

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Council Meeting held on March 6, 2006.

- I. **CALL TO ORDER** – On Monday, March 6, 2006, at 7:04 p.m. a Council Meeting was held in the City Hall Auditorium.

- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members to determine if the Councilors present constituted a quorum.
Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

Minutes were not presented this evening.

- V. **GENERAL** – Presentation of the “Citizens Satisfaction Survey” by Matthew Strobl, Director of Research for Strategic Marketing Services

Mr. Strobl presented his report regarding the latest Citizens Satisfaction Survey. The City of Saco continues to maintain and in some cases increase the score regarding city services and programs.

VI. AGENDA ITEMS:

A. (Public Hearing) Amendment to KFC Contract Zone

The Council approved a contract zone encompassing three abutting Main Street parcels at 477, 485 and 491 Main Street on October 17, 2005. The properties include those owned by Linron Inc., doing business as KFC; the York County Federal Credit Union; and two

parcels between KFC and the credit union that are under contract to Saco Realty Limited Partnership, possibly to be developed as a CVS pharmacy. The motion voted to “authorize the City Administrator to enter into the proposed contract with the applicants after final site plan approvals by the Planning Board”. Discussion between the applicants’ attorney and the City Attorney has led to recognition that, in order to preserve the City’s interests in the future rear access drive serving each of the parcels, signing of the contract zone agreement should not be delayed until site plan approvals are completed. Therefore, the purpose of this reconsideration is to amend the motion (The KFC site plan has, in fact, been approved already).

Councilor Cote moved, Councilor Michaud seconded, to open the Public Hearing on the amendment to the motion of the approved contract zone titled ‘**Contract Zone Agreement by and Between Linron, Inc., Saco Realty Limited Partnership, York County Federal Credit Union and the City of Saco**’, dated August 16, 2005, which authorizes the City Administrator to enter into the proposed contract with the applicants. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Michaud seconded to close the Public Hearing on the amendment to the motion of the approved contract zone titled ‘**Contract Zone Agreement by and Between Linron, Inc., Saco Realty Limited Partnership, York County Federal Credit Union and the City of Saco**’, dated August 16, 2005, and set the Second and Final Reading for March 20, 2006. Further move to approve the order. The motion passed with seven (7) yeas.

Contract Zone Agreement By and Between

LINRON, INC., SACO REALTY LIMITED PARTNERSHIP, and YORK COUNTY FEDERAL CREDIT UNION and the CITY OF SACO

August 16, 2005

THE CITY OF SACO HEREBY ORDAINS:

That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through June 20, 2005 is hereby amended by adopting this contract by and between the City of Saco and LINRON, INC. ("Linron"), SACO REALTY LIMITED PARTNERSHIP ("SRLP") and YORK COUNTY FEDERAL CREDIT UNION ("Credit Union")(collectively "Applicants") and their successors and assigns.

1. The Applicants propose to establish a series of three (3) permitted uses located on Main Street with a single curb cut off of Main Street and a rear drive providing access for the three uses to Shannon Lane and its signalized intersection. The proposed uses include an existing eating establishment (KFC Restaurant) on the Linron, Inc. property; an existing financial institution (York County Federal Credit Union) and a proposed retail business (CVS Pharmacy) on the Saco Realty Limited Partnership parcels.
2. Said properties are identified as Tax Map 33, Lot 6 (Linron); Tax Map 33 Lot 7 & Map 33, Lot 4-1 (SRLP) and Tax Map 33 Lot 9 (Credit Union) on City of Saco tax maps, and is in a B-2d zoning district (the "Subject Properties").
3. Part of the properties are currently improved with a KFC Restaurant (Linron parcel). The Credit Union occupies one parcel and the SRLP parcels are improved with a house and a carriage house in which a real estate agency is now located.
4. Eating Establishments, financial institutions and retail businesses are permitted uses in the B-2d zoning district.

The Applicants propose a zoning amendment in the form of a contract zone to facilitate the construction of a CVS Pharmacy, the construction of a new KFC, an addition to the Credit Union, the installation and maintenance of a single Main Street curb cut, and the establishment of a common rear drive to Shannon Lane benefiting all three (3) uses. Recognizing the public necessity and convenience which will result from this undertaking, particularly traffic safety and efficiency that shall come from a shared common access and reduced curb cuts on Route 1, and recognizing the unique location of the parcels, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2d Zone and the establishment of the following components for the subject properties, which modifications would, in part, amend the Saco Zoning Ordinance.

B. (Public Hearing) Zoning Ordinance Amendment Re: Historic District

Erika Donneson of 93 Pleasant Street would like her house to be protected under Saco's historic preservation provisions, which are contained in Article 4 of the zoning ordinance, and mapped as part of the official zoning map.

The Historic Preservation Commission recommends approval of the amendment based on standard 413-4-4 "Architecture", which encourage the inclusion of "Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction..."

The Commission adopted the following statement in support of the amendment: "The exterior of the Donneson House is an example of a mid-nineteenth century dwelling with Greek Revival detailing on the exterior and interior. The Greek revival style first became popular in the 1820s, after the Greek Civil War, and it was the predominant architectural style in pre-Civil War Maine. Some of the houses constructed in this style feature pediments and columns that recall Greek temples, while others apply Grecian inspired details, (for example, the wide pilaster-style corner boards on the Donneson House) to traditional timber-frame structures. Although some research seems to indicate that portions of the house may pre-date the mid-nineteenth century, the extant building is best understood as an example of a Greek Revival dwelling."

Ms. Donneson would have preferred that the Commission focus on evidence of an older history of the house, but the Commission and a representative of the State Historic Preservation Commission felt that the house clearly has a 19th century appearance today. Regardless, the protections under the ordinance are the same.

Councilor McDougal moved, Councilor Michaud seconded, to open the Public Hearing on the document titled, 'Saco Zoning Ordinance § 413-6. Historic Districts, Historic Sites and Historic Landmarks Designated (1) Districts, dated February 27, 2006'. The motion passed with seven (7) yeas.

Ms. Erika Donneson stated that she was grateful for the protection the designation would afford her residence.

Councilor McDougal moved, Councilor Michaud seconded, to close the Public Hearing on the document entitled, Saco Zoning Ordinance § 413-6. Historic Districts, Historic Sites and Historic Landmarks Designated (1) Districts, dated February 27, 2006, and Be it Ordered that the City Council set the Second and Final Reading for March 20, 2006. Further move to approve the Order. The motion passed with seven (7) yeas.

"Saco Zoning Ordinance § 413-6. HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS DESIGNATED (1) DISTRICTS, dated February 27, 2006"

Language that is to be deleted is shown as a ~~strikethrough~~ while new language is underlined.

413-6. Historic Districts, Historic Sites and Historic Landmarks Designated

The following described lands, buildings or structures, or areas of the City are designated historic districts, historic sites or historic landmarks as follows: (as designated after this ordinance has been adopted, and the Commission recommendations have been approved).

1) Districts

Beginning at Thornton Academy on the north end of Main Street the district takes in the grounds surrounding the Academy and the football field on the opposite side of the street. It then takes in all properties on both sides of Main Street as far south as 146 Main. Beginning at the intersection of Main and North Streets it includes all properties on both sides of North Street as far as the Boston and Maine railroad tracks. All properties on both sides of Vernon Street and Cross Street are included, all properties on the north side of Cutts Avenue, and properties on both sides of Elm Street from the intersection of Elm Street and Main Street to the intersection of Elm Street and Cutts Avenue are included. All buildings in Pepperell Square are included. The full width and depth of all lots, except for a portion of the Thornton Academy campus, as depicted on the map entitled "Saco," are included for all properties. (Amended 6-17-02).

Also, all lots on the north side of Beach Street beginning at Middle Street Extension to Winter Street, except for Memorial Field, where the boundary is an extension of the rear lot line of Map 32 Lot 113; on Winter Street, Map 32, Lot 117; on the south side of Beach Street from Map 32, Lot 98 on Beach Street east to James Street, including Pepperell Park, defined for this purpose as Map 32, Lot 65, but not including Fairfield School and three feet of land around it. The full depth and width of all the lots, except for the Fairfield School exception noted above, as depicted on the map entitled, "Saco," are included. In the case of any discrepancies between the boundaries of the district as described above and the map, the map shall have precedence. (Amended 1-17-95, 6-17-02) Also, the following lots on Middle and School streets, Map 31, Lots 6, 7, 6-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 53, 54, 55, 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and 96. Also, the following lot on Pleasant Street, Map 38, Lot 183.

C. (Public Hearing) Zoning Ordinance Amendment § 1102.10

The Maine Department of Environmental Protection (MEDEP) has recently updated its Stormwater Management Rules, based on Maine's Stormwater Management Law, 38 M.R.S.A. Sec. 420-D. The City has review authority delegated by the MEDEP for conducting Stormwater Permit reviews. The City has been advised by the DEP that the reference to Stormwater Permits found in the Zoning Ordinance must be revised to recognize the updated rules. Section 1102.10 of the Zoning Ordinance has been revised by the City Attorney, reviewed by the DEP, and adequately references the new rules.

The Planning Board considered these proposals at its Feb. 7, 2006 meeting, and made a positive recommendation for passage.

Councilor Smith moved, Councilor Michaud seconded, to open the Public Hearing on the document titled, ‘**Amendment to Zoning Ordinance Article 11, Section 1102.10, Stormwater Permits, dated February 27, 2006**’. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Smith moved, Councilor Morton seconded, to close the Public Hearing on the document titled, ‘**Amendment to Zoning Ordinance Article 11, Section 1102.10, Stormwater Permits, dated February 27, 2006**, and set the Second and Final Reading for March 20, 2006. Further move to approve the Order. The motion passed with seven (7) yeas.

D. Application To Operate a Game of Chance – BPOE 1597

BPOE #1597 has applied for a license to operate Games of Chance: Poker Texas Holdum, Poker (3), Blackjack (3), Chuck-A-Luck and 50-50 from March 27, 2006 to April 1, 2006.

The applicant has submitting the applications in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Councilor Tardif moved, Councilor Morton seconded, to grant the applications for a License to Operate a Games of Chance: Poker Texas Holdum, Poker (3), Blackjack (3), Chuck-A-Luck and 50-50 from March 27, 2006 to April 1, 2006, as submitted by BPOE #1597. The motion passed with seven (7) yeas.

VII. ADJOURNMENT

Councilor Smith moved, Councilor Tripp seconded, to adjourn. The motion passed with yeas. TIME: 7:45 p.m.

Attest: _____
Lucette S. Pellerin, City Clerk