

CITY OF SACO

County of York

City of Saco

The following are minutes of the April 3, 2006 Council Meeting.

- I. **CALL TO ORDER** – On Monday, April 3, 2006 at 7:00 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 and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Eric Cote and Jesse McDougal. Councilor Tardif was excused this evening.

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: March 6, 2006**

Minutes of the March 6, 2006 Council Meeting were approved as written.

V. **GENERAL: PROCLAMATION – Building Safety Week**

**CITY OF SACO  
PROCLAMATION  
BUILDING SAFETY WEEK**

**WHEREAS, through our continuing attention to building safety, we enjoy the comfort and peace of mind of structures that are safe and sound; and**

**WHEREAS,** building safety and fire prevention officials are at work year round to guide the safe construction of buildings; and

**WHEREAS,** the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce codes to safeguard Americans in the buildings where we live, work, play and learn; and

**WHEREAS,** the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U.S. cities, counties and states. These modern, building safety codes also include safeguards to protect the public from natural disasters that can occur, such as snowstorms, hurricanes, tornadoes, wild land fires and earthquakes; and

**WHEREAS,** Building Safety Week sponsored by the International Code Council Foundation, is an excellent opportunity to educate the public. It is a perfect time to increase public awareness of the role building safety and fire prevention officials, local and state building departments, and federal agencies play in protecting lives and property; and,

**WHEREAS,** this year’s theme, “Making Homes, Schools and Workplaces Safer Together,” encourages all Americans to raise our awareness of building safety, and to take appropriate steps to ensure that the places where we live, work, play and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

**WHEREAS,** this year, as we observe Building Safety Week, we ask all Americans to consider projects to improve building safety at home and in the community, and to recognize the local building safety and fire prevention officials and the important role that they play in public safety.

**NOW, THEREFORE, I**, Mark D. Johnston, Mayor of the City of Saco do hereby proclaim the week of May 7 through May 13, 2006, as “**Building Safety Week**”. Accordingly, our citizens are encouraged to join their fellow Americans in participating in Building Safety Week activities and assisting efforts to improve building safety.

Given under my hand and Seal of the City of SACO

*This 3<sup>rd</sup> Day of April 2006*

/S/ **Mark D. Johnston**  
**Mark D. Johnston, Mayor**



Councilor Michaud moved, Councilor Smith seconded, to approved the Proclamation for Building Safety Week. The motion passed with six (6) yeas.

## VI. AGENDA ITEMS:

### A. Combined Budget Presentation – Notice of Public Hearing Given to City Clerk Award

Mr. Richard R. Michaud presented the Combined Budget to the Mayor and Council. The Notice of Public Hearing was given to the City Clerk for public notice.

### B. (Public Hearing) Chapter 118 Harbor & Waterfront Fee Schedule

On January 3, 2005, the City Council approved a fee increase for commercial and recreational pier use and established a new bait barrel fee. The fee increases were approved, in part, to help cover the cost of a new bait house.

<b>Chapter 118 Harbor &amp; Waterfront – Pier Use 20120-400108</b>	<b>Fees 2004</b>	<b>Fees 2005</b>	<b>Fees 2006</b>
Pier User Fee	\$300.00	\$450.00	\$600.00
Recreational Pier User Fee	\$300.00	\$350.00	\$400.00
Bait Barrel Fee		\$20.00	

In light of the City not moving forward on building the bait house, the Coastal Waters Commission recommends adjusting the fee schedule. On January 4, 2006 the Commission met and recommended that the Commercial & Recreational Pier User Fees be held at the 2005 rates, which are \$450 for Commercial and \$350 for Recreational, and that the Bait Barrel Fee of \$20 be removed from the Fee Schedule.

Councilor Michaud moved, Councilor Morton seconded, to open the Public Hearing on Chapter 118 Harbor and Waterfront Fee Adjustment. The motion passed with six (6) yeas.

There being no comments from the public Councilor Michaud moved, Councilor Morton seconded, to close the Public Hearing and Be it Ordered that the City Council approve the document titled ‘Chapter 118 Harbor and Waterfront Fee Schedule, dated April 3, 2006’.

Further move to approve the Order. The motion passed with six (6) yeas.

### Chapter 118 Harbor and Waterfront Fee Schedule, dated April 3, 2006

	A	B	C
162	Chapter 118, Harbor and Waterfront	Harbor mooring waiting list, with registration	\$25
163	Pier Use 20120-400108	Parking, boat ramp, mooring space, floats, docks and hoist and keep dinghy on premises. Gas purchase privilege hoist	
164		Commercial - Effective date: 01/01/2005	\$450
165		<del>Commercial - Effective date: 01/01/2006</del>	\$600
166		Residential - Effective date : 01/01/2005	\$350
167		<del>Residential - Effective date : 01/01/2006</del>	\$400
168		Pier Use Late Fee On or after July 1st	\$150
169		Bait Barrel Fee	\$20.00 per barrel
170	Pier Use 20120-400108	Parking, boat ramp, mooring space, floats, docks and hoist and keep dinghy on premises. Gas purchase privilege hoist	
171	Resident & Non-Resident	Mooring Fee ( Annual)	\$100
172	Resident & Non-Resident	Mooring Application Fee (Clerk's Office)	\$10
173	Resident & Non-Resident	Mooring Late Fee	\$50
174	Docking Fee 20120-400108	Tying up to floats	\$5
175	Over-night Docking	Tie up over night – per foot of boat length	\$2.00 per ft/\$25 minimum
176	Boat Launch 20120-400108	Use of boat launch and parking while using boat-Daily	\$5
177	Resident Parking Permits	Use of parking lot from Memorial Day to Labor Day	\$10
178	Resident Parking Permits – Age 62 and older	Use of parking lot from Memorial Day to Labor Day	\$0
179	Non-Permit Parking for Residents	Hourly - residents	\$1
180	and Non- Residents	Hourly - non-residents	\$2
181		Daily vehicle with trailer	\$20
182	Non-Residents	Parking at Lot Daily for Season	\$100
183	Non-Resident Parking Permits	Parking at Lot Daily per Month	\$30
184	(Seasonal)	Parking at Lot Daily for season	\$100

### C. (First Reading) Contract Zone Park North

Elliott Chamberlain d/b/a Park North Development LLC and Preston Properties LLC proposes a contract zone that would allow the mixed-use development of 236 acres off Route One, abutting the towns of Scarborough and Old Orchard Beach.

The existing zoning is Business Park (BP), which allows uses such as offices, hotels, eating establishments and business services; the intent of the BP zone is the development of office, service and enclosed light industrial uses. The applicant proposes to expand the list of allowed uses, via the contract zone, to include retail and residential. From 350,000 to 450,000 square feet of commercial uses that may include a shopping center, hotel, retail and general office and businesses are envisioned along and near Rte. One. Further back on the site, 90 units of senior housing and 200 units of single and multi-unit condominiums are proposed.

The Planning Board voted to make a positive finding on each of the four standards for a contract zone, and voted that a positive recommendation for the contract zone be forwarded to the Council. If the Council approves the contract zone, the project and individual components of the project would be subject to subdivision review and, in some instances, site plan review by the Planning Board prior to development.

Councilor Morton moved, Councilor McDougal seconded, that the City of Saco hereby Ordains and Approves the First Reading of the findings in the contract zone document entitled ‘Contract Zone Agreement By and Between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco,’ dated December 20, 2005, as amended, for the properties at 991 Portland Road and 3 Eastview Parkway, and to schedule a Public Hearing for April 18, 2006, as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8). The motion passed with six (6) yeas.

### Contract Zone Agreement

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

December 20, 2005

THE CITY OF SACO HEREBY ORDAINS:

**I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through November 7, 2005, 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:**

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards
Minimum Side Yard:	20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district
Minimum Rear Yard:	20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district
Maximum Building Height:	60 feet
Maximum Lot Coverage:	40%
Density:	N/A

**PARCEL 2:**

Minimum Lot Size:	20,000 Square Feet
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Minimum Street Frontage:	200 feet except for lots fronting on a cul-de-sac as to which the Minimum Street Frontage shall be 100 feet
Minimum Front Yard:	75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards
Minimum Side Yard:	20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district
Minimum Rear Yard:	20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district
Maximum Building Height:	45 feet
Maximum Lot Coverage:	40%
Density:	N/A

**PARCEL 3:**

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	20 feet (0 feet between units in a multi unit building)
Minimum Side Yard:	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)
Minimum Rear Yard:	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)
Maximum Building Height:	45 feet
Maximum Lot Coverage:	40%
Density:	Not more than 90 units
Minimum Lot Area/Dwelling Unit	5,000 Square feet * total acreage of parcel divided by the number of units proposed
Minimum Net Residential Density for multi-family dwellings	1,500 s.f. per unit

**PARCEL 4:**

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	20 feet (0 feet between units in a multi unit building)
Minimum Side Yard:	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)
Minimum Rear Yard:	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)
Maximum Building Height:	35 feet
Maximum Lot Coverage:	40%
Density:	Not more than 201 units
Minimum Lot Area/Dwelling Unit proposed	25,000 s.f. *total lot acreage divided by the total number of units
Minimum Net Residential Density	1 lot or unit per 15,000 s.f.

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 superceded 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. Dwelling units above the first floor as part of a mixed use building   | 17. Reserved  |
| 2. One caretaker’s apartment within a non-residential use                 | 18. Health care clinics for humans                        |
| 3. Hotels and Motels  | 19. Hospitals   |
| 4. Retail Businesses and Uses with no more than 60,000 s.f. of floor area | 20. Essential Services                                    |
| 5. Accessory retail sales of goods manufactured on the premises           | 21. Animal hospitals and veterinarian offices             |
| 6. Artist and crafts person studios                                       | 22. Any use permitted in the Resource Protection District |
| 7. Eating establishments  | 23. Accessory Uses  |
| 8. Eating and Drinking establishments                                     | 24. Municipal Uses  |
| 9. Health and Fitness Clubs   | 25. Public Utility Building                               |
| 10. Private Clubs   | 26. Quasi-public Uses                                     |
| 11. Financial Institutions with drive through                             | 27. Public parks and playgrounds                          |
| 12. Professional Offices  | 28. Public Schools  |
| 13. Business Offices  | 29. Private Schools                                       |
| 14. Personal Services   | 30. Commercial Schools                                    |
| 15. Business Services   | 31. Nursery Schools                                       |
| 16. Repair Services   | 32. Day care center                                       |
|   | 33. Adult day care centers, Types 1 and 2                 |



CONDITIONAL USES:

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

**PARCEL 2:**

PERMITTED USES:

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

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          | 13. Any use permitted in the Resource Protection District   |
| 2. Professional Offices            | 14. Home occupations  |
| 3. Businesses Offices and Services | 15. Accessory recreational uses   |
| 4. Reserved                        | 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 |
| 5. Day care center                 |   |
| 6. Adult day care center           |   |
| 7. Accessory Uses                  |   |
| 8. Eldercare congregate living     |   |

- |                              |   |
|------------------------------|---|
| 9. Community living use      | shared community space, shared dining       |
| 10. Assisted living facility | facilities, housekeeping services, personal |
| 11. Nursing Home             | care services and other similar.            |
| 12. Hospitals                |   |

**PARCEL 4:**

PERMITTED USES:

- |  |  |
|--|--|
| 1. Any use permitted of right in the R-2 District                            | 6. Any use permitted in the Resource Protection District                   |
| 2. Manufactured housing units  | 7. Boarding homes  |
| 3. Multi family dwellings in structures containing no more than 8 units each | 8. Home baby sitting service   |
| 4. Elderly congregate housing  | 9. Adult day care center, Type 1   |
| 5. Home Occupations  | 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. The residential portion of the development is restricted to purchasers and owners fifty-five (55) years of age and older, a provision that shall be incorporated into individual property deeds and all homeowners agreements and covenants.
2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford Saco 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.
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.

**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 \_\_\_\_\_, 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 \_\_\_\_\_, 2006.

CITY OF SACO

PRESTON PROPERTIES, LLC

By: \_\_\_\_\_  
Richard Michaud  
City Administrator

By: \_\_\_\_\_  
R. Elliott Chamberlain  
Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: \_\_\_\_\_  
R. Elliott Chamberlain  
Authorized Member

**D. Resolution for the adoption of the Vantage Retirement Health Savings (RHS) Program**

The City is interested in offering the ICMA Vantage Retirement Health Savings Plan (commonly known as a Medical Savings Plan) to its employees. This plan would allow for employees to contribute tax-deferred dollars into the plan for future medical costs. The earnings within the plan and the withdrawals from the plan are also tax-free. The City would also be saving the FICA and Medicare taxes on the earnings that they defer into this plan. It is therefore being recommended that the City contributed .0765 cents into the plan for every dollar that the employees contribute. Therefore making this plan cost neutral to the City of Saco at this point in time. However, we have attached some other plans from other comparable communities in order to display what some other communities are doing as far as contribution opportunities both for the employee and the employer. The City Council may wish to make some of these other contribution options available at some point in the future.

MAIN MOTION - Councilor McDougal moved, Councilor Michaud seconded, that it be Ordered that the City Council approve the 'Resolution for Adoption of the Vantage Retirement Health Savings (RHS) Program, City of Saco'. Further move to approve the Resolution.

AMENDMENT - Councilor Michaud moved to add the following language: tentatively adopt the Resolution pending approval of the plan.

Councilor Tripp moved, Councilor Smith seconded, to **table** the matter. The motion passed with six (6) yeas.

**VII. CONSENT AGENDA:**

**A. Confirm the Mayor's Reappointment to the Shoreline Commission – Sandy Bastille**

Be it Ordered that the City Council confirm the Mayor's reappointment of Sandy Bastille, as a full member of the Saco Shoreline Commission, for a 3-year term to expire January 2009.

**B. Confirm the Mayor's Appointment to the Historic Preservation Commission – Robert Hollingworth**

Be it Ordered that the City Council confirm the Mayor's appointment of Robert Hollingworth as associate member to the Historic Preservation Commission with a term ending June 30, 2008

**C. City Surplus Personal Property Sale**

Be it Ordered that the City Council make an exception to Chapter 4, Article VIII of the Administrative Code – Policies and Procedures - §4-40 Loaning or Selling City Property or Equipment to declare as surplus property the list titled, 'Surplus Personal Property, March 27, 2006, and authorize the City Administrator to dispose of the property in the most advantageous way'.

**D. (First Reading) Code Amendments to Chapter 118, River & Harbor & Waterfront Ordinance; and Article 7 § 4-39-c Procedure**

The City of Saco hereby approves the First Reading of the document titled, '**Amendments to Chapter 118, River and Harbor and Waterfront Ordinance; and Article 7 § 4-39-c Procedure, dated March 20, 2006**', and further moves to schedule the Public Hearing for Tuesday April 18, 2006.

**E. Municipal Warrant For Prosecution of Unlicensed Dog Owners-Keepers**

Move to direct the Animal Control Officer, for the City of Saco, to make demand on owner(s)/keeper(s) of unlicensed dogs to obtain licensing for their pet(s) in compliance with Title 7 MRSA Chapter 721.

**F. Nomination of Election Clerks 2006-2008**

Be it Ordered that the City Council approve the Nomination of Election Clerks as presented by the Democratic Political Party.

Councilor McDougal moved, Councilor Morton seconded, to approve the Consent Agenda. Further move to approve the Order. The motion passed with six yeas.

**VIII. ADJOURNMENT**

Councilor Tripp moved, Councilor Michaud seconded, to adjourn. The motion passed with six (6) yeas. TIME: 8:44 p.m. \_\_\_\_\_

ATTEST: \_\_\_\_\_

Lucette S. Pellerin, City Clerk