meeting adjourned at 7:20 PM.
KNOW ALL MEN BY THESE PRESENTS, That M & B LAND HOLDINGS, LLC, a Maine limited liability company with a mailing address of P.O. Box 444, Biddeford, ME 04005, for consideration paid, grants to THE CITY OF SACO, a body politic and corporate, with a mailing address of 300 Main Street, Saco, Maine, 04072, WITH WARRANTY COVENANTS, the land in Saco, York County, Maine, described as follows:

PARCEL ONE

A certain strip or parcel of land located on the southwesterly sideline of Bradley Street, also known as Route 5, in the City of Saco, County of York and State of Maine and shown as Baxter Lane on the plan entitled “Final Plan, 300 Bradley, Bradley Street, Saco, Maine” dated May 2016 as revised through 9/6/16, by Berry Huff McDonald Milligan, Inc. and recorded in the York County Registry of Deeds in Plan Book 386, Page 3 (the “Plan”); said Baxter Lane being more particularly described as follows:

Beginning at a granite monument set on the southwesterly sideline of said Bradley Street at the northwesterly corner of Lot 2 as shown on aforesaid plan;

thence in a general westerly direction along said Lot 2 and along a circular curve to the left, circumscribed by a radius of 20.00 feet, an arc length of 31.42 feet to a granite monument set; said granite monument set being S 81˚-35'-34" W a tie distance of 28.28 feet from said previous granite monument set;

thence S 36˚-35'-34” W along said Lot 2, along Lot 4, along Lot 6, along Lot 8 and along Lot 10 a distance of 406.75 feet to a capped iron rod set in the ground (PLS#2190) and land to be conveyed to the City of Saco;

thence N 53˚-24'-26” W along land to be conveyed to The City of Saco a distance of 50.00 feet to a granite monument set and Lot 11 as shown on aforesaid plan;

thence N 36˚-35'-34” E along said Lot 11 a distance of 45.77 feet to a granite monument set;

thence in a general northerly direction along said Lot 11 and along a circular curve to the left, circumscribed by a radius of 20.00 feet, an arc length of 29.24 feet to a granite monument set and Lot 9; said granite monument set being N 09˚-09'-24” W a tie distance of 28.65 feet from said previous granite monument set;
thence N 54°-54'-23" W along said Lot 9 a distance of 29.49 feet to a granite monument set;

thence N 36°-35'-34" E along said Lot 9 a distance of 50.02 feet to a capped iron rod set in the ground (PLS #2190) and Lot 7;

thence S 54°-54'-23" E along said Lot 7 a distance of 30.53 feet to a granite monument set;

thence in a general easterly direction along said Lot 7 and along a circular curve to the left, circumscribed by a radius of 20.00 feet, an arc length of 30.89 feet to a granite monument set; said granite monument set being N 80°-50'-35" E a tie distance of 27.91 feet from said previous granite monument set;

thence N 36°-35'-34" E along said Lot 7, along Lot 5, along Lot 3 and along Lot 1 a distance of 270.96 feet to a granite monument set;

thence in a general northerly direction along said Lot 1 and along a circular curve to the left, circumscribed by a radius of 20.00 feet, an arc length of 31.42 feet to a granite monument set and the southwesterly sideline of said Bradley Street; said granite monument to be set being N 08°-24'-26” W a tie distance of 28.28 feet from said previous granite monument set;

thence S 53°-24'-26" E along the southwesterly sideline of said Bradley Street a distance of 90.00 feet to the point of beginning.

The above described Baxter Lane is to be used and maintained as a public street and contains 24,182 s.f. All bearings refer to grid north.

**PARCEL TWO:**

**ALSO** conveying herewith that certain lot or parcel of land situated generally southwesterly of, but not adjacent to, Bradley Street in said Saco and being that lot shown and depicted as “Land to be Conveyed to the City of Saco, 29,239 S.F.” on the Plan, together with the “10 Access Easement For The City of Saco” running along the southerly boundary of Lot 11 as shown on the Plan said 29,239 S. F. parcel being more particularly bounded and described as follows:

A certain lot or parcel of land located at the terminus of Baxter Lane, so-called, in the City of Saco, County of York and State of Maine and shown on the plan titled “Final Plan, 300 Bradley, Bradley Street, Saco, Maine” for M&B Land Holdings, LLC, dated May 2016 as revised through 9/6/16, by Berry Huff McDonald Milligan, Inc. and recorded in the York County Registry of Deeds in Plan Book 386, Page 3; said parcel being more particularly described as follows:
Beginning at a capped iron rod set (PLS #2190) at the terminus of the southeasterly sideline of said Baxter Lane at the southwesterly corner of Lot 10 and corner or remaining land of M&B Land Holdings, LLC as shown on aforesaid plan;

thence S 36˚-35’-34” W along the remaining land of M&B Land Holdings, LLC a distance of 275.27 feet to a capped iron rod set (PLS #2190);

thence N 30˚-04’-54” W along the remaining land of M&B Land Holdings, LLC a distance of 197.13 feet to a capped iron rod set (PLS #2190) and land now or formerly of Mark W. Pierson;

thence N 35˚-05’-37” E along the land of said Pierson a distance of 50.00 feet to a capped iron rod set (PLS #2190) and Lot 11 as shown on aforesaid plan;

thence S 86˚-37’-16” E along said Lot 11 a distance of 158.16 feet to a capped iron rod set (PLS #2190);

thence N 36˚-35’-34” E along said Lot 11 a distance of 60.59 feet to a granite monument set and the terminus of the northwesterly sideline of said Baxter Lane;

thence S 53˚-24’-26” E along the terminus of said Baxter Lane a distance of 50.00 feet to the point of beginning.

The above described parcel contains 29,239 s.f. All bearings refer to grid north.

ALSO conveying herewith all those drainage and utility facilities, easements, improvements, detention ponds, pipes and appurtenances, all as shown and depicted on said Plans or which may have been physically created within the herein set out parcels or within the bounds of that 15’ wide utility easement shown on the Plan which lies adjacent to Bradley Street, so-called, and within which there exists a sewer pipe installation as well as all the Grantor’s right, title and interest in and to any drainage and sewerage facilities including but not limited to pipes, pumping stations, pumps, manholes, covers, catch basins, valves and couplings, wires and appurtenances installed in, on or under the real estate herein conveyed together with the responsibility to maintain the same with the exception of any portion of the electric distribution system, cable and telephone distribution system and water distribution system, whether encompassed within the bounds of Baxter Lane or not, provided, however that the street light base and pole are included in this transfer with the understanding and agreement that the Grantee shall be required to observe any lease terms for the actual lighting fixture.

The above described premises are hereby conveyed: (1) subject to such utility service easements or other easements or rights-of-way on, over, under or across said property as may now have any legal existence, including, but not limited to, Easement Dedication and Declaration dated July 2, 2018, and recorded in York Registry of Deeds in Book 17764, page 462, and Easement Dedication and Declaration dated July 2, 2018, and recorded in York Registry of Deeds in Book 17764, page 466; (2) together with the benefit of any appurtenant
utility service easements or other easements or rights-of-way; (3) subject to all federal, state and local land use statutes, ordinances and regulations. reserving to M & B Land Holdings, Inc., its successors and assigns a privilege to connect to and utilize that portion of the sewer system which lies within the bounds of that 15' wide utility easement lying adjacent to Bradley Street, so-called. As shown on the Plan said privilege to connect and utilize subject to the review and final approval of the City of Saco Department of Public Works, such opportunity and privilege not to be unreasonably denied or conditioned.

It is specifically provided that nothing in this deed shall be construed as a transfer of title to the Grantee or responsibility for the maintenance, repair or replacement of the presently existing and installed community mailbox which lies within the limits of Baxter Lane to the Grantee, it being agreed that the responsibility for the maintenance, repair and replacement shall lie in the Grantor or a duly appointed agent, including a Homeowner's Association and all appropriate easements and rights to allow the continued maintenance of the same in its present location, and the use, repair and replacement of the same are hereby reserved.


IN WITNESS WHEREOF, M & B Land Holdings, LLC, has caused this instrument to be signed and sealed in its name and behalf by Michael R. Eon, its Member, thereunto duly authorized this ______ day of ________________, 2019.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:

M & B Land Holdings, LLC

________________________________________________________________________
Witness By: ________________________________

________________________________________________________________________
STATE OF MAINE

________________________________________________________________________
________________________________________________________________________

Personalized appeared the above named Michael R. Eon, Member of M & B Land Holdings, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said limited liability company.

Before me,

________________________________________________________________________
Notary Public/Attorney-At-Law

Printed Name: ________________________________
MEETING ITEM COMMENTARY

AGENDA ITEM: Tax Write-Offs for FY2019

COUNCIL RESOURCE: Councilor Marshall Archer

STAFF RESOURCE: Glenys Salas, Finance Director

BACKGROUND: It is standard practice for the Finance Director to request Council Approval on writing off amounts owed to the City, especially with regards to taxes. The items recommended for write-off have been deemed uncollectible and therefore we are recommending that Council approve removal of these items from our books.

EXHIBIT: Other Write-Offs

RECOMMENDATION: City staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council authorize the Finance Director to write off the delinquent amounts for the identified persons and entities and remove them from the books.”

“I move to approve the order”.
Other Write-Offs for FY 2019

Hardship Forgiveness for Medical Patient

On 11/17/2018, an individual was transported via ambulance to Biddeford Hospital and remained under medical care until 12/19/18. As a direct result of her hospitalization, this patient lost her source of employment and, with it, her insurance coverage. I am recommending that, given the patient's current financial hardship, we accept her payment of $10 against the $112.05 balance owed on her ambulance transport and write-off the remaining $102.05.

Amount owed - $102.05 – complete write-off

Wormwood, Colin T – 18 Beach Avenue

The owner transferred this property to the City on August 10, 2018, as it had been under water for some time. Since transfer of ownership occurred prior to April 1st, the Wormwoods received the tax bills for FY2019. The Wormwoods paid the first half tax bill but have forwarded the second half on to City Hall. I am recommending that we write off the second half.

Amount owed - $16.47 – complete write-off

Saco Shoe Hospital – Personal Property Taxes

Saco Shoe Hospital is no longer in business and the owner has since passed.

Balance due as of 5/1/2019 (1999 – 2008 Taxes) - $2539.75 – complete write-off

Earth Waste Systems, Inc – Personal Property Taxes

City of Saco took ownership of the property located at 29 Lund Road in 2005. Property taxes appear to have been paid by EWS prior to the acquisition, but personal property taxes were not. It is currently used to store equipment for various departments, primarily Public Works. None of the original equipment on which these taxes were assessed remains. To construct a comparable storage facility would cost the tax payers of Saco north of $1 million. Additionally, the City saves roughly $8000 annually on road striping because a portion of the facility is used to store the paint for our contractor (which is based in Massachusetts). For the amount of property taxes to be written off, the City has received a very good deal.

Balance due as of 5/1/2019 (1999 – 2004 Taxes) - $29,255.01 – complete write-off
MEETING ITEM COMMENTARY

AGENDA ITEM: Disposition of Foreclosed Property

COUNCIL RESOURCE: Councilor Marshall Archer

STAFF RESOURCE: Glenys Salas, Finance Director

BACKGROUND: The City foreclosed on several properties on January 19, 2019. Many attempts have been made to get the property owners to either pay off the matured tax liens or enter into Option Agreement and remain current with them. All attempts were unsuccessful.

EXHIBIT: Foreclosed Properties for Council Action

RECOMMENDATION: City staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council authorize the Finance Director to write off the delinquent tax amount for 19 Market Street and remove it from the tax rolls, and further move to authorize the City Administrator to dispose of the tax acquired property at 19 Market Street.”

“I move to approve the order”. 
June 17, 2019 Real Estate Foreclosed Properties (Lien Year 2017)

Bank of America – 19 Market Street

The original property was demolished due to Code violations. The land is in a valuable location and would likely earn enough to cover taxes and fees upon sale. There have been a lot of inquiries related to this property and it seems likely the owner is looking to sell. However, a certified letter came back signed with no follow-up from the owner.

Balance due as of 4/25/19 - $38,899.23 (2017 Taxes & Fees) – *take ownership of the property*
MEETING ITEM COMMENTARY

AGENDA ITEM: Tabled (First Reading) Park North Contract Zone: Amendment

COUNCIL RESOURCE: Councilor Roger Gay

STAFF RESOURCE: Emily Cole-Prescott, City Planner

BACKGROUND: Elliott Chamberlain, applicant, had requested a contract zone amendment to add the uses of “offices of contractors and tradesmen” and “contractors” to the Park North Contract Zone (Contract Zone Agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco dated December 20, 2005, amended through October 17, 2016).

At their meeting on March 19, 2019, the Planning Board reviewed the contract zone amendment request and forwarded a positive recommendation to the City Council for the following:

- Add “Offices of Contractors and Tradesmen” as a permitted use to parcel two of the Park North Contract Zone;
- Add “Contractors” as a conditional use to parcel two of the Park North Contract Zone

EXHIBITS: 1. Memo to City Council dated May 14, 2019  
2. Contract Zone Amendment Request from Preston Properties dated February 25, 2019  
3. Planning Board Minutes of March 19, 2019 Meeting  
4. Compliance Summary of the Park North Contract Zone revised through March 19, 2019  
5. Park North Seventh Amended Subdivision Plan (for reference)

RECOMMENDATION: The Planning Board has forwarded a positive recommendation to the City Council.

SUGGESTED MOTION: “I move to take from the table, Park North Contract Zone: Amendment”.

"I move to approve the first reading of, 'Park North Contact Zone: Amendment' and further move to schedule a public hearing on this item at the July 15, 2019 meeting".
TO:       City Council
FROM:     Emily Cole-Prescott, City Planner
CC:       Elliott Chamberlain, Applicant
DATE:     May 14, 2019
RE:       Park North Contract Zone Amendment Request

In February 2019, Elliott Chamberlain had requested the Planning Board’s review of an amendment to the Contract Zone Agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco dated December 20, 2005, amended through October 17, 2016 (also known as the Park North Contract Zone), to add the use of “contractors” and “office of contractors and tradesmen” as permitted uses to Parcel 2.

One of the two requested uses, “offices of tradesmen and contractors,” is a currently permitted use in the MU-3 zone, where the property is located. However, both uses are not listed in the current contract zone, and development of this property is limited to those uses listed in the contract zone.

As the Council is aware, Elliott Chamberlain has two contract zone agreements with the City, and this agreement, the larger of the two, includes the parcels that are labeled “P.N.C.Z.” on the attached plan, which the applicant had used to previously amend the Cascade Contract Zone.

At their meeting on March 19, 2019, the Planning Board forwarded a positive recommendation of the following to the City Council:

1. “Offices of contractors and tradesmen” be added to parcel two of the Park North Contract Zone as a permitted use;
2. “Contractors” be added to parcel two of the Park North Contract Zone as a conditional use.

It should be noted that staff provided the Planning Board with a compliance summary of the Park North Contract Zone at their meeting on March 19, 2019. Attached are the summary, the initial request and Planning Board minutes of the March 19th meeting for your reference.

In addition, staff recommends that the City Council have a broader, follow-up conversation at an upcoming Council meeting to review amendments to the Park North Contract Zone Agreement and underlying subdivision plan (as previously discussed at the November 13, 2018 Council workshop). Staff looks forward to providing additional documentation for an upcoming meeting.
February 25, 2019

Emily Cole-Prescott, City Planner
City of Saco
300 Main Street
Saco, ME 04072

Subject: Contract Zone Agreement for Eastview Parkway Amendment Request

Emily,

This is our request for an Amendment to the Park North and Preston Properties Contract Zone Agreement for Eastview Parkway (originally dated December 20, 2005).

Our request is for a change to the Permitted Uses for Parcel 2. We have a potential commercial customer that would like to build on Parcel 2. Please consider adding these two Permitted Uses:

#34 Contractors
#35 Office of Contractors and Tradesmen

Let us know if you need anything additional information.

Regards,

Elliott Chamberlain
President
Preston Properties, LLC
Contract Zone Agreement

By and Between

Park North Development, LLC and Preston Properties, LLC as Applicants
and the City of Saco

December 20, 2005
Amended September 3, 2013
Amended October 17, 2016

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through March 4, 2013 is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.

1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.

2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenant commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.

3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.

4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.

5. Evidence of right, title and interest is established by virtue of the above referenced deeds.

6. The Subject Property is in the Business Park (BP) zoning district.
7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Technics, One Chabot Street, Westbrook, Maine 04098 (the “Plan”) (as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.

9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.

10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.

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

1. This Agreement supersedes Article 4, District Regulations of the Saco Zoning Ordinance. District Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.

2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.

3. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance. The following shall apply as the exclusive Space and
Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

### PARCEL 1:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>60 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Minimum Lot Area/D.U.</td>
<td>1,250 s.f.</td>
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<tr>
<td>Density:</td>
<td>N/A</td>
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</tbody>
</table>

### PARCEL 2:

<table>
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<tr>
<th>Requirement</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage:</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### PARCEL 3:

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>7,500 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>20 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>Not more than 120 units</td>
</tr>
<tr>
<td>Minimum Lot Area/Dwelling Unit:</td>
<td>3,000 Square feet * total acreage of parcel divided by the number of units proposed</td>
</tr>
<tr>
<td>Minimum Net Residential Density for multi-family dwellings: 1,250 s.f. per unit</td>
<td></td>
</tr>
</tbody>
</table>

### PARCEL 4:

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>7,500 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>35 feet</td>
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<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>Not more than 300 units</td>
</tr>
<tr>
<td>Minimum Lot Area/Dwelling Unit:</td>
<td>12,500 s.f. * total lot acreage divided by the total number of units</td>
</tr>
<tr>
<td>Minimum Net Residential Density:</td>
<td>1 lot or unit per 7,500 s.f.</td>
</tr>
</tbody>
</table>
4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the "Use Restrictions") are hereby superseded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

PARCEL 1:

PERMITTED USES:

1. Reserved.
2. One caretaker’s apartment within a non-residential use
3. Hotels and Motels
4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area
5. Accessory retail sales of goods manufactured on the premises
6. Artist and crafts person studios
7. Eating establishments
8. Eating and Drinking establishments
9. Health and Fitness Clubs
10. Private Clubs
11. Financial Institutions with drive through
12. Professional Offices
13. Business Offices
14. Personal Services
15. Business Services
16. Repair Services
17. Multi-family housing, no units within 600 feet of Rte. One right of way.
18. Health care clinics for humans
19. Hospitals
20. Essential Services
21. Animal hospitals and veterinarian offices
22. Any use permitted in the Resource Protection District
23. Accessory Uses
24. Municipal Uses
25. Public Utility Building
26. Quasi-public Uses
27. Public parks and playgrounds
28. Public Schools
29. Private Schools
30. Commercial Schools
31. Nursery Schools
32. Day care center
33. Adult day care centers, Types 1 and 2

CONDITIONAL USES:

1. Car washes
2. Indoor recreation/amusement centers
3. Enclosed sports facilities
4. Reserved
5. Commercial recreation
6. Radio and TV antennas
PARCEL 2:

PERMITTED USES:

1. Hotels and Motels
2. Accessory retail sales of goods manufactured on the premises
3. Eating establishments
4. Eating and Drinking establishments
5. Accessory food service facilities
6. Artist and crafts person studios
7. Health and Fitness Clubs
8. Financial Institutions with drive through
9. Professional Offices
10. Business Offices
11. Business Services
12. Private Clubs
13. Health care clinics for humans
14. Research and testing laboratories
15. Any use permitted in the Resource Protection District
16. Accessory uses
17. Essential services
18. Municipal uses
19. Public Utility Building
20. Quasi-public uses
21. Public parks and playgrounds
22. Commercial Schools
23. Nursery Schools
24. Day care center
25. Adult day care centers, Types 1 and 2
26. Retail uses with less than 15,000 square feet of gross floor area
27. Funeral Homes
28. Personal Services
29. Reserved
30. Indoor Recreation/Amusement Center
31. Reserved
32. Agriculture
33. Self-Service Storage Facilities
34. Outdoor Recreation

35. Contractors
36. Office of Contractors and Tradesmen

CONDITIONAL USES:

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities
3. Wholesale Trade and Warehouses

PARCEL 3:

PERMITTED USES:

1. Multi family dwellings
2. Professional Offices
3. Businesses Offices and Services
4. Reserved
5. Day care center
6. Adult day care center
7. Accessory Uses
8. Eldercare congregate living
9. Community living use
10. Assisted living facility
11. Nursing Home
12. Hospitals
13. Any use permitted in the Resource Protection District
14. Home occupations
15. Accessory recreational uses
16. Congregate Housing, including multiple individual rooms or dwelling units to be occupied as a shared living environment, which may include small individual apartments with kitchens or individual rooms, any of which may be combined with shared community space, shared dining facilities, housekeeping services, personal care services and other similar.
PARCEL 4:

PERMITTED USES:

1. Any use permitted of right in the R-2 District
2. Manufactured housing units
3. Multi family dwellings in structures containing no more than 8 units each
4. Elderly congregate housing
5. Home Occupations

6. Any use permitted in the Resource Protection District
7. Boarding homes
8. Home babysitting service
9. Adult day care center, Type 1
10. Community Center for the use of the residents of land in Parcels 3 & 4

CONDITIONAL USES:

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right

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

1. Development of the mixed-use development described herein as proposed by the Applicant is allowed on the Subject Property.

2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford-Saco Maine Water Company and to the municipal sanitary sewer system.

3. The portion of the Applicants’ land shown on the Project Plan as “Land to be Conveyed” shall be conveyed to the City of Saco or its designee at no cost to the City no later than three (3) years after the first Certificate of Occupancy is issued for any dwelling unit or commercial structure on the Subject Property.

4. Development on Parcels 1, 2, 3, and 4 shall be subject to either Subdivision or Site Plan review by the Planning Board as dictated by the Saco Zoning Ordinance or the Saco Subdivision Regulations.

5. City and Applicant recognize that the ‘Sketch Plan’ submitted for purposes of Contract Zone consideration is limited in scope and detail. The project is subject to site plan and subdivision review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, the U.S. Army Corps of Engineers and all other regional, state and federal agencies.
6. No site plan or subdivision approvals shall be granted by the Planning Board prior to an executed agreement being reached between the City and the Applicant for the design, financing and construction of a functional sanitary sewer collection and conveyance system serving the subject property, all connected to the existing City of Saco sanitary sewer system.

7. The street proposed to provide access to Parcels 1, 3 and 4 shall not be constructed as to cross the brook as shown on the Project Plan prior to agreement being reached between the Applicant, City and abutters as necessary for said street to be constructed as a through street to Cascade Road.

8. Applicant is responsible for the design and construction, in consultation with the City or entity designated by the City, of an off-road trail system. Said trail system may be deeded with use restrictions but in no circumstance shall any such restrictions bar free access or prohibit passive recreation by the public. Passive recreation may include activities such as walking, hiking, birdwatching, picnicking, cross-country skiing, or nature photography. Passive recreation shall not include activities that may result result in degradation of the trail system, including but not limited to motor vehicle use, removal of vegetation beyond that necessary for trail construction, disturbance of soil beyond that necessary for trail construction, and hunting. Phase One of the trail system shall be completed by Nov. 1, 2017.

9. Failure of the Applicant to submit an application for subdivision review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. This deadline may be extended for successive six (6) month periods at the discretion of the City Administrator upon written request submitted to the City Planning Office by the Applicant. In the event that this Contract Zone Agreement becomes null and void, the zoning applicable to the Subject Property shall revert to the Zoning in effect prior to the approval of the Contract Zone.

10. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.

11. All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be minor may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.
12. This Document and Contract Zone affects only the Subject Property identified herein.

13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.

14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.

15. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.

16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to the City of Saco.

17. Payment in full of the off-site mitigation fee of $50,000.00 required by the Maine DOT as part of the Traffic Movement Permit for Park North shall be made to the City no later than April 1, 2017, for safety improvements on U.S. Route One in the vicinity of Ross Road as specified by the MDOT.

18. Payment in full of the $50,000 payment as required by the Cascades Contract Zone, approved by the City Council on Sept. 5, 2006 and approved for amendment by the City Council on Dec. 22, 2014, shall be made to the City for the purpose of trail development and construction on said Gift Lot no later than April 1, 2017.

19. As stated in the 2011 Conditions of Approval for the parcel identified as Tax Map 62, Lot 1-0-1, in order to provide for safe, convenient pedestrian access, the applicant and/or property owner are responsible for the construction of a public sidewalk along the Cascade Road frontage of the subject parcel, from its intersection with Waterfall Drive to the easterlymost corner of the parcel at Cascade Road. Said sidewalk shall be designed to the satisfaction of the Department of Public Works no later than April 1, 2017, and constructed no later than November 1, 2017. If proposed within the Cascade Road right of way, the applicant is responsible for securing any required easements.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:
A. The Subject Property is a parcel of an unusual nature and location, for the following reasons:

1. The Subject Property consists of 236 +/- acres of contiguous land with over 1650 feet of frontage on Route 1. Route 1 is a major transportation route in southern Maine and has the ability to carry a large capacity of vehicles on a daily basis. Route 1 is also the commercial corridor in this area which also makes it conducive to commercial, retail and mixed use residential development.

2. The Subject Property is located at the Scarborough/Saco town line and therefore will serve as a gateway to the City of Saco. Such a large parcel of land with such significant frontage in this location provides a rare opportunity to master plan a mixed use development in this critical location. In addition, because of its proximity to Scarborough and Portland, the mixed use nature of this project will be attractive to a wider region rather than servicing just the City of Saco. This will assist in achieving the goal cited in the Local Economy section of the Comprehensive Plan which identifies the desire to “Maintain Saco’s role as a retail and service center for the region”

3. The Subject Property is located just east of the Maine Turnpike and North of the I-195 spur which the Saco Comprehensive Plan indicates is strategic in working with the Turnpike Authority to locate a new interchange in the Flag road/Cascade Road area of the community. This development will serve to enhance those discussions.

4. The Applicant is agreeable to conveying the portions of Tax Map 63, Lot 6 and Tax Map 64, Lot 6-1 which are within the Resource Protection District (approximately 12 acres), identified as “Land to be Conveyed” on the Plan, to the City of Saco to be permanently preserved for the benefit of the public.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chapter 17, Section F. Land Use, Local Goals

- “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” — The proposed uses promote a transition and mitigation of land use between residential development and commercial use.

- “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” — The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.
• "To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements." – The Applicant proposes to convey land within the Resource Protection district to the City, thereby protecting that land from future development.

• "To encourage a pattern of land use that can be served efficiently and that does not impose undue burden on the City's financial resources." – The Applicants' development encourages commercial development with ease of access and at a scale that will provide significant commercial expansion with substantial fiscal benefit to the City.

C. The proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone. The proposed contract continues the permitted uses currently allowed in the underlying zoning district, while adding additional compatible uses which are anticipated to enhance the development and appearance of the project.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, 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 the conditions and restrictions contained herein.

Adopted by the Saco City Council on May 1, 2006, and Adopted as Amended on September 3, 2013, and further Amended on October 17, 2016.

CITY OF SACO

By: [Signature]
Kevin L. Sutherland
City Administrator

PRESTON PROPERTIES, LLC

By: [Signature]
R. Elliott Chamberlain
Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: [Signature]
R. Elliott Chamberlain
Authorized Member
Approved Minutes
Planning Board
Tuesday, March 19, 2019
5:30 PM Workshop/6:00 PM Regular Meeting
City Hall Conference Room (First Floor)

Present for the Board: Acting Chair Don Girouard; Peter Scontras; Joyce Leary Clark; Matt Provencal; Jeff Brochu; Alyssa Bouthot
Absent for the Board: Chair Neil Shuster
Also Present: Roger Gay, City Council Liaison; Joe Laverriere, City Engineer; Dave Pendleton, Deputy Fire Chief; Emily Cole-Prescott, City Planner

Workshop – 5:30 PM

1. Flag Pond Road (Map 92 Lot 19) – Sketch Plan Review of 4 proposed lots: Applicants Chris Hollis and Paul Hollis were present to review the sketch plan with the Planning Board. The Board reviewed the sketch plan and offered general, non-binding feedback to the applicants. The applicants will receive a written report with comments from the PDRC, Planning Board and City Staff.

2. Review of Private Roads: The Board reviewed this matter. E. Cole-Prescott will return to the Board with additional research on this topic.

Note: Regular 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.

Regular Meeting – 6:00 PM

1. Minutes of March 5, 2019 Meeting: Peter Scontras moved to approve the minutes of the March 5, 2019 meeting as presented. Joyce Leary Clark seconded the motion, and it carried unanimously.

2. Public Hearing: 4 Cascade Road (Tax Map 62 Lot 2-1): Continued Site Plan Review of proposed 6,000 square ft. commercial building
   - Applicant: Amari Holdings
   - Zone: MU-3 & Contract Zone
E. Cole-Prescott indicated that the request is to table the application until the next meeting, as the applicant has submitted a subdivision amendment application for the Board’s next meeting, to be reviewed in addition to the pending site plan review application. Joyce Leary Clark moved to table the application for the proposed Amari commercial building to the next meeting on April 2, 2019. Peter Scontras seconded the motion, and it carried unanimously.

3. Public Hearing: Review of proposed amendment to Contract Zone (Contract Zone Agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco)
Applicant: Preston Properties, LLC

Elliott Chamberlain, representing Preston Properties LLC and Park North was present for this application.

Overview: E. Cole-Prescott introduced the contract zone amendment application, indicating that the purpose of the amendment request is to add the uses of “contractors” and “offices of contractors and tradesmen” to parcel 2 of the Park North Contract Zone. E. Cole-Prescott indicated that “offices of contractors and tradesmen” is a permitted use in the underlying MU-3 zoning district. E. Cole-Prescott also shared with the Board a copy of the compliance summary compiled to outline what conditions of approval of the Park North Contract Zone have been completed, in progress, and yet to be done.

Discussion: Acting Chair Girouard expressed the differences of the definitions of “contractors” and “offices of contractors and tradesmen” as found in the definitions section of the Zoning Ordinance. He noted future uses on the site could become quite large and disruptive to the residential neighborhood in the mixed-use zone environment, and mentioned this for the Board’s consideration. He noted outside storage is allowed with the contractors use but not with the offices of contractors and tradesmen use. Other Board members discussed the differences of the uses, and how the uses could potentially impact the area. Alyssa Bouthot suggested adding “contractors” as a conditional use, and “offices of contractors and tradesmen” as a permitted use. This would require “contractors” uses to be reviewed per section 230-901 of the Zoning Ordinance, along with any applicable requirements of the site plan review provisions.

Public Hearing: Alyssa Bouthot moved to open the public hearing on this contract zone amendment request. Peter Scontras seconded the motion, and it carried unanimously.

Roger Gay, City Council Liaison, asked questions about the progress of the trail system, and Elliott Chamberlain replied that the trail system is underway. There was no other public comment.

Alyssa Bouthot moved to close the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.

Discussion: The Board discussed the proposed amendment, and Jeff Brochu clarified that “contractors” would be considered a conditional use subject to section 230-901 of the Zoning Ordinances and site plan review ordinance standards, and “offices of contractors and tradesmen” would be a permitted use, which would require applicable site plan review standards per the ordinance.

Joyce Leary Clark moved that the Board finds the proposed amendment to the contract zone agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco to add the use of “offices of contractors and tradesmen” as a permitted use and to add “contractors” as a conditional use to Parcel 2 of the Park North Contract Zone, consistent with findings previously made by the Board in the original contract zone, as amended. Matt Provencal seconded the motion. The Board discussed the motion.

Joyce Leary Clark moved to amend her motion to move that the Board finds the proposed amendment to the contract zone agreement by and between Park North

2
Development LLC and Preston Properties LLC and the City of Saco to add the use of “offices of contractors and tradesmen” as a permitted use and the use of “contractors” as a conditional use to Parcel 2 of the Park North Contract Zone Agreement, consistent with findings previously made by the Board in the original contract zone agreement. Additionally, the Board finds that the proposed use of “offices of contractors and tradesmen” is a permitted use in the underlying MU-3 zone of Parcel 2. These uses are intended to follow the definitions as found in the current Zoning Ordinance, on record as of March 19, 2019. Therefore, the Board makes a positive recommendation of this amendment request to the City Council. Matt Provencal seconded the amended motion, and it carried, 5-1, with Jeff Brochu in opposition.

4. Adjournment: Without objection, the Board adjourned at 7:02 PM.
<table>
<thead>
<tr>
<th>Item</th>
<th>Number/Reference</th>
<th>Park North Contract Zone</th>
<th>In Progress</th>
<th>To Be Done</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>All structures constructed, located renovated, reconstructed to be on water &amp; City sewer</td>
<td>III.2</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land to be conveyed turned over to City w/in 3 years after first CO issued for any dwelling unit or commercial structure</td>
<td>III.3</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Per email from Elliott Chamberlain dated 03/19/19: He has expressed that he will convey the land labeled Saco A and B.</td>
</tr>
<tr>
<td>Development subject to Site Plan/Subdivision review as applicable</td>
<td>III.4</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subject to all applicable City, State and Federal permit requirements</td>
<td>III.5</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Original TMP sunset; Applicant will submit new TMP application per emails with Director</td>
</tr>
<tr>
<td>Agreement on design, financing and construction of sewer system with City before approvals</td>
<td>III.6</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street providing access to parcels 1, 3, 4 shall not cross the brook</td>
<td>III.7</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant to construct offroad trail system with City's consultation; with phase one completed by 11/02/2017</td>
<td>III.8</td>
<td>✓</td>
<td></td>
<td></td>
<td>Applicant submitted trail plan, but did not comply with original state for completion</td>
</tr>
<tr>
<td>Applicant to receive PB approval w/in one year of contract zone agreement</td>
<td>III.9</td>
<td>✓</td>
<td></td>
<td></td>
<td>Initial PB approval was completed within required timeline</td>
</tr>
<tr>
<td>Sewer availability to the northern segment of Route 1 &amp; potential interconnection of public streets between property &amp; Cascade Rd</td>
<td>III.10</td>
<td>✓</td>
<td></td>
<td></td>
<td>Sewer at Waterfall Drive; not yet at Eastview Parkway</td>
</tr>
<tr>
<td>Payment in full of off-site mitigation fee of $50K no later than 04/01/2017 for safety improvements on US Rte 1 in vicinity of Ross Rd</td>
<td>III.11</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Payment in full of $50K for Cascades Contract Zone, no later than 04/01/2017</td>
<td>III.12</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of public sidewalk along Cascade Rd frontage of subject parcel from intersection w/Waterfall Dr &amp; easterlymost corner of the parcel</td>
<td>III.13</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designed to satisfaction of Public Works by 04/01/2017, constructed no later than 11/01/2017</td>
<td>III.14</td>
<td>✓</td>
<td></td>
<td></td>
<td>This was not completed within the required timeline of the Zoning Code.</td>
</tr>
</tbody>
</table>
The City Council had asked at the November 13, 2018 workshop, that the eight amendments to the Park North Subdivision previously approved by the Planning Board be brought to the City Council for review. Recently, the Planning Board conditionally approved the ninth amendment to create one additional lot from the parcel currently addressed as 4 Cascade Road.

For the Council’s review, the following is a description of the eight amendments to the Park North Subdivision approved by the Planning Board to date:

- First Amendment – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08
- Second Amendment – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.
- Third Amendment – Creation of Lots C4A, C4B and 22. The latter was carved out of the existing Lot 18 at the corner of Portland Road and Main Road (now Waterfall Drive) and is now occupied by the former Ocean Communities credit union building. Lots C4A and C4B were created from the existing parcel that lies between Cascade Road and Old Cascade Road. It is described in the parcel deed for the Cascade Inn as a separate parcel from the larger, former Inn property. Zones C4A and C4B have since been developed with single family dwellings.
- Fourth Amendment – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.
- Fifth Amendment – Updating dimensional regulations in parcels 2, 3, and 4 of the contract zone agreement. The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.
- Sixth Amendment – Modified the residential area...
Seventh Amendment
- The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.
- The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6-acre parcel for future development of a 72-unit apartment building.

Eighth Amendment – This amendment consolidates Lots 6 through 15 (located in the northeastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.

Ninth Amendment – This amendment creates one additional lot from 4 Cascade Road. The applicant has submitted a site plan application for construction of a 6,000-sq. ft. mixed use structure (3,000 sq. ft. business use and 3,000 sq. ft. medical office).

EXHIBITS:
1. Memo from Kevin L. Sutherland to City Council dated November 8, 2018 with attachments
2. Memo from Emily Cole-Prescott to City Council dated May 30, 2019 with attachments

RECOMMENDATION: Staff recommends approval of the above subdivision amendments, based on actions by the Planning Board from 2008 to present.

SUGGESTED MOTIONS: “I move to approve the first reading of, 'Park North Contract Zone: Subdivision Amendments' and to schedule a public hearing on July 15, 2019 for the Park North Contract Zone Subdivision Amendments as enumerated above.”
MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: November 8, 2018
RE: Language in Park North Contract Zone vs. City Zoning Code

There is language in the Park North Contract Zone agreement between Park North Development, LLC and Preston Properties, LLC and the City of Saco (first approved in 2005, amended in 2013 and 2016) that has staff and the Planning Board unsure how to proceed.

The Planning Board has now approved 8 subdivision amendments to the overall Park North Subdivision, the most recent on Nov 6. The contract zone language in item III, Sec.11 states: “Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council.” As far as staff is aware, this is the only contract zone (CZ) in the City of Saco that grants any amendment authority to the Planning Board.

In Article 3, Sec. 11 the Park North CZ says: “All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference.” Staff understands this to mean that any change to the subdivision plan is a change to the contract zone itself. This is also Tim Murphy’s understanding.

Sec. 1405 of the Saco Zoning Ordinance provides only the Council the ability to amend a contract zone, however the Planning Board has approved 8 subdivision amendments so far based on the information in the contract zone.

The Planning Board approved the original overall subdivision in January 2008 and here is a list of proposed amendments to the plan approved by the Planning Board to date:
MEETING ITEM COMMENTARY

AGENDA ITEM: Park North Contract Zone: Subdivision Amendments

COUNCIL RESOURCE: Councilor Nathan Johnston

STAFF RESOURCE: Emily Cole-Prescott, City Planner
Kevin Sutherland, City Administrator

BACKGROUND: The City Council had asked at the November 13, 2018 workshop, that the eight amendments to the Park North Subdivision previously approved by the Planning Board be brought to the City Council for review. Recently, the Planning Board conditionally approved the ninth amendment to create one additional lot from the parcel currently addressed as 4 Cascade Road.

For the Council’s review, the following is a description of the eight amendments to the Park North Subdivision approved by the Planning Board to date:

- First Amendment – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08
- Second Amendment – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.
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- Fourth Amendment – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.
- Fifth Amendment – Updating dimensional regulations in parcels 2, 3, and 4 of the contract zone agreement. The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.
- Sixth Amendment – Modified the residential area
of Lot 18.

- Seventh Amendment
  - The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.
  - The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6-acre parcel for future development of a 72-unit apartment building.

- Eighth Amendment – This amendment consolidates Lots 6 through 15 (located in the northeastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.

- Ninth Amendment – This amendment creates one additional lot from 4 Cascade Road. The applicant has submitted a site plan application for construction of a 6,000-sq. ft. mixed use structure (3,000 sq. ft. business use and 3,000 sq. ft. medical office).

**EXHIBITS:**

1. Memo from Kevin L. Sutherland to City Council dated November 8, 2018 with attachments
2. Memo from Emily Cole-Prescott to City Council dated May 30, 2019 with attachments

**RECOMMENDATION:** Staff recommends approval of the above subdivision amendments, based on actions by the Planning Board from 2008 to present.

**SUGGESTED MOTIONS:** “I move to schedule a public hearing on July 15, 2019 for the Park North Contract Zone Subdivision Amendments as enumerated above.”
1. Amendment – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08

2. Amendment – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.

3. Amendment – Creation of Lots C4A, C4B and 22. The latter was carved out of the existing Lot 18 at the corner of Portland Road and Main Road (now Waterfall Drive) and is now occupied by the former Ocean Communities credit union building. Lots C4A and C4B were created from the existing parcel that lies between Cascade Road and Old Cascade Road. It is described in the parcel deed for the Cascade Inn as a separate parcel from the larger, former Inn property. Zones C4A and C4B have since been developed with single family dwellings.

4. Amendment – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.

5. Amendment – Updating dimensional regulations in parcels 2, 3, and 4 of the contract zone agreement. The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.

6. Amendment – Modified the residential area of Lot 18.

7. Amendment
   - The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.
   - The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6 acre parcel for future development of a 72-unit apartment building. (Condition of approval number 16 from the original approval stated in part that “development of individual parcels for residential or commercial buildings and uses shall be subject to site plan review by the Planning Board.” As such, a site plan application for the proposed apartment building will be submitted to the Board..)
8. Amendment - This amendment consolidates Lots 6 through 15 (located in the north eastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.

Working in concert with the developer, I am bringing this to Council as staff and I believe the Council needs to at least be made aware of these prior amendments, to retroactively approve them (should the Council deem this necessary), and to finally consider changes to our ordinance and amend the language in the contract zone that would provide greater clarity for any future amendments to the plan.

Attachments include:
- Exhibit 1: Council amended Park North Contract Zone
- Exhibit 2: Map of Subdivision Plan
- Exhibit 3: Map of Planning Board Approved 8th amendment
Contract Zone Agreement

By and Between

Park North Development, LLC and Preston Properties, LLC as Applicants
and the City of Saco

December 20, 2005
Amended September 3, 2013
Amended October 17, 2016

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through March 4, 2013 is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.

1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.

2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenanted commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.

3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.

4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.

5. Evidence of right, title and interest is established by virtue of the above referenced deeds.

6. The Subject Property is in the Business Park (BP) zoning district.
7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Technics, One Chabot Street, Westbrook, Maine 04098 (the "Plan") (as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi-use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.

9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.

10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.

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

1. This Agreement supersedes Article 4. District Regulations of the Saco Zoning Ordinance. District Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.

2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.

3. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance. The following shall apply as the exclusive Space and
Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

**PARCEL 1:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>60 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
</tr>
<tr>
<td>Minimum Lot Area/D.U.</td>
<td>1,250 s.f.</td>
</tr>
<tr>
<td>Density</td>
<td>N/A</td>
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</table>

**PARCEL 2:**

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<tr>
<td>Minimum Lot Size</td>
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</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height</td>
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<td>Maximum Lot Coverage</td>
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</tr>
<tr>
<td>Density</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**PARCEL 3:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>20 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>Not more than 120 units</td>
</tr>
<tr>
<td>Minimum Lot Area/Dwelling Unit:</td>
<td>3,000 Square feet * total acreage of parcel divided by the number of units proposed</td>
</tr>
<tr>
<td>Minimum Net Residential Density for multi-family dwellings</td>
<td>1,250 s.f. per unit</td>
</tr>
</tbody>
</table>

**PARCEL 4:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>Not more than 300 units</td>
</tr>
<tr>
<td>Minimum Lot Area/Dwelling Unit:</td>
<td>12,500 s.f. * total lot acreage divided by the total number of units proposed</td>
</tr>
<tr>
<td>Minimum Net Residential Density</td>
<td>1 lot or unit per 7,500 s.f.</td>
</tr>
</tbody>
</table>
4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the "Use Restrictions") are hereby superseded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

PARCEL 1:

PERMITTED USES:

1. Reserved.
2. One caretaker's apartment within a non-residential use
3. Hotels and Motels
4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area
5. Accessory retail sales of goods manufactured on the premises
6. Artist and crafts person studios
7. Eating establishments
8. Eating and Drinking establishments
9. Health and Fitness Clubs
10. Private Clubs
11. Financial Institutions with drive through
12. Professional Offices
13. Business Offices
14. Personal Services
15. Business Services
16. Repair Services
17. Multi-family housing, no units within 600 feet of Rte. One right of way.
18. Health care clinics for humans
19. Hospitals
20. Essential Services
21. Animal hospitals and veterinarian offices
22. Any use permitted in the Resource Protection District
23. Accessory Uses
24. Municipal Uses
25. Public Utility Building
26. Quasi-public Uses
27. Public parks and playgrounds
28. Public Schools
29. Private Schools
30. Commercial Schools
31. Nursery Schools
32. Day care center
33. Adult day care centers, Types 1 and 2

CONDITIONAL USES:

1. Car washes
2. Indoor recreation/amusement centers
3. Enclosed sports facilities
4. Reserved
5. Commercial recreation
6. Radio and TV antennas
PARCEL 2:

PERMITTED USES:

1. Hotels and Motels
2. Accessory retail sales of goods manufactured on the premises
3. Eating establishments
4. Eating and Drinking establishments
5. Accessory food service facilities
6. Artist and crafts person studios
7. Health and Fitness Clubs
8. Financial Institutions with drive through
9. Professional Offices
10. Business Offices
11. Business Services
12. Private Clubs
13. Health care clinics for humans
14. Research and testing laboratories
15. Any use permitted in the Resource Protection District
16. Accessory uses
17. Essential services
18. Municipal uses
19. Public Utility Building
20. Quasi-public uses
21. Public parks and playgrounds
22. Commercial Schools
23. Nursery Schools
24. Day care center
25. Adult day care centers, Types 1 and 2
26. Retail uses with less than 15,000 square feet of gross floor area
27. Funeral Homes
28. Personal Services
29. Reserved
30. Indoor Recreation/Amusement Center
31. Reserved
32. Agriculture
33. Self-Service Storage Facilities
34. Outdoor Recreation

CONDITIONAL USES:

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities
3. Wholesale Trade and Warehouses

PARCEL 3:

PERMITTED USES:

1. Multi family dwellings
2. Professional Offices
3. Businesses Offices and Services
4. Reserved
5. Day care center
6. Adult day care center
7. Accessory Uses
8. Eldercare congregate living
9. Community living use
10. Assisted living facility
11. Nursing Home
12. Hospitals
13. Any use permitted in the Resource Protection District
14. Home occupations
15. Accessory recreational uses
16. Congregate Housing, including multiple individual rooms or dwelling units to be occupied as a shared living environment, which may include small individual apartments with kitchens or individual rooms, any of which may be combined with shared community space, shared dining facilities, housekeeping services, personal care services and other similar.
PARCEL 4:

PERMITTED USES:

1. Any use permitted of right in the R-2 District
2. Manufactured housing units
3. Multi family dwellings in structures containing no more than 8 units each
4. Elderly congregate housing
5. Home Occupations
6. Any use permitted in the Resource Protection District
7. Boarding homes
8. Home babysitting service
9. Adult day care center, Type 1
10. Community Center for the use of the residents of land in Parcels 3 & 4

CONDITIONAL USES:

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right

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

1. Development of the mixed-use development described herein as proposed by the Applicant is allowed on the Subject Property.

2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford-Saco Maine Water Company and to the municipal sanitary sewer system.

3. The portion of the Applicants' land shown on the Project Plan as "Land to be Conveyed" shall be conveyed to the City of Saco or its designee at no cost to the City no later than three (3) years after the first Certificate of Occupancy is issued for any dwelling unit or commercial structure on the Subject Property.

4. Development on Parcels 1, 2, 3, and 4 shall be subject to either Subdivision or Site Plan review by the Planning Board as dictated by the Saco Zoning Ordinance or the Saco Subdivision Regulations.

5. City and Applicant recognize that the 'Sketch Plan' submitted for purposes of Contract Zone consideration is limited in scope and detail. The project is subject to site plan and subdivision review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, the U.S. Army Corps of Engineers and all other regional, state and federal agencies.
6. No site plan or subdivision approvals shall be granted by the Planning Board prior to an executed agreement being reached between the City and the Applicant for the design, financing and construction of a functional sanitary sewer collection and conveyance system serving the subject property, all connected to the existing City of Saco sanitary sewer system.

7. The street proposed to provide access to Parcels 1, 3 and 4 shall not be constructed as to cross the brook as shown on the Project Plan prior to agreement being reached between the Applicant, City and abutters as necessary for said street to be constructed as a through street to Cascade Road.

8. Applicant is responsible for the design and construction, in consultation with the City or entity designated by the City, of an off-road trail system. Said trail system may be deeded with use restrictions but in no circumstance shall any such restrictions bar free access or prohibit passive recreation by the public. Passive recreation may include activities such as walking, hiking, birdwatching, picnicking, cross-country skiing, or nature photography. Passive recreation shall not include activities that may result in degradation of the trail system, including but not limited to motor vehicle use, removal of vegetation beyond that necessary for trail construction, disturbance of soil beyond that necessary for trail construction, and hunting. Phase One of the trail system shall be completed by Nov. 1, 2017.

9. Failure of the Applicant to submit an application for subdivision review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. This deadline may be extended for successive six (6) month periods at the discretion of the City Administrator upon written request submitted to the City Planning Office by the Applicant. In the event that this Contract Zone Agreement becomes null and void, the zoning applicable to the Subject Property shall revert to the Zoning in effect prior to the approval of the Contract Zone.

10. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.

11. All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be minor may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.
12. This Document and Contract Zone affects only the Subject Property identified herein.

13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.

14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.

15. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.

16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to the City of Saco.

17. Payment in full of the off-site mitigation fee of $50,000.00 required by the Maine DOT as part of the Traffic Movement Permit for Park North shall be made to the City no later than April 1, 2017, for safety improvements on U.S. Route One in the vicinity of Ross Road as specified by the MDOT.

18. Payment in full of the $50,000 payment as required by the Cascades Contract Zone, approved by the City Council on Sept. 5, 2006 and approved for amendment by the City Council on Dec. 22, 2014, shall be made to the City for the purpose of trail development and construction on said Gift Lot no later than April 1, 2017.

19. As stated in the 2011 Conditions of Approval for the parcel identified as Tax Map 62, Lot 1-0-1, in order to provide for safe, convenient pedestrian access, the applicant and/or property owner are responsible for the construction of a public sidewalk along the Cascade Road frontage of the subject parcel, from its intersection with Waterfall Drive to the easterlymost corner of the parcel at Cascade Road. Said sidewalk shall be designed to the satisfaction of the Department of Public Works no later than April 1, 2017, and constructed no later than November 1, 2017. If proposed within the Cascade Road right of way, the applicant is responsible for securing any required easements.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:
A. The Subject Property is a parcel of an unusual nature and location, for the following reasons:

1. The Subject Property consists of 236 +/- acres of contiguous land with over 1650 feet of frontage on Route 1. Route 1 is a major transportation route in southern Maine and has the ability to carry a large capacity of vehicles on a daily basis. Route 1 is also the commercial corridor in this area which also makes it conducive to commercial, retail and mixed use residential development.

2. The Subject Property is located at the Scarborough/Saco town line and therefore will serve as a gateway to the City of Saco. Such a large parcel of land with such significant frontage in this location provides a rare opportunity to master plan a mixed use development in this critical location. In addition, because of its proximity to Scarborough and Portland, the mixed use nature of this project will be attractive to a wider region rather than servicing just the City of Saco. This will assist in achieving the goal cited in the Local Economy section of the Comprehensive Plan which identifies the desire to “Maintain Saco’s role as a retail and service center for the region”

3. The Subject Property is located just east of the Maine Turnpike and North of the I-195 spur which the Saco Comprehensive Plan indicates is strategic in working with the Turnpike Authority to locate a new interchange in the Flag road/Cascade Road area of the community. This development will serve to enhance those discussions.

4. The Applicant is agreeable to conveying the portions of Tax Map 63, Lot 6 and Tax Map 64, Lot 6-1 which are within the Resource Protection District (approximately 12 acres), identified as “Land to be Conveyed” on the Plan, to the City of Saco to be permanently preserved for the benefit of the public.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chapter 17, Section F. Land Use, Local Goals

- “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” – The proposed uses promote a transition and mitigation of land use between residential development and commercial use.

- “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” – The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.
• "To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements." – The Applicant proposes to convey land within the Resource Protection district to the City, thereby protecting that land from future development.

• "To encourage a pattern of land use that can be served efficiently and that does not impose undue burden on the City's financial resources." – The Applicants' development encourages commercial development with ease of access and at a scale that will provide significant commercial expansion with substantial fiscal benefit to the City.

C. The proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone. The proposed contract continues the permitted uses currently allowed in the underlying zoning district, while adding additional compatible uses which are anticipated to enhance the development and appearance of the project.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, 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 the conditions and restrictions contained herein.

Adopted by the Saco City Council on May 1, 2006, and Adopted as Amended on September 3, 2013, and further Amended on October 17, 2016.

CITY OF SACO

PRESTON PROPERTIES, LLC

By: 
Kevin L. Sutherland
City Administrator

By: R. Elliott Chamberlain
Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: R. Elliott Chamberlain
Authorized Member
TO: Mayor Lovell and City Council  
FROM: Emily Cole Prescott, City Planner  
DATE: May 30, 2019  
RE: Ninth Amendment – Park North Subdivision

At their meeting on April 30, 2019, the Planning Board approved the re-subdivision for 4 Cascade Road, which created one additional lot in the Park North Subdivision. Because the initial subdivision plan is incorporated by reference in the contract zone and this will revise that referenced plan, the Planning Board conditioned final subdivision approval on the Council’s review and approval of the plan. The applicant has submitted a site plan review application to construct a 6,000 square ft. mixed use (3,000 square ft. medical office & 3,000 square ft. business office space) on the new lot. Because the site plan includes the division of the land into two lots, the Planning Board cannot issue a decision on the site plan application until the re-subdivision has been approved by the City Council.

This revision is the ninth amendment to the subdivision plan, and is presented tonight along with follow-up information about the eight amendments to the subdivision plan which were discussed with the Council in workshop on November 13, 2018.

Enclosed please find the minutes of the Planning Board’s April 30, 2019 meeting, where the final subdivision plan was approved. Also included is the plan review memo for final subdivision review.

I look forward to answering any questions.
Approved Minutes
Planning Board
Tuesday, April 30, 2019
6:00 PM Special Meeting
City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Schuster; Vice Chair Don Girouard; Matt Provencal; Joyce Leary Clark; Jeff Brochu; Peter Scontras; Alyssa Bouthot
Also Present: Roger Gay, City Council Liaison; Joe Laverriere, City Engineer; Emily Cole Prescott, City Planner

Note: Regular 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.

1. Call to Order: Chair Schuster called the regular meeting to order at 6:05 PM.
2. Minutes of April 16, 2019 Meeting: Jeff Brochu asked that the spelling of Bill Cormier’s name be revised. Jeff Brochu made a motion to approve the meeting minutes with this amendment. Joyce Leary Clark seconded the motion, and it carried unanimously.
3. New Business, Tabled Items & Public Hearings:
   a. 4 Cascade Road (Map 62 Lot 1-4): Final Subdivision Plan Review – Re-subdivision to create one lot
      • Applicant: Amari Holdings LLC
      • Zone: Cascade Contract Zone & MU-3
      Bill Thompson of BH2M and Nate Libby of Amari Holdings were present to discuss this application.
      Overview: Emily Cole-Prescott introduced the final subdivision application, indicating that a condition of preliminary approval to provide financial capacity documentation upon final plan review had not been done. Additionally, the need to have the final subdivision reviewed by the City Council for the subdivision amendment because it is part of the contract zone, should be done before the site plan review application. Options include looking at the site plan review application to review what has been received thus far with the applicant, pending action until the Council has reviewed the subdivision plan amendment that is incorporated by reference in the contract zone.
      Discussion, Waiver Requests & Application Completeness:
      • Financial Capacity: Don Girouard moved that the Planning Board waive section 1.1.10 for financial and technical capacity on the basis that it is not necessary for the creation of one lot. Jeff Brochu seconded the motion, and it carried, with Peter Scontras opposed.

Applicant Completeness: Alyssa Bouthot moved to find the application for final subdivision review to create one additional lot for Map 62 Lot 1-4 complete. The motion carried, 5-2, with Jeff Brochu and Peter Scontras opposed.
• Traffic and Proposed Conditions of Approval: The Board reviewed a proposed condition of approval, which requires the Park North/Cascades Traffic Movement Permit (TMP) approval before a Certificate of Occupancy is issued. **Jeff Brochu moved to delete condition #14 from the proposed list of conditions of approval. There was no second so the motion failed.**

There was discussion about the sun-set Traffic Movement Permit for Park North and the Cascades. E. Cole-Prescott indicated that the Traffic Movement Permit has been filed. There was question as to whether certificates of occupancy will be withheld until the TMP is approved, and E. Cole-Prescott stated that she has been told that Certificates of Occupancy cannot be issued by the Code Enforcement Department until the TMP is approved. Joe Laverriere, City Engineer, answered some questions about the TMP application. The Board had a discussion about and asked questions about the TMP.

**Public Hearing:** **Don Girouard moved to open the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.**

- Roger Gay, **City Council Liaison,** spoke.
- Kevin Roche spoke in favor of the application, and expressed concerns about the Park North/Cascade Contract Zone, TMP, and other enforcement matters relative to that area.

**Jeff Brochu moved to close the public hearing. Matt Provencal seconded the motion, and it carried unanimously.**

**Action:** **Jeff Brochu moved to approve the final subdivision plan for creation of one additional lot per the findings of fact and conditions of approval dated April 30, 2019. Matt Provencal seconded the motion, and it carried, 6-1, with Peter Scontras opposed.**

  b. 4 Cascade Road (Map 62 Lot 1-4): Site Plan & Design Review Application – 6,000 sq. ft. commercial structure and associated site improvements
  - Applicant: Amari Holdings LLC
  - Zone: Cascade Contract Zone & MU-3
  
  *Bill Thompson of BH2M and Nate Libby of Amari Holdings were present to discuss this application.*

**Don Girouard moved to table the site plan review application consideration to a future meeting. Alyssa Bouthot seconded the motion, and it carried unanimously.**

  c. 19 Mill Brook Road (Map 45 Lot 19-3-9): Site Plan Review – 60,000 square feet industrial facility in two phases with associated site improvements
  - Applicant: Nikel Holdings
  - Zone: I-3

  *Craig Burgess, Sebago Technics, was present to discuss this application.*

**Overview:** Emily Cole-Prescott introduced the application, indicating that the owner has applied for site plan review to bring Precision Manufacturing to the Mill Brook Business Park. The first phase will consist of 40,000 square feet, and the second phase is proposed at 20,000 square feet. The application includes associated site improvements.

**Application Completeness:** **Jeff Brochu moved to find the application for site plan review for 19 Mill Brook Road complete. Joyce Leary Clark seconded the motion, and it carried unanimously.**
Craig Burgess presented the plan, and answered the Board’s questions about the proposal. The business is primarily C&C milling, with low intensity and low water usage.

**Public Hearing:** Jeff Brochu moved to open the public hearing. Joyce Leary Clark seconded the motion, and it carried unanimously.

- Roger Gay, City Council Liaison, asked about the number of employees.
- Kevin Roche asked about sewer capacity.

Craig Burgess responded that there will be no more than 70 employees on each shift, and there will be two shifts. Craig Burgess noted that there is significantly low water usage for this business, and coordination has occurred with the Water Resource Recovery Director Howard Carter.

Jeff Brochu moved to close the public hearing. Peter Scontras seconded the motion, and it carried unanimously.

**Action:** Joyce Leary Clark moved to approve the site plan application for 19 Mill Brook Road, in the Mill Brook Business Park, per the findings of fact and the conditions of approval, both dated April 30, 2019.

Updates & Other Discussion: The Board asked that additional detail be provided about the TMP application in Park North/Cascades.

Adjournment: Without objection, the meeting adjourned at 8:15 PM.
MEETING ITEM COMMENTARY

AGENDA ITEM: Charter Amendment #1 – 2.09 Ordinances in General, Posting and Publishing

COUNCIL RESOURCE: Councilor Micha Smart

STAFF RESOURCE: Kevin Sutherland, City Administrator

BACKGROUND: The City Council endeavors to make a few amendments to the Charter. As described in MRSA, Title 30A, Chapter 111, Section 2104, the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to add posting of proposed ordinance amendments or new ordinances to the city website and at City Hall for public hearings and the adoption of any ordinance as a requirement. In addition, it also saves money on advertising costs by publishing a summary of the proposed ordinance for the public hearing versus the full ordinance and striking the requirement that the ordinance be published again after its adoption.

EXHIBITS: 1. Saco City Charter Amendment #1

Reading through the exhibit, (Strike-through represents language to be deleted, while underline represents new language.) Only Sections and subsections of the Charter that have a change are shown in the exhibit. The amendment is not meant to remove or change any other aspect of the Charter. Any changes suggested in other amendments are not shown in this amendment.

SUGGESTED MOTION “Be it ordered that the City Council approve the first reading of the Charter Amendments included in the document titled, ‘Saco City Charter Amendment #1: 2.09 Ordinances in General, Posting and Publishing, dated June 17, 2019’ and further move to schedule a public hearing for July 1, 2019, before a vote to add to the November referendum”.
Saco City Charter Amendment #1:
2.09 Ordinances in General, Posting and Publishing,
dated June 17, 2019

Section 2.09 Ordinances in General.

a. Form. Every proposed ordinance shall be introduced in writing and in the form proposed for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly stated in its title. The enacting clause shall be "The City of Saco hereby ordains...."

b. Procedure. A proposed ordinance shall be placed on the agenda by the Mayor or any City Councilor at any regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, to each City Councilor and to the City Administrator. The Clerk shall file a reasonable number of copies in the office of the City Clerk and such other public places as the City Council may designate. A public hearing shall be held on the proposed ordinance, and Prior to public hearing, the Clerk shall post publish the entire ordinance and shall publish a brief summary along with notice of the public hearing, together with a notice setting out the time and place for a public hearing thereon, and for its consideration by the City Council. The public hearing shall follow the publication and the posting by at least seven (7) days, and may be held separately or in connection with a regular or special City Council meeting. All persons interested shall have a reasonable opportunity to be heard. After the hearing, the City Council shall hold a second reading, no less than seven (7) days and no more than thirty (30) days, following the date of the public hearing, at which time the City Council may adopt the ordinance, with or without amendment, or reject it. As soon as practicable after the adoption of any ordinance, the Clerk shall have it published and posted the approved ordinance, again, together with a notice of its adoption.

c. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or any later date specified therein.

d. "Publish" Defined. As used in this Section, the term "Publish" means to print at least once in one or more newspapers of general circulation in the City:

1. The date, time and place fore of the public hearing on a proposed ordinance and for its consideration by the City Council, or as applicable the date of adoption and effective date of an ordinance;

2. A brief summary of the ordinance thereof if the text, exclusive of title headings, contains more than one thousand words; and

3. The place where copies of it have a full version of the proposed ordinance has been filed, and the time when they are it is available for public inspection.

e. “Post” Defined. As used in this section, the term “post” shall mean to place a full version of the proposed ordinance or the adopted ordinance in a public place at City Hall and on the City’s website.
MEETING ITEM COMMENTARY

AGENDA ITEM: Charter Amendment #2 – 6.15 Borrowing for Permanent Improvements, Posting and Publishing

COUNCIL RESOURCE: Councilor Nathan Johnston

STAFF RESOURCE: Kevin Sutherland, City Administrator

BACKGROUND: The City Council endeavors to make a few amendments to the Charter. As described in MRSA, Title 30A, Chapter 111, Section 2104, the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to clarify where full versions of the bond order shall be posted. In addition, it also saves money on advertising costs by publishing a summary of the bond order rather than a full version in a daily newspaper having a general circulation in the City of Saco at least 2 weeks before the final action of the City Council, and approval of five members of the City Council.

EXHIBITS: 1. Saco City Charter Amendment #2

Reading through the exhibit, (Strike-through represents language to be deleted, while underline represents new language.) Only Sections and subsections of the Charter that have a change are shown in the exhibit. The amendment is not meant to remove or change any other aspect of the Charter. Any changes suggested in other amendments are not shown in this amendment.

SUGGESTED MOTION

“Be it ordered that the City Council approve the first reading of the Charter Amendments included in the document titled, ‘Saco City Charter Amendment #2: 6.15 Borrowing for Permanent Improvements, Posting and Publishing, dated June 17, 2019’

and further move to schedule a public hearing for July 1, 2019 before a vote to add to the November referendum”.

69
Saco City Charter Amendment #2:
6.15 Borrowing for Permanent Improvements, Posting and Publishing,
dated June 17, 2019

Section 6.15 Borrowing for Permanent Improvements.
[Amended 11-6-2001]

Money may be borrowed, within the limits fixed by the constitution and statutes of the State now or hereafter applying to said City of Saco, by the issue and sale of bonds or notes pledged on the credit of the City. The proceeds to be used for the acquisition of land, the construction, reconstruction, major alterations extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of machinery and equipment. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two public places in the City of Saco, a full version of the Order at a public place in City Hall and on the City’s website, and by publishing a brief summary of the Order publishing said notice in a daily newspaper having a general circulation in the City of Saco at least two weeks before the final action of the City Council, and the approval of five members of the City Council. The City Council may refund bonds, notes and certificates of indebtedness previously issued.

The City Council, upon approval of the issuance of said bonds or notes, shall take all necessary legal steps to submit their action to the voters of Saco for ratification or rejection at the next regular municipal election or at a special election that shall be called, advertised and conducted according to the law relating to municipal elections, but the total number of votes cast at said special election must be equal to or exceed twenty per cent (20%) of the total votes cast for all candidates for Mayor at the previous general municipal election. No bond or note issue, excepting, however, borrowing for purposes set forth in Sections 6.09(b) and 6.14, shall be valid unless the City Council's action has been ratified by the voters of Saco as above provided.

Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the City Council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty years. Bonds issued after the adoption of this Charter shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000.00; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished.