STATE OF MAINE
COUNTY OF YORK        CITY OF SACO

The following are minutes of the October 22, 2007 Council Meeting.

I. CALL TO ORDER – On Monday October 22, 2007, at 7:05 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, Arthur Tardif, Eric Cote and Christopher Jacques.

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

III. PLEDGE OF ALLEGIANCE -

IV. APPROVAL OF MINUTES:
Minutes were not presented this evening.

V. AGENDA ITEMS:
A. Environmental Resolution and Award Presented to Saco Biddeford Savings Bank

Saco-Biddeford Savings Institution is Maine’s oldest bank, but it’s not afraid of new ideas – like green buildings and environmental sustainability. The bank’s new 14,400 square foot operations center on Industrial Park Road incorporates innovative and environmentally friendly features, such as: under the floor air conditioning; sensors to increase the lighting on cloudy days and after hours; a waterless sprinkler system in the computer room; and stairwells warmed by redirecting the heat created by the computer room air conditioners.

The building is the first in Maine to achieve the Leadership in Energy & Environmental Design (LEED) Silver Rating from the U.S. Green Building Council and the first in Maine to be LEED certified.

Some of the unique characteristics of this green building:

• Through the use of dual flush water closets, low flow lavatories and low flow kitchen sink fixtures, and by using native plants not requiring irrigation, the building reduces typical water flow by 34%.

• Energy efficient lighting, high performance window glazing and an under floor air system achieves a 42% savings over traditional methods.

• 23% of the total materials utilized in this building have recycled content. Proactive waste management resulted in 91% of the project’s construction waste being recycled. 50.3% of the wood based materials are certified with the Forest Stewardship Council.

• An internal air quality plan was followed and implemented during Construction. Additionally, a two week flush out was performed before occupancy and MERV 13 filters were installed afterwards. The carpeting complies with the Carpet and Rug Institute Green Label Program.

• Bicycle stalls and showers are in place to support alternative transportation.
The environmental standards are coupled with design features that make the building comfortable for employees. According to researchers, good air quality and day lighting help achieve higher levels of worker satisfaction.

Designers and contractors had a major role in the project. Architect Dick Reed of Portland was the lead designer. PM Construction of Saco was the general contractor. To achieve the LEED certification high levels of documentation are needed by both, and contractors had to recycle almost all of the construction waste.

The operations center has a host of innovative and energy-efficient features. The lights are motion sensitive and go on and off depending on activity in the room. Lights can be dimmed in non-office areas. Chairs in the training room are made from recycled milk crates. Workstation dividers are made from recycled fabric. Ventilation and wiring are located under the floor. Floor tiles are 2’ x 2’ squares which can be lifted up to reveal an 18 inch space beneath which houses all of the wiring and the ventilation. Some floor tiles contain vents. Since these are interchangeable with regular tiles, the heat and air conditioning vents can be placed anywhere in the room. In keeping with the recycling theme, the bank even placed a refurbished ATM in the parking lot.

The bank credits its mutual savings bank charter as affording it a longer term view of decision making. It calls the new Operations Center, “a symbol of our dedication to long term growth and our conscious decision to be a responsible corporate citizen.”

Councilor Cote moved, Councilor Tripp seconded, that the City of Saco hereby Ordains and Approves the following Resolution titled City Council Resolution, Green Development Award, Saco & Biddeford Saving Institution. The motion passed with seven (7) yes.

CITY OF SACO, Maine
City Council Resolution
Green Development Award
Saco & Biddeford Savings Institution

WHEREAS: Saco & Biddeford Savings Institution is Maine’s oldest bank and was founded here in 1827; and

WHEREAS: the bank has long been recognized for its civic leadership; and

WHEREAS: sustainable development and green buildings are important to preserve the environment of the State of Maine and the City of Saco; and

WHEREAS: the bank’s operations center on Industrial Park Road is designed with many green features, including low water usage, low construction waste, excellent internal air quality, and daylighting and automated lighting controls to reduce electrical usage; and

WHEREAS: the operations center is the first commercial building in Maine to achieve a Leadership in Energy and Environmental Design Silver Certification (LEED); and

WHEREAS: Whereas the building is the first financial institution in Maine to achieve the LEED certification; and
WHEREAS: the City of Saco has begun a program of sustainable development and recognizes its value.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Saco in recognition of the bank’s achievement with its environmentally friendly building, hereby awards Saco & Biddeford Savings Institution its first Green Development Award dated October 22, 2007.

_______________________________________  Councilor David Tripp, Ward 1
_______________________________________  Councilor Les Smith, Ward 2
_______________________________________  Councilor Ron Morton, Ward 3
_______________________________________  Councilor Ron Michaud, Ward 4
_______________________________________  Councilor Art Tardif, Ward 5
_______________________________________  Councilor Eric Cote, Ward 6
_______________________________________  Councilor Chris Jacques, Ward 7
_______________________________________  Mayor Mark D. Johnston

Saco & Biddeford Savings Institution Announces LEED Certified Operations Center

As Maine’s oldest bank we have demonstrated a long term commitment to serve the financial needs of our customers while striving to make positive contributions to the communities in which they live. Also, as a Mutual Savings Bank, we are afforded a longer term view in the decisions we make and acknowledge the positive impact they can have beyond just dollars and cents. Our new Operations Center symbolizes our dedication to long term growth and our conscious decision to be a responsible corporate citizen. This project was focused on our intent to protect our environment, hire local tradesmen, purchase local materials and leverage the ingenuity of our business partners to save energy and provide a superior work environment for our dedicated employees. We hope the ideals of this project transcend to others as a challenge to continue this good work that will benefit the future generations of our families.

Therefore, we proudly announce that our new building has achieved a Silver Rating from the U.S. Green Building Council under their Leadership in Energy and Environment Design rating system. The following details the unique characteristics of this building:

**Site Sustainability:**

The project met or exceeded the EPA best management practices. Measures included seeding, mulching, silt fences, sediment traps and outlet protection.

We provided bicycle stalls and showers to support alternative transportation.

By using native plantings which did not require irrigation system reduced potential water usage by 50%.
Through the use of dual flush water closets, low flow lavatories and low flow kitchen sink fixtures we reduced typical water flow by 34%.

**Energy Savings:**
Energy efficient lighting, high performance window glazing and a under floor air system achieves a 42% savings over traditional methods.

The overhead lighting is controlled by motion sensors versus switches to avoid waste.

The heated glycol from the computer room’s air conditioning system is utilized to heat the basement and stairwell and is returned to the air conditioners in a cooler state improving efficiency of the air conditioning.

The two Computer room air conditioners each run on smaller dual motors that utilize less power during non-peak times than larger single motor models.

**Materials & Resources:**
Proactive waste management resulted in 91% of the project’s construction waste being recycled.

23% of the total materials utilized in this building have recycled content.

50.8% of the project’s materials were manufactured using raw materials within 500 miles of the project site.

50.3% of the wood based materials are certified with the Forest Stewardship Council.

**Indoor Environment Quality:**
Sensors are placed in each zone and in the outside air intake vents to monitor Carbon Dioxide (CO2).

The building utilizes a Variable Air Volume (VAV) under floor air distribution system that achieves air change effectiveness of .9 or greater in each ventilated zone.

An internal Air quality plan was followed and implemented during Construction. Additionally, a two week flush out was performed before occupancy and MERV 13 filters were installed afterwards.

The building was constructed with low VOC emitting adhesives, sealants. The paints used met the requirements of Green Seal. The carpeting complies with the Carpet and Rug Institute Green Label Program.

Indoor Chemical & Pollutants are controlled with High Filtration (HEPA) vacuums and Green Guard cleaning products.

87% of the regularly occupied spaces have a daylight factor of 2% or greater and over 90% of the occupants have access to views.

There are photo cells controlling each overhead light that measure the amount of incoming natural light and automatically adjust the lumens to create a consistent and quality working area for staff.

The under floor air system allows for grated vents to be added anywhere on the floor space to allow each employee the ability to control the temperature within their own private work space.
The computer room utilizes a waterless fire suppression system to protect our sophisticated data center. This gas system is made of Nitrogen, Argon and Carbon Dioxide which if activated, presents no impact to humans or the environment.

For more information about Leadership in Energy and Environmental Design refer to www.usgbc.org/

SACO AND BIDDEFORD SAVINGS TAKES THE “LEED”
By Pamela M. Green

Saco and Biddeford Savings Institution’s new 14,400 square foot operations center on Industrial Park Road in Saco boasts a host of innovative, interesting and environmentally friendly features: under the floor air conditioning; sensors to increase the lighting on cloudy days and after hours; a waterless sprinkler system in the computer room; and stairwells warmed by redirecting the heat created by the computer room air conditioners.

And it’s on its way to becoming the first LEED-certified commercial building in Maine.

Leadership in Energy & Environmental Design (LEED) is a rating system that certifies green buildings. A high performance, or green, building is one that is resource and energy efficient, water efficient and well lit by daylight. Indoor air quality is important in green buildings, as is the use of recycled materials, or materials manufactured locally. The LEED system checklist rates water, energy, atmosphere, materials and includes points for such things as public transportation access, erosion control and ozone depletion. The assessment is done by design and construction professionals who pass an exam to become LEED accredited.

The LEED assessment advisor for the Saco & Biddeford Savings project was Danuta Drozdowicz of Fore Solutions in Portland. Drozdowicz reported that the bank has passed all of the necessary hurdles and will receive official notification of its LEED certification soon. “I think they really designed the building for their employees,” she said. “There is lots of data from around the world about increases of worker satisfaction and productivity in the midst of good air quality and day lighting.” The operations center has all of those things going for it.

Contractors play a major role in LEED certification, because they prepare waste management and indoor air quality plans and documentation of recycled, low-emitting materials and erosion and sedimentation control. The contractors on the Saco & Biddeford Savings operations center recycled 98% of what they used. This includes metal, wood, plastics, and everything that was left at the site.

The operations center has a host of innovative and energy-efficient features. The lights are motion sensitive and go on and off depending on activity in the room. Lights can be dimmed in non-office areas. Chairs in the training room are made from recycled milk crates. Workstation dividers are made from recycled fabric. Ventilation and wiring are located under the floor. Floor tiles are 2” x 2” squares which can be lifted up to reveal an 18 inch space beneath which houses all of the wiring and the ventilation. Some floor tiles contain vents. Since these are interchangeable with regular tiles, the heat and air conditioning vents can be placed anywhere in the room.

In the computer room, umbrellas over the computer would channel water away from the computer in case of any water coming down from above. The computer room itself has a “dry” system. In the event of a fire, the sprinkler system releases a natural gas which effectively removes oxygen from the room and quells the fire.

Interesting new technology is also apparent. In a conference room is a Copy Cam white board. At the push of a button, anything written on the Copy Cam board can be saved to a file, printed, or saved to a floppy. The building also has an Infrastructure Manager system which does everything from configuring the generator to rescheduling run times, generating reports on how much oil is left, and adjusting climate control.
Flexibility is key. Only the core walls and stairwells are permanent walls. Everything else is movable. Foldable walls, glass panels and doors attach to the ceiling and are easily moved. “What might have taken a moving or construction crew days to reconfigure can be done in an afternoon,” says senior vice president Marc Gagnon, who headed up the project. He calls it “reconfiguring for growth.”

Sustainability and long term focus were key, according to Gagnon. The bank was constantly hiring electricians and contractors to reconfigure space as departments were added and changed. Now the bank can move its own walls, access the under floor wiring, and reposition vents without hiring any contractors. Adds Jeff Vachon, senior vice president of Bank Administration: “Already the Call Center is outgrowing its space. That will be a weekend move, instead of a round of contractors and electricians and noise and disruption.”

In keeping with the recycling theme, the bank even placed a refurbished ATM in the parking lot.

B. (Public Hearing) Renewal of Liquor License/Entertainment Permit – Saco Eagles

Saco Eagles Aerie #3792 d/b/a Saco Eagles Aerie #3792 has applied for the renewal of their Liquor License and Entertainment Permit for a term of one year.

The applicant has paid all applicable permit fees and the Clerk has properly advertised the public hearing in accordance with City of Saco Code, Chapter 93, Entertainment § 93-2 Permit required; fee; hearing; term.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the Renewal of a Liquor License and Entertainment Permit for Saco Eagles Aerie #3792. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council grant the renewal of the Saco Eagles Aerie #3792 Entertainment Permit for a term of one year to expire on December 13, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

C. (Second & Final Reading) Contract Zone Amendment German Auto

The German Auto Services properties at 201 North Street became subject to a contract zone through Council action on March 3, 1997. The contract zone applies to two parcels, identified as Tax Map 53, Lot 170 and Map 40, Lot 21. The auto repair and sales take place on the latter. The proposed amendment identifies a “proposed lease lot,” a portion of the two parcels that would be removed from the 1997 contract zone. If approved, the “lease lot” would revert to the underlying R-2 zone.

On June 26, 2007, the Planning Board reviewed this item, and voted to make a positive recommendation on the proposed amendment, with a single addition to the contract zone: that adequate screening be required for the business if the rezoned parcel becomes used for residential purposes as allowed in the R-2 zone.

Councilor Jacques moved, Councilor Smith seconded, that the City of Saco hereby Ordains and Approves the Second and Final Reading, a amended, of the document titled, “Contract Zone Agreement By and Between German Auto Services and the City of Saco,” dated June 26, 2007. Further move to approve the order. The motion passed with seven (7) yeas.

Councilor Jacques moved, Councilor Smith second, to approve Amendment One to the contract zone. The motion passed with seven (7) yeas.
Contract Zone Agreement
By and Between
German Auto Services and the City of Saco
June 26, 2007

THE CITY OF SACO HEREBY ORDAINS:
That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through January 2, 2007, is hereby amended by adopting the change in use as further described in the following contract by and between the City of Saco and German Auto Services.

These amendments to the Saco Zoning Ordinance shall be subject to the following conditions and restrictions, as provided for in Section 1403 of the Zoning Ordinance:

(underline represents new language while strikethrough represents language to be deleted)

1. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to complement its existing repair business;

2. German Auto will cause to be planted shade street trees every 50’ along its frontage with North Street. Specifically, Turkish Filbert (may be substituted with Dawn Redwood, or if not available, pin oaks) trees, of 2 ½” to 3” caliper shall be planted along the Right of Way line no later than six months following the completion of the current sewer project and the regarding the of the mobilization area;

3. All details as shown on the approved plans are hereby incorporated into this contract by reference, and the site shall be developed substantially in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be “major” shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes;

4. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This is area is approximately bounded by the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

5. The amendments in this contract affect only the parcel of land depicted on Exhibit “A” attached hereto and incorporated herein by reference, being parts of Map 40, Lot 21 and Map 53, Lot 170, the following parcel(s) of land:
   - Map 40, lot 21
   - Map 53, lot 170

6. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for a contract modification. Failure to apply for, or to obtain a modification and shall constitute a zoning violation, subject to enforcement action.
7. Cars for sale may only be displayed in the area shown on plan as “3 spaces for sale of used cars”.

8. This contract is between the City of Saco and Larry Hancock, Joseph Emmons or North Street Partners, LLC dba German Auto. At such time as none of the above continue to own Larry Hancock sells the property or the business, this contract will terminate without the express written approval of the City of Saco is null and void.

9. The existing business on the parcel identified as Map 40, Lot 21 is a non-residential use in a residential district. If a residential use is established on the abutting parcel identified as Map 53, Lot 170, a visual screen for buffering purposes as required in the Zoning Ordinance shall be established, and all vehicles currently stored on said parcel shall be removed, subject to review and approval by the Code Enforcement and Planning Offices.

By vote of the Saco Planning Board on January 14, 1997, and the Saco City Council on March 3, 1997, the following findings are hereby adopted.

A. The site covered by this contract is unusual in nature in that it is located adjacent to a railroad track, with and abandoned station, has been used in the past as a borrow source, as well as for industrial/commercial use, all the while being located in a residential area. It contains a pre-existing non-conforming use (auto repair).

B. The proposed use is consistent with the comprehensive plan’s Centralization Policy, which encourages infill development rather than development out of town: the Visual Impact policy, which encourages new development to maintain existing neighborhood characteristics; and the Arterial Roads Buffer Policy, which encourages large setbacks from road right of ways for disturbances.

C. The property is currently located in an R-2 zoning district, which does not allow retail sales. However, the zone currently contains several sandwich shop retail businesses, at least one automotive towing business, a catering business, and numerous small businesses. The site in question is directly across the street from a sandwich shop. The addition of retail sales of vehicles from this site, with the pre-existence of a repair facility, is consistent with uses presently existing in the district.

D. This approval is conditioned on the following items:

- Landscaping be completed as outlined above;
- Fencing installed as outlined above;
- No business material may be stored behind the building toward the Fortney or Hutcherson properties;
- No lighting may be installed or used that shines onto adjacent properties;
- No car parts, tires, scrap metal or other debris may be stored outside, unless inside a closed container;
- Any future uses for this site shall be reviewed as per the provisions of the Contract Zoning section of the Saco Zoning Ordinance.
Based on the above findings, and the conditions and restrictions listed above, the City Council hereby incorporates this contract zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by all the conditions and restrictions as contained herein.


Amended by the Saco City Council on ________, 2007.

City of Saco

German Auto Services

By_________________________  By_________________________

__________________________  __________________________

Date                          Date
Amendment One
Contract Zone Agreement By and Between German Auto Services and the City of Saco
For Second and Final Reading on October 22, 2007

Contract Zone approved at First Reading:
1. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to compliment its existing repair business;

Amend One:
1. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to complement its existing repair business;

Contract Zone approved at First Reading:

4. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This area is approximately bounded the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

Amend One:

4. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This area is approximately bounded by the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

Contract Zone approved at First Reading:

5. The amendments in this contract affect only the following parcel(s) of land:
   Map 40, lot 21
   Map 53, lot 170

Amend One:

5. The amendments in this contract affect only the parcel of land depicted on Exhibit “A” attached hereto and incorporated herein by reference, being parts of Map 40, Lot 21 and Map 53, Lot 170. the following parcel(s) of land:
   Map 40, lot 21
   Map 53, lot 170

Contract Zone approved at First Reading:
8. This contract is between the City of Saco and Larry Hancock, dba German Auto. At such time as Larry Hancock sells the property or the business, this contract is null and void.

Amend One:

8. This contract is between the City of Saco and Larry Hancock, Joseph Emmons or North Street Partners, LLC dba German Auto. At such time as none of the above continue to own Larry Hancock sells the property or the business, this contract will terminate without the express written approval of the City of Saco is null and void.

Contract Zone approved at First Reading:

9. The existing business on the parcel identified as Map 40, Lot 21 is a non-residential use in a residential district. If a residential use is established on the abutting parcel identified as Map 53, Lot 170, a visual screen for buffering purposes as required in the Zoning Ordinance shall be established, and all vehicles currently stored on said parcel shall be removed, subject to review and approval by the Code Enforcement and Planning Offices.

Amend One:

9 The existing business on the parcel identified as Map 40, Lot 21 is a non-residential use in a residential district. If a residential use is established on the abutting parcel identified as Map 53, Lot 170, a visual screen for buffering purposes as required in the Zoning Ordinance shall be established, and all vehicles currently stored on said parcel shall be removed, subject to review and approval by the Code Enforcement and Planning Offices.
January 5, 2007

Robert Hamblen, City Planner
City of Saco
300 Main St.
Saco, ME 04072

Re: Property of North Street Partners, LLC a/k/a German Auto Services
Located at 201 North Street, Saco, ME

Dear Bob:

I am working with German Auto Services and North Street Partners, LLC related to their property located at 201 North Street in Saco. I know that back in October James Nadeau communicated with Dick Lambert regarding that property and the desire of my clients to potentially develop a portion of the property. I am enclosing for your convenience a copy of Jim Nadeau’s October 5, 2006 letter as well as Dick’s October 3, 2006 letter related to the property.

It would be the present goal of German Auto Services and North Street Partners, LLC to amend the existing March 19, 1997 Contract Zone Agreement to restrict that agreement to the area which is occupied by German Auto Services as depicted on the attached survey plan. I have highlighted that area of the property. That property would also have the right to use the right of way which runs up the southeasterly side of the property along the Boston & Maine Railroad Corporation so that it would continue to have access off of North Street.

The idea of the amendment would be to restrict the Contract Zone Agreement to only the property that is being used by German Auto Services for its automobile repair service. The balance of the property would not be subject to the Contract Zone Agreement, and therefore, would be eligible to be developed in accordance with Saco’s Zoning Ordinance. While my clients do not have any specific plans in mind for the balance of the property at this time, they do.
Robert Hamblen, City Planner
January 5, 2007
Page 2

know that the German Auto Services use will be restricted to the highlighted area. Quite frankly, it makes no sense to have the entire property tied up in the contract when a substantial portion of the property is not being used for the purposes for which the Contract Zone Agreement was entered into by the City and German Auto Services.

You and I have been over this issue of amending contract zone agreements before. I read Section 1403-8 as indicating that if a contract zone agreement, which is an amendment to the Zoning Ordinance, needs to be amended is to be done so by the City Council. Where do you stand on that issue? I would prefer to have staff review it and make the recommendation to the Council but if the Council is going to want to have this reviewed by the Planning Board then I would like to know that. I think this is a rather simple change which does not alter the substance of the contract. Instead, it restricts the contract to the area that has been and will be used for the automotive service business and it will free up the rest of the land to be utilized for other purposes.

Once you have had a chance to review this issue, please give me a call.

Sincerely,

[Signature]

William S. Kany

cc: Alan R. Atkins, Esq.
VI. CONSENT AGENDA

A. Notice of Election Warrant – Referendum Election November 6, 2007

The Notice of Election is submitted to Mayor and Council authorizing the General/Referendum Election scheduled for November 6, 2007.
The Clerk, as required by Title 21A, Article II § 622-A, has prepared the Notice of Election which will be posted, at all polling places, on October 26, 2007 by Chief Paul or his designee.

NOTICE OF ELECTION/WARRANT
STATE OF MAINE
GENERAL/REFERENDUM MUNICIPAL ELECTION
TUESDAY, NOVEMBER 6, 2007
WARDS 1-7 INCLUSIVE

COUNTY OF YORK
CITY OF SACO

TO BRADLEY PAUL, CHIEF OF POLICE OF SACO:

GREETINGS:
YOU ARE HEREBY REQUIRED, in the name of the State of Maine, to notify and warn the inhabitants of the City of Saco, qualified according to law to vote in the election of Municipal officers, to meet at their respective Ward Room in said City, viz:

- Ward One, at Saco Middle School, 40 Buxton Road
- Ward Two, at Saco Middle School, 40 Buxton Road
- Ward Three, at Gov. John Fairfield School, 75 Beach St.
- Ward Four, at Gov. John Fairfield School, 75 Beach St.
- Ward Five, at Saco Community Center, 75 Franklin St.
- Ward Six, at C. K. Burns School, 135 Middle St.
- Ward Seven, at C. K. Burns School, 135 Middle St.

Tuesday, November 6, 2007 at 7:00 in the forenoon, to give in their votes for the following: Mayor, Councilors, Wardens and Ward Clerks for Wards 1, 2, 3, 4, 5, 6, and 7 with a Two (2) year term to end on December 7, 2009, Two (2) members for the Board of Education, one from Ward 2, one from Ward 6 for Three year terms to end on December 6, 2010 and to vote on the following question.

I. Question

Question #1
Shall the Order of the City Council of the City of Saco entitled “Order Authorizing City of Saco to Borrow An Amount not to Exceed $500,000 for Trail Improvements” be ratified and approved so as to provide an off road pedestrian/bicyclist way between Route 112, Thornton Academy, Funtown, Cinemagic and the Cascade Road, with connection to an existing pedestrian/bicyclist way through Old Orchard Beach and Scarborough to Bug Light in South Portland, provided, however that this project shall proceed only if the Maine Department of Transportation approves funding of not less than $1,000,000 for this project?

CITY OF SACO, MAINE
Treasurer’s Financial Statement for Proposed Bonds

Referendum Question 3: Trail Improvements

As of June 30, 2007, the total amount of bonds of the City of Saco outstanding and unpaid is $19,032,932 of which $15,492,688 is principal and $3,540,245 is interest. The City has no other bonds authorized but not yet issued. The bonded indebtedness to be assumed if the questions authorizing these borrowings are ratified by the voters is as follows:
<table>
<thead>
<tr>
<th>Question</th>
<th>Proposed Improvements</th>
<th>Bond Principal</th>
<th>Estimated Bond Interest</th>
<th>Total Principal and Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question</td>
<td>Trail Improvements</td>
<td>$500,000</td>
<td>$268,761</td>
<td>$768,761</td>
</tr>
</tbody>
</table>

Total Estimates

The total debt service costs will vary depending on which questions are approved and the prevailing interest rates at the time the bonds are issued. The above estimated costs for the bonds are based upon an estimated interest rate of 4.5% over an estimated term of 20 years.

The validity of this obligation and of the voters' ratification of this obligation may not be affected by any errors in the estimate made pursuant to the above statement. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the obligation is not affected by reason of the variance.

Dated: August 6, 2007 at Saco, Maine  
/s/Lisa Parker  
Lisa Parker, Treasurer  
City of Saco

The Polls shall be opened at 7 o'clock a.m. and shall be closed at 8:00 o’clock p.m.

A Person may register to vote and/or enroll in a political party on or before Election Day.

Pursuant to Title 21-A § 759 (7), absentee ballots will be processed at the Polls at the following times: Approximately 8:00 a.m., 2:00 p.m. and 8:00 p.m.

Dated at Saco, this 22nd day of October 2007.

________________________  __________________________  __________________________
David L. Tripp           Leslie E. Smith, Jr.         Ronald E. Morton

________________________  __________________________  __________________________
Roland L. Michaud        Arthur J. Tardif              Eric B. Cote

________________________
Christopher Jacques

**Councilors of the City of Saco**

________________________  __________________________
Mark D. Johnston, Mayor   Lucette S. Pellerin, City Clerk

A TRUE COPY  
ATTEST: __________________________
City Clerk of the City of Saco
B. (First Reading) Zoning Ordinance Amendment – Historic Preservation

The Council is considering about 30 amendments to the historic preservation section of the zoning ordinance, most of which are housekeeping amendments.

The Historic Preservation Commission discussed the amendments at the September 12, 2007 Workshop and held a hearing on September 26, 2007, at which time the Commission recommended the amendments. On October 2, 2007, the Planning Board held a hearing on the amendments and forwards a positive recommendation to Council.

While few of the amendments are substantive, an extensive revision to the demolition provision of the ordinance is included. The current ordinance includes an incomprehensible, unenforceable forced “offer of sale” provision and other cumbersome provisions. The revision includes a less stringent delay procedure. The amendments add explicit language for a variance in section 902-1.

ZONING ORDINANCE AMENDMENTS
HISTORIC PRESERVATION §413 AND §902 VARIANCES
DATED OCTOBER 22, 2007

(Underline represents language to be added, while strikethrough represents language to be deleted)

Section 413. Historic Preservation

413-1. PURPOSE AND INTENT
The purpose of this Section is to provide a legal framework within which the residents of the City of Saco can protect the historic, architectural and cultural heritage of historically significant areas, landmarks and sites in the community while accepting compatible new construction. The heritage and economic well-being of the city will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the City of Saco. The intent of this ordinance is to in every way possible assist property owners to maintain the architectural integrity of the district.

Once destroyed, architectural history cannot be replaced. To prevent such losses, the intent of this Section is to:

1) Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
2) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
3) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.

4) Accept new buildings and structures in designated districts, which are designed and built in a manner which is compatible with the character of the district.

5) Promote the educational, cultural, economic and general welfare of the people of the City. (Amended 3/2/87; 3/7/94; 8/22/94; 1/17/95)

413-2. DEFINITIONS
As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

**Altered:** The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

**Appropriate:** Shall refer to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

**Building:** A combination of materials forming a shelter that may be used for persons, animals, or property.

**Certificate of Appropriateness:** The permit indicating compliance with Section 413, the historic preservation section of the Saco Zoning Ordinance.

**Commission:** The commission acting as the Historic Preservation Commission established in 413-3.

**Conflict of interest:** Shall be construed to mean direct or indirect pecuniary benefit to any person, including regular and associate members of the Commission or member of the person's immediate family (i.e., related by blood or marriage) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

**Constructed:** The word constructed includes the words "built", "erected", "enlarged", "installed", and "moved".

**Contributing structure:** A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**District:** See "Historic District".

**Erected:** The word erected includes the words "built", "constructed", "reconstructed", "rehabilitated", "restored", "enlarged", and "moved".

**Exterior architectural feature:** The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to:

1) the kind, roof, type, and texture of the building materials;
2) the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim, etc.;
3) the location and treatment of any vehicle access or parking space;
4) the design of any sign; and
5) the arrangement of any fencing.

Historic (adj.): Important in or contributing to history.

Historic district: A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this Section as appropriate for historic preservation. Such historic districts may also comprise an individual Historic Landmark or Historic Site separated geographically, but linked by association or history.

Historic landmark: Any improvement, building or structures of particular historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Section.

Historic site: Any parcel of land of special significance in the history of the City of Saco, and its inhabitants, or upon which a historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this Section. The term "historic site" shall also include any improved parcel, or part thereof, used as and constituting part of the premises on which an historic landmark is situated as may be designated in accordance with this Section.

Historic significance: A building, structure or site possesses historic significance if it embodies one or more of the six qualities outlined in Section 413-4. Any building classified as non-contributing is not considered to possess historical significance.

History (noun): A record of events, as of life or development of a people, country, institution, etc.

Historic district(s): The district(s) established in 413-5 or amended in accordance with the procedures detailed in 413-6 and having one or more of the qualifications outlined in 413-6.

Materials and texture: The exterior surface material of a building or structure, including but not limited to, brick, stone, wood or slate.

Person: The word person includes an individual, a corporate or unincorporated organization or association, and the City of Saco.

Site: See Historic Site

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but not including sidewalks, fences, driveways, parking lots and non-commercial swimming pools (whether above-ground or in-ground).

Rhythm: Characterized by the regular recurrence of strong and weak elements.

Total floor space: All the floor space in the building.

(Amended 3/2/87)
1) APPOINTMENT
Members of the Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council.

2) QUALIFICATIONS
The Commission shall consist of five (5) regular members, and five (5) associate members. All members shall be residents of the City of Saco. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Saco within the meaning of Section 1 of this Ordinance. To the extent available, the members shall have architectural design skills or other skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction, and should include a member of the Saco Historic Society. Regular and associate members shall serve without compensation.

3) REGULAR MEMBERS
The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Commission Members shall be appointed for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

4a) ASSOCIATE MEMBERS
Membership should include a resident of each the historic district. Associate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Associate members shall be appointed for terms of three (3) years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in place of the regular member who is absent, has resigned, or has been disqualified because of conflict of interest. Associate members may be reappointed.

4b) ADVISORY MEMBERS
In addition to the regular and associate members of the Commission, the City Council may appoint other persons, not necessarily residents of the City of Saco, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

5) REMOVAL
Any regular or associate member may be removed for cause by the City Council upon written charges after a public hearing.

6) OFFICERS AND QUORUM
Such commission shall elect annually a chairperson, and vice chairperson, and secretary from its own membership the regular members. Four members shall constitute a quorum for the transaction of business before said Commission, but if less than quorum, the meeting shall be adjourned. The secretary planning office shall maintain a permanent record of the activities of the Commission, including but not limited to, such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of Commission Members, attendance records, appointments to the Commission, correspondence and minutes of all meetings. This duty may be delegated to the City Planning Department, which The City Planner shall be the authorized agent of the Historic Preservation Commission, to whom the Commission may delegate any duties.

7) PROCEDURE
Said The Commission for its purposes shall may adopt and may amend rules of procedure.

8) MEETINGS
All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided prior to any special meetings of the Commission.

9) DUTIES
The duties of the Commission, at a minimum, shall be to:
   a) Advise, and inform City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
   b) Advise and inform owners in complying with the requirements of this Section.
   c) Make recommendations for establishing historic districts, historic sites, or historic landmarks.
   d) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties designated under the jurisdiction of Section 413 of the Saco Zoning Ordinance.
   e) Review all proposed National Register nominations in for properties within the jurisdiction of the Historic Preservation Commission of Saco.
   f) Serve an advisory role to city officials regarding local historical and cultural resources, and act as a liaison between local government and those persons and organizations concerned with historic preservation.
   g) Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
h) Work to provide continuing education on historic preservation issues to local citizens
i) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this Section.

j) Cooperate with federal, state and city officials in the pursuance of the objectives of historic preservation.
k) Participate in land use planning efforts of the city, state and federal government.

10) GIFTS, GRANTS, FUNDING
The Historic Preservation Commission may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Director. Appropriations from the City Council shall be managed in accord with city policies and lapse each year if unexpended.
(Amended 3/2/97)

413-4. QUALIFICATIONS FOR HISTORIC DISTRICTS, SITES AND LANDMARKS
The historic districts, historic sites or historic landmarks established in accordance with this Section shall have one or more or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period:

1) HISTORY OF SACO
Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Saco and the nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

2) PERSONS
Structures, buildings or sites associated with important historic personages.

3) IDEAS
Structures, buildings or sites associated with important historic examples of a great idea or ideal.

4) ARCHITECTURE
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, of community organization and living, or landscaping; of a single notable structure or a single
site representing the work of a master builder, master designer, architect or landscape architect.

5) VISUAL CONTINUITY
Structures or buildings contributing to the visual continuity of the historic district.

6) NATIONAL REGISTER
Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.
(Amended 3/2/87)

413-5. ESTABLISHMENT OF HISTORIC DISTRICT, HISTORIC SITES OR HISTORIC LANDMARKS

1) PRELIMINARY PROCEDURES
The initial establishment of historic districts, historic sites or historic landmarks shall be done by amendment to 413-6 and shall overlay the districts created by Section 403. The City Council, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend 413-6. Subsequent action to add new districts, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Administrator shall place it on the agenda of the City Council to act on the request. Any application or designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

a) DESIGNATION OF BUILDING, STRUCTURES AND SITES FOR HISTORIC PRESERVATION SHALL INCLUDE:

   i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
   ii) A concise statement of how the building, structure or site meets the review criteria of 413-4 above.
   iii) Exterior photographs of the building or structure, or a site map, illustrating significant details described in i), above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.
b) DESIGNATION OR EXPANSION OF DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

i) A concise statement of the physical elements which make justify making this area a historic district and a description of building types and architectural styles and periods represented.
ii) A concise statement of how the district meets the review criteria of 413-4 above.
iii) An explanation of the boundaries of the district.
iv) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the number of non-contributing structures.
v) A map showing the location of all district structures with an identification of contributing structures.

e) EXPANSION OF EXISTING DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

i) A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district, and a description of building types and architectural styles and periods represented.
ii) A concise statement of how the expansion of an existing district meets the review criteria of 413-4 above.
iii) A justification of the expanded boundaries of the district.
iv) A map showing all district structures in the proposed expansion area with an identification of contributing structures.

2) STUDIES, RECOMMENDATIONS
Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission will make a report to the City Administrator on every request received within 6 months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission in Augusta for review.

3) PUBLIC HEARING, FINAL REPORT
Before a final report is made to the City, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and abutting property within a 200 foot radius of the property under consideration. Not later than thirty (30) days after said the public hearing, the Commission shall submit a final report to the City Council.

4) ACTION BY THE CITY COUNCIL
After receipt of the Commission’s recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice by the City Clerk.

5) APPLICABILITY OF THIS ORDINANCE
All land, buildings or structures within a historic district are subject to the requirements of this ordinance after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this ordinance after they have been so designated by the City Council.

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 Historic District, City of Saco, Maine," official zoning map 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 official zoning map entitled "Saco Historic District, City of Saco, Maine, Panel 2", 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, 7-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 53, 54, 55 (*limited to the portion which is the location of the original Wardwell Home*), 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and 96.

Also, Map 38, Lot 183.

2) Sites

3) Landmarks

413-7. USES PERMITTED
Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in Section 410, for the zone in which such district, site or landmark is located.

Determinations of permitted and conditional uses shall continue to be within the authority of the code enforcement office, the Planning Board (for conditional uses), and the Zoning Board of Appeals, for appeals of the code enforcement officer's and Planning Board's decisions, to the extent that those appeals are authorized under the zoning ordinance.

413-8. CERTIFICATE OF APPROPRIATENESS
A Certificate of Appropriateness issued by the Commission shall be required for any of the following:

1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district, or upon a historic site.

2) Demolition of a historic landmark or demolition of any building or portion of any building, including the removal of architecture features from an historic landmark or a contributing building in a historic district.

3) Moving of an historic landmark or any building located in a historic district.

4) Additions, alterations, or reconstruction, including porches and steps to existing buildings within a historic district or a historic site where such addition would be clearly visible from a public way.

5) New signs placed in a historic district or a historic site or historic landmark.

6) New construction of walls, fences and parking lots in an historic district within 75 feet of and clearly visible from a public way.

7) Sandblasting of brick or stone buildings.

3) MAJORITY VOTE
After a quorum of the voting members has been established in accordance with 413-3(6), an affirmative vote of at least 3 of the quorum shall be required to issue a Certificate of Appropriateness.

4) BUILDING PERMITS

In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, alteration, or demolition until a corresponding Certificate of Appropriateness, where required by this section, has been issued by the Historic Preservation Commission.

413-9. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

1) APPLICATION FORMS, FEES

Application for a Certificate of Appropriateness shall be obtained from the City Planner Planning Department. No fee is required for a certificate of appropriateness application.

2) APPLICATION PROCEDURE

A completed application for a Certificate of Appropriateness shall be submitted to the City Planner who Planning Department which shall verify that the requirements of (3), below, have been met, then date it and transmit such application to the Historic Preservation Commission for action. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

2a) ALTERNATIVE PROCEDURE FOR REVIEW OF INSTALLATION OR ALTERATION OF ANY EXTERIOR SIGN; MINOR ALTERATIONS; AND TEMPORARY ALTERATIONS.

In order to process Certificates of Appropriateness more efficiently, applications for minor alterations shall be reviewed by the City Planning Department rather than the Historic Preservation Commission. The City Planning Department shall review the application to the standards of Section 413 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete plan. No public hearings or abutter notices are required for applications reviewed under this section. If the department has not acted within 10 working days the applicant may seek approval from the Commission, rather than the department. Inaction by the City Planning Department does not constitute approval or disapproval of the plan.

If the applicant is not satisfied with the determination of the department, the applicant shall be permitted to have the entire application reviewed by the Commission. The City Planning
Department can, for any reason, forward any minor alteration to the Commission for review. The department shall provide the Commission with written notice of any action.

For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed thirty (30) days or as an annual occurrence that does not exceed one thirty (30) day period each year.

Minor alterations are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

3) APPLICATION CONTENTS
The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined in paragraphs a through h of this section. The Commission may waive any application requirement if it determines that it is not necessary to an application.

   a) The applicant’s name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
   b) The owner’s name and address, if different from the applicant's, and the owner's signature.
   c) The address and the tax map and lot number.
   d) The present use and zoning classification of the subject property.
   e) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Appropriateness.
   f) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show as far as they relate exterior appearances, the architectural design of the building(s), including materials and textures including samples of exterior materials. Drawings shall be clear, complete and specific.
   g) Photographs of the building involved and of adjacent buildings.
   h) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

413-10. ADMINISTRATIVE PROCEDURES

1) NOTICE TO APPLICANT AND ABUTTERS
Prior to consideration of a Certificate of Appropriateness, the city shall inform the applicant and mail a notice to all persons owning abutting property of the application. This section,
however, shall not apply to applications heard under Section 413-9-2a. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for real estate are assessed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action by the Commission.

2) HEARING
The Commission will hold a public hearing on each application before it. Applications under Section 413-9-2a do not require a public hearing. A notice of the hearing will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over $1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

3) APPROVAL
If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this ordinance and is therefore appropriate, it shall approve a Certificate of Appropriateness and the City Planner. Planning Office shall notify the applicant and code enforcement officer in writing of the determination and any conditions of approval. (Amended 8-22-94)

4) DISAPPROVAL
If the Commission determines that a Certificate of Appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of the ordinance. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two weeks or allow itself up to an additional two weeks to prepare and adopt more detailed findings. The City Planner shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. (Amended 8-22-94)

5) APPEALS
An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within 30 days from the date of the decision to the Zoning Board of Appeals.

6) TIME LIMITS ON CERTIFICATES OF APPROPRIATENESS
If substantial construction is not commenced within six months of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Department upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the approval. After the approval has expired or an extension denied, the applicant may reapply for site plan review at any time without prejudice. The extension shall be approved by either the Planning Department or the Commission, as outlined above, unless:
a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
b. failure to meet a condition of approval;
c. an amendment in the zoning ordinance that prohibits or alters the proposed project.

413-11. STANDARDS OF EVALUATION

The standards and requirements contained in this section and in the U.S. Secretary of the Interior's "Standards for Rehabilitation" and Guidelines for Rehabilitating Historic Buildings", as revised in 1983 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of subsections 413-11-2 and 413-12-3 below, shall be used in review of applications for Certificates of Appropriateness and specifically as to the procedures before demolition can take place. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds. The standards if Section 413-11-5-d shall apply to demolitions. The following standards shall apply:

a) The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when reasonably possible.
b) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.
c) Change which may have taken place in the course of time is evidence of this history and the development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
d) Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained wherever feasible.
e) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, color, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
f) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be avoided when possible.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, subject to Section 413-12. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2) VISUAL COMPATIBILITY FACTORS
Within historic districts and on historic sites, new construction, additions to existing buildings or structures and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

a) HEIGHT
In addition to complying with the height standard of Table 412-1 and the height waiver standards of Section 412-5, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.
b) WIDTH
The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.

c) WINDOWS AND DOORS
The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related particularly to adjacent historic buildings of the same period.

d) RELATION OF SOLIDS TO VOIDS IN FRONT FACADES
The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.

e) RHYTHM OF SPACING OF BUILDINGS ON STREETS
The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.

f) RHYTHM OF ENTRANCE AND/OR PORCH PROJECTION
The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

g) RELATIONSHIP OF MATERIALS AND TEXTURE
The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.

h) ROOF SHAPES
The roof shape of a building shall be compatible with that of buildings to which it is visually related.

i) SCALE OF BUILDINGS
The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

j) DIRECTIONAL EXPRESSION OF FRONT ELEVATION
A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

3) CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN HISTORIC DISTRICTS
In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

4) SIGNS
General: Signs shall be governed by the standards of Section 707, Signs, and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a Certificate of Appropriateness.

Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a) Location
   Wall signs generally shall be located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b) Design
   The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the shape of a key for a lock shop), can be an appropriate feature if consistent with the standards of the ordinance.

c) Illumination
   Generally signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission, (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d) Additional Guidelines for Special Categories of Signs:
   1. Awnings, Canopies and Marquees: The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed, and fully fill the width of the individual window or door opening. Besides the signs standards of this ordinance, these sign types and all advertising signs, must comply with all other historic ordinance design standards.
   2. Painted Wall Signs: Painted wall signs such as business names may be appropriate if designed in conformance with this ordinance.
3. Outdoor Murals: Painted walls such as murals and trompe l'oeil (suggestive of architectural or other three dimensional objects) scenes shall be used only to enhance the streetscape, not for advertising purposes.

5) DEMOLITION OR REMOVAL
   a) SCOPE
   The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in a historic district. The purpose of this paragraph is to further the purposes of the Section by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the city, and to afford the City, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the city, and Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site. The Commission may, at any time during any stay created under this paragraph, approve a Certificate of Appropriateness, in which event a permit shall be issued without further delay.
   b) PROCEDURE
   Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the approval standards of sub-section d below. This might include evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert.
   c) NOTICE
When the Commission has received a complete application and a complete Statement of Sale, it shall provide notice of the offer to sell by posting on the premises, in a location clearly visible from the street, and by publication in a local newspaper of general circulation. Published notice shall be done at least 3 times, the first no more than 15 days prior to the date of any Certificate proposed by the Commission.

d) STAY

During a period of 180 days after the Commission deems an application and statement, under this paragraph, to be completed, the Commission may not issue any Certificate. This time period is to permit the notices, under c), above, to be given. Before the expiration of 180 days, and during the period of the stay, the Commission may prepare a draft Certificate, to be issued in the event that the offer by the owner is not accepted.

e) CERTIFICATE

The Commission may issue a Certificate if all provisions of this section, and of this paragraph, have been complied with, and no acceptance of the offer, under sub-paragraph (b)(ii)(D), was forthcoming.

c). STAY At the hearing on an application to relocate or demolish a Contributing Building in an Historic Preservation District, or an Historic Landmark, or an Historic Site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as:

- assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
- finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation; or
- proper recordation of buildings, structures and sites including photography and narrative report; or
- preservation of historic artifacts.

d) STANDARDS OF APPROVAL In order to approve an application for the relocation or demolition of a Contributing Building in an Historic Preservation District, or of an Historic Landmark or an Historic Site, the Commission must find that the proposal meets one of the following standards of approval:

1. Not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure is based on XXXX(cite original designation XXXX);

2. The Commission determines that the building or structure is not of historical significance;

3. The building or structure, or predominant portions thereof has been determined by the chief Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures.

4. No prudent and feasible alternative exists, or
5. The property is deteriorated beyond repair.

e) CONDITIONS OF APPROVAL In approving an application for the demolition of a contributing building in an Historic Preservation District, or an Historic Landmark or Historic Site, the Commission may impose the following conditions:
1. Photographic, video, or drawn recordation of the property to be demolished, and/or
2. Salvage and curation of significant elements, and/or
3. Other reasonable mitigation measures.

f) HAZARD BUILDINGS No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a building, when the chief Code Enforcement Officer certifies that such action is required for the public safety because the building suffers from irreparable structural damage.

413-12. ORDINARY MAINTENANCE; SAFETY
Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section.

Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

413-13. APPEAL; HARDSHIP
An appeal from the final decision of the Commission may be taken by any party or person aggrieved to the Zoning Board of Appeals. Such appeals shall be made in writing within 30 days of the final decision of the Commission. The Zoning Board of Appeals may grant a variance from the strict application of this Section provided that the applicant can show that undue hardship would result without a variance. Any variance granted by the Board of Appeals shall be the minimum variance as will relieve the hardship. A variance granted by the Board of Appeals shall expire if the work is not commenced within 6 months of the date on which the variance was granted or if the work is not substantially completed within 12 months, unless extended by the Board,— within 30 days from the date of the decision.

413-14. CONFLICT WITH OTHER ORDINANCES
This Section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Section imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

413-15. AMENDMENTS
The City Council, the Planning Board, or the Commission itself may initiate action to amend this Section. The request to amend shall be referred to the Commission for a report within 90 days thereof. The Commission shall hold a public hearing at least 10 days before the report is made to the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least 7 days before the public hearing. The Planning Board shall also make a recommendation to the City Council.

Section 902. Variances (Amended 11/6/89; 6/17/95)

902-1. APPLICABILITY

1. A variance, as defined in Article III, is authorized for only the following space and bulk requirements, and for Certificates of Appropriateness, governed by Section 413, Historic Preservation:

   a) minimum lot area;
   b) lot area per dwelling unit;
   c) minimum street frontage;
   d) minimum yards and setbacks;
   e) maximum lot coverage;
   f) maximum height;

   g) on lots divided by district boundaries, the extension of uses allowed in the less restricted zone more than fifty (50) feet into the more restricted zone;

   h) the parking standards in Section 708 of this ordinance;
   i) the curb cut standards in Section 709-1 of this ordinance;
   j) the sign standards of Section 707, except for decisions by the Planning Board under Section 707-5-3. (Amended 6/17/95)

   k) the private road dimensional standards found in Section 724-9 A and 724-9 I of this ordinance. However, this variance shall only be granted if the applicant can present a letter from the Saco Fire Department stating that the variance will result in a private road which is adequate for public safety purposes. (Amended 3/15/04)

C. (First Reading) Zoning Ordinance Amendment – Church Signs

The Planning Department recently reviewed church signs in the city. The research (attached) was done after the Trinity Episcopal Church approached the City in regard to changing the sign in front of the church on 403 Main Street and found little ability to improve it. The ordinance today allows for a church sign in any district, with twenty-four square feet in total surface area, either one-sided or two-sided (707-2). It limits churches to no
more than one sign only in residential, conservation and resource protection districts (707-4) and no more than two signs are permitted in business or industrial districts (707-5).

The proposed revision increases the amount of signage allowable for a church in a residential or conservation district from twenty-four (24) square feet, one or two-sided to forty-eight (48) square feet, one or two-sided if the church is located along an arterial or collector road. The revision also allows churches in residential or conservation districts to have one additional wall sign that does not exceed twelve (12) square feet. Internal lighting would be limited to signs under 24 square feet.

The Planning Board recommended the amendments unanimously after a public hearing on September 25, 2007.

_The City of Saco hereby Ordains and Approves the First Reading of the_ document titled, ‘_Zoning Ordinance Amendments to 707-2 Church and School Signs, Dated October 22, 2007_’, and further moves to set the Public Hearing for November 5, 2007.

**Zoning Ordinance Amendments to 707-2 Church and School Signs, Dated October 22, 2007**

_(note underline represents new language, while strikethrough represents language to be deleted)_

707-2. CHURCH AND SCHOOL SIGNS (Amended 11/3/03)

In any residential or conservation district, a sign not exceeding twenty-four (24) square feet in total surface size, whether one-sided or two-sided, is permitted in connection with any church, public or private school, or similar public or quasi-public structure.

When a church is located on an arterial or collector road in a residential or conservation district, one sign not exceeding forty-eight (48) square feet in total surface size, whether one sided or two-sided, is permitted. Such signs shall not be internally illuminated if they exceed 24 sq. ft.

In any residential or conservation district one additional wall sign is permitted for a church, not to exceed twelve (12) square feet in size.

In business and industrial districts, the allowable signage for any church, public or private school, or similar public or quasi-public structure is the same as specified in section 707-5: Signs in Business and Industrial Districts and Table 707.

In any district, a sign not exceeding twelve (12) square feet in total sign area if one-sided, and not exceeding twelve (12) square feet on either side if double-sided, is permitted in connection with any fraternal organization.

Councilor Smith moved, Councilor Jacques seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

**VII. ADJOURNMENT**

Councilor Michaud moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas.

TIME 7:26 p.m.

ATTEST: _________________________
Lucette S. Pellerin, City Clerk